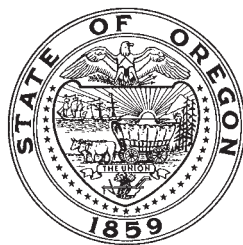


OREGON BULLETIN

Supplements the 2010 *Oregon Administrative Rules Compilation*

Volume 49, No. 11
November 1, 2010

For September 16, 2010–October 15, 2010



Published by
KATE BROWN
Secretary of State
Copyright 2010 Oregon Secretary of State

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.

© January 1, 2010 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

	<i>Page</i>
Information and Publication Schedule	2
Table of Contents	3, 4
Other Notices	5
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Accountancy, Chapter 801	6
Board of Licensed Professional Counselors and Therapists, Chapter 833	6, 7
Board of Licensed Social Workers, Chapter 877	7
Board of Parole and Post-Prison Supervision, Chapter 255	7, 8
Board of Pharmacy, Chapter 855	8
Construction Contractors Board, Chapter 812	8
Department of Administrative Services, Human Resource Services Division, Chapter 105	8, 9
Oregon Educators Benefit Board, Chapter 111	9, 10
Public Employees’ Benefit Board, Chapter 101	10
Department of Agriculture, Chapter 603	10
Department of Consumer and Business Services, Building Codes Division, Chapter 918	10, 11
Division of Finance and Corporate Securities, Chapter 441	11
Insurance Division, Chapter 836	11, 12
Department of Corrections, Chapter 291	12
Department of Energy, Chapter 330	12, 13
Department of Environmental Quality, Chapter 340	13
Department of Fish and Wildlife, Chapter 635	13, 14
Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, Chapter 413	14–21
Self-Sufficiency Programs, Chapter 461	21–24
Division of Medical Assistance Programs, Chapter 410	24–28
Public Health Division, Chapter 333	28, 29
Seniors and People with Disabilities Division, Chapter 411	29
Department of Justice, Chapter 137	29, 30
Department of Oregon State Police, Office of State Fire Marshal, Chapter 837	30
Department of Revenue, Chapter 150	30–32
Department of State Lands, Chapter 141	32
Department of Transportation, Chapter 731	32
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	32–34
Highway Division, Chapter 734	34
Rail Division, Chapter 741	34
Employment Department, Chapter 471	34, 35
Land Conservation and Development Department, Chapter 660	35
Oregon Board of Naturopathic Medicine, Chapter 850	35, 36
Oregon Business Development Department, Chapter 123	36
Oregon Business Development Department, Oregon Arts Commission, Chapter 190	36
Oregon Department of Education, Chapter 581	36, 37
Oregon Housing and Community Services Department, Chapter 813	37
Oregon Liquor Control Commission, Chapter 845	37
Oregon State Lottery, Chapter 177	37, 38
Oregon State Treasury, Chapter 170	38
Oregon University System, Chapter 580	38
Oregon University System, Southern Oregon University, Chapter 573	38
Parks and Recreation Department, Chapter 736	38
Psychiatric Security Review Board, Chapter 859	38, 39
Public Utility Commission, Board of Maritime Pilots, Chapter 856	39
Real Estate Agency, Chapter 863	39
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Nursing, Chapter 851	40–44
Board of Optometry, Chapter 852	44, 45
Board of Parole and Post-Prison Supervision, Chapter 255	45–47
Board of Pharmacy, Chapter 855	47
Board of Psychologist Examiners, Chapter 858	47–54
Bureau of Labor and Industries, Chapter 839	54, 55
Department of Administrative Services, Chapter 125	55–61
Department of Administrative Services, Budget and Management Division, Chapter 122	61, 62
Human Resource Services Division, Chapter 105	62
Oregon Educators Benefit Board, Chapter 111	62–68
Public Employees’ Benefit Board, Chapter 101	68–76
Department of Consumer and Business Services, Building Codes Division, Chapter 918	76–79
Director’s Office, Chapter 440	79, 80
Insurance Division, Chapter 836	80, 81
Workers’ Compensation Division, Chapter 436	81–87
Department of Energy, Chapter 330	87, 88
Department of Fish and Wildlife, Chapter 635	88–101
Department of Forestry, Chapter 629	101, 102
Department of Human Services, Addictions and Mental Health Division: Addiction Services, Chapter 415	102–111
Children, Adults and Families Division: Child Welfare Programs, Chapter 413	111
Self-Sufficiency Programs, Chapter 461	111–136
Division of Medical Assistance Programs, Chapter 410	136–141
Public Health Division, Chapter 333	141–154
Seniors and People with Disabilities Division, Chapter 411	154–156
Department of Justice, Chapter 137	156–159
Department of Public Safety Standards and Training, Chapter 259	159–162
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	162–169
Highway Division, Chapter 734	169–172
Employment Relations Board, Chapter 115	172, 173
Land Conservation and Development Department, Chapter 660	173, 174
Mortuary and Cemetery Board, Chapter 830	174–179
Office for Oregon Health Policy and Research, Chapter 409	179, 180
Office of Private Health Partnerships, Chapter 442	180
Oregon Business Development Department, Chapter 123	180–194
Oregon Health Licensing Agency, Chapter 331	194, 195
Oregon Health Licensing Agency, Board of Cosmetology, Chapter 817	195
Board of Direct Entry Midwifery, Chapter 332	195, 196
Oregon Housing and Community Services Department, Chapter 813	196, 197
Oregon Liquor Control Commission, Chapter 845	197
Oregon Medical Insurance Pool, Chapter 443	197
Oregon Public Employees Retirement System, Chapter 459	197–199

TABLE OF CONTENTS

Oregon Student Assistance Commission, Chapter 575	199, 200
Oregon Watershed Enhancement Board, Chapter 695	200–202
Oregon Youth Authority, Chapter 416	202–205
Parks and Recreation Department, Chapter 736	205–207
Psychiatric Security Review Board, Chapter 859	208–217
Racing Commission, Chapter 462	217–238
Teacher Standards and Practices Commission, Chapter 584	238
OAR Revision Cumulative Index	239–317

OTHER NOTICES

REQUEST FOR COMMENTS DEQ SEEKS COMMENTS ON PROPOSED DEED RESTRICTION AT FORMER BOEING ENGINE TEST FACILITY NEAR BOARDMAN

COMMENTS DUE: 5 p.m., Dec. 1, 2010

PROJECT LOCATION: Off of Tower Road, 12 miles southwest of Boardman

PROPOSAL: Based on site investigations, the Oregon Department of Environmental Quality proposes an action to address trichloroethylene, also known as TCE, found in the groundwater at the former Boeing engine test facility.

HIGHLIGHTS: The Boeing Company has monitored trichloroethylene in shallow groundwater since 1999. Based on soil, groundwater and soil gas sampling, DEQ has concluded that if the property owner implements a deed restriction that limits land and water use in the area of the groundwater pollution, TCE contamination will not exceed acceptable risk levels at this site.

Boeing used the 600-acre facility for liquid-fuel rocket engine testing between 1963 and 1965, and for jet engine testing between 1967 and the 1980s. During rocket engine testing in the 1960s, fuel and liquid oxygen were conveyed by underground pipes. The primary fuel is believed to have been liquid hydrogen, though other fuels may have been used as well. To prevent fire and explosion, the liquid oxygen lines were flushed with TCE to remove organic material. Investigations found TCE in shallow groundwater at concentrations up to 2,600 parts per billion. The groundwater pollution covers an area of more than 40 acres. Based on 11 years of groundwater monitoring, this contamination appears to be stable or declining. Contaminants have not been found in deep supply wells on and near the site.

DEQ has concluded that contamination concentrations are below safe levels. Although not required, Boeing conducted groundwater treatment in the spring of 2010. This involved chemical oxidation of shallow groundwater by infiltrating potassium permanganate into areas with the highest TCE concentration. This treatment method uses permanganate as an oxidant that converts TCE to carbon dioxide. DEQ and Boeing will evaluate the effectiveness of this project by testing groundwater annually through 2013.

HOW TO COMMENT: Send written comments to Project Manager Bob Schwarz at 400 E. Scenic Drive, Suite 307, The Dalles, Oregon 97058, Schwarz.bob@deq.state.or.us, or by fax to 541-298-7330. Call Mr. Schwarz at 541-298-7255, ext. 230, or 1-800-452-4011.

For more information about the site go to: <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>. Select "Search Complete ECSI Database." Enter the site ID number where indicated. For this site, the ECSI number is 2595. Hit Submit. On the page that appears, click on the site ID number.

To schedule an appointment to review or to obtain a copy of the staff report, contact Mr. Schwarz.

THE NEXT STEP: DEQ will hold a meeting to receive comments about this site if requested by 10 or more people or by a group with a membership of 10 or more. Once the public comment period has closed DEQ will consider all comments before deciding whether to approve the remedial action.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, call DEQ Communications & Outreach at 503-229-5696 or toll free in Oregon at 1-800-452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

REQUEST FOR COMMENTS PROPOSED STORMWATER SOURCE CONTROL MEASURES FOR EVRAZ OREGON STEEL MILLS

COMMENTS DUE: 5 p.m., Nov. 30, 2010

PROJECT LOCATION: 14400 N Rivergate Blvd., Portland, OR

PROPOSAL: The Department of Environmental Quality proposes requiring Evraz Oregon Steel Mills to implement stormwater source control measures as a result of the DEQ cleanup program evaluation of potential sources of contamination to the Willamette River. These measures include end-of-pipe treatment and best management practices to prevent contaminated stormwater from entering the Willamette River. The measures also include soil removal and capping polluted land. DEQ proposes that this combination of actions will control site contaminant sources that would otherwise be discharged to the Willamette River via Evraz's stormwater system.

HIGHLIGHTS: The Evraz facility is located on approximately 145 acres at River Mile 2 on the east shore of the Willamette River. The property is part of the Portland Harbor Superfund Site study area. The property was vacant prior to 1942. Between 1942 and 1967, the Port of Portland owned the site and used it for ship bilge water disposal. Evraz (formerly Gilmore Steel Mills) purchased the site in 1967 and built a steel mill on the site that continues to operate today.

Environmental investigations of the site conducted between 2001 and the present revealed a variety of contaminants in the surface soil and groundwater. These investigations identified contamination in three primary areas pertinent to the stormwater pathway: contaminated surface soil that may be carried in stormwater runoff, storm system sediments, and groundwater that may infiltrate the stormwater system piping.

In addition to the stormwater proposal DEQ is developing proposals to address erosion of contaminated bank soils, contaminated groundwater migration, and risks to site workers associated with contaminated soil on the property.

The company has already performed the following environmental cleanup measures to eliminate stormwater runoff pollution:

- removed the most contaminated soil from several areas
- capped large areas of the facility with new construction, which eliminates contact between contaminated site soils and stormwater runoff
- installed in-ground treatment systems that remove solids from stormwater
- installed bioswales, which increase infiltration of stormwater
- implemented best management practices including covering activities that might generate pollution, regulating the sweeping of paved areas, and employee education
- routed the majority of the site's stormwater to a clarification basin before discharging runoff into the Willamette

DEQ considers these measures to adequately control contaminant discharge to the Willamette River and to be consistent with Oregon rule and statute, and if properly implemented, protective of public health and the environment.

HOW TO COMMENT: A DEQ staff report outlining the proposed stormwater source control approach is available for public review at DEQ's Northwest Region Office in Portland and on DEQ's web site at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=141&SourceIdType=11>.

To schedule an appointment to review files, call 503-229-6729.

Send written comments to Project Manager Jennifer Sutter, DEQ Northwest Region, 2020 SW Fourth Ave., Portland, OR 97201, or to sutter.jennifer@deq.state.or.us, by Tuesday, Nov. 30, 2010. Call Sutter at 503-229-6148.

THE NEXT STEP: DEQ will consider all public comments, and the regional administrator will make and publish the final decision after consideration of these comments.

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 1-800-452-4011; 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.*

.....
**Board of Accountancy
Chapter 801**

Rule Caption: Amended to update the effective date of professional standards adopted by Board.

Date: 12-1-10 **Time:** 10 a.m. **Location:** 3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: L. Patrick Hearn, Exec. Director

Stat. Auth.: ORS 183.332, 673.410 & 670.310

Stats. Implemented: ORS 183.337 & 673.410

Proposed Amendments: 801-001-0035

Last Date for Comment: 12-1-10, 5 p.m.

Summary: The rule is amended to update the effective date of professional standards adopted by the Board.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-2268

.....

Rule Caption: Clarifications on definitions, addition of retired status.

Date: 12-1-10 **Time:** 10 a.m. **Location:** 3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: L. Patrick Hearn, Exec. Director

Stat. Auth.: ORS 670.310 & 673.410

Stats. Implemented: ORS 673.445

Proposed Amendments: 801-005-0010

Last Date for Comment: 12-1-10, 5 p.m.

Summary: The rules is revised to clarify some definitions and to add the definition of 'retired' status.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-2268

Rule Caption: Revise supervisor licensee roles and responsibilities; create a firm reinstatement requirement, complaint procedure revisions.

Date: 12-1-10 **Time:** 10 a.m. **Location:** 3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: L. Patrick Hearn, Exec. Director

Stat. Auth.: ORS 670.060, 673.310, 673.100, 673.410, 673.153, 673.220 & 673.160

Stats. Implemented: ORS 673.410, 673.500, 673.100, 673.410, 673.150, 673.060, 673.075, 673.040, 673.153, 673.220, 673.160, 673.170 & 673.185

Proposed Amendments: 801-010-0010, 801-010-0050, 801-010-0060, 801-010-0065, 801-010-0073, 801-010-0075, 801-010-0078, 801-010-0079, 801-010-0080, 801-010-0100, 801-010-0110, 801-010-0115, 801-010-0120, 801-010-0125, 801-010-0130, 801-010-0170, 801-010-0190, 801-010-0340, 801-010-0345

Last Date for Comment: 12-1-10, 5 p.m.

Summary: General housekeeping, increase fir, renewal late fee and create municipal roster application fee, amend and clarify rules pertaining to supervisor licensee, clarify procedures for complaint processing and review, create reinstatement for firms who allow their registration to lapse. Amend inactive status provisions to align with statutory requirements. Create retired status for eligible licensees.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-2268

.....

Rule Caption: General Housekeeping.

Date: 12-1-10 **Time:** 10 a.m. **Location:** 3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: L. Patrick Hearn, Exec. Director

Stat. Auth.: ORS 670.310, 673.040, 673.050 & 673.410

Stats. Implemented: ORS 673.165

Proposed Amendments: 801-040-0010, 801-040-0050

Last Date for Comment: 12-1-10, 5 p.m.

Summary: General housekeeping.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-2268

.....

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Rule amendments for impaired professional program, foreign degree review, intern supervision, business name, online degrees.

Stat. Auth.: ORS 675.705-675.835

Other Auth.: ORS 676.150-676.405

Stats. Implemented: ORS 675.705-675.835 & 676.150-676.405

Proposed Adoptions: 833-060-0062

Proposed Amendments: 833-040-0021, 833-050-0081, 833-060-0012, 833-100-0021

Proposed Repeals: 833-055-0001, 833-055-0010, 833-055-0020

Last Date for Comment: 12-3-10, Close of Business

Summary: 833-040-0021 – Eliminates duplicate language in license requirements for marriage and family therapists

833-060-0012 – Amends accreditation standards for online graduate programs

833-060-0062 – Establishes requirements for foreign degree review

833-055 – Repeals rules related to an Impaired Professional Program

833-050-0081 – Clarifies intern supervision requirements to reflect that all requirements are to be applied each month

NOTICES OF PROPOSED RULEMAKING

833-100-0021 – Adds requirement that business practice name must be name of licensee or reflect organization or location.

Rules Coordinator: Becky Eklund
Address: 3218 Pringle Road SE, Salem, OR 97302
Telephone: (503) 378-5499

Board of Licensed Social Workers
Chapter 877

Rule Caption: Amended proposed rules and fees to implement Senate Bill 177 (2009), and House Bill 2345 (2009).

Stat. Auth.: ORS 675.510–675.600, 675.532 & 675.533

Other Auth.: SB 177 (2009)

Stats. Implemented: ORS 675.571, 675.532, 675.533, 675.990–994 & 676.150

Proposed Adoptions: 877-001-0006, 877-001-0015, 877-001-0020, 877-001-0025, 877-005-0101, 877-015-0105, 877-015-0108, 877-015-0131, 877-015-0136, 877-015-0146, 877-015-0155, 877-040-0018

Proposed Amendments: 877-010-0005, 877-010-0010, 877-010-0015, 877-010-0020, 877-010-0025, 877-010-0030, 877-010-0040, 877-010-0045, 877-020-0000, 877-020-0005, 877-020-0008, 877-020-0009, 877-020-0010, 877-020-0016, 877-020-0046, 877-020-0055, 877-020-0057, 877-020-0060, 877-022-0005, 877-025-0001, 877-025-0006, 877-025-0011, 877-025-0016, 877-025-0021, 877-030-0025 through 877-030-0100, 877-040-0000, 877-040-0003, 877-040-0010, 877-040-0050

Proposed Repeals: 877-020-0015, 877-020-0020, 877-020-0030, 877-030-0050, 877-035-0000, 877-035-0010, 877-035-0012, 877-035-0013, 877-035-0015

Last Date for Comment: 12-2-10

Summary: The purpose of this Notice is to extend the comment period on the proposed rules of the Agency. A Rulemaking Hearing was held on September 21, 2010. Proposed Amended Rules have been posted on the Board's website at www.oregon.gov/blsw. The proposed amended rules implement Senate Bill 177 (2009) provisions that become law on January 1, 2011, including fees and requirements for application and renewal for new, voluntary, non-clinical licensing options that become available then: Registered Bachelors of Social Work — RBSW, and Licensed Masters of Social Work — LMSW. The proposed amended rule substantially increases the late fee for LCSW licensure renewals, defines certain terms used in the definition of clinical social work in ORS 675.510(2), and adopts a rule exempting MSW students engaging in clinical social work from the mandatory licensure requirement for clinical social work. The proposed amended rule consolidates mandatory reporting requirements, including those required by House Bill 2059 (2009), into one section of the Board's Ethics Code, and applies Ethics Code to all regulated social workers. The proposed amended rule adopts the temporary rule to implement House Bill 2345, which eliminated the Board's Impaired Professional Program, and adopts the definition of impairment required by HB 2345, and makes related changes to complaint management rules.

Rules Coordinator: Martin Pittioni
Address: Board of Licensed Social Workers, 3218 Pringle Rd. SE, Suite 240, Salem, OR 97302
Telephone: (503) 373-1163

Board of Parole and Post-Prison Supervision
Chapter 255

Rule Caption: Amends definitions to update language.

Stat. Auth.: ORS 144.050 & 144.140

Stats. Implemented:

Proposed Amendments: 255-005-0005

Proposed Repeals: 255-005-0005(T)

Last Date for Comment: 11-22-10

Summary: Amends definition of a victim to update new language adopted by the Board.

Rules Coordinator: Michelle Mooney
Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301
Telephone: (503) 945-0914

Rule Caption: Amends rule that outlines Board practice for statements made at hearings.

Stat. Auth.: ORS 144.120(7)

Stats. Implemented: ORS 144.120(7)

Proposed Amendments: 255-030-0027

Proposed Repeals: 255-030-0027(T)

Last Date for Comment: 11-22-10

Summary: Amends rules governing statements made by victims, District Attorney, and inmates at hearings to match current Board practice. Changes time limits of statements from three minutes to fifteen minutes.

Rules Coordinator: Michelle Mooney
Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301
Telephone: (503) 945-0914

Rule Caption: Amends Division 15 to update the fee schedule for obtaining documents from the Board.

Stat. Auth.: ORS 183.335, 192.410–192.505, 144.025(3) & 144.050

Stats. Implemented: ORS 144.120(7), 144.130, 144.185, & 192.410–192.505

Proposed Amendments: 255-015-0015

Last Date for Comment: 11-23-10

Summary: Division 15 establishes the procedures and costs for requesting documents from the Board. These rules are being amended to update the fee schedule listed.

Rules Coordinator: Michelle Mooney
Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301
Telephone: (503) 945-0914

Rule Caption: Amends division 80 to clarify timeliness rules and add administrative review request preparation requirements.

Stat. Auth.: ORS 144, 144.334 & 183.482(8)

Stats. Implemented: ORS 144, 144.334 & 183.482(8)

Proposed Adoptions: 255-080-0008

Proposed Amendments: 255-080-0001, 255-080-0005, 255-080-0011

Last Date for Comment: 11-25-10

Summary: ORS 144.335 specifies the requirements that must be complied with before a person under the jurisdiction of the Board of Parole and Post-Prison Supervision may seek judicial review of a final order of the Board, including that the person must exhaust administrative review as provided by Board rule. Division 80 identifies the process for requesting administrative review from the Board. The rules are being amended and a new section is added to: (1) clarify how timeliness is determined; and (2) specify the requirements for the appearance and content of an administrative review request.

Rules Coordinator: Michelle Mooney
Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301
Telephone: (503) 945-0914

Rule Caption: Amends Exhibit O, which is the form used to submit administrative review requests.

Stat. Auth.: ORS 144.335

Stats. Implemented: ORS 144.335

Proposed Amendments: 255-080-0008

Last Date for Comment: 11-25-10

NOTICES OF PROPOSED RULEMAKING

Summary: ORS 144.335 specifies the requirements that must be complied with before a person under the jurisdiction of the Board of Parole and Post-Prison Supervision may seek judicial review of a final order of the Board, including that the person must exhaust administrative review as provided by Board rule. Division 80 specifies the requirements for the appearance and content of an administrative review request. Exhibit O is being amended to reflect current specifications for review requests and to add information that will assist the person filing the request.

Rules Coordinator: Michelle Mooney

Address: Board of Parole and Post-Prison Supervision, 2575 Center St. NE, Salem, OR 97301

Telephone: (503) 945-0914

.....
Board of Pharmacy
Chapter 855

Rule Caption: Adopt Health Professionals Service Program rules, clarify rule on electronic prescribing, amend continuing education requirements.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 676.190, 689.151, 689.285 & 689.515

Proposed Adoptions: 855-011-0005, 855-011-0020, 855-011-0030, 855-011-0040, 855-011-0050

Proposed Amendments: 855-021-0010, 855-041-0065

Proposed Repeals: 855-011-0005(T), 855-011-0020(T), 855-011-0030(T), 855-011-0040(T), 855-011-0050(T)

Last Date for Comment: 11-30-10, 4:30 p.m.

Summary: 1. The Health Professional's Service Program is the impaired health professionals program established by the Oregon Health Authority pursuant to ORS 676.190. These rules provide a framework for the Board of Pharmacy's participation in the Program and establish a procedure for the Board to refer licensees to the program. The rules also specify a process for the Board to approve an independent evaluator and set requirements that must be met by participants. The rules replace the Temporary Rules effective from June 29, 2010.

2. The amendment to the Continuing Education rule deletes the requirement that 11 hours need to be in "therapeutics." The Board proposes adding a requirement that one hour be in the topic of Patient Safety or Medication Error Reduction.

3. ORS 689.515 was revised in 2009 to permit "no substitution" instructions to be electronic or in writing. This amendment to OAR 855-041-0065 brings regulations in line with statute.

Copies of the full text of proposed rules can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office (971) 673-0001.

Rules Coordinator: Karen MacLean

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

Telephone: (971) 673-0001

.....
Construction Contractors Board
Chapter 812

Rule Caption: Housekeeping, fitness standards, home inspector continuing education, implement EEAST program, penalties and sanctions.

Date:	Time:	Location:
12-7-10	11 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Rob Hernandez

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

Other Auth.: 2009 OL Ch. § 42-46a, 48 & 49

Stats. Implemented: ORS 87.093, 279C.590, 448.115, 448.279, 470, 470.560, 634.116, 671.510-671.710, 701, 701.005, 701.010, 701.021, 701.026, 701.035, 701.038, 701.042, 701.046, 701.063,

701.068, 701.073, 701.091, 701.098, 701.102, 701.106, 701.108, 701.109, 701.119, 701.124, 701.227, 701.305, 701.315, 701.330, 701.345, 701.350, 701.355, 701.480, 701.485, 701.510, 701.515, 701.992, 701.995 & 2009 OL Ch. § 42-46a, 48 & 49

Proposed Adoptions: 812-002-0677, 812-005-0801, 812-005-0802, 812-005-0803, 812-005-0804, 812-005-0805, 812-005-0806, 812-005-0807, 812-005-0808, Rules in 812-025

Proposed Amendments: 812-002-0320, 812-002-0760, 812-002-0780, 812-005-0180, 812-005-0280, 812-005-0800, 812-008-0074, 812-020-0090

Last Date for Comment: 12-7-10, Close of Hearing

Summary: • 812-002-0320 is amended to modify the definition of general contractor so residential general contractors can work on projects involving \$2,500 or less under its general contractor license.

• 812-002-0677 is adopted to create a new definition for specialty contractor. In general, a contractor performing only one or two building trades or crafts. However, if a residential contractor, the specialty contractor may supervise or perform more than two building trades or crafts on projects involving \$2,500 or less.

• 812-002-0760 is amended per Attorney General advice to clarify the definition as subject to general exemption of ORS 701.010.

• 812-002-0780 is amended per Attorney General advice to clarify that the rule does not apply merely based on intent not to build structures, but on actually not building structures.

• 812-005-0180 is amended to authorize the administrator or a person that he or she designates to suspend, reduce or eliminate civil penalties proposed by the agency. There are five guidelines for the administrator or designee to use in determining appropriate circumstances to modify civil penalties. Under limited circumstances, the appeal committee (Board) may modify a sanction.

• 812-005-0280 is amends section (2) to add the Department of Consumer and Business Services (DCBS) warrants for amounts due on non-complying employer assessments to the class of obligations that, when unpaid, may be evidence of a lack of financial responsibility.

• 812-005-0800 is amended to be an introduction.

• 812-005-0801 through 812-005-0808 are adopted to create new penalty rules, which groups violations into one of five main categories. The categories range from minor violations (subsection (1)) to very serious violations (subsection (5)). The remaining subsections, (6)-(8), are penalties for unique violations or violations that have specific statutory sanctions. In some cases, sanctions other than civil penalties are listed. Otherwise, the agency retains its general authority to impose non-financial license sanctions.

• 812-008-0074 is amended to clarify the education that qualifies for continuing education for home inspectors.

• 812-020-0090 is amended to clarify that course is completed by key employee, not the commercial contractor.

• Adopt Division 25 rules to implement a certification system for contractors constructing small scale local energy projects financed by the Energy Efficiency and Sustainable Technology (EEAST) program. (OR Laws 2009, chapter 253, section 48)

Rules Coordinator: Catherine Dixon

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

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

.....
Department of Administrative Services,
Human Resource Services Division
Chapter 105

Rule Caption: Establishes processes for individuals to apply for state employment and agencies to fill positions.

Date:	Time:	Location:
11-16-10	9:30 a.m.	155 Cottage St. NE 2nd Floor, Conference Rm. A Salem, OR

Hearing Officer: Rebecca Gray

Stat. Auth.: ORS 184.340, 240.145 & 240.250

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 240.250, 240.306, 240.321, 657.710, 659A.043, 659A.046 & 659A.052

Proposed Amendments: 105-040-0010, 105-040-0020, 105-040-0030, 105-040-0060

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

Summary: These rules describe how individuals apply for positions in the classified and management service of the state. The rules establish how state agencies conduct the process to fill positions.

Background: On April 1, 2010, the state adopted a web-based job posting and applicant management system. This system allows applicants to apply for positions on-line and more quickly. The system allows agencies to select applicants for interviews in rank order based on desired attributes rather than a "score" generated by a traditional civil service "test." Additionally, the current rules outline the process to use random lists of qualified applicants.

On June 1, 2010, the temporary rules were effective to accomplish the following:

OAR 105-040-0010, requires applicants to submit the state application form (PD 100) to seek employment with the state. The E-Recruit system makes the form PD 100 obsolete. Individuals can no longer use the PD 100 to apply for positions. They must use the E-Recruit system. The rule requires hiring agencies give a minimum of two weeks notice when filling vacancies. With E-Recruit, individuals may apply quickly to positions on-line without faxing, mailing or hand-delivering applications. Consequently, hiring agencies can generate applicant pools quickly and efficiently. Agencies in need to quickly fill positions and individuals needing to start employment as soon as possible are benefited by a shorter recruitment/selection cycle.

OAR 105-040-0200 is unclear on the appropriate order of priority lists. The temporary rule ensures injured workers and employees on lay off recall lists obtain first consideration. The temporary rule removes a requirement that current employees of the state must hold regular status before applying to an open competitive job posting. This requirement prevents current employees from obtaining other employment. Such restrictions are not placed on the general public.

OAR 105-040-0030 uses terms and procedures such as "certificate of eligibles"; "random certificate" and; "disposition code" which are no longer relevant in the new E-Recruit system. The permanent rule describes obsolete processes to include random selection of qualified applicants, consolidation of new and existing applicant lists. The temporary rule defines terms and describes procedures applicable to the E-Recruit system. Doing so will avoid applicant and agency confusion, ensure use of consistent terminology, and reduce technical and procedural errors.

OAR 105-040-0060 lists obsolete classifications and fails to list other appropriate and active classifications. The temporary rule updates the list with currently active position classifications.

The permanent rules codify the language in the temporary rules that expire on November 27, 2010 in addition to the following changes:

OAR 105-040-0010: Section (1) – sentence restructured – non-substantive change. Section (1)(a) – the word 'selection' changed to 'application screening' to accurately reflect information in job posting. Section (4)(b) – clarified applicant review request process. Section (4)(c) – clarified when an applicant may reapply for a posting.

OAR 105-040-0020: Section (1)(a) – more descriptive intent of priority list added. Section (1)(a)(A) – added statutory reference for rights and benefits to injured workers in the employment process. Section (1)(a)(B) – added clarity on the exhaustion of the Agency layoff list. Section (1)(a)(C)(i) – added back original language omitted during temporary rule process on the eligibility of applicants on the Statewide Layoff lists. Section (1)(a)(C)(ii) – sentence restructured – non-substantive change. Section (1)(b) – reorganized existing language from other section for better flow of process and information.

OAR 105-040-0030: Updated the term 'list of eligibles' to 'eligible list' throughout the rule. Section (1)(c) – updated definition to

reflect new process. Section (2)(c) – added reminder of compliance with other OAR's when filing positions.

OAR 105-040-0060: Section (1)(b) – removed redundancy to provide job information. Section (3) – updated reference. Section (4) – added an additional classification and corrected an existing classification title.

Rules Coordinator: Jeffery Kohlleppel

Address: Department of Administrative Services, Human Resource Services Division, 155 Cottage St. NE, U90, Salem, OR 97301

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

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amended to include new definitions related to the federal Health Care Reform Act.

Date:	Time:	Location:
11-22-10	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.860(1)(a)

Proposed Amendments: 111-010-0015

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

Summary: OAR 111-010-0015 includes rule amendments needed to respond to the new rescission of coverage provisions and expanded eligibility for dependent children under age 26 under the federal Health Care Reform Act.

Rules Coordinator: April Kelly

Address: 1225 Ferry Street SE, Salem, OR 97301

Telephone: (503) 378-6588

Rule Caption: Amends and adopts changes to the Oregon Educators Benefit Board's rules on plan design development and selection.

Date:	Time:	Location:
11-22-10	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Proposed Adoptions: 111-030-0010, 111-030-0035, 111-030-0040, 111-030-0045, 111-030-0050

Proposed Amendments: 111-030-0005

Proposed Repeals: 111-030-0030

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

Summary: Amendments to OAR 111-030-0005 removes specific benefit plan references and makes the rule applicable to all benefit plans offered by OEBB. This rule details the selection process through OEBB. 111-030-0010, 111-030-0035, 111-030-0040 and 111-030-0045 establishes the benefit selection criteria in rule, which previously existed in OEBB policy. 111-030-0050 establishes OEBB's Premium Rate Structure Selection Process and Limitations, which previously existed in OEBB policy.

Rules Coordinator: April Kelly

Address: 1225 Ferry Street SE, Salem, OR 97301

Telephone: (503) 378-6588

Rule Caption: Amendments include rule revisions related to updating terminology, clarifying language and the federal Health Care Reform Act.

Date:	Time:	Location:
11-22-10	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 243.864(1)(a)
Proposed Amendments: 111-050-0001, 111-050-0010, 111-050-0015, 111-050-0016, 111-050-0020, 111-050-0025, 111-050-0030, 111-050-0035, 111-050-0045, 111-050-0050, 111-050-0060, 111-050-0065, 111-050-0070, 111-050-0075, 111-050-0080
Last Date for Comment: 11-30-10, 5 p.m.

Summary: Amendments include revisions that are needed to respond to the new rescission of coverage provisions of the federal Health Care Reform Act on coverages continued under COBRA and early retiree plans. Other amendments clarify language relating to retired eligible employees, add Long Term Care and update terminology used by OEBB.

Rules Coordinator: April Kelly
Address: 1225 Ferry Street SE, Salem, OR 97301
Telephone: (503) 378-6588

Rule Caption: Amended to include revisions related to the federal Health Care Reform Act.

Date:	Time:	Location:
11-22-10	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243.864(1)(a)
Proposed Amendments: 111-070-0030, 111-070-0040
Last Date for Comment: 11-30-10, 5 p.m.

Summary: Amendments include revisions that are needed to respond to the new rescission of coverage provisions of the federal Healthcare Reform Act as they relate to the coverage available to part-time community college and higher education employees eligible for coverage under HB 2557(2009).

Rules Coordinator: April Kelly
Address: 1225 Ferry Street SE, Salem, OR 97301
Telephone: (503) 378-6588

Rule Caption: Amended to update terms used by OEBB and include revisions related to the federal Health Care Reform Act.

Date:	Time:	Location:
11-22-10	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243.864(1)(a)
Proposed Amendments: 111-040-0001, 111-040-0005, 111-040-0015, 111-040-0020, 111-040-0025, 111-040-0030, 111-040-0040, 111-040-0050
Last Date for Comment: 11-30-10, 5 p.m.

Summary: OAR 111-040-0001 is amended to clarify the effective date of certain optional benefit plans that re subject to Evidence of Insurability by the carrier and update terms used by OEBB. 111-040-00025, 111-040-0030 and 111-040-0050 updates terms used by OEBB. 111-040-0040 is amended to specify when a QSC can be used for Long Term Care. Other amendments include revisions that are needed to respond to the new rescission law of coverage provisions and the expanded eligibility for dependent children under age 26 under the federal Health Care reform Act.

Rules Coordinator: April Kelly
Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301
Telephone: (503) 378-6588

Department of Administrative Services, Public Employees' Benefit Board Chapter 101

Rule Caption: Amends rule for compliance with recent federal healthcare reform.

Date:	Time:	Location:
11-22-10	4 p.m.	1225 Ferry St. SE, Suite B Salem, OR

Hearing Officer: Chérie Taylor
Stat. Auth.: ORS 243.061–243.302, 659A.060–659A.069, 743.600–743.602 & 743.707

Stats. Implemented: ORS 243.061–243.302 & 2007 OL Ch. 99
Proposed Adoptions: 101-015-0026
Proposed Amendments: 101-010-0005, 101-015-0005, 101-015-0011, 101-020-0002, 101-020-0005, 101-020-0015, 101-020-0018, 101-020-0025, 101-020-0032, 101-020-0037, 101-020-0045, 101-020-0050, 101-030-0010, 101-030-0015, 101-030-0022

Proposed Repeals: 101-015-0013(T), 101-015-0026(T)
Proposed Ren. & Amends: 101-020-0070 to 101-030-0070
Last Date for Comment: 11-22-10, 5 p.m.

Summary: Amendments herein result from recent federal healthcare reform, promulgating compliance in PEBB's OARs regarding eligibilities, dependent child(ren), domestic partnerships, and opting out, rescissions and continuations of coverage.

Rules Coordinator: Chérie Taylor
Address: Department of Administrative Services, Public Employees' Benefit Board, 1225 Ferry Street SE, Suite B, Salem, OR 97301
Telephone: (503) 378-6296

**Department of Agriculture
Chapter 603**

Rule Caption: Amends and updates rule to use modern terms.

Stat. Auth.: ORS 596
Stats. Implemented:
Proposed Amendments: 603-011-0250
Last Date for Comment: 11-30-10

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 employ modern terms and correctly describe a transporting document as a Certificate of Veterinary Inspection and require specific location information for imported livestock. The proposed amendments will bring the rule up to date with other states and countries.

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

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

Rule Caption: Reconcile elevator permit fees and inspection intervals, and adopt standards for escalator "clean down" inspections.

Date:	Time:	Location:
11-16-10	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Trevor Johnson
Stat. Auth.: ORS 455.117, 460.085 & 460.125
Stats. Implemented: ORS 455.117, 460.085, 460.061, 460.125 & 460.165

Proposed Adoptions: 918-400-0645
Proposed Amendments: 918-400-0660, 981-400-0800
Last Date for Comment: 11-19-10, 5 p.m.

Summary: These rules reconcile elevator operating permit fees under 918-400-0800 with corresponding inspection intervals; revise 918-400-060 to adjust the inspection interval for all elevator equipment to two years, and adopt 918-400-0645 establishing administrative requirements for bi-annual escalator "clean down" inspections.

Elevator operating permits are currently issued every year, while inspection occur on one-, two-, and three-year cycles. These rules align operating permit cycles and inspection cycles by converting both cycles to two-years. As a result of these temporary rules,

NOTICES OF PROPOSED RULEMAKING

elevator operators will be able to purchase operating permits for one up-front fee that covers a full 2-year inspection cycle. The rules will also revise 918-400-0660 to adjust the inspection interval for all elevator equipment to two years and add 918-400-0645 to clarify the administrative process for escalator periodic inspections and "clean down" inspections.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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

Rule Caption: Permanently implements the registration requirements for appraisal management companies doing business in Oregon.

Date:	Time:	Location:
12-1-10	8:30 a.m.	Labor & Industries Bldg., Conference Rm. 260 Salem, OR

Hearing Officer: Sarah Hackett

Stat. Auth.: ORS 181.534, 705.135 & 2010 OL Ch. 87, § 1-3, 7 (Enrolled HB 3624)

Stats. Implemented: ORS 181.534, 705.141 & 2010 OL Ch. 87, § 1-3, 7 (Enrolled HB 3624)

Proposed Adoptions: 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

Proposed Repeals: 441-674-0005(T), 441-674-0100(T), 441-674-0120(T), 441-674-0130(T), 441-674-0140(T), 441-674-0210(T), 441-674-0220(T), 441-674-0230(T), 441-674-0240(T), 441-674-0250(T), 441-674-0310(T), 441-674-0910(T), 441-674-0915(T), 441-674-0920(T)

Last Date for Comment: 12-8-10, 5 p.m.

Summary: These proposed permanent rules implement the registration requirements of 2010 House Bill 3624, which regulates the activities of appraisal management companies. HB 3624, passed and signed into law on March 23, 2010, requires appraisal management companies doing business in Oregon to register with the Department of Consumer and Business Services (DCBS) by January 1, 2011. The department adopted temporary rules in September 1, 2010 in order to meet the time constraints of the law as well as to give appraisal management companies time to comply with the act prior to January 1, 2011. DCBS proposes to re-adopt the September 1, 2010 temporary rules on a permanent basis.

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: Revise administrative and reporting requirements and fees for certified providers and master trustees in Oregon.

Date:	Time:	Location:
12-1-10	10 a.m.	Labor & Industries Bldg. Room 260 Salem, OR

Hearing Officer: Richard Blackwell

Stat. Auth.: ORS 97.926

Stats. Implemented: ORS 97.923, 97.926, 97.927, 97.929, 97.931, 97.933, 97.935, 97.936, 97.937, 97.939, 97.941, 97.942, 97.943, 97.944, 97.945, 97.946, 97.947, 97.948 & 97.949

Proposed Adoptions: 441-930-0035, 441-930-0045, 441-930-0065, 441-930-0068, 441-930-0255, 441-930-0267

Proposed Amendments: 441-930-0010, 441-930-0030, 441-930-0070, 441-930-0080, 441-930-0210, 441-930-0220, 441-930-0230,

441-930-0240, 441-930-0250, 441-930-0260, 441-930-0270, 441-930-0290, 441-930-0300, 441-930-0310, 441-930-0320, 441-930-0330, 441-930-0350, 441-930-0360

Proposed Repeals: 441-930-0280, 441-930-0340

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

Summary: The proposed rules address recent problems related to the trusting of prearrangement funds, as well as consultation with industry leaders. They clarify requirements related to certified providers authorized to sell prearrangement or preconstruction sales contracts and those for master trustees which have the fiduciary responsibility for trusted funds from such sales. The rules would increase fees for master trustees and certified providers, change reporting requirements, delete provisions already addressed in ORS 97, clarify the use of irrevocable contracts, and clarify the responsibilities for limited operation certified providers. They would also clarify the timeline for cancellation of sureties required for certain endowment care cemeteries.

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 Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Clarifies law to prohibit separate cost sharing for mandates when not otherwise permitted by law.

Date:	Time:	Location:
12-14-10	10:30 a.m.	350 Winter St. NE. Conference Rm. E (Basement) Salem, OR 97301

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244

Other Auth.: ORS 743A

Stats. Implemented: ORS 743A.024, 743A.028, 743A.032, 743A.036, 743A.040, 743A.048, 743A.050, 743A.080, 743A.090, 743A.100, 743A.104, 743A.105, 743A.108, 743A.110, 743A.120, 743A.124, 743A.140, 743A.148, 743A.175, 743A.188 & 743A.190

Proposed Adoptions: 836-052-1005

Last Date for Comment: 12-17-10

Summary: This rule clarifies the requirements for insurers to provide coverage of mandated benefits without separate cost sharing, treatment limitations, limits on total payments or any other restrictions such as deductibles, copayments, coinsurance and visit limits for mandated services under ORS chapter 743A unless otherwise allowed by law.

Rules Coordinator: Sue Munson

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

Telephone: (503) 947-7272

Rule Caption: Insurer Provision of Commercial Loss Runs to Policyholders.

Date:	Time:	Location:
12-10-10	9:30 a.m.	350 Winter St. NE. Conference Rm. F (Basement) Salem, OR 97301

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 746.160 & 746.240

Proposed Adoptions: 836-080-0800, 836-080-0805, 836-080-0810

Last Date for Comment: 12-17-10

Summary: In order to provide proposals and/or bind commercial property, commercial liability including umbrella or excess policies, and commercial automobile insurance, most property and casualty insurers require the prospective insured to provide official

NOTICES OF PROPOSED RULEMAKING

documentation from their prior insurer(s) regarding reported losses, including both paid and outstanding reserve amounts on all reported claims ("loss runs"). This rulemaking requires certain property and casualty insurers or their appointed producers of record to provide loss runs on a timely basis to current and prior commercial policyholders, upon their request.

Rules Coordinator: Sue Munson

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

Telephone: (503) 947-7272

.....

Rule Caption: Changes to Risk Based Capital Trend Test for Health Care Service Contractors.

Date:	Time:	Location:
12-3-10	10 a.m.	350 Winter St. NE. Conference Rm. F (Basement) Salem, OR 97301

Hearing Officer: Jeanette Holman

Stat. Auth.: ORS 731.244 & 750.045

Stats. Implemented: ORS 731.574, 733.210 & 750.045

Proposed Amendments: 836-011-0515

Last Date for Comment: 12-10-10

Summary: This rule would amend Oregon's risk based capital reporting requirements for health care service contractors to add a recent change to the National Association of Insurance Commissioners (NAIC) Risk-Based Capital (RBC) for Health Organizations Model Act #315. The rule would allow a company action level event to be triggered if the risk based capital ratio of a health care service contractor falls between 200% and 300% and has a combined ratio (underwriting deductions/total revenue) above 105%. This provides an additional tool for determining whether a company is maintaining adequate capital and surplus to meet statutory requirements and policyholder obligations.

Rules Coordinator: Sue Munson

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

Telephone: (503) 947-7272

.....

Department of Corrections Chapter 291

Rule Caption: Inmate Discrimination Complaints.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Proposed Adoptions: 291-006-0011, 291-006-0012, 291-006-0031, 291-006-0035, 291-006-0040, 291-006-0045

Proposed Amendments: 291-006-0005, 291-006-0015

Proposed Repeals: 291-006-0020, 291-006-0025

Last Date for Comment: 1-15-11

Summary: Amendment of these rules is necessary to establish and update policy and procedures for the department's internal inmate discrimination complaint process. These rules have not been revised since 1997; and the department has a structured process to investigate any inmate complaint alleging perceived discrimination. These amendments further clarify the process for an inmate to file a discrimination complaint, set time frames within the process for inmate submission of a complaint and staff response to the complaint, and establish a review by the Inspector General of the department's response to a discrimination complaint.

Rules Coordinator: Janet R. Worley

Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

Telephone: (503) 945-0933

.....

Rule Caption: Rules of Misconduct for Inmates in ODOC Institutions.

Stat. Auth.: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075

Proposed Amendments: 291-105-0010, 291-105-0015

Last Date for Comment: 1-15-11

Summary: The rules violations for inmate misconduct were revised significantly in June, 2009. Since that revision, staff has expressed concern in the application of the staff assault and inmate assault rule violations. In the 2009 revision, the assault rule violation was separated into staff assault and inmate assault. Before this revision, the assault rule violation included both inmate-to-inmate assaults and inmate-to-staff assaults. These amendments are necessary to clarify the rule violations for assault and other housekeeping issues.

Rules Coordinator: Janet R. Worley

Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

Telephone: (503) 945-0933

.....

Rule Caption: Inmate Grievance Review and Appeal System.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Proposed Amendments: 291-109-0100 – 291-109-0190

Last Date for Comment: 1-15-11

Summary: Amendment of these rules is necessary to revise and update the department's inmate grievance review system. These rules have not been modified since 2006; and since that time there have been significant changes in state laws and department policies that affect the inmate population that may result in issues between the inmates and staff. These amendments provide clarification of the process for an inmate to submit a grievance; further define what an inmate can and cannot grieve; encourage inmates to report information or concerns regarding the behavior or conduct of staff that may directly threaten the life, health, and safety of staff or inmates; and establish a process to temporarily restrict an inmate that has abused the inmate grievance system from submitting additional grievances for 90 days.

Rules Coordinator: Janet R. Worley

Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667

Telephone: (503) 945-0933

.....

Department of Energy Chapter 330

Rule Caption: Establishes procedures, criteria and fees for the implementation of the EEAST Loan Program Pilots.

Date:	Time:	Location:
11-23-10	9:30 a.m.	625 Marion St. NE, Westerberg Room Salem, OR 97301

Hearing Officer: Robert Underwood

Stat. Auth.: ORS 470.500–470.715, 2009 OL Ch. 753 & HB

Stats. Implemented:

Proposed Adoptions: 330-112-0000, 330-112-0010, 330-112-0020, 330-112-0040, 330-112-0050, 330-112-0060, 330-112-0070, 330-112-0080, 330-112-0090, 330-112-0100

Proposed Repeals: 330-112-0000(T), 330-112-0010(T), 330-112-0020(T), 330-112-0040(T), 330-112-0050(T), 330-112-0060(T), 330-112-0070(T), 330-112-0080(T), 330-112-0090(T), 330-112-0100(T)

Last Date for Comment: 11-23-10, 5 p.m.

Summary: These rules carry out provisions of ORS Chapter 470 as they pertain to the administration by the Oregon Department of Energy of the Energy Efficiency and Sustainable technology Act of 2009. Oregon Administrative Rule, chapter 330, division 112 sets out the rules governing the department's energy efficiency upgrades of residential and commercial buildings in the State of Oregon.

Rules Coordinator: Kathy Stuttaford

NOTICES OF PROPOSED RULEMAKING

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 373-2127

Department of Environmental Quality Chapter 340

Rule Caption: New Source Review, Particulate Matter and Greenhouse Gas Permitting Requirements and Other Permitting Rule Updates.

Date:	Time:	Location:
11-16-10	6 p.m.	DEQ, Medford Regional Office 221 Stewart Ave., Suite 201 Medford, OR 97501
11-17-10	6 p.m.	DEQ, Bend Regional Office 475 NE Bellevue, Suite 110, Conference Rm. Bend, OR 97701
11-18-10	6 p.m.	DEQ Headquarters 811 SW 6th Ave., Rm. EQC-A Portland, OR 97204
11-19-10	1:30 p.m.	DEQ Salem Office 750 Front Street, Suite 120 Salem, OR

Hearing Officer: Tom Peterson, Mark Fisher, George Davis, Gary Andes

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468.065, 468A.040, 468A.055 & 468A.310

Proposed Adoptions: 340-224-0005

Proposed Amendments: 340-200-0020, 340-200-0025, 340-200-0040, 340-202-0010, 340-202-0060, 340-202-0210, 340-215-0060, 340-216-0020, 340-216-0025, 340-216-0040, 340-216-0052, 340-216-0054, 340-216-0056, 340-216-0060, 340-216-0064, 340-216-0066, 340-216-0070, 340-216-0090, 340-222-0042, 340-222-0045, 340-224-0010, 340-224-0050, 340-224-0060, 340-224-0070, 340-225-0020, 340-225-0030, 340-225-0045, 340-225-0050, 340-225-0060, 340-225-0090, 340-228-0300, 340-246-0230

Last Date for Comment: 11-24-10, 5 p.m.

Summary: **PM_{2.5} New Source Review/Prevention of Significant Deterioration:** This proposed rulemaking would adopt NSR/PSD rules for fine particles (PM_{2.5} or particulate matter less than 2.5 microns in diameter) adopted by a temporary rule on August 19, 2010. The unexpired temporary rule will be repealed upon adoption of the final rule. The proposed rule amendments align Oregon's rules with federal requirements to allow DEQ to continue to implement the NSR/PSD program in Oregon.

Greenhouse Gas (GHG) Prevention of Significant Deterioration: DEQ is proposing rules that would update the PSD program to include greenhouse gases in response to regulations promulgated by EPA. Additional proposed changes clarify existing requirements in Oregon's NSR/PSD rules. Adoption of the rules will allow DEQ to continue implementing the federally approved Prevention of Significant Deterioration program in Oregon.

Small Scale Renewable Energy Sources: EPA requires states to have minor source construction approval programs, but gives states flexibility in how to do this. Oregon's minor source construction approval program basically applies major source NSR/PSD requirements to any source with emissions over the significant emission rate (including some areas where the Oregon SER is lower than the federal SER). HB 2952 revised how the minor source construction approval program works for small scale local energy projects.

Permitting Rule Updates: DEQ is proposing to update the version of the federal acid rain program rules adopted by reference.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan, which is a requirement of the Clean Air Act

To request additional information regarding this rulemaking or submit comments, please contact Jill Inahara, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, OR

97204, toll free in Oregon at 800-452-4011 or (503) 229-5001, or at AQFeb2011Rules@deq.state.or.us or fax at (503) 229-5675, or visit DEQ's website <http://www.deq.state.or.us/qa/permit/proposedRules.htm> (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

Department of Fish and Wildlife Chapter 635

Rule Caption: Amendments to Rules for Commercial and Recreational Groundfish and Commercial Smelt Fisheries.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.036, 506.109, 506.119, 506.129 & 508.530

Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.036, 506.109, 506.119, 506.129, 508.535 & 508.550

Proposed Adoptions: Rules in 635-004, 635-006, 635-039

Proposed Amendments: Rules in 635-004, 635-006, 635-039

Proposed Repeals: Rules in 635-004, 635-006, 635-039

Last Date for Comment: 12-3-10

Summary: These amended rules will modify commercial and recreational groundfish fisheries, establish annual groundfish management measures for 2011, incorporate conversion factors for glazed commercial fish, and close commercial smelt fisheries on the Umpqua and Sandy rivers. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

Rule Caption: Modify By-catch Reduction Device Rules for the Commercial Pink Shrimp Fishery.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Proposed Adoptions: Rules in 635-005, 635-006

Proposed Amendments: Rules in 635-005, 635-006

Proposed Repeals: Rules in 635-005, 635-006

Last Date for Comment: 12-3-10

Summary: These amended rules will modify requirements for by-catch reduction devices in the commercial pink shrimp fishery. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303

Telephone: (503) 947-6033

Rule Caption: Amend the Fish Hatchery Management Policy Spawning and Rearing Protocol to Minimize Surplus Eggs/Fish.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138 & 506.119
Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455
Proposed Adoptions: Rules in 635-007
Proposed Amendments: Rules in 635-007
Proposed Repeals: Rules in 635-007
Last Date for Comment: 12-3-10
Summary: Amend, adopt or repeal rules relating to Fish Hatchery Management Spawning and Rearing Protocol as necessary. House-keeping and technical corrections to the regulations may occur to ensure rule consistency.
Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

Rule Caption: Amendment to rules regarding parking permits in some wildlife areas.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 498
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 498
Proposed Amendments: Rules in 635-008
Last Date for Comment: 12-3-10
Summary: Amend rules to establish an access fee to all wildlife areas administered by ODFW except for use by those holding hunting or fishing licenses.
Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

Rule Caption: Amend Rules Relating to Wildlife Taxonomy and the Controlled, Non-Controlled, Exempt and Prohibited Species Lists.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242 & SB 391 (2009 OL Ch. 492)
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242 & SB 391 (2009 OL Ch. 492)
Proposed Amendments: Rules in 635-056, 635-057
Last Date for Comment: 12-3-10
Summary: Review, update and amend rules relating to controlled, on-controlled, exempt and prohibited species. Specific rule changes include: updating taxonomic standards, updating scientific and common names. Amend rules to implement portions of SB 391, enacted by the 2009 Legislative Assembly. This amendment moves Crocodylia from a non-controlled to exempt species. Amendments may also include housekeeping and other changes necessary to update the rules.
Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

Rule Caption: Amend rules regarding the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon.

Date:	Time:	Location:
12-3-10	8 a.m.	Ramada Inn & Suites Portland Airport 6221 NE 82nd Ave. Portland, OR 97220

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-140
Last Date for Comment: 12-3-10
Summary: Amend rules regarding the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon. Amendments include a refinement of population estimates, implementation accomplishments, and proposed core area approach to habitat mitigation.
Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8 a.m.	500 Summer St. NE, Rm. 251 Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 409.194, 409.050 & 418.005
Stats. Implemented: ORS 409.010, 409.194, 409.225 & 418.005
Proposed Amendments: 413-010-0055
Proposed Repeals: 413-010-0055(T)
Last Date for Comment: 11-24-10, 5 p.m.
Summary: OAR 413-010-0055 about when it is in a child's best interest for the Department to disclose a client's information is being amended in response to ORS 409.194 to state when the Director of the Department may convene a sensitive review committee to review the actions of the Department. This rule also is being amended to state when the Director must submit a written report of the findings and conclusions of the sensitive review committee to the President of the Senate and the Speaker of the House of Representatives. This rule is also being amended to make permanent temporary rule amendments adopted on July 19, 2010.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 409.050, 418.005, 418.945 & 419B.035
Stats. Implemented: ORS 409.010, 409.225, 418.005 & 419B.035

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 413-010-0081, 413-010-0082, 413-010-0083, 413-010-0085

Proposed Repeals: 413-010-0084, 413-010-0086

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules about the release of an adoption home study report are being changed to make permanent the temporary rules changes filed on July 1, 2010. OAR 413-010-0081 about the purpose of these rules is being amended to indicate that this rule set describes the Department's authority to release an adoption home study and that there are certain responsibilities of those who receive an adoption home study from the Department. OAR 413-010-0082 that defines certain terms used in these rules is being amended to change the terms defined consistent with other changes in the rules. OAR 413-010-0083 about the release of an adoption home study is being amended to broaden the rule to cover its confidentiality generally, state the requirement for use of a release of information by the individuals who are subjects of adoption home studies, address the requirements of those individuals who receive an adoption home study from the Department; reflect circumstances under which the Department may release an adoption home study, and remove items covered elsewhere (specifically Child Welfare Policy I-G.1.5, Adoption Placement Selection). OAR 413-010-0084 about pre-release redaction of an adoption home study report is being repealed because this topic will be covered in another rule. OAR 413-010-0085 about the release of adoption home study summaries is being amended to cover both summaries and redaction, and specify circumstances under which the Department must redact information from the adoption home study or provide a summary of the adoption home study. OAR 413-010-0086 about the process for release of an adoption home study report to the child's CASA, tribe, and attorney is being repealed because this topic is covered elsewhere in adoption policy, specifically Child Welfare Policy I-G.1.5, Adoption Placement Selection.

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

Written comments may be submitted until November 24, 2010 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us@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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 109.119, 409.010, 418.005 & 418.648

Proposed Repeals: 413-010-0360, 413-010-0370, 413-010-0380

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules about the rights of persons who have a child-parent relationship being repealed because they no longer comply with federal placement priority for adoption selection, nor rights of persons who are certified as foster parents. OAR 413-010-0360 is being repealed because the rights of foster parents are established in ORS 418.648. OAR 413-010-0370 is being repealed because the definition no longer complies with the Department's policy and practice. OAR 413-010-0380 is being repealed because it no longer complies with federal preference for adoption placement selection.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010 & 418.005

Proposed Adoptions: 413-070-0514, 413-070-0516, 413-070-0518, 413-070-0519

Proposed Amendments: 413-070-0500, 413-070-0505, 413-070-0510

Proposed Repeals: 413-070-0517

Proposed Renumberings: 413-070-0512 to 413-070-0512

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules about achieving legal permanency, concurrent planning, and use of a Permanency Committee in making decisions for children in the care and custody of the Department, are being changed because the Department is redesigning the structure by which it makes these decisions. These rules set the requirements and responsibilities for the Department around seeking legal permanency for a child, the efforts make to identify and implement a concurrent permanent plan, and the parameters in which the Department will use a permanency committee in making a recommendation regarding a child's permanency. These rules incorporate into one rule set permanent rules regarding the use of permanency committee filed in several sets of temporary rules filed on July 1, 2010. OAR 413-070-0500 about the purpose of these rules (OAR 413-070-0500 to 413-070-0519), OAR 413-070-0505 about the definitions used in these rules, OAR 413-070-0510 about the Department's obligation to seek legal permanency for a child in the legal custody of the Department, and OAR 413-070-0512 (re-numbered from OAR 413-070-0515) about concurrent planning are being amended. OAR 413-070-0514 about working with a child's team, OAR 413-070-0516 about the appropriate use of a permanency committee, OAR 113-070-0518 about the composition, scheduling, responsibilities and recommendations of a permanency committee, and OAR 413-070-0519 about the decision, notice and review of a permanency decision are being adopted. OAR 413-070-0517 about reasonable efforts, is being repealed. OAR 413-070-0500 is being amended to clarify the current Department policy, practice, and terminology. OAR 413-070-0505 about definitions used in these rules is being amended to add current and remove outdated definitions of terms used throughout these rules. OAR 413-070-0510 is about the Department's obligation to seek legal permanency and is being amended to clarify federal responsibility for reasonable efforts. OAR 413-070-0512 is being renumbered from 413-070-0515 and is being amended to describe the Department's efforts to seek family involvement in the development of a concurrent plan. OAR 413-070-0514 about the Department's obligation to work with a team of individuals in determining a child's current and permanency needs and how the plans to meet those needs are in the child's best interest is being adopted. OAR 413-070-0516 about the circumstances in which the

NOTICES OF PROPOSED RULEMAKING

Department uses a permanency committee for a recommendation on a child's permanency is being adopted. OAR 413-070-0517 about reasonable efforts is being repealed because this topic will be covered in OAR 413-070-0510. OAR 413-070-0518 is being adopted to set out policies about the composition, scheduling, responsibilities of committee members and recommendations that come from a permanency committee. OAR 413-070-0519 is being adopted to set out policies about the decision which is made after a permanency committee recommendation, notice requirements and the parameters of when a review of that decision may occur, who can request a review, and timelines in which such a review will occur.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005 & 418.945

Other Auth.: Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949-3981)

Stats. Implemented: ORS 418.005, 418.925 & 419A.004

Proposed Amendments: 413-070-0520, 413-070-0524, 413-070-0532, 413-070-0536, 413-070-0540, 413-070-0550, 413-070-0552, 413-070-0556, 413-070-0565

Proposed Renumberings: 413-070-0548 to 413-070-0551

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules about another planned permanent living arrangement, and placement decisions for children in the care and custody of the Department, are being changed because the Department is redesigning the structure by which it makes these decisions and to make permanent some of the temporary rule changes filed on July 1, 2010. These rules set the requirements and responsibilities for the Department around changing a child's permanency plan to another planned permanent living arrangement. OAR 413-070-0520 about the purpose of the Department's Another Planned Permanent Living Arrangement (APPLA) rules, OAR 413-070-0524 about the definitions of certain terms used in these rules, OAR 413-070-0532 about the types of APPLA, OAR 413-070-0540 about how the Department determines an APPLA is the appropriate permanency plan for a child, OAR 413-070-0550 about how the Department reviews and approves an APPLA permanency plan are being amended to clarify the Department's policy for APPLA permanency plans, include definitions used throughout the APPLA rules, and reflect current Department policy, practice, and terminology. OAR 413-070-0524 also is being amended to add current and remove outdated definitions of terms used throughout these rules. OAR 413-070-0536 about when APPLA may be considered is being amended to correctly identify defined terms. OAR 413-070-0540 also is being amended to reference proposed rules for the use of a permanency committee. OAR 413-070-0548 about the contents of an APPLA case plan is being renumbered to OAR 413-070-0551 and amended to clarify the process for requesting a change in the contents of a permanency plan. OAR 413-070-0550 also is being amended to state the Department

methodology, practice, and decision-making when APPLA is considered as a permanency plan. OAR 413-070-0552 about ongoing Department responsibilities when APPLA is the child's or young adult's permanency plan is being amended to standardize cross-references and make the rule title better fit the contents of the rule. OAR 413-070-0565 about termination of APPLA is being amended to allocate responsibility for approving the termination of an agreement under serious or extraordinary circumstances and clarify the deadline for requesting a permanency hearing.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 8 USC 1101(a)(27)(J), 8 CFR 204.11

Stats. Implemented: ORS 418.005

Proposed Adoptions: 413-070-0570, 413-070-0572, 413-070-0574

Last Date for Comment: 11-24-10, 5 p.m.

Summary: The Department is adopting OAR 413-070-0570, 413-070-0572, and 413-070-0574 to describe when the Department will consider and pursue special immigrant juvenile status (SIJS) for a child in the custody of the Department. These rules also make permanent portions of temporary rules adopted on June 30, 2010 as part of OAR 413-120-0900 to 413-120-0980 (which also covered Inter-country and Hague adoptions). SIJS consideration is necessary but is not limited to children for whom adoption is a plan. OAR 413-070-0570 sets out the purpose of the Department's rules regarding the consideration of special immigrant juvenile status for a child in the custody of the Department. OAR 413-120-0572 defines certain terms used in these rules. OAR 413-070-0574 states the requirements the Department must follow in order to apply for special immigrant juvenile status for a child in the custody of the Department.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date: 11-22-10
Time: 8:30 a.m.
Location: 500 Summer St. NE, Rm. 252
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949–3981); Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (Section 1808 of Pub. Law 104–188), 42 USC 622; Adoption and Safe Families Act of 1997 (Pub. Law 105–89); Indian Child Welfare Act (25 USC 1901–1963); Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d et seq).

Stats. Implemented: ORS 418.005 & 419B.192

Proposed Amendments: 413-070-0600, 413-070-0620, 413-070-0625, 413-070-0630, 413-070-0640, 413-070-0645

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-070-0600, 413-070-0620, 413-070-0625, 413-070-0630, 413-070-0640, and 413-070-0645 about placement matching for children and young adults in substitute care are being amended to reflect current Department terminology, policy, and practices. These amendments incorporate policies and practices developed as the Department sought to comply with federal and state laws regarding temporary and permanent placement selection. The amended rules lend clarity by refining new terms implemented with the terminology, policy, and practice changes regarding permanency placement matching, and permanency placement decisions for children in the care and custody of the Department. OAR 413-070-0600 also is being amended to restate the purpose of these rules is to describe the Department's responsibilities for placement matching during both substitute care and when planning for permanency. OAR 413-070-0620 defining certain terms used in these rules also is being amended to amend the definitions of CANS screening, caregiver relationship, Indian child, and relative. OAR 413-070-0625 about identifying and assessing the needs of a child or young adult when placement in substitute care is required also needs to be amended to state the placement preferences for a child in substitute care. OAR 413-070-0630 about monitoring the ongoing substitute care placement need of the child or young adult also needs to be amended to restate language about the factors to assess when monitoring the needs of the child in substitute care. OAR 413-070-0640 about placement assessment and matching also needs to be amended to restate the assessment and matching requirements for substitute care and for permanency placement resources. OAR 413-070-0645 about involving the substitute caregiver in the concurrent permanency plan also is being amended to clarify cross-references and terms used.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date: 11-22-10
Time: 8:30 a.m.
Location: 500 Summer St. NE, Rm. 252
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.945

Other Auth.: Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949–3981)

Stats. Implemented: ORS 409.010, 418.005, 418.925, 418.937, 418.945 & 419B.192

Proposed Adoptions: 413-110-0132, 413-110-0150

Proposed Amendments: 413-110-0100, 413-110-0110, 413-110-0130

Proposed Repeals: 413-110-0120, 413-110-0140

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-110-0100 about the purpose of the Department's sibling permanency placement planning rules (OAR 413-110-0100 to 413-110-0150), OAR 413-110-0110 about the definitions used in these rules, and OAR 413-110-0130 about the Department's priorities when developing a permanency plan for siblings, are being amended; and OAR 413-110-0132 about how the Department considers and determines whether to adopt a permanency plan recommending permanent separation of siblings and OAR 413-110-0150 about the Department's recruitment efforts to identify a potential guardian or adoptive resource who can initiate and maintain connections between siblings when separation of siblings has occurred as a result of a Department action or decision are being adopted; and OAR 413-110-0120 about the values the Department considered when developing a permanency plan for siblings and OAR 413-110-0140 about how the Department reviews and the notice the Department provides regarding a permanency committee recommendation regarding permanent separation of siblings are being repealed. These rule changes clarify the Department's policy regarding permanency plans resulting in separation of siblings, include definitions used throughout these rules; reflect current Department policy, practice, and terminology; and make permanent a number of changes initially adopted by temporary rule changes on July 1, 2010.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date: 11-22-10
Time: 8:30 a.m.
Location: 500 Summer St. NE, Rm. 252
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Other Auth.: PL 105-89, Adoption and Safe Families Act (ASFA); Fostering Connections to Success and Increasing Adoptions Acts of 2008; Title IV-E Indian Child Welfare Act; Refugee Act of 1980

Stats. Implemented: ORS 409.010, 409.225, 418.005, 418.280, 418.285, 418.305, 418.937, 419A.255, 419B.100 & 419B.192

Proposed Adoptions: 413-120-0021, 413-120-0025, 413-120-0053, 413-120-0057, 413-120-0840, 413-120-0850, 413-120-0860, 413-120-0870

Proposed Amendments: 413-120-0000, 413-120-0010, 413-120-0020, 413-120-0035, 413-120-0060, 413-120-0800, 413-120-0810, 413-120-0830

Proposed Repeals: 413-120-0015, 413-120-0030, 413-120-0040, 413-120-0080, 413-120-0820

NOTICES OF PROPOSED RULEMAKING

Proposed Renumberings: 413-120-0033 to 413-120-0016, 413-120-0045 to 413-120-0880, 413-120-0075 to 413-120-0835

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-120-0000 to 413-120-0080 are being changed to update, clarify, and comply with laws that apply to the Department's process when making an adoption placement selection decision for a child in the custody of the Department. The process is being expanded to be more inclusive to community partners and allow for different levels of decision making. These rules make permanent some temporary rule changes made on July 1, 2010. OAR 413-120-0000 is being amended to set out the purpose for the revised rules. OAR 413-120-0010 is being amended to add, remove, and revise certain terms consistent with the changes in the revised rules. OAR 413-120-0015 is being repealed to remove language regarding values as these are no longer included in the Department's rules. OAR 413-120-0020 is being amended to clarify the different options available to make a decision regarding adoption placement selection and the circumstances in which the options may be used. OAR 413-120-0021 is being adopted to set out the selection process and requirements when the adoption selection decision is being made by the caseworker. OAR 413-120-0025 is being adopted to state the composition of an adoption committee. OAR 413-120-0030 regarding types of adoption committees is being repealed due to changes in the process described in other rules. OAR 413-120-0033 regarding confidentiality is being renumbered to 413-120-0016 and amended set out more specific policies about the confidentiality of information shared during the adoption selection process. OAR 413-120-0035 is being amended to further clarify the requirements of the Department regarding invitation, attendance, and notification of an adoption committee. OAR 413-120-0040 is being repealed because the requirements about potential families has been revised and included in other rules. OAR 413-120-0045 regarding efforts to place and not delaying placement is being renumbered to 413-120-0880 and amended to clarify the requirements regarding not delaying a placement for adoption when a selected adoptive resource has been identified. OAR 413-120-0053 is being adopted to set out and clarify the structure and procedure regarding an adoption committee. OAR 413-120-0057 is being adopted to set out policies about the role of an Adoption Decision Specialist. OAR 413-120-0060 is being amended to include updates and clarifications regarding the review after an adoption selection. OAR 413-120-0075 about transition to an adoptive home is being renumbered to 413-120-0835 and amended clarify the timelines regarding transition of a child into an adoptive home. OAR 413-120-0080 about legal consent is being repealed because this topic is covered elsewhere.

OAR 413-120-0800 to 413-120-0880 are being changed to update, clarify, and comply with laws that apply to the supervision and support of an adoptive placement and to make permanent some of the temporary rules changes made on July 1, 2010. OAR 413-120-0800 is being amended to reflect a different structure consistent with other rule sets and to more clearly indicate the purpose of the rule. OAR 413-120-0810 that defines certain terms used in these rules is being amended to change the terms defined consistent with other changes in the rules. OAR 413-120-0820 is being repealed as values are no longer set out as separate rules. OAR 413-120-0830 is being amended to restructure the information in a format consistent with other rules in this set and clarify policies about Department actions prior to placement. OAR 413-120-0840 is being adopted to describe the requirements regarding an early transition including who must approve a decision to request an early transition of a child into an adoptive home prior to requesting central office approval. OAR 413-120-0850 is being adopted to set out legal risk agreement requirements for legal risk adoptive placements. OAR 413-120-0860 is being adopted to set out requirements for placement and post placement supervision removed from other rules and clarify requirements when requesting an finalization prior to the standard time period for placement for adoption. This rule includes a requirement that adoptive families be notified by the Department of tax credits prior to

finalization of the adoption. OAR 413-120-0870 is being adopted to clarify the requirements of the Department when a disruption of an adoptive placement is likely or has occurred, including information regarding who needs to be consulted and efforts needed to prevent a disruption.

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

Written comments may be submitted until November 24, 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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Other Auth.: PL 105-89, Adoption and Safe Families Act (ASFA). Fostering Connections to Success and Increasing Adoptions Acts of 2008.

Stats. Implemented: ORS 409.010, 418.005, 418.280 & 418.285

Proposed Adoptions: 413-120-0222, 413-120-0225, 413-120-0243, 413-120-0246

Proposed Amendments: 413-120-0190, 413-120-0195, 413-120-0220, 413-120-0240

Proposed Repeals: 413-120-0200, 413-120-0210, 413-120-0230

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules are being changed to update and clarify — and comply with laws that apply — to the Department's adoption application requirements for individuals applying to adopt a child in the legal custody of the Department, the requirements for submitting an adoption application to the Department to apply for a child in the custody of another public child welfare agency, the Department's authority regarding adoption applications submitted to the Department, the adoption home study criteria for individuals applying to adopt a child in the legal custody of the Department, and standards for adoptive homes for children in the custody of the Department. These changes make permanent some changes adopted by the temporary rules on July 1, 2010. OAR 413-120-0190 is being amended to set out the purpose of the revised rules. OAR 413-120-0195 is being amended to add, remove, and revise definitions of certain terms used in the revised rules. OAR 413-120-0200 about adoption applications, OAR 413-120-0210 about applicants who have an adoption certification with a non-contracted adoption agency, and OAR 413-120-0230 about the application and approval process are being repealed because the topics are covered in other rules and some of these policies have changed. OAR 413-120-0220 is being amended to set out the current adoption application requirements. OAR 413-120-0222 is being adopted to set out the policy on conflict of interest for adoptive applicants. OAR 413-120-0225 is being adopted to set out the conditions that require special staffing, suspension, or termination of the Department's home study application process. OAR 413-120-0240 is being amended to clarify the circumstances under which the Department must send written notice to adoption applicants regarding the status of applications submitted to the Department. OAR 413-120-0243 is being adopted to indicate the circumstances in which an application for adoption may be prioritized. OAR 413-120-0246 is being adopted to set out the requirements for adop-

NOTICES OF PROPOSED RULEMAKING

tion home studies and characteristics required for approval of adoptive homes and individuals applying to adopt a child in the custody of the Department.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 109.506, 409.050 & 418.005

Stats. Implemented: ORS 109.425–109.507, 409.010 & 418.005

Proposed Repeals: 413-120-0250, 413-120-0255, 413-120-0260, 413-120-0265, 413-120-0270, 413-120-0275, 413-120-0280, 413-120-0285, 413-120-0290, 413-120-0300, 413-120-0310, 413-130-0150, 413-130-0160, 413-130-0170, 413-130-0180

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-120-0250, 413-120-0255, 413-120-0260, 413-120-0265, 413-120-0270, 413-120-0275, 413-120-0280, 413-120-0285 and 413-120-0290 about Children Adults and Families Division and partner agency employee adoption home studies, which were suspended on July 1, 2010, are being repealed. OAR 413-120-0250 had covered procedures by which Department and partner agency employees could obtain adoptive home studies, OAR 413-120-0255 had covered Department values, OAR 413-120-0260 had covered definitions used in these rules (OAR 413-120-0250 to 413-120-0290), OAR 413-120-0265 had covered adoptive home studies the Department could prepare, OAR 413-120-0270 had covered adoptive home studies prepared by Oregon private licensed adoption agencies who were members of a coalition, OAR 413-120-0275 had covered children Department employees could be considered as adoptive resources for, OAR 413-120-0280 had covered the adoption placement selection process, OAR 413-120-0285 had covered the training required for adoptive resource applicants, and OAR 413-120-0290 had covered the confidentiality of adoptive home studies. The topics covered in these rules will be covered in amended form in OAR 413-120-0190 to 413-120-0246.

Some items in the rules being repealed need not appear in administrative rules, or no longer accurately reflect Department terminology, policy, or practice.

OAR 413-120-0300 and 413-120-0310 about the minimum standards for adoptive homes in Oregon, which were suspended on July 1, 2010, are being repealed. The topics covered in these rules will be covered in other rules in amended form in Chapter 413. The Department is revising and consolidating administrative rules to follow the permanency and adoption plans more closely and to make it easier for individuals to understand how processes work. Some items in the rules being repealed need not appear in administrative rules, or no longer accurately reflect Department terminology, policy, or practice.

OAR 413-130-0150, 413-130-0160, 413-130-0170 and 413-130-0180 about an adoptive family's eligibility for post adoption services when the adoptive family adopted a child through the Department, which were suspended on July 1, 2010, are being repealed. The topics covered in these rules will be covered in other rules in amended

form in OAR 413-120-0800 to 413-120-0880 to clarify the services and expectations during an adoptive placement. Some items in the rules being repealed need not appear in administrative rules, or no longer accurately reflect Department terminology, policy, or practice.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.945

Other Auth.: Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949–3981); Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (Section 1808 of Pub. Law 104-188), 42 USC 622; Adoption and Safe Families Act of 1997 (Pub. Law 105-89); Indian Child Welfare Act (25 USC 1901–1963); Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d et seq).

Stats. Implemented: ORS 409.010, 418.005, 418.285, 418.937, 418.945 & 419B.192

Proposed Adoptions: 413-120-0521, 413-120-0541, 413-120-0570, 413-120-0590, 413-120-0595

Proposed Amendments: 413-120-0500, 413-120-0510

Proposed Repeals: 413-120-0520, 413-120-0530, 413-120-0540

Proposed Ren. & Amends: 413-120-0550 to 413-120-0580

Last Date for Comment: 11-24-10, 5 p.m.

Summary: These rules about the request of a foster parent for consideration as a current caretaker are being changed to restate the purpose of these rules, more clearly define key terms used in these rules, and explain the process under which the Department considers a foster parent as a potential adoptive resource as a part of case planning for a child who has a permanency plan of adoption allowing the Department to better serve children for whom adoption is the permanency plan and foster parents wanting to be considered as potential adoptive resources for these children. These changes also make permanent some of the changes made by temporary rule on July 1, 2010. OAR 413-120-0500 is being amended to state the purpose of these rules about Department's process by which a foster parent may be recommended as a current caretaker for the purpose of consideration as a potential adoptive resource as a part of case planning for a child who has a permanency plan or concurrent permanent plan of adoption. OAR 413-120-0510 is being amended to add definitions such as adoptive resource, CASA (court appointed special advocate), child, committee facilitator, Department, foster parent, general applicant, Indian child, RCWAC (the Refugee Child Welfare Advisory Committee), refugee child, relative, sibling, and substitute care; and restate the definitions for current caretaker and permanency committee. OAR 413-120-0520 about values, 413-120-0530 about completion of diligent search, and 413-120-0540 about the current caretaker committee are being repealed to remove language not required to be in administrative rules. OAR 413-120-0521 is being adopted to state that the Department considers substitute care as a temporary resource for a child. OAR 413-120-0541 is being adopt-

NOTICES OF PROPOSED RULEMAKING

ed to state the circumstances under which a foster parent may request consideration as a current caretaker for a child in the legal custody of the Department. OAR 413-120-0550 is being renumbered to OAR 413-120-0580 and amended to indicate what is included in the notification and decision regarding a foster parent's request for consideration as a current caretaker and the timeline to complete an adoption home study when the foster parent will be considered. OAR 413-120-0570 is being adopted to explain the role of the caseworker and the permanency committee when considering a foster parent's request and making a recommendation. OAR 413-120-0590 is being adopted to state how the child welfare program manager decides whether to proceed with a foster parent's request for consideration when a relative is later identified and expresses interest in being a potential adoptive resource. OAR 413-120-0595 is being adopted to cover policies about foster parents determined as a current caretaker prior to July 1, 2010.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 109.309, 409.050 & 418.005

Other Auth.: PL 105-89, Adoption and Safe Families Act (ASFA); Fostering Connections to Success and Increasing Adoptions Acts of 2008; Title IV-E Indian Child Welfare Act; Refugee Act of 1980; Multiethnic Placement Act of 1994 (Public Law 103-382) as amended by the Interethnic Adoption Provisions of 1996 (Section 1808 of Public Law 104-188).

Stats. Implemented: ORS 109.309, 409.010, 418.005, 418.280, 418.285, 418.937, 419B.090, 419B.100 & 419B.192

Proposed Adoptions: 413-120-0700, 413-120-0710, 413-120-0720, 413-120-0730, 413-120-0740, 413-120-0750, 413-120-0760

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-120-0700 to 413-120-0760 about identification and consideration of potential adoptive resources are being adopted to set out clarify the Department's preference for placement with relatives and siblings for purposes of adoption and describe requirements regarding recruitment for adoptive resources when a child is in the legal custody of the Department as well as to make permanent and improve upon the temporary rules adopted on July 1, 2010. OAR 413-120-0700 is being adopted to state the purpose of the rules regarding the Department's requirements identifying and considering potential adoptive resources. OAR 413-120-0710 is being adopted to define certain terms which are included in the rules. OAR 413-120-0720 is being adopted to set out and clarify the Department's required efforts for placing with siblings and relatives. OAR 413-120-0730 is being adopted to state the Department's requirements regarding placement preferences including assessing the potential resources in the order of preference and information regarding sibling planning. OAR 413-120-0740 is being adopted to describe when general recruitment for a potential adoptive resource is not required. OAR 413-120-0750 is being adopted to more clear-

ly describe the efforts required by the Department regarding general recruitment. OAR 413-120-0760 is being adopted to clarify information regarding steps the Department is required or may follow when identifying a child's potential adoptive resources.

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

Written comments may be submitted until November 24, 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

.....

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
11-22-10	8:30 a.m.	500 Summer St. NE, Rm. 252 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 417.262, 417.265 & 418.005

Other Auth.: Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, Intercountry Adoption Act of 2000, 42 USC 14901 to 14954; 22 CFR 96-98.

Stats. Implemented: ORS 417.262, 417.265, 418.005 & 419B.529

Proposed Adoptions: 413-120-0900, 413-120-0905, 413-120-0910, 413-120-0920, 413-120-0925, 413-120-0930, 413-120-0940, 413-120-0945, 413-120-0950, 413-120-0960, 413-120-0970

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 413-120-0900, 413-120-0905, 413-120-0910, 413-120-0920, 413-120-0925, 413-120-0930, 413-120-0940, 413-120-0945, 413-120-0950, 413-120-0960, and 413-120-0970 about Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act are being adopted to make permanent the temporary rules adopted on July 1, 2010 and in response to Senate Bill 10 (2009) codified as ORS 417.262 and House Bill 3471 (2009) codified as ORS 417.265 to comply with changes in the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and federal law, The Intercountry Adoption Act of 2000 (42 USC 14901 to 14954). OAR 413-120-0900 sets out the purpose of these rules (OAR 413-120-0900 to 413-120-0970) and when an adoption case is subject to the requirements of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Convention) and the Intercountry Adoption Act of 2000, 42 USC 14901 to 14954. OAR 413-120-0905 defines certain terms used in these rules. OAR 413-120-0910 covers the Convention adoption case information the Department must provide to the U. S. State Department. OAR 413-120-0920 covers incoming Convention adoptions (the adoption of a child immigrating to the United States). OAR 413-120-0925 covers outgoing Convention adoptions (the adoption of a child emigrating from the United States). OAR 413-120-0930 states the Department's responsibilities for transition, travel, placement, and registration during an outgoing Convention adoption. OAR 413-120-0940 states when the Department may consent to an outgoing Convention adoption and the Department's responsibilities for post-placement supervision during an outgoing Convention adoption. OAR 413-120-0945 states the Department's finalization and post-finalization responsibilities during an outgoing Convention adoption. OAR 413-120-0950 states a child's eligibility for adoption assistance benefits when the child is the subject of a Convention adoption. OAR 413-120-0960 states the information the Department must provide to the prospective adoptive parents in an outgoing Convention adoption. OAR 413-120-

NOTICES OF PROPOSED RULEMAKING

0970 states when the Department must obtain a Hague custody declaration and when the Hague custody declaration must accompany the child leaving the country.

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

Written comments may be submitted until November 24, 1010 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

.....

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.

Date:	Time:	Location:
11-23-10	9 a.m.	500 Summer St. NE, Rm. 257 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.408, 411.431, 411.432, 411.660, 411.706, 411.710, 411.816, 412.006, 412.009, 412.014, 412.049, 412.124, 414.231 & 414.706

Other Auth.: 42 USC 7; 42 USC 602(a), 42 USC 1396a(e); Sections 1618 and 1902(e)(13) of the Social Security Act; Section 203 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA, Pub L 111 3); 7 CFR 273.9(d)(4); 20 CFR 416.2095 through 416.2099; 42 CFR 435, 435.907; 42 CFR 457, 457.301, 457.305, 457.320, 457.340, 457.350, 45 CFR 260.30; 45 CFR 260.31; ORS 291.261; Oregon Health Plan 2 Demonstration Project No. 21 W 00013/ and 11 W 00161/10 available from: The Department of Human Services, Children, Adults & Families, Office of Medical Assistance Programs, 500 Summer Street NE, Salem, OR 97301; Oregon Medicaid/State Children's Health Insurance Program (SCHIP) Health Insurance and Flexibility and Accountability (HIFA) Section 115 Demonstration project; available from the Department of Human Services, Children, Adults & Families, Medical Program Eligibility, 500 Summer Street NE, E 48, Salem Oregon 97301.

Stats. Implemented: ORS 183.415, 183.417, 409.010, 409.050, 409.610, 411.010, 411.060, 411.070, 411.081, 411.083, 411.087, 411.117, 411.122, 411.141, 411.400, 411.404, 411.408, 411.431, 411.432, 411.660, 411.704, 411.706, 411.710, 411.816, 411.825, 412.001, 412.006, 412.009, 412.014, 412.034, 412.049, 412.084, 412.089, 412.124, 412.139, 414.025, 414.065, 414.231, 414.826, 414.831, 414.839, 418.485 & 2009 OL Ch. 827

Proposed Adoptions: 461-135-1197, 461-155-0528

Proposed Amendments: 461-001-0000, 461-025-0311, 461-101-0010, 461-110-0630, 461-115-0071, 461-120-0210, 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0327, 461-130-0328, 461-130-0330, 461-130-0335, 461-135-0010, 461-135-0210, 461-135-0400, 461-135-0780, 461-135-1100, 461-135-1125, 461-135-1195, 461-135-1250, 461-150-0055, 461-155-0030, 461-155-0035, 461-155-0180, 461-155-0225, 461-155-0235, 461-155-0250, 461-155-0270, 461-155-0300, 461-155-0320, 461-155-0688, 461-155-0693, 461-160-0410, 461-160-0430, 461-160-0580, 461-160-0620, 461-160-0700, 461-170-0011, 461-175-0010, 461-175-0200, 461-175-0250, 461-193-0560

Proposed Repeals: 461-025-0311(T), 461-101-0010(T), 461-110-0630(T), 461-115-0071(T), 461-130-0320, 461-130-0323, 461-130-0325, 461-135-0210(T), 461-135-0400(T), 461-135-1100(T), 461-135-1125(T), 461-135-1250(T), 461-150-0055(T), 461-155-0030(T), 461-155-0035(T), 461-155-0180(T), 461-155-0225(T), 461-155-0320(T), 461-155-0528(T), 461-155-0688(T), 461-155-0693(T), 461-160-0530, 461-160-0700(T), 461-175-0010(T), 461-175-0200(T), 461-175-0250(T), 461-193-0560(T)

Last Date for Comment: 11-24-10, 5 p.m.

Summary: OAR 461-001-0000 which defines certain terms used in the eligibility rules for numerous programs is being amended to indicate that State Plan Personal Care (SPPC) situations, in the context of community based care, are not considered nonstandard living arrangements. This rule is also being amended to define certain terms as part of the implementation of Express Lane Eligibility (ELE).

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 when 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. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

OAR 461-101-0010 about the acronyms the Department uses in the chapter 461 rules is being amended in response to House Bill 2116 (2009 Or. Laws ch. 867) to revise the acronym for Oregon Health Plan Persons Under 19 (OHP-CHP). This rule is being further amended to remove outdated program acronyms. This rule also is being amended to make permanent the temporary changes of August 16, 2010.

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 Kids Connect (HKC) or Oregon Health Plan (OHP) program also may be formed under Express Lane Eligibility (ELE) provisions in OAR 461-150-0055. This rule also is being amended to make permanent the temporary rule changes of August 16, 2010.

OAR 461-115-0071 about who must sign an application and complete the application process for the Department's programs administered under chapter 461 of the Oregon administrative rules is being amended to allow an application to be signed and the application process completed by a single individual in a household in the Healthy KidsConnect (HKC), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), Refugee Assistance (REF), Refugee Assistance Medical (REFM), and Temporary Assistance to Needy Families (TANF) programs. This rule also is being amended to make permanent the temporary rule amendments made effective July 15, 2010.

OAR 461-120-0210 about when a client is required to provide or apply for a social security number to be eligible for Department programs is being amended to clarify that if an individual does not have a social security number (SSN), the individual must provide verification of the application for an SSN to be eligible. This rule also is being amended to state when a newborn child may be added to a Temporary Assistance for Needy Families (TANF) program benefit group without meeting the SSN requirements of this rule.

OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0320, 461-130-0323, 461-130-0325, 461-130-0327, 461-130-0328, 461-130-0330, and 461-130-0335 about the Department requirements for certain Post-Temporary Assistance for Needy Families (Post-TANF), Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) program clients to participate in Department employment programs are being changed to reflect current Department terminology, policy, and practices. These rules set the requirements and responsibilities

NOTICES OF PROPOSED RULEMAKING

around the Department administration of the employment programs, state which clients must participate in the employment programs, state the clients' responsibilities when required to participate in the employment programs, and state the penalties to clients for unexcused noncompliance with employment program participation requirements. OAR 461-130-0305 about general provisions for client participation in the employment programs of the Post-Temporary Assistance for Needy Families (Post-TANF), Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs also is being amended to revised its description of what these rules cover and definitions for key terms used in the division 130 of these rules. This rule also is being amended to state when a SNAP program client is registered for an employment program. OAR 461-130-0310 about how the Department assigns clients to one or more participation classifications in the Post-Temporary Assistance for Needy Families (Post-TANF), Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs also is being amended to state that the Department classifies all Post-TANF program clients who participate in an employment program as volunteers. This rule also is being amended to change the term child in the provisions concerning the Pre-TANF, REF, and TANF programs to the term dependent child. This rule also is being amended to restate which SNAP program clients the Department considers exempt from participating and which are mandatory to participate in the SNAP employment program. OAR 461-130-0315 about the requirements a mandatory client selected by the Department to participate in a Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) program employment must meet also is being amended to state what a client must do when offered employment, to maintain employment, and to complete employment-related activities. This rule also is being amended to state what information the client must report to the Department and how this information must be reported. OAR 461-130-0320 about the employment program participation requirements for a mandatory Supplemental Nutrition Assistance Program (SNAP) client is being repealed and its relevant provisions are being placed into OAR 461-130-0315 to streamline the Department's rules by placing all mandatory client participation requirements into OAR 461-130-0315. OAR 461-130-0323 about the participation requirements for State Family Pre-SSI/SSDI (SFPSS) program clients is being repealed and its relevant provisions are being placed into OAR 461-135-1195 to streamline the Department's rules and properly place the rule's relevant provisions. OAR 461-130-0325 about the employment program participation requirements for mandatory Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) program clients and exempt SNAP program clients is being repealed and its relevant provisions are being placed into OAR 461-130-0315 and 461-130-0330, as applicable, to streamline the Department's rules and properly place the rule's relevant provisions. OAR 461-130-0327 about the circumstances under which a client is excused for good cause for failure to comply with the requirements of an employment program also is being amended to restate the circumstances under which a client is excused for good cause, including the Department's failure to provide a reasonable accommodation when the failure to comply is caused by an aspect of the client's disability. This rule also is being amended to state when the Department may require documentation of a client's physical or mental impairment. OAR 461-130-0328 about the effect of a strike on a client's requirements to participate in an employment program also is being amended to state when a Refugee Assistance (REF) program filing group (the individuals from the household whose circumstances are considered in the eligibility determination process) is ineligible for program benefits due to a member being a striker. OAR 461-130-

0330 about the circumstances under which the Department may disqualify a Post-Temporary Assistance for Needy Families (Post-TANF), Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), or Temporary Assistance for Needy Families (TANF) program client from receiving program benefits also is being amended to state that a volunteer participant in an employment program may not be disqualified from program benefits. This rule also is being amended to state when a mandatory Pre-TANF, REF, or TANF client without good cause may be disqualified from program benefits. This rule also is being amended to state when a SNAP program client classified as exempt may be disqualified from program benefits. OAR 461-130-0335 about the circumstances under which the Department may remove the disqualification of a client in the Refugee (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs is being amended to restate when the Department removes the disqualification from program benefits for a client disqualified under OAR 461-130-0330 and the effect the removal has on the restoration of the client's benefits.

OAR 461-135-0010 about when a client is assumed eligible for benefits under certain medical programs is being amended to remove the requirement that a child meet the citizenship verification requirements under OAR 461-115-0705 to be assumed eligible for the Medical Coverage for Children in Substitute or Adoptive Care (SAC) program.

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 ended effective September 30, 2010. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

OAR 461-135-0400 about the specific eligibility requirements for child care payments and the Employment Related Day Care (ERDC) program is being amended as part of the implementation of budget cuts at the Department. The amended rule adds to the requirements for new applicants to this program with a requirement that new applicants must have received benefits in the Refugee Assistance (REF), State Family Pre-SSI/SSD (SFPSS), or Temporary Assistance to Needy Families (TANF) programs within at least one of the prior three months and clarifies who is considered a new applicant. This rule also is being amended to state that applicants denied eligibility for ERDC program benefits will be placed on a reservation list. This rule also is being amended to make permanent the temporary rule changes made effective October 1, 2010.

OAR 461-135-0780 about eligibility for Pickle Amendment clients in the Oregon Supplemental Income Program Medical (OSIPM) program, OAR 461-155-0250 about income and payment standards for OSIPM program, OAR 461-155-0270 about the payment standard for OSIPM program clients in nonstandard living arrangements, OAR 461-155-0300 about the shelter-in-kind standard for the Oregon Supplemental Income Program (OSIP), OSIPM, and Qualified Medicare Beneficiaries (QMB) programs, OAR 461-160-0580 about the excluded resource - community spouse provision in the OSIPM program except Oregon Supplemental Income Program Medical - Employed Persons with Disabilities (OSIPM-EPD), and OAR 461-160-0620 about the income deductions allowed in and the calculation of an Oregon Supplemental Income Program Medical (OSIPM) client's liability when the client is receiving long-term care or waived services are being amended to adjust these standards to reflect the annual federal cost of living adjustments which will be effective January 1, 2011.

OAR 461-135-1100 about the specific eligibility requirements for an individual to receive Oregon Health Plan (OHP) program benefits is being amended to remove the eligibility requirement that an

NOTICES OF PROPOSED RULEMAKING

OHP Adults (OHP-OPU) program client select a medical, dental, and mental health managed health care plan (MHCP) or primary care case manager (PCCM), unless exempted under other Department rules. In addition, this rule 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. Moreover, this rule is being amended to provide that in the OHP-CHP program a child no longer must select a managed care plan for medical or dental as an eligibility requirement. This rule also is being amended to make permanent the temporary changes made effective July 15, 2010, August 16, 2010, and August 25, 2010.

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 the Department responds to an individual requesting and being granted placement on the OHP Standard Reservation List. This rule is being amended to state that the Department must review applications received for eligibility under all medical assistance programs, and how new OHP-OPU applicants are managed. This rule also is being amended to make permanent the temporary rule changes made effective August 16, 2010 and October 1, 2010.

OAR 461-135-1195 about the specific requirements to be eligible for the State Family Pre-SSI/SSDI (SFPSS) program is being amended to add requirements previously in OAR 461-130-0323 that state the activities in which an SFPSS program client is required to or may participate, and to state the information which an SFPSS client must provide to the Department.

OAR 461-135-1197 about how the Department determines if a client in the State Family Pre-SSI/SSDI (SFPSS) program has good cause for failure to comply with a requirement of the SFPSS program is being adopted to state when an SFPSS program client has good cause for failure to comply with a requirement of the SFPSS program.

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 (reduced from \$100). This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

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 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. This rule also is being amended to make permanent the temporary changes made effective August 16, 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 standard (used to calculate cash benefits for a need group with an adult) that became effective on October 1, 2010. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 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 ended effective September 30, 2010. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

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. In addition, this rule is being amended to make permanent the temporary changes made effective August 16, 2010.

OAR 461-155-0225 about the income standards used in some medical programs is being amended to revise the income standard in the Oregon Health Plan and Healthy KidsConnect programs for gross income from a business entity assigned to a budget month (the calendar month from which information is used to determine a client's eligibility and benefit level). This rule also 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). In addition, this rule is being amended to make permanent the temporary changes made effective August 16, 2010.

OAR 461-155-0235 about the premium standards for the Oregon Health Plan Standard (OHP-OPU) is being amended to adjust these standards to reflect the annual federal poverty level adjustments as published by the federal government.

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 became effective on October 1, 2010. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

OAR 461-155-0528 about special need emergency assistance payments for clients in the Oregon Supplemental Income Program Medical (OSIPM) program is being adopted to provide special need emergency assistance payments to certain OSIPM program clients who experience unexpected costs, or loss of income or resources. This rule also is being adopted to make permanent the temporary changes to this rule effective October 13, 2010.

OAR 461-155-0688 about prescription drug co-pay coverage in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to restate which OSIPM program clients receiving Supplemental Security Income (SSI) payments are eligible for the co-pay coverage. This rule also is being amended to make permanent the temporary changes made effective October 1, 2010.

OAR 461-155-0693 about transportation services payments in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to restate which OSIPM program clients receiving Supplemental Security Income (SSI) payments are eligible for the payments. This rule also is being amended to make permanent the temporary changes made effective October 1, 2010.

OAR 461-160-0410 about the treatment of income and income deductions in the Supplemental Nutrition Assistance Program (SNAP) when a group includes ineligible or disqualified members is being amended to restate how the Department calculates SNAP program benefits when a qualified non-citizen is a member of the financial group (the individuals whose income and resources count in determining eligibility), does not meet alien status requirements, and is not in the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) and the filing group (the individuals whose circumstances are considered in the eligibility determination process) received a Temporary Assistance for Needy Families (TANF) program grant.

NOTICES OF PROPOSED RULEMAKING

OAR 461-160-0430 about deductions from countable income made to determine adjusted income for the Supplemental Nutrition Assistance Program (SNAP) is being amended to restate when an income deduction for dependent care costs is allowed.

OAR 461-160-0530 about calculating benefits for SSI-eligible clients living in the community in the OSIP (Oregon Supplemental Income Program) program is being repealed to make the rules consistent with the changes to the supplemental income payment (SIP) that were effective January 1, 2010.

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) is determining whether a child meets the income standard. In addition, this rule is being amended to make permanent the temporary changes made effective August 16, 2010.

OAR 461-170-0011 about which changes in circumstances that a client must report and how the client must report the changes is being amended to restate whose income a Supplemental Nutrition Assistance Program (SNAP) client assigned to the Simplified Reporting System (SRS) must report to the Department when that income exceeds the SNAP program countable income limit.

OAR 461-175-0010 about what information a decision notice (written notice of a decision by the Department regarding an individual's eligibility for benefits in a program) the Department sends to a client must include is being amended to revise the information that a notice sent due to a mass change to payments in a program operated by the Department must include. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

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. This rule also is being amended to make permanent the temporary changes made effective August 16, 2010.

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 payments in a program operated by the Department. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

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 became effective on October 1, 2010. This rule also is being amended to make permanent the temporary changes made to this rule effective August 16, 2010.

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

Written comments may be submitted until November 24, 2010 at 5:00 p.m. Written comments may be e-mailed 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: Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

Department of Human Services, Division of Medical Assistance Programs Chapter 410

Rule Caption: Annual Relative Value Unit update, copayments assessed for MCO enrollees and technical corrections.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.040, 409.050, 413.042 & OL 2009, Ch. 595, Sec. 10-23

Other Auth.: ORS 291.261; OL 2009, Ch. 901, OAR 943-001-0010 – 943-001-0015 & 407-043-0010

Stats. Implemented: ORS 414.025, 414.033, 414.065, 414.095, 414.705, 414.727, 414.728, 414.742 & 414.743

Proposed Amendments: 410-120-0030, 410-120-1195, 410-120-1200, 410-120-1230, 410-120-1280, 410-120-1295, 410-120-1340

Last Date for Comment: 11-19-10

Summary: The General Rules program administrative rules govern Division payment for services to clients. The Division will amend the following:

OAR 410-120-0030, Children's Health Insurance Program – The Division is amending this rule, effective July 1, 2010, to add an additional county (Lane County) to participate in the pilot project, subject to the Centers for Medicare and Medicaid Services (CMS) approval.

OAR 410-120-1195, SB 5548 population – This rule includes prescription drug coverage for a limited non Medicaid population. The rule references "Average Wholesale Price" which the Pharmacy program uses as a payment methodology for prescription drugs. This rule will be revised to reference the OAR the pharmacy program uses to describe the payment method.

OAR 410-120-1200, Excluded services – Technical correction to clarify that telephone calls are a non covered service, except as specified in program rules.

OAR 410-120-1230, Co-payment – To assess co-payments to those enrolled in an Managed Care Organization (MCO) to the same extent as fee-for service. This policy is being changed due to reductions put forth for the Governors mandatory 9% agency reductions.

OAR 410-120-1280, Billing – Technical correction to insert a sentence to subsection (D)(ii) that was intended for a prior rule filing.

OAR 410-120-1295, Non-Participating provider – Technical correction only. The rule references 1932(b) (2) of the Social Security Act however, this provision was never signed into law therefore the reference is being deleted. This revision does not change any provision of the rule.

OAR 410-120-1340, Payment – To reflect the annual update to the CMS Relative Value Units (RVU) for physician services, and to update the description of the method used to price physician administered drugs.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: January 2011 – client copayments; tobacco cessation; CAWEM Program.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050, 414.065 & 414.707

Stats. Implemented: ORS 414.065 & 414.707

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 410-123-1000, 410-123-1220, 410-123-1260, 410-123-1540

Proposed Repeals: 410-123-1085

Last Date for Comment: 11-19-10

Summary: The Dental Services Program administrative rules govern Division payment for services to certain clients. The Division needs to amend rules to reference client co-payments addressed in General Rules Program OAR 410-120-1230; to reference the updated "Covered and Non-Covered Services document"; to change language regarding billing for tobacco cessation, which coincides with 2011 Dental Care Organization contract language; to clarify language regarding the Citizen/Alien-Waived Emergency Medical (CAWEM) program and add clarification regarding the dental coverage for clients under the Children's Health Insurance Program (CHIP) Pilot Project prenatal coverage; and other minor clarifications.

The Division will repeal 410-123-1085 (Client co-payments) as these policies are covered in General Rules Program rule (OAR 410-120-1230).

The Division will amend rules to clarify current policies and procedures to ensure these rules are not open to interpretation by the provider or outside parties and to help eliminate confusion possibly resulting in non-compliance and help facilitate provider compliance with eligibility, service coverage and limitations, and billing requirements. Text will be revised to improve readability and take care of necessary housekeeping corrections.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: January 2011 – Hospital Acquired Conditions, present on admission indicator reporting.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050, 414.065, 409.010 & 414.025

Stats. Implemented: ORS 414.065

Proposed Adoptions: 410-125-xxxx

Proposed Amendments: 410-125-0047, 410-125-0080, 410-125-0085, 410-125-0140, 410-125-0360, 410-125-0410, 410-125-1020, 410-125-2000, 410-125-2020, 410-125-2030

Proposed Repeals: 410-125-0100

Last Date for Comment: 11-19-10

Summary: The Hospital Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will adopt a new rule to implement Hospitals acquired conditions and the present on admission indicator; and amend rules as follows:

410-125-0410 (15-day readmission): clarifies which claim will be paid if claims are combined;

410-125-0360: clarifies that inpatient claims are paid based on admission date;

410-125-1020: clarifies that inpatient rehabilitation facilities are not cost settled;

410-125-0047, 410-125-0080, 410-125-0085, 410-125-0140, 410-125-2000, 410-125-2020 and 410-125-2030: to reflect the Division's responsibility for prior authorization currently performed by contracted QIO.

The Division will repeal 410-125-0100 as the QIO service contract will be terminated.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: 2008–09 Legislated current rate methodology, federal requirements, and language clarification.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.040, 409.050, 409.110, 414.065 & SB 5529

Other Auth.: SB 5529 (2008–09 Legislative session), 2009 OL Ch. 732

Stats. Implemented: ORS 414.065 & SB 5529

Proposed Amendments: 410-127-0020, 410-127-0040, 410-127-0060, 410-127-0065, 410-127-0080

Last Date for Comment: 11-19-10

Summary: The Home Health Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend the rules listed above to incorporate the current home health rate methodology, implement federal requirements, clarify language and take care of non-substantive "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: January 2011 – update criteria for definitions, pharmacy, hearings, client materials and payment.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-141-0000, 410-141-0070, 410-141-0080, 410-141-0110, 410-141-0115, 410-141-0120, 410-141-0220, 410-141-0260, 410-141-0263, 410-141-0280, 410-141-0300, 410-141-0420

Last Date for Comment: 11-19-10

Summary: The Oregon Health Plan (OHP or Managed Care) Program administrative rules govern the Division of Medical Assistance Programs' (Division) payment for services to certain clients. The Division needs to amend rules listed above as follows:

410-141-0000 to update certain definitions;

410-141-0070 to update pharmacy criteria;

410-141-0080 to update disenrollment criteria;

410-141-0110 to remove PHP survey criteria;

410-141-0115 to remove PCM survey criteria;

410-141-0120 to take care of non-substantive "housekeeping" corrections;

410-141-0220 to update urgent care reference;

410-141-0260 and 410-141-0263 to update hearings criteria;

410-141-0280 and 410-141-0300 to update client materials criteria;

410-141-0420 to update third party liability resource criteria.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Federal and state requirements to incorporate the current federal requirements for concurrent care for children receiving hospice care services and language clarification.

Date: 11-16-10
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 137C
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.040, 409.050, 409.110 & 414.65

Other Auth.: Public Health Division, 443.860

Stats. Implemented: ORS 414.065

Proposed Adoptions: 410-142-0110

Proposed Amendments: 410-142-0020, 410-142-0100, 410-142-0200, 410-142-0225, 410-142-0240, 410-142-0280, 410-142-0300

Last Date for Comment: 11-19-10

Summary: The Hospice Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend the rules listed above to incorporate the current federal and state requirements for concurrent care for children receiving hospice services, clarify language and take care of non-substantive "housekeeping" corrections.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: January '11 – Update rule references and clarify Maternity Case Management reimbursement and Targeted Case Management services.

Date: 11-16-10
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 137C
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050 & 414.065

Other Auth.: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, Oregon Administrative Rule (OAR) 410 Division 120, and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. Section 1603 of Title 25. Viewed on the web. <http://www.gpoaccess.gov/uscode/index.html>

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-146-0021, 410-146-0085, 410-146-0086, 410-146-0120

Proposed Repeals: 410-146-0140

Last Date for Comment: 11-19-10

Summary: The American Indian/Alaska Native Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend rules listed above to update rule references, clarify maternity case management reimbursement and correct language related to case management services. As a continued effort to make administrative rules more efficient, the Division will delete rule 410-146-0140 as text is included in OARs 410-130-0190 (governing tobacco dependence) and 410-146-0085.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: January '11 – Update references and clarify Maternity Case Management reimbursement and Targeted Case Management services.

Date: 11-16-10
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 137C
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050 & 414.065

Other Auth.: 42 USC 1396a(bb), Title 42 CFR, Public Health

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-147-0120, 410-147-0140, 410-147-0200, 410-147-0320, 410-147-0480

Proposed Repeals: 410-147-0220, 410-147-0610

Last Date for Comment: 11-19-10

Summary: The Federally Qualified Health Centers and Rural Health Clinics Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend rules listed above to update rule references, clarify maternity case management reimbursement and correct language related to case management services. As a continued effort to make administrative rules more efficient, the Division will delete rule 410-147-0220 as text is included in OARs 410-130-0190 (governing tobacco dependence) and 410-147-0120.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: PDL Expansion, Ingredient Cost and Dispensing Fee Reimbursement Methodology Changes, PA Criteria Updates, and Clozapine Monitoring Reimbursement Elimination.

Date: 11-16-10
Time: 2:30 p.m.
Location: Human Services Bldg., Rm. 137C
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 413.042 & 414.065, 2009 OL Ch. 595, Sec. 10-23

Other Auth.: ORS 291.261, 2009 OL Ch. 901, OAR 943-001-0015 & 407-043-0010

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-121-0000, 410-121-0030, 410-121-0040, 410-121-0149, 410-121-0155, 410-121-0160

Proposed Repeals: 410-121-0190 & 410-121-0320

Last Date for Comment: 11-19-10

Summary: The Pharmaceutical Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend the administrative rules listed above to clarify current policies and procedures for pharmacy providers to ensure OARs are not open to interpretation by the provider or outside parties and to help eliminate confusion possibly resulting in non-compliance. The Division will amend as follows:

410-121-0000: Revised definition of "Actual Acquisition Cost" (AAC) and addition of definitions for Average Actual Acquisition Cost (AAAC), "Critical Access Pharmacy" and "Wholesale Acquisition Cost".

410-121-0030: Semi-annual update to current Preferred Drug List (PDL) classes and addition of 42 newly reviewed drug classes by the Health Resources Commission.

410-121-0040: Discontinuation of publication of Drugs requiring Prior Authorization (PA) in rule and future publication of all PA information in the Division's online PA Approval Criteria Guide. PA criteria changes related to Asthma Controllers-LABA/ICS Inhalers and Low Dose Quetiapine.

410-121-0149: Name update of Medicare's new Point of Sale (POS) enrollee verification contractor.

410-121-0155: Change in reimbursement methodology from discounted percentages off of Average Wholesale Price (AWP) to an

NOTICES OF PROPOSED RULEMAKING

Average Actual Acquisition Cost (AAAC) based reimbursement system and participatory requirements for Actual Acquisition Cost surveys as basis for reimbursement.

410-121-0160: Adoption of a tiered based dispensing fee structure based on annual claims volume of enrolled pharmacy providers in conjunction with proposed changes to 410-121-0155.

410-121-0190: REPEAL; Effective January 1, 2011 The Division will no longer reimburse pharmacies to send white blood cell counts to the manufacturer of Clozapine as required by the manufacturer as it requires no face-to-face time with patients or patient counseling. These manufacturer required reporting and documentation functions will be inclusive in the cost of dispensing Clozapine in its branded or generic forms.

410-121-0320: REPEAL; Rule will no longer be needed after implementation of new reimbursement methodology under 410-121-0155

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: Provider Enrollment and Chain and Ownership System (PECOS) requirement for ordering practitioner of DMEPOS.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.040, 409.010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-122-0020

Last Date for Comment: 11-19-10

Summary: The Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Services Program administrative rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will amend the rules listed above to mandate that all orders for DMEPOS to be obtained from a PECOS enrolled practitioner for clients who are eligible for Medicare and Medicaid (dual eligible clients) only. This amendment is necessary to bring the Division into compliance with Federal mandates surrounding delivery and provision of DMEPOS services and items to dual eligible clients.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: January 2011 benefit coverage elimination, language clarification, table and billing procedure updates.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.040, 409.050 & 414.065

Stats. Implemented: ORS 414.019, 414.025, 414.065 & 414.150

Proposed Amendments: 410-130-0180, 410-130-0200, 410-130-0255, 410-130-0580, 410-130-0585, 410-130-0587

Last Date for Comment: 11-19-10

Summary: The Medical-Surgical Services program administrative rules govern Division payment for services to certain clients. The Division needs to amend rules as follows:

410-130-0180-to remove language that addresses Division reimbursement for Clozapine supervision; the Division will no longer reimburse for Clozapine supervision;

410-130-0200-to add imaging codes that will need Prior Authorization;

410-130-0255-to clarify that the Division shall not reimburse providers for administration of privately purchased vaccines if those vaccines are available through the VFC program and clarify guidelines for immunization schedules;

410-130-0580-to clarify language that addresses sterilization consent form requirement;

410-130-0585-to clarify the name change for Family Planning Services and to clarify billing procedures;

410-130-0587-to clarify clinic billing procedures for Family Planning Services

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: Inclusion of transportation brokerages and necessary updates to comply with federal requirements.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-136-0030, 410-136-0040, 410-136-0045, 410-136-0050, 410-136-0060, 410-136-0070, 410-136-0080, 410-136-0140, 410-136-0160, 410-136-0180, 410-146-0200, 410-136-0220, 410-136-0240, 410-136-0300, 410-136-0320, 410-136-0340, 410-136-0350, 410-136-0440, 410-136-0800, 410-136-0820, 410-136-0840, 410-136-0860

Last Date for Comment: 11-19-10

Summary: The Medical Transportation Services Program rules govern the Division of Medical Assistance Programs' (Division) payments for services provided to certain clients. The Division will revise rules to include transportation brokerages and make non-substantial clarification revisions. Also, rule updates are required pursuant to federal requirements as conditions of acceptance of Federal 1915(b) waiver for non-emergent medical transportation.

Other text may be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: TCM Asthma healthy Homes Program; consolidate similar rules; remove procedural information and processes; define certain acronyms.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-138-0000, 410-138-0005, 410-138-0007, 410-138-0009, 410-138-0040, 410-138-0060, 410-138-0080, 410-138-0390, 410-138-0420

Proposed Repeals: 410-138-0300, 410-138-0360, 410-138-0380, 410-138-0400, 410-138-0440, 410-138-0460, 410-138-0500, 410-138-0540, 410-138-0560, 410-138-0600, 410-138-0640, 410-138-

NOTICES OF PROPOSED RULEMAKING

0660, 410-138-0680, 410-138-0700, 410-138-0710, 410-138-0740, 410-138-0760, 410-138-0780

Last Date for Comment: 11-19-10

Summary: The Targeted Case Management (TCM) Services Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services to certain targeted client groups. Per Center for Medicare and Medicaid Services (CMS) approval to adopt the TCM Asthma Healthy Homes Program (SPA 10-2), the Division will modify text in the rules listed above to include this program, consolidate rules with similar language, remove procedural information and processes and define certain acronyms.

Other text will be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: October 2010 Technical changes to the January 1, 2009-December 31, 2010 Health Services Commission's Prioritized List of Health Services.

Stat. Auth.: ORS 192.527, 192.528, 409.050 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 & 414.727

Proposed Amendments: 410-141-0520

Proposed Repeals: 410-141-0520(T)

Last Date for Comment: 11-21-10

Summary: The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. Having temporarily amended 410-141-0520, the Division will permanently amend the rule to reference the January 1, 2009-December 31, 2011 Health Services Commission's Prioritized List with interim modifications and technical changes effective October 1, 2010, this included application of 2009 national code to the HSC lines and HSC guideline refinements.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Rule Caption: January 1, 2011-December 31, 2013 Oregon Health Services Commission's Prioritized List of Health Services.

Stat. Auth.: ORS 192.527, 192.528, 409.050 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 & 414.727

Proposed Amendments: 410-141-0520

Last Date for Comment: 11-21-10

Summary: The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. The Division will amend 410-141-0520 to reference the CMS approved biennial January 1, 2011-December 31, 2013 Health Services Commission's Prioritized List.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Updating rules for Medical Marijuana pertaining to application documentation.

Date:
12-3-10

Time:
11 a.m.

Location:
Portland State Office Bldg.,
Conference Room 1E
800 NE Oregon St.
Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 475.309, 475.312 & 475.338

Stats. Implemented: ORS 475.300-475.346

Proposed Adoptions: 333-008-0045

Proposed Amendments: 333-008-0020, 333-008-0040

Proposed Repeals: 333-008-0020(T)

Last Date for Comment: 12-9-10, 5 p.m.

Summary: The Department of Human Services, Public Health Division, Oregon Medical Marijuana Program is proposing to amend administrative rules in chapter 333, division 8 to clarify existing rule and add guidance in order to clarify the procedures regarding acceptable documentation accompanying an application for the registry so that applicant processing time improves. Also, to distinguish Interim Changes from Annual Renewal as these require different processes.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Changes to hospital and ambulatory surgical center rules in response to passage of SB 158

Date:
11-19-10

Time:
10 a.m.

Location:
800 NE Oregon St., Suite 1D
Portland, OR 97232

Hearing Officer: Brittany Sande

Stat. Auth.: ORS 409.050, 441.025, 441.057, 441.062, 441.086 & 441.170

Stats. Implemented: ORS 433.411, 441.015, 441.020, 441.021, 441.022, 441.025, 441.027, 441.030, 441.037, 441.055, 441.057, 441.060, 441.062, 441.064, 441.086, 441.098, 441.160-441.192, 441.990, 442.015 & 678.362

Proposed Adoptions: 333-076-0250, 333-076-0255, 333-076-0260, 333-076-0265, 333-076-0270, 333-500-0031, 333-501-0060

Proposed Amendments: 333-076-0101, 333-076-0106, 333-076-0108, 333-076-0109, 333-076-0111, 333-076-0114, 333-076-0115, 333-076-0125, 333-076-0130, 333-076-0135, 333-076-0140, 333-076-0145, 333-076-0155, 333-076-0160, 333-076-0165, 333-076-0170, 333-076-0175, 333-076-0180, 333-076-0190, 333-500-0005, 333-500-0010, 333-500-0020, 333-500-0025, 333-500-0030, 333-500-0034, 333-500-0040, 333-500-0065, 333-501-0010, 333-501-0015, 333-501-0035, 333-501-0040, 333-501-0045, 333-501-0055, 333-505-0005, 333-505-0020, 333-505-0030, 333-505-0033, 333-505-0050

Last Date for Comment: 11-19-10, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to adopt and amend Oregon Administrative Rules relating to hospitals and ambulatory surgical centers (ASCs) in response to the passage of SB 158 during the 2009 legislative session. These rules address new fees, classification of ASCs, inspections, complaint investigations, disclosure and consent provisions, care of patients, and quality assessment and performance improvement.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

Rule Caption: Ambulance Vehicle Licensing and Emergency Medical Technicians and First Responders.

Date:
12-6-10

Time:
1 p.m.

Location:
800 NE Oregon St., Rm. 1D
Portland, OR 97232

Hearing Officer: Jana Fussell

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 682.017 & 682.216

Stats. Implemented: ORS 682.017-682.117, 682.216 & 682.991

Proposed Amendments: 333-255-0070, 333-255-0071, 333-255-0072, 333-255-0073, 333-265-0050, 333-265-0090, 333-265-0105, 333-265-0110

Proposed Repeals: 333-255-0070(T), 333-265-0090(T), 333-265-0105(T)

Last Date for Comment: 12-8-10, 5 p.m.

Summary: The Department of Human Services, Public Health Division is proposing to amend Oregon Administrative Rules chapter 333, division 265, to streamline and clarify rules, address requirements for training, and correct errors that were unintentionally made in the last permanent rule change. The Department of Human Services, Public Health Division is also proposing to amend Oregon Administrative Rules chapter 333, division 255 to clarify the minimum staffing requirements that must be met to operate an ambulance.

Rules Coordinator: Brittany Sande

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-1291

.....

Department of Human Services, Seniors and People with Disabilities Division Chapter 411

Rule Caption: Homecare Workers Enrolled in the Client-Employed Provider Program.

Date:	Time:	Location:
11-16-10	2:30 p.m.	Human Services Bldg. 500 Summer St. NE Rooms 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070, & 410.090

Other Auth.: ORS 443.004 & HB 2442 (2009) – 2009 OL Ch. 837
Stats. Implemented: ORS 410.010, 410.020, 410.070, 410.612, & 410.614

Proposed Amendments: 411-031-0020, 411-031-0040

Proposed Repeals: 411-031-0020(T), 411-031-0040(T)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is proposing to permanently amend OAR 411-031-0020 and OAR 411-031-0040 to implement ORS 443.004 (House Bill 2442) by disallowing initial or continued enrollment as a homecare worker in the Client-Employed Provider Program if an individual enrolled after July 28, 2009 has been convicted of a disqualifying crime under OAR 407-007-0275.

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Seniors and People with Disabilities Division, 500 Summer St. NE, E-10, Salem, OR 97301

Telephone: (503) 945-6398

.....

Rule Caption: Adult Foster Homes.

Date:	Time:	Location:
12-20-10	10 a.m.	Human Services Bldg. 500 Summer St. NE Rooms 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 181.537, 410.070, 443.004, 443.735 & 443.775

Stats. Implemented: ORS 181.537, 443.004 & 443.705-443.825

Proposed Amendments: 411-050-0412

Proposed Repeals: 411-050-0499

Last Date for Comment: 12-22-10, 5 p.m.

Summary: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is proposing to update two rules relating to adult foster homes:

- OAR 411-050-0412 (Criminal Records Check) to provide clarification; and

- OAR 411-050-0499 (Clackamas County-Issued Adult Foster Home License, Transition to State Licensing) as the rule will no longer be effective after December 31, 2010.

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Seniors and People with Disabilities Division, 500 Summer St. NE, E-10, Salem, OR 97301
Telephone: (503) 945-6398

.....

Rule Caption: Adult Foster Homes for Individuals with Developmental Disabilities – CPR and First Aid Certification.

Date:	Time:	Location:
12-21-10	3 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 137A Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 443.705-443.825

Proposed Amendments: 411-360-0070

Last Date for Comment: 12-23-10, 5 p.m.

Summary: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is proposing to permanently amend 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 (AFH-DD).

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Seniors and People with Disabilities Division, 500 Summer St. NE, E-10, Salem, OR 97301
Telephone: (503) 945-6398

.....

Department of Justice Chapter 137

Rule Caption: Modify rules to align with ORS 147.227 and convert CFAA funds issued by DOJ/Crime Victims' Services Division to a grant application clarifying fiscal responsibilities.

Date:	Time:	Location:
11-17-10	2-3 p.m.	4035 12th St. SE Salem, OR 97302

Hearing Officer: Karen Heywood

Stat. Auth.: ORS 147.227

Stats. Implemented: ORS 147.227

Proposed Adoptions: 137-078-0041, 137-078-0051

Proposed Amendments: 137-078-0000, 137-078-0005, 137-078-0010, 137-078-0015, 137-078-0020, 137-078-0025, 137-078-0030, 137-078-0035, 137-078-0040, 137-078-0045, 137-078-0050

Last Date for Comment: 11-17-10, 5 p.m.

Summary: • To incorporate changes made to ORS 147.227 in the 2009-2011 legislative session.

- Modify process by which the Department of Justice administers funding to District Attorney (DA) offices from the formalized grant application and reporting system to align with the issuance of funding by the Department of Justice, Crime Victims' Services Division.

- To clarify fiscal responsibilities of fund recipients for better expenditure accountability.

- To clarify use of funds not expended in the fiscal year issued.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

.....

Rule Caption: Calculating and modifying child support orders.

Stat. Auth.: ORS 25.270-25.290, 180.345 & 416.455

Stats. Implemented: ORS 25.080, 25.270-25.290, 25.321-25.343, 107.108, 107.135 & 416.425

Proposed Amendments: 137-050-0700, 137-055-3430

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

Summary: 137-050-0700 is being amended to clarify how support should be calculated when some minor children or one minor child

NOTICES OF PROPOSED RULEMAKING

of the parties reside with a parent, and another minor child or children are not with either parent.

137-055-3430 is being amended to clarify criteria for modifying child support orders. Additionally, the rule is being amended to clarify when the Child Support Program will process a modification request without regard as to whether the new calculation is in "substantial compliance" (\$50 or 15%, whichever is less) with the child support guidelines.

Rules Coordinator: Vicki Tungate
Address: 494 State Street, Suite 300, Salem, OR 97301
Telephone: (503) 986-6086

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

Rule Caption: Create new provisions for carbon monoxide alarms and detectors as directed by House Bill 3540, 2009 Legislative Assembly.

Date:	Time:	Location:
11-24-10	9 a.m.	4760 Portland Rd. NE Salem, OR 97305

Hearing Officer: Donna Disch

Stat. Auth.: ORS 476.725

Other Auth.: HB 3540, 2009 Legislative Assembly

Stats. Implemented: ORS 476.725

Proposed Adoptions: 837-047-0100, 837-047-0110, 837-047-0120, 837-047-0130, 837-047-0140, 837-047-0150, 837-047-0160, 837-047-0170

Last Date for Comment: 11-24-10, 5 p.m.

Summary: The purpose of these rules is to establish minimum standards for the design, inspection, testing, placement and location and maintenance of carbon monoxide alarms and detectors in one and two family dwellings, manufactured dwellings, and multifamily housing in existing structures prior to conveyance of fee title or transfer possession under land sales contract and rental property agreement.

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

Rule Caption: Bring NFPA Standard year of edition references and OSSC year of edition references up to date and make general grammatical corrections.

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Proposed Amendments: 837-041-0050

Last Date for Comment: 11-21-10

Summary: Updates references to NFPA Standard No. 13 and No. 72 from 2002 Edition to 2007 Edition. Updates reference to Oregon Structural Specialty Code from 2007 Edition to 2010 Edition. Makes grammatical corrections relating to usage of "shall", "must", "may" and clarifies language as per state guidelines.

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 Revenue Chapter 150

Rule Caption: Local Option Ballot Measure Language.

Date:	Time:	Location:
11-22-10	10 a.m.*	955 Center St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 280.075 & 280.070

Proposed Amendments: 150-280.075

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to present testimony the hearing will adjourn at 10:15.

150-280.075 conforms the rule to legislative changes enacted by HB 3237 (2009). The rule describes the language that is to appear on a local option ballot measure.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Repeal of obsolete rule relating to appeals before 1997-98.

Date:	Time:	Location:
11-22-10	10 a.m.*	955 Center St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.160

Proposed Repeals: 150-311.160

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to present testimony the hearing will adjourn at 10:15.

150-311.160 refers to a statute that applies to appeals from years before 1997-1998, of which there are none. The rule is obsolete.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Revising a County's Estimates of Expenditures for Assessment and Taxation.

Date:	Time:	Location:
11-22-10	10 a.m.*	955 Center St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 294.175

Proposed Amendments: 150-294.175(2)-(B)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to offer testimony the hearing will adjourn at 10:15.

150-294.175(2)-(B) is amended to describe the process counties may use if, due to budget constraints, they wish to decrease an estimate of expenditures after May 1.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Federal Communication Commission Licenses Removal from the Correlated System Value of Centrally Assessed Property.

Date:	Time:	Location:
11-22-10	10 a.m.*	955 Center St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.126

Proposed Adoptions: 150-307.126

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

150-307.126 describes how the value of an FCC license is determined in order to remove that value from the total system value of a communication company.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Updating reference to federal law and regulation in rule related to electronic funds transfer.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 293.525, 314.518 & 316.198

Proposed Amendments: 150-293.525(1)(b)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

150-293.525(1)(b) is amended to delete an outdated reference to Treasury Regulation 31.6302-1. The rule currently provides the reference is to the regulation as in effect on December 31, 2004. However, the legislature has updated Oregon's connection to federal tax laws to those in effect on December 31, 2009.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Definition of petroleum products for purposes of imposing the petroleum load fee.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 465.101

Proposed Adoptions: 150-465.101(5)-(B)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

150-465.101(5)-(B) clarifies that petroleum products subject to the petroleum load fee includes blended petroleum products containing biodiesel or biofuel.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Calculating substantial understatement of income on part-year or nonresident tax return; allowed withholding.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.402

Proposed Amendments: 150-314.402(1)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

150-314.402(1) is amended to clarify how the penalty provided under ORS 314.402 is determined for nonresident and part-year filers. In addition, the rule provides that if income is unreported and there is withholding tax associated with the income, the withholding is taken into account in determining the underpayment of tax.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Repeal of obsolete rule following repeal of statute.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.760

Proposed Repeals: 150-314.760

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

The rule is no longer needed following repeal of the corresponding statute.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Clarification of calculations for required installments of estimated tax for individuals.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.587

Proposed Amendments: 150-316.587(8)-(A)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

The current rule describes the methods individual taxpayers may use to calculate required payments of estimated tax. The proposed amendment clarifies how the installments are determined; updates examples and more clearly explains how annualizing can be used to determine required installments.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Definition of "moist snuff" for purposes of other tobacco products tax.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 323.500

Proposed Amendments: 150-323.500(9)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

150-323.500(9) is amended to clarify the types of products included in the definition of "moist snuff" for purposes of the "other tobacco products" tax.

Rules Coordinator: Debra L. Buchanan

Address: 955 Center St NE Salem OR 97301-2555

Telephone: (503) 945-8653

Rule Caption: Qualifying for deduction for severance pay reinvested in a small business.

Date: 11-22-10
Time: 10 a.m.*
Location: 955 Center St. NE
Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Other Auth.: OL 2010, Ch. 66 (HB 3627)

Stats. Implemented: OL 2010, Ch. 66 (HB 3627)

Proposed Adoptions: 150-316.ORLAWS2010.CH66

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

The 2010 legislature adopted HB 3627, which allows taxpayers to deduct severance pay that is reinvested in a qualified small business. The proposed rule provides additional guidance on terms in the statute, such as "material participation" and "severance pay" and procedures for claiming the subtraction on the individual income tax return.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Debra L. Buchanan
Address: 955 Center St NE Salem OR 97301-2555
Telephone: (503) 945-8653

.....

Rule Caption: Repeal of temporary rule due to adoption of permanent rule.

Date:	Time:	Location:
11-22-10	10 a.m.*	955 Center St. NE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100 & 465.121

Stats. Implemented: ORS 465.101

Proposed Repeals: 150-465.101(5)-(B)

Last Date for Comment: 11-22-10, 5 p.m.

Summary: *Sign in beginning at 9:45. If no person appears to testify the hearing will adjourn at 10:15.

This temporary rule is scheduled to expire 2/14/2011. The department is proposing a permanent rule that, if adopted, would take effect January 1, 2011. The temporary rule is proposed for repeal if the permanent rule is adopted.

Rules Coordinator: Debra L. Buchanan
Address: 955 Center St NE Salem OR 97301-2555
Telephone: (503) 945-8653

.....

Department of State Lands Chapter 141

Rule Caption: Clarify, streamline and simplify claim requirements and allow the Department to expedite straightforward claims.

Date:	Time:	Location:
11-17-10	10-11 a.m.	State Lands Headquarters Land Board Rm. 775 Summer St. NE Salem, OR

Hearing Officer: Patrick Tate

Stat. Auth.: ORS 98.302-98.436 & 273.045

Stats. Implemented: ORS 98

Proposed Amendments: 141-040-0005 – 141-040-0220

Last Date for Comment: 12-3-10, 5 p.m.

Summary: The revised rules will allow the Dept. of State Lands (DSL) to maximize the effectiveness of new technologies to identify simple claims where the claimant is the owner and lives at the same address or has matching data to the property reported.

Business and state and local governments seeking unclaimed property will have a streamlined process to recover their funds based on an indemnification and return agreement if a superior claim is filed.

The values are increased where claimants would be required to complete an affidavits or probate an estate to finalize a claim.

DSL refers some claims to several agencies that retain those funds and process any claims. We want to clarify that our claim rules apply only to property held by DSL.

Rules Coordinator: Elizabeth Bolden
Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301
Telephone: (503) 986-5239

.....

Department of Transportation Chapter 731

Rule Caption: Application process for economic development projects unable to meet TPR requirements related to state highways.

Date:	Time:	Location:
11-17-10	10 a.m.	3930 Fairview Ind. Dr. SE Salem, OR 97302

Hearing Officer: Staff

Stat. Auth.: ORS 184.616, 184.619 & 367.850

Stats. Implemented: ORS 367.850

Proposed Adoptions: 731-017-0005, 731-017-0010, 731-017-0015, 731-017-0020, 731-017-0025, 731-017-0030, 731-017-0035, 731-017-0040, 731-017-0045, 731-017-0050, 731-017-0055

Last Date for Comment: 11-22-10

Summary: ODOT is adopting these rules to carry out the state policy established in ORS 367.850. This statute requires the Oregon Transportation Commission to adopt rules to facilitate projects that support local economic development and job creation but cannot meet the funding or timing requirements of the Land Conservation and Development Commission's Transportation Planning Rule (TPR) related to state highways. This rule is not intended to supersede any requirements of the TPR; rather, it is intended to encourage innovation and flexibility in the application of traffic performance measures, timing and funding requirements adopted pursuant to the TPR associated with amendments to comprehensive plans and land use regulations, including zone changes.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....

Rule Caption: Multimodal Transportation Fund Program.

Stat. Auth.: ORS 184.616, 184.619 & 367.082

Stats. Implemented: ORS 367.080-367.086

Proposed Amendments: 731-035-0070

Last Date for Comment: 11-22-10

Summary: Currently, the rules do not address how earnings on the lottery bond proceeds will be used. This rule will dedicate those earnings to passenger rail to provide funds for passenger rail projects and enable Oregon to compete for substantial federal capital funding available to states with matching funds for passenger rail programs.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....

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

Rule Caption: Implied Consent Hearings.

Date:	Time:	Location:
11-16-10	1:30 p.m.	DMV Headquarters 1905 Lana Ave., Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Proposed Adoptions: 735-090-0042

Proposed Amendments: 735-090-0000, 735-090-0020, 735-090-0101

Last Date for Comment: 11-22-10

Summary: A contested case hearing regarding a driver license suspension under the implied consent laws currently is conducted in person unless both parties agree to a telephone hearing. However, Chapter 37, Oregon Laws 2010 (HB 3601) amends ORS 813.410 such that the hearings are to be held by telephone or other two-way electronic device unless either the person or the police officer requests that the hearing be held in person. The law requires that DMV establish by rule the manner and time limitation requirements by which a person or a police officer may request that a hearing be conducted in person. Therefore, DMV proposes to amend and adopt rules in OAR Chapter 735 Division 90 to include:

- A definition for an in-person hearing;

NOTICES OF PROPOSED RULEMAKING

- Additional “other just cause” reasons for a hearing to be outside of the timeline required in statute;
- Information on how and when a petitioner may request an in-person hearing;
- A new rule establishing how and when a police officer may request an in-person hearing; and
- A clearer description of the location for holding an in-person hearing and a telephone hearing.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....

Rule Caption: Specifies Procedures and Requirement for the Collection and Transfer of County and District Registration Fees.

Stat. Auth.: ORS 184.616, 184.619, 190.110, 801.040, 801.041, 801.042, 802.010, 802.110, 803.420 & 803.445

Stats. Implemented: ORS 801.040, 801.041, 801.042, 802.110, 803.420 & 803.445

Proposed Adoptions: 735-032-0065

Proposed Repeals: 735-032-0065(T)

Last Date for Comment: 11-22-10

Summary: This rulemaking is needed to implement legislation enacted by the 2009 Legislative Assembly. In pertinent part, ORS 801.040, 801.041, 801.042, 802.110, and 803.445 authorize Oregon counties and districts to impose vehicle registration fees that are in addition to state vehicle registration fees. ORS 803.445 requires DMV to implement these statutes by administrative rule. A county or district that chooses to impose its own vehicle registration fees must adopt an ordinance establishing the fees, and enter into an inter-governmental agreement with DMV. DMV is required to collect vehicle registration fees on behalf of any county or district that has established registration fees, and to transfer collected fee amounts to the county or district after deducting DMV’s expenses for the collection, transfer and administration of the fees.

Chapter 865, Oregon Laws 2009, which became effective September 28, 2009, amended ORS 801.041 to authorize Oregon counties with a population of 350,000 or more to impose county vehicle registration fees to fund the construction of a bridge that crosses the Willamette River in the City of Portland. For this purpose, Multnomah County adopted Multnomah County Ordinance MCC §§ 11.250-11.256 to impose Multnomah County vehicle registration fees on certain vehicles within Multnomah County, pursuant to amended ORS 801.041. The ordinance became effective September 1, 2010.

DMV filed a temporary rule because there was not sufficient time to complete the permanent rulemaking process to coincide with the effective date of the Multnomah County ordinance, and to begin collection of the county registration fees as required by ORS 801.041, 802.110 and 803.445. DMV now proposes the permanent adoption of OAR 735-032-0065.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....

Rule Caption: Waives Customized Plate Fee for the *Congressional Medal of Honor* Registration Plate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205, 805.220 & 2010 OL Ch. 61

Stats. Implemented: ORS 803.420, 803.530, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242, 805.250 & 2010 OL Ch. 61

Proposed Amendments: 735-046-0050

Last Date for Comment: 11-22-10

Summary: This rulemaking implements legislation enacted by the 2010 Special Legislative Assembly:

DMV issues a special license plate honoring individuals awarded the Congressional Medal of Honor—the *Congressional Medal of Honor* registration plate. Because the plate is a customized registration plate, an applicant must pay a customized plate fee, in addition to all other fees required for registration plates. The current fee for a pair of customized registration plates is an annual fee of \$50. At the time of initial registration or renewal of registration, DMV collects \$100 for a two-year registration period or \$200 for a four year registration period. The fee for a duplicate or replacement customized registration plate is \$5.00 at the time of registration renewal or \$10 at any other time.

Chapter 61, Oregon Laws 2010, amended ORS 805.103, in part, to authorize DMV to waive the customized registration plate fees established under ORS 805.250 for qualified applicants for the *Congressional Medal of Honor* registration plate. The legislative measure was introduced at the request of the Senate Interim Committee on Veterans’ Affairs.

DMV is proposing to amend OAR 735-046-0050 to waive the annual customized registration plate fee for the *Congressional Medal of Honor* registration plate. DMV is not waiving the duplicate or replacement customized registration plate fee.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....

Rule Caption: Increases Fee Amounts Vehicle Dealers may Charge Customers to Process Title and Registration Documents.

Stat. Auth.: ORS 184.616, 814.619, 802.010, 822.009, 822.035, 822.043 & 822.045

Stats. Implemented: ORS 822.009, 822.030, 822.035, 822.043 & 822.045

Proposed Amendments: 735-150-0055

Last Date for Comment: 11-22-10

Summary: ORS 822.043 authorizes DMV to adopt rules to limit the (service) fee amounts that a licensed vehicle dealer may charge to prepare title and registration documents on behalf of a buyer or lessee (vehicle consumer). Pursuant to the statute, the (minimum) limit on service fees may not be less than:

(a) \$75 if the dealer prepares title and registration documents and uses an integrator; or

(b) \$50 if the dealer prepares hardcopy title and registration documents and does not use an integrator. An integrator is a third party independent contractor that facilitates the electronic submission of title and registration paperwork between a dealer and DMV.

Under OAR 735-150-0055, the (maximum) service fees may not exceed \$75, if the dealer prepares title and registration information using an integrator, or exceed \$50 if the dealer prepares title and registration documents in hardcopy form and does not use an integrator. So the *maximum* fee amounts limited by OAR 735-150-0055, are the same as the *minimum* fee amounts established under ORS 822.043.

Those fee amounts have not changed since 2005. Since that time, inflation has increased the costs to dealers to prepare title and registration documents. In response, DMV proposes a \$25 increase in the service fee amounts.

The proposed amendment of OAR 735-150-0055 increases each service fee amount by \$25. The amendment increases the maximum service fee amounts from \$75 to \$100, if the dealer prepares title and registration documents and uses an integrator and from \$50 to \$75, if the dealer prepares hardcopy title and registration documents and does not use an integrator. The proposed fee increase was reviewed by the Oregon Dealer Advisory Committee.

NOTICES OF PROPOSED RULEMAKING

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

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

Rule Caption: Makes permanent the temporary rules that implemented Senate Bill 1024 amendments to ORS 374.310.

Date:	Time:	Location:
11-16-10	1:30 p.m.	ODOT Technical Leadership Center 4040 Fairview Ind. Dr. SE Salem, OR 97302

Hearing Officer: Staff

Stat. Auth.: ORS 184.616, 184.619 & 374.310

Stats. Implemented: ORS 374.305–374.350 & 374.990

Proposed Amendments: 734-051-0010 – 734-051-0560

Last Date for Comment: 11-22-10

Summary: The 2010 special session of the legislature made statutory changes to ORS 374.310 which were signed into law by the governor in March 2010. Temporary rules were approved by the Oregon Transportation Commission on July 21, 2010 to bring OAR 734-051 into compliance with the changes in ORS 374.310. The temporary rules also corrected and updated citations and references contained in the then existing access management rules. The temporary rules expire on January 21, 2011. This rulemaking process is intended to make permanent the temporary rules currently in effect.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....
**Department of Transportation,
Rail Division
Chapter 741**

Rule Caption: Blockage of Public Grade Crossings.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 & 824.220

Stats. Implemented: ORS 824.222

Proposed Repeals: 741-125-0010

Last Date for Comment: 11-22-10

Summary: This rule is no longer needed; the Court of Appeals concluded in *Burlington Northern and Santa Fe Railway v. Oregon Department of Transportation*, 227 Or App 468 (2009) that Congress has preempted the State of Oregon's authority to regulate the length of time railroad equipment may block a railroad-highway grade crossing.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Rail Division, 3930 Fairview Ind. Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

.....
**Employment Department
Chapter 471**

Rule Caption: Clarifies requirements regarding ownership of equipment.

Date:	Time:	Location:
11-22-10	2 p.m.	875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Amendments: 471-031-0200

Last Date for Comment: 12-1-10

Summary: Clarifies the phrase used in ORS 657.047(1)(b), "their equipment". This rule will clarify the distinction between bona fide lease operators who own their own trucks, from those who have no ownership or right to possession of the equipment that extends beyond the business relationship.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....
Rule Caption: Adds employer tax information to department confidentiality rules.

Date:	Time:	Location:
11-22-10	2 p.m.	875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Adoptions: 471-010-0111

Last Date for Comment: 12-1-10

Summary: Adds a section to the department's confidentiality rules to cover disclosure of employer tax information.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....
Rule Caption: Notification date requirement for employer tax rate calculation – successor companies.

Date:	Time:	Location:
11-22-10	2 p.m.	875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Amendments: 471-031-0140

Last Date for Comment: 12-1-10

Summary: Streamlines tax rate calculation to use a single tax year for 100% successor companies. This replaces the rule requiring successor firms to recalculate the rate in the year of the transfer, which creates additional administrative burden.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....
Rule Caption: Notification date requirement for employer tax rate calculation – partial successor companies.

Date:	Time:	Location:
11-22-10	2 p.m.	875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Amendments: 471-031-0141

Last Date for Comment: 12-1-10

Summary: Streamlines tax rate calculation to use a single tax year for partial successor companies. This replaces the rule requiring successor firms to recalculate the rate in the year of the transfer, which creates additional administrative burden.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Repeal subjectivity provision for Limited Liability Companies and Partnerships.

Date: 11-22-10 **Time:** 2 p.m. **Location:** 875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Repeals: 471-031-0225

Last Date for Comment: 12-1-10

Summary: Repeals subjectivity provisions for Limited Liability Company members and Limited Liability Partnership partners.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....

Rule Caption: Repeals provisions of musicians' exclusion.

Date: 11-22-10 **Time:** 2 p.m. **Location:** 875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.610

Stats. Implemented:

Proposed Repeals: 471-031-0230

Last Date for Comment: 12-1-10

Summary: The statute granting an exclusion of musicians operating under a contract was repealed in the 2009 Legislative Session. To be consistent we are repealing the accompanying rule.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....

Rule Caption: Defines "adequate consideration" for volunteers.

Date: 11-22-10 **Time:** 2 p.m. **Location:** 875 Union St. NE, Auditorium Salem, OR 97311

Hearing Officer: Courtney Brooks

Stat. Auth.: ORS 657.010

Stats. Implemented:

Proposed Adoptions: 471-031-0235

Last Date for Comment: 12-1-10

Summary: For the purposes of ORS 657.010, following discussion in the 2009 Legislative Session, defines what constitutes adequate consideration for volunteers.

Rules Coordinator: Courtney Brooks

Address: Employment Department, 875 Union St. NE, Salem, OR 97311

Telephone: (503) 947-1724

.....

Land Conservation and Development Department Chapter 660

Rule Caption: Minor and technical amendments to conform to law, clarify wording and correct references.

Date: 12-2-10 **Time:** 9 a.m. **Location:** 635 Capitol St. NE
Basement Hearing Rm.
Salem, OR

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040; 195.145; ORS 195, 197, 215 & 227

Other Auth.: Statewide planning goals (OAR 660, div 15)

Stats. Implemented: ORS 195, 197, 215 & 227

Proposed Amendments: Rules in 660-001, 660-003, 660-004, 660-006, 660-011, 660-018, 660-021, 660-023, 660-025, 660-027, 660-030, 660-033

Last Date for Comment: 12-2-10

Summary: The proposed amendments would modify rules to make minor and technical amendments to: conform to statutes, laws and

rules; respond to Land Use Board of Appeals or other court opinions; clarify ambiguous or unclear wording consistent with the intent of the rule; update or correct rule, statutory or other references; and correct grammar.

The Commission may consider other minor amendments to rules in the divisions specified above based on testimony and comments received during the public comment period, and may adopt minor clarifications or technical corrections and amendments to these divisions that may be proposed during the public comment period.

Rules Coordinator: Casaria Tuttle

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

Telephone: (503) 373-0050, ext. 322

.....

Rule Caption: Amendments to administrative rules to clarify the siting of irrigation reservoirs on farmland.

Date: 12-2-10 **Time:** 9 a.m. **Location:** 635 Capitol St. NE
Basement Conference Rm.
Salem, OR

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040

Other Auth.: ORS 215.203, 215.213 & 215.283

Stats. Implemented: ORS 197 & 215

Proposed Amendments: Rules in 660-033

Last Date for Comment: 12-2-10

Summary: The proposed amendments to OAR chapter 660, division 033, will clarify and revise the process and requirements for permitting irrigation reservoirs on farmland.

Rules Coordinator: Casaria Tuttle

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

Telephone: (503) 373-0050, ext. 322

.....

Oregon Board of Naturopathic Medicine Chapter 850

Rule Caption: Clarifying the education for injections.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.060

Proposed Amendments: 850-060-0212

Last Date for Comment: 11-30-10

Summary: Amend the following section of OAR 850-060-0212 (bold/underlined text is new; strike-through is deleted.)

OAR 850-060-0212

Education requirements for Injections/IV Chelation Therapy

(1) Before using therapeutic injection ~~[of vitamins and minerals,]~~ or preventative injection of any substance, whether intramuscular (IM) or subcutaneous (SC) or intravenous (IV), licensee must provide proof of Board approved qualifying continuing education prior to using these applications as set forth in this rule, or proof of Board approved qualifying education received at an approved medical institution equivalent to the prescribed continuing education.

(2) ~~[Non-IV]~~ **Subcutaneous and intramuscular** therapeutic injections ~~[of vitamins or minerals]~~ require a one-time two hour qualifying education on this subject.

(3) IV therapeutic injections of vitamins or mineral require a one-time 12 hour qualifying education on this subject.

(4) Preventive injections (IM, SC, IV) require an additional one-time four hours of qualifying education in addition to the CE hours noted in OAR 850-060-0212(2) and (3).

Rules Coordinator: Anne Walsh

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0193

.....

Rule Caption: Clarifying a formulary classification.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.060

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 850-060-0226

Last Date for Comment: 11-30-10

Summary: To OAR 850-060-0226 add the following classification: (bold/underlined is new text.)

- (8) Central Nervous System Agents....
- (d) Psychotherapeutic Agents.
- (A) Antidepressants.
- (i) Monoamine Oxidase Inhibitors.
- (ii) Selective Serotonin- and Norepinephrine-reuptake Inhibitors.
- (iii) Selective Serotonin- Reuptake Inhibitors.
- (iv) Serotonin Modulators.
- (v) Tricyclics and Other Norepinephrine-reuptake Inhibitors.
- (vi) Antidepressants, Miscellaneous.

(B) Antipsychotics, to include only the following:

(i) Atypical antipsychotics.

- (e) Anorexigenic Agents and Respiratory and Cerebral Stimulants.
- (A) Amphetamines.

(B) Anorexigenic Agents and Respiratory and Cerebral Stimulants, Miscellaneous....

Rules Coordinator: Anne Walsh

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0193

.....

Oregon Business Development Department Chapter 123

Rule Caption: This is a revision of the procedural rules, updating statutes and some minor housekeeping changes.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 183.335, 183.341, 183.355, 285A & 285B

Proposed Amendments: 123-001-0700, 123-001-0725, 123-001-0750

Last Date for Comment: 11-22-10

Summary: The Contested Case section of the procedural rules is being updated to correct statute references and make minor house-keeping changes.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Rule Caption: The changes in these rules revise language for the Special Public Works Fund.

Stat. Auth.: ORS 285A.075 & 285B.419

Stats. Implemented: ORS 285B.410-285B.482

Proposed Amendments: 123-042-0010, 123-042-0020, 123-042-0026, 123-042-0036, 123-042-0038, 123-042-0045, 123-042-0055, 123-042-0065, 123-042-0076, 123-042-0122, 123-042-0132, 123-042-0155, 123-042-0165, 123-042-0175, 123-042-0180, 123-042-0190

Last Date for Comment: 11-22-10

Summary: These rules are being revised due to legislation from the 2009 Legislative Session through HB 2152. The name of the department has been changed to the Oregon Business Development Department. The Infrastructure Finance Authority has been created to oversee the public finance programs, including the Special Public Works Fund.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Rule Caption: These rules revise the Water/Wastewater Financing Program's ineligible project costs.

Stat. Auth.: ORS 285A.075 & 285B.563

Stats. Implemented: ORS 285B.560-285B.599

Proposed Amendments: 123-043-0025

Last Date for Comment: 11-22-10

Summary: These rules revise the ineligible project costs for the Water/Wastewater Financing Program.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Rule Caption: Oregon Investment Advantage Division 155 is being renumbered to 635.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.500-285C.506, 316.778 & 317.391

Proposed Repeals: 123-155-0050

Proposed Ren. & Amends: 123-155-0000 to 123-635-0000, 123-155-0100 to 123-635-0100, 123-155-0150 to 123-635-0150, 123-155-0175 to 123-635-0175, 123-155-0200 to 123-635-0200, 123-155-0250 to 123-635-0250, 123-155-0270 to 123-635-0270, 123-155-0300 to 123-635-0300, 123-155-0350 to 123-635-0350, 123-155-0400 to 123-635-0400

Last Date for Comment: 12-21-10

Summary: Oregon Investment Advantage rules, division 155 is being renumbered to 635.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Oregon Business Development Department, Oregon Arts Commission Chapter 190

Rule Caption: These procedural rules for the Oregon Arts Commission are being repealed.

Stat. Auth.: ORS 359 & 183

Other Auth.: ORS 359

Stats. Implemented: ORS 359 & 183

Proposed Repeals: 190-001-0000, 190-001-0005

Last Date for Comment: 11-21-10

Summary: These procedural rules related to the Oregon Arts Commission rulemaking procedures are being repealed. This information can be found in statute. The rules do not offer any additional information.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....

Oregon Department of Education Chapter 581

Rule Caption: Repeals charter school revolving loan program.

Date:	Time:	Location:
11-23-10	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 338.185

Other Auth.: 2009 OL Ch. 95, § 2

Stats. Implemented: ORS 338.175 (repealed)

Proposed Repeals: 581-020-0350

Last Date for Comment: 11-23-10, 5 p.m.

Summary: The rule authorized the Superintendent to make loans to charter schools. The loans were to be financed from the Public Charter School Development Fund created in statute. The Legislature did not appropriate moneys to this fund for the loan program.

The loan program was part of the original charter school law adopted in 1999.

NOTICES OF PROPOSED RULEMAKING

An audit was conducted of funds of the Department of Education. One recommendation of this audit was the abolishment of the Public Charter School Development Fund because the fund had never been used. The abolishment was accomplished during the 2009 Legislative Session by repealing ORS 338.185 which created Public Charter School Development Fund.

Repeal of the rule is consistent with the Legislative repeal of the statutory section.

Rules Coordinator: Diane Roth
Address: 255 Capitol St NE, Salem, OR 97310
Telephone: (503) 947-5791

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

Rule Caption: Clarification of language surrounding selection and processing of standby applications for farmworker housing tax credits.

Date:	Time:	Location:
12-6-10	9 a.m.	725 Summer St. NE, Rm. 124B Salem, OR 97301

Hearing Officer: Loren Shultz
Stat. Auth.: ORS 315.164–315.169 & 458.650
Stats. Implemented: ORS 315.167
Proposed Amendments: 813-041-0020
Proposed Repeals: 813-041-0020(T)
Last Date for Comment: 12-6-10, Close of Hearing
Summary: 813-041-0020(3) - The amendment provides clarification of language surrounding the selection and processing of standby applications by the department.
Rules Coordinator: Sandy McDonnell
Address: North Mall Office Building, 725 Summer Street NE, Suite B, Salem Oregon 97301
Telephone: (503) 986-2012

.....
Oregon Liquor Control Commission
Chapter 845

Rule Caption: New sponsorship rule describing items/services manufacturers may give retail licensees at temporary special events.

Date:	Time:	Location:
11-30-10	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman
Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)
Stats. Implemented: ORS 471.398 & 471.400
Proposed Adoptions: 845-013-0080
Last Date for Comment: 12-14-10
Summary: This new rule would describe the items and services that a supplier may provide to a retail licensee for use at a temporary special event. Staff is recommending adoption of a new rule regulating sponsorships which would replace the current Commission guidelines titled “Corporate Sponsorships Information Memo.” Under the rule proposal the only approved items/services for the most part will be those allowed under the existing financial assistance rules (Division 13); however licensees providing or accepting these sponsorships would have this specific rule to reference which would provide a definition of temporary special events for the purposes of sponsorship regulations.
Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

.....
Rule Caption: Amend interest in the business rule to add clarity to the term “unlicensable.”

Date:	Time:	Location:
11-23-10	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman
Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)
Stats. Implemented: ORS 471.757
Proposed Amendments: 845-005-0311
Last Date for Comment: 12-7-10

Summary: This rule defines “interest in the business,” including financial interest, for the purposes of describing who the Commission’s license refusal reasons apply to. Staff recommends amending section (4) of this rule to clarify the term “unlicensable.” There has been some confusion amongst both licensees and staff as to the meaning of this term. The proposed amendment would add language directly from the authorizing statute (ORS 471.757) in order to add more specificity to the concept of “unlicensable.”

Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

.....
Oregon State Lottery
Chapter 177

Rule Caption: Clarify payment and set maximum guaranteed amount for Win for LifeSM top prize, housekeeping changes.

Date:	Time:	Location:
11-15-10	9–9:30 a.m.	Oregon Lottery 500 Airport Rd. SE Salem, OR

Hearing Officer: Larry Trott
Stat. Auth.: ORS 461
Other Auth.: OR Const. Art. XV, § 4(4)
Stats. Implemented: ORS 461.210, 461.220, 461.230, 461.240, 461.250, 461.260 & 461.715
Proposed Amendments: 177-094-0080
Last Date for Comment: 11-15-10, 9:30 a.m.
Summary: The proposed amendments clarify the amount a winner is paid for the top prize and set a maximum guaranteed top prize amount in the Win for LifeSM game. Other amendments include housekeeping changes.

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

.....
Rule Caption: Changes Match 5 Power Play[®] Prize to set amount of \$1,000,000.

Date:	Time:	Location:
11-15-10	9:30–10 a.m.	Oregon Lottery 500 Airport Rd. SE Salem, OR

Hearing Officer: Larry Trott
Stat. Auth.: ORS 461
Other Auth.: OR Const., Art. XV, § 4(4)
Stats. Implemented: ORS 461.020, 461.210, 461.220, 461.230, 461.240, 461.250 & 461.260
Proposed Amendments: 177-085-0065
Last Date for Comment: 11-15-10, 10 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend the above referenced administrative rule.

The Lottery intends to amend the Powerball[®] game rules to change the way prize amount is determined for the Match 5 Power Play[®] option.

The change is necessary to implement changes to the Powerball[®] game rules made by the national organization that administers the multi-state Powerball[®] game.

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Eliminates guaranteed estimated annuity jackpot; changes Match 5 Megapiler[®] prize to set amount of \$1,000,000.

Date: 11-15-10
Time: 10–10:30 a.m.
Location: Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461

Other Auth.: OR Const. Art. XV, § 4(4)

Stats. Implemented: ORS 461.300 & 461.220

Proposed Amendments: 177-098-0010, 177-098-0040, 177-098-0060, 177-098-0110

Last Date for Comment: 11-15-10, 10:30 a.m.

Summary: The Oregon State Lottery has initiated permanent rule-making to amend the above referenced administrative rules.

The Lottery intends to amend the Mega Millions[®] game rules to eliminate a guaranteed annuity jackpot prize and to change the way the prize amount is determined for the Match 5 Megapiler[®] option.

The change is necessary to implement changes to the Mega Millions[®] game rules made by the national organization that administers the multi-state Mega Millions[®] game.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

Oregon State Treasury Chapter 170

Rule Caption: Restructures Municipal Debt Advisory Commission Fees for Tracking Municipal Debt Information Using Bond Tracker Software.

Stat. Auth.: ORS 287A.634 & 287A.370 & 286A.014

Stats. Implemented: ORS 287A & 286A

Proposed Amendments: 170-061-0015

Last Date for Comment: 11-22-10, Close of Business

Summary: Amendments to this rule establish a Municipal Debt Advisory Commission (MDAC) fee to pay for Debt Management Division staff support costs related to the ongoing tracking and reporting of all local government bond issuances in the State of Oregon. These amendments also eliminate the fee charged by the MDAC through the Division for generating Overlapping Debt Reports.

The existing fee structure has not always equitably distributed the cost of MDAC's annual operations. Also, efficiencies will be realized by eliminating invoices as the fee will be wired at the time of the bond closing. This Rule amendment better distributes MDAC's ongoing costs across all local Oregon debt issuers with fees more closely matching the costs of providing services to the local governments.

As adopted by the MDAC, municipalities at the date of closing, will be charged: (i) \$800 for bond sales of \$8 million or less; (ii) 0.01% (0.0001) of the principal amount for bond sales of greater than \$8 million, but less than \$50 million; (iii) \$5,000 for bond sales of \$50 million or greater.

Rules Coordinator: Sally Wood

Address: 350 Winter St NE #100 Salem, OR 97301

Telephone: (503) 378-4990

Oregon University System Chapter 580

Rule Caption: To amend OAR 580-040-0035 and supersedes all prior Summer Session fee book rules.

Date:	Time:	Location:
12-9-10	10–11 a.m.	Kerr Admin. Bldg., Rm. B214 Oregon State University, Corvallis, OR
12-10-10	10–11 a.m.	Susan Campbell Hall, Rm. 358 University of Oregon Eugene, OR

Hearing Officer: Shonna Sedgwick Butler

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 580-040-0035

Last Date for Comment: 12-13-10, 5 p.m.

Summary: To establish tuition and fees for the Summer Session 2011, including room and board rates. Supersedes all prior Summer Session fee book rules.

Rules Coordinator: Shonna Sedgwick Butler

Address: P. O. Box 488, Corvallis, OR 97339-0488

Telephone: (541) 737-2922

Oregon University System, Southern Oregon University Chapter 573

Rule Caption: Procedural Rules Availability of Public Records.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Proposed Amendments: 573-001-0075

Last Date for Comment: 11-26-10

Summary: This rule describes the availability of public records.

Rules Coordinator: Treasa Sprague

Address: Oregon University System, Southern Oregon University, 1250 Siskiyou Blvd., Ashland, OR 97520

Telephone: (541) 552-6319

Parks and Recreation Department Chapter 736

Rule Caption: Amend Division 19 Land Acquisition and Exchange rules to address changes in OPRD's acquisition strategy.

Date:	Time:	Location:
12-2-10	1:30 p.m.	725 Summer St. NE, Rm. 124B Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 390.121, 390.122 & 390.124

Stats. Implemented: ORS 390.121, 390.122 & 390.124

Proposed Adoptions: Rules in 736-019

Proposed Amendments: Rules in 736-019

Last Date for Comment: 1-28-11

Summary: Amend the OAR 736-019 to reflect changes in OPRD's land acquisition strategy and process. Changes include defining "overwhelming public benefit," adding criteria for exchange of land either initiated by OPRD or by Other Parties, adding requirement for notification to Department of Administrative Services of land transfers from OPRD to Other Parties, establishing an internal environmental review, appraisal standards, and direction on the Department working collaboratively with stakeholders on land acquisitions.

For full draft text, please contact the Rules Coordinator.

Rules Coordinator: Vanessa DeMoe

Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

Telephone: (503) 986-0719

Psychiatric Security Review Board Chapter 859

Rule Caption: Establishes Procedures for Requesting/Conducting a Gun Relief Hearing for Persons with a Mental Health Determination.

Date:	Time:	Location:
11-23-10	10 a.m.	620 SW 5th Ave. 4th Floor Conference Rm. Portland, OR 97204

Hearing Officer: Juliet Follansbee

Stat. Auth.: 2009 OL Ch. 826 (HB 2853)

Stats. Implemented: 2009 OL Ch. 826 (HB 2853)

Proposed Adoptions: 859-300-0001, 859-300-0010, 859-300-0020, 859-300-0030, 859-300-0040, 859-300-0050, 859-300-0060, 859-300-0070, 859-300-0080, 859-300-0090, 859-300-0100, 859-300-0110, 859-300-0120, 859-300-0130, 859-300-0140, 859-300-

NOTICES OF PROPOSED RULEMAKING

0150, 859-300-0160, 859-300-0170, 859-300-0180, 859-300-0190, 859-300-0200, 859-300-0210, 859-300-0220, 859-300-0230

Proposed Repeals: 859-300-0001(T), 859-300-0010(T), 859-300-0020(T), 859-300-0030(T), 859-300-0040(T), 859-300-0050(T), 859-300-0060(T), 859-300-0070(T), 859-300-0080(T), 859-300-0090(T), 859-300-0100(T), 859-300-0110(T), 859-300-0120(T), 859-300-0130(T), 859-300-0140(T), 859-300-0150(T), 859-300-0160(T), 859-300-0170(T), 859-300-0180(T), 859-300-0190(T), 859-300-0200(T), 859-300-0210(T), 859-300-0220(T), 859-300-0230(T)

Last Date for Comment: 11-30-10

Summary: (1) Adopting rules for newly created Gun Relief Program regarding Petitions for Relief for individuals who are barred from firearms possession due to a state mental health determination and who wish to petition the Psychiatric Security Review Board to restore their firearm privileges. The rules include procedures for the Board to process and adjudicate these "Petitions for relief."

(2) Repealing duplicative temporary rules OAR 859-300-0001, 859-300-0010, 859-300-0020, 859-300-0030, 859-300-0040, 859-300-0050, 859-300-0060, 859-300-0070, 859-300-0080, 859-300-0090, 859-300-0100, 859-300-0110, 859-300-0120, 859-300-0130, 859-300-0140, 859-300-0150, 859-300-0160, 859-300-0170, 859-300-0180, 859-300-0190, 859-300-0200, 859-300-0210, 859-300-0220, 859-300-0230.

Rules Coordinator: Juliet Follansbee

Address: Psychiatric Security Review Board, 620 SW 5th Ave., Suite 907, Portland, OR 97204

Telephone: (503) 229-5596

**Public Utility Commission,
Board of Maritime Pilots
Chapter 856**

Rule Caption: Amends apprentice selection and training program requirements.

Date:	Time:	Location:
11-30-10	10 a.m.	800 NE Oregon St., Rm. 1-A Portland, OR 97232

Hearing Officer: Board of Maritime Pilots

Stat. Auth.: ORS 776

Stats. Implemented: ORS 776.115

Proposed Amendments: 856-010-0014

Last Date for Comment: 11-30-10

Summary: Amends apprentice training requirements to provide greater flexibility and requires previous maritime experience as a core apprentice program requirement.

Rules Coordinator: Susan Johnson

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

Telephone: (971) 673-1530

**Real Estate Agency
Chapter 863**

Rule Caption: Property managers must provide owners with certain information; principal brokers examination valid for one year; exam requirements.

Date:	Time:	Location:
12-1-10	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385 696.425

Stats. Implemented: ORS 696.280, 696.361, 696.020, 696.022 & 696.425

Proposed Adoptions: 863-025-0068

Proposed Amendments: 863-025-0065, 863-014-0020

Last Date for Comment: 12-1-10, 5 p.m.

Summary: The Agency proposes adopting a new rule, OAR 863-025-0068, that requires a property manager to provide the property owner, upon written request, with certain information about each tenant and copies of current rental agreements within a certain time period.

The Agency proposes amending OAR 863-025-0065, a rule for property managers, to define the term "deposit slip." The amendment is needed to keep the rules current with changes in technology.

The Agency proposes amending OAR 863-014-0020, to clarify that a principal broker examination is valid as basis for a principal broker license for a period of one year. This provision parallels an existing provision for real estate brokers. In addition, the Agency proposes to amend this rule to eliminate the requirement for certain licensee to take and pass both a real estate broker and a principal broker examination and only require the principal broker examination. Finally, the Agency proposes clarifying the examination requirements for individuals who are real estate licensees in other states.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301

Telephone: (503) 378-4630

ADMINISTRATIVE RULES

Board of Nursing Chapter 851

Rule Caption: Rule to provide consistent language regarding violations relating to impairment.

Adm. Order No.: BN 12-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 851-045-0070

Subject: These rules cover the standards and scope of practice for the Licensed Practical Nurse and Registered Nurse. This new rule will provide consistent language regarding violations relating to impairment.

Rules Coordinator: KC Cotton—(971) 673-0638

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.

(c) Failing to develop, implement and/or follow through with the plan of care.

(d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.

(e) Assigning persons to perform functions for which they are not prepared or which are beyond their scope of practice/scope of duties.

(f) Improperly delegating tasks of nursing care to unlicensed persons in settings where a registered nurse is not regularly scheduled.

(g) Failing to supervise persons to whom nursing tasks have been assigned.

(h) Failing to teach and supervise unlicensed persons to whom nursing tasks have been delegated.

(i) Leaving a client care assignment during the previously agreed upon work time period without notifying the appropriate supervisory personnel and confirming that nursing care for the client(s) will be continued.

(j) Leaving or failing to complete any nursing assignment, including a supervisory assignment, without notifying the appropriate personnel and confirming that nursing assignment responsibilities will be met.

(k) Failing to report through proper channels facts known regarding the incompetent, unethical, unsafe or illegal practice of any health care provider.

(l) Failing to respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.

(m) Engaging in or attempting to engage in sexual contact with a client; and

(n) Failing to maintain professional boundaries with a client.

(2) Conduct related to other federal or state statute/rule violations:

(a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.

(b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.

(c) Engaging in other unacceptable behavior towards or in the presence of a client such as using derogatory names or gestures or profane language.

(d) Failing to report actual or suspected incidents of client abuse through the proper channels in the work place and to the appropriate state agencies.

(e) Failing to report actual or suspected incidents of child abuse or elder abuse to the appropriate state agencies.

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(g) Soliciting or borrowing money, materials, or property from clients.

(h) Using the nurse client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for nursing services.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(j) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers.

(k) Failing to conduct practice without discrimination on the basis of age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.

(l) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information or unless there is a "need to know."

(m) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client by obtaining the information without proper authorization or when there is no "need to know."

(n) Unauthorized removal of client records, client information, facility property, policies or written standards from the work place; and

(o) Failing to dispense or administer medications, including Methadone, in a manner consistent with state and federal law.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(b) Incomplete recordkeeping regarding client care; including, but not limited to, failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.

(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

(d) Altering a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, changing words/letters/numbers from the original document to mislead the reader of the record, adding to the record after the original time/date without indicating a late entry.

(e) Destroying a client or agency record or records prepared for an accrediting or credentialing entity.

(f) Directing another person to falsify, alter or destroy client or agency records or records prepared for an accrediting or credentialing entity.

(g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.

(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner; and

(i) Failing to communicate information regarding the client's status to other individuals who need to know; for example, family, and facility administrator.

(4) Conduct related to achieving and maintaining clinical competency:

(a) Performing acts beyond the authorized scope or the level of nursing for which the individual is licensed.

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(c) Assuming duties and responsibilities within the practice of nursing for direct client care, supervisory, managerial or consulting roles without documented preparation for the duties and responsibilities and when competency has not been established and maintained; and

(d) Performing new nursing techniques or procedures without documented education specific to the technique or procedure and clinical precepted experience to establish competency.

(5) Conduct related to impaired function:

(a) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to physical impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose physical condition/status.

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting

ADMINISTRATIVE RULES

and/or by the assessment of a health care provider qualified to diagnose mental condition/status; and

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

(6) Conduct related to licensure or certification violations:

(a) Practicing nursing without a current Oregon license or certificate.

(b) Practicing as a nurse practitioner or clinical nurse specialist without a current Oregon certificate.

(c) Allowing another person to use one's nursing license or certificate for any purpose.

(d) Using another's nursing license or certificate for any purpose.

(e) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, while obtaining initial licensure or certification or renewal of licensure or certification.

(f) Impersonating any applicant or acting as a proxy for the applicant in any nurse licensure or certification examination; and

(g) Disclosing the contents of the examination or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

(7) Conduct related to the licensee's relationship with the Board:

(a) Failing to provide the Board with any documents requested by the Board.

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

(c) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.

(d) Violating the terms and conditions of a Board order; and

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

(8) Conduct related to the client's family:

(a) Failing to respect the rights of the client's family regardless of social or economic status, race, religion or national origin.

(b) Using the nurse client relationship to exploit the family for the nurse's personal gain or for any other reason.

(c) Theft of money, property, services or supplies from the family; and

(d) Soliciting or borrowing money, materials or property from the family.

(9) Conduct related to co-workers: Violent, abusive or threatening behavior towards a co-worker which either occurs in the presence of clients or otherwise relates to the delivery of safe care to clients.

(10) Conduct related to advanced practice nursing:

(a) Ordering laboratory or other diagnostic tests or treatments or therapies for one's self.

(b) Prescribing for or dispensing medications to one's self.

(c) Using self-assessment and diagnosis as the basis for the provision of care which would otherwise be provided by a client's professional caregiver.

(d) Billing fraudulently.

(e) Failing to release patient records upon receipt of request or release of information, including after closure of practice, and within a reasonable time, not to exceed 60 days from receipt of written notification from patient.

(f) Ordering unnecessary laboratory or other diagnostic test or treatments for the purpose of personal gain; and

(g) Failing to properly maintain patient records after closure of practice or practice setting.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150, 678.111 & 678.390

Hist.: BN 4-2008, f. & cert. ef. 6-24-08; BN 2-2010(Temp), f. & cert. ef. 4-19-10 thru 10-15-10; BN 12-2010, f. & cert. ef. 9-30-10

Rule Caption: Clarification provided to rules relating to nurse practitioner continuing education and certification.

Adm. Order No.: BN 13-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 851-050-0138

Subject: These rules cover nurse practitioners. This rule amendment is to provide clarification to the rules relating to nurse practitioner continuing education and certification.

Rules Coordinator: KC Cotton—(971) 673-0638

851-050-0138

Renewal of Nurse Practitioner State Certification

(1) Renewal of state certification shall be on the same schedule as the renewal system of the registered nurse license. The requirements for recertification are:

(a) Current unencumbered license as a registered nurse in the state of Oregon.

(b) Submission of all required application fees. Fees are not refundable. An application that has not been completed during the current biennial renewal cycle shall be considered void.

(c) Completion of 100 clock hours of continuing education related to advanced practice nursing and to the area(s) of population focus certification. Proof of National Board certification may be used to meet structured accredited continuing education course requirements for the current renewal cycle for up to 50% of the total CE requirement.

(d) Persons initially certified on or after January 1, 2011 shall provide verification of current national Board certification in a role and population focus congruent with educational preparation and current Oregon nurse practitioner certification.

(e) Verification of practice hours which meet the practice requirement in OAR 851-050-0004.

(f) Verification of utilization of prescriptive authority which meets the requirements specified in OAR 851-056-0014 unless already certified as an Oregon Nurse Practitioner without prescriptive authority.

(2) An applicant for renewal who has graduated from the nurse practitioner program less than two years prior to his/her first renewal will not be required to document the full 100 clock hours of continuing education. The applicant's continuing education will be prorated on a monthly basis based on the length of time between graduation and the date of the first renewal.

(3) Nurse practitioners shall maintain accurate documentation and records of any claimed continuing education and practice hours for no less than five years from the date of submission to the Board.

(4) Renewal shall be denied if the applicant does not meet the practice, prescribing, or continuing education requirement for renewal.

(5) Applications for renewal up to 60 days past the expiration date shall meet all requirements for renewal and pay a delinquent fee.

(6) Any individual whose nurse practitioner certification is expired may not practice or represent themselves as a nurse practitioner in Oregon until certification is complete, subject to civil penalty.

(7) Any individual initially licensed after January 1, 2011, whose nurse practitioner national certification is expired may not practice or represent themselves as a nurse practitioner in Oregon regardless of state certification subject to civil penalty.

Stat. Auth.: ORS 678.375 & 678.380

Stats. Implemented: ORS 678.380

Hist.: NER 34, f. & ef. 10-1-76; NER 5-1981, f. & ef. 11-24-81; NER 8-1985, f. & ef. 12-9-85; NB 3-1990, f. & cert. ef. 4-2-90; Renumbered from 851-020-0310; NB 2-1992, f. & cert. ef. 2-13-92; NB 8-1993, f. & cert. ef. 8-23-93; NB 7-1996, f. & cert. ef. 10-29-96; BN 10-2003, f. & cert. ef. 10-2-03; BN 8-2004, f. 5-4-04, cert. ef. 5-12-04; BN 13-2006, f. & cert. ef. 10-5-06; BN 7-2008, f. & cert. ef. 11-26-08; BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 3-2010(Temp), f. & cert. ef. 4-19-10 thru 10-15-10; BN 13-2010, f. & cert. ef. 9-30-10

Rule Caption: Rule identify accreditation bodies for continuing education presented to meet CNS certification and renewal requirements.

Adm. Order No.: BN 14-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 851-054-0010, 851-054-0040, 851-054-0050, 851-054-0055

Subject: These rules cover Clinical Nurse Specialists. These rule amendments specify accreditation bodies for continuing education presented to meet certification and renewal requirements.

Rules Coordinator: KC Cotton—(971) 673-0638

851-054-0010

Purposes and Definitions

(1) Purposes of these rules:

ADMINISTRATIVE RULES

(a) To implement the provisions of ORS 678.370 to 678.372 governing the certification of Clinical Nurse Specialists (CNS) by the Oregon State Board of Nursing.

(b) To define the scope of practice of the CNS.

(c) To establish standards for safe practice for the CNS.

(d) To serve as a guide for the Board to evaluate CNS practice.

(2) Definitions as used in these rules:

(a) "Assessment" means a process of collecting information regarding a client's health status using tools, techniques, and methodologies based on nursing theory and research. The skills employed during the assessment process include collecting, analyzing and evaluating data in order to diagnose symptoms, functional problems, risk behaviors and health status, and to develop interventions and plans of care.

(b) "Client" means the recipient of CNS services for whom the CNS has established a provider relationship. A provider relationship is established through assessment and planning for the recipient.

(c) "Clinical Nurse Specialist" (CNS) is a registered nurse who has been approved and certified by the Board to provide health care in an expanded specialty role.

(d) "Collaboration" is a process involving the CNS and one or more members of the health care team working together to achieve common goals, each responsible for their particular area of expertise.

(e) "Consultation" means interaction between the CNS and the consultee for the purpose of transmitting or obtaining information or advice.

(f) "Continuing Education hours" are contact hours of education. One contact hour is equal to 60 minutes of instruction. Ten contact hours are equal to one Continuing Education Unit (CEU).

(g) "Diagnosis" means identification of actual or potential health problems or need for intervention, based on analysis of the data collected.

(h) "Medical equipment" means medical supplies and durable or disposable equipment ordered by the CNS which are related to or required for self-care, or the plan of care.

(i) "National Certification" means a certificate of recognition in a specialty area issued by a national nursing organization.

(j) "Order" means written or verbal directives by the CNS to other members of the health care team.

(k) "Organization" means a system or network that provides patient care.

(l) "Population" means the collection of individuals in a community or a group of individuals defined by age, health status, lifestyle, disease and/or geographic location.

(m) "Prescribe" means written, verbal, or electronic legal directive to procure or designate for use legend drugs or controlled substances.

(n) "State Certification" means certification to practice advanced nursing as authorized by the Oregon State Board of Nursing.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.370 & 678.372

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 11-2006, f. & cert. ef. 10-5-06; BN 14-2010, f. & cert. ef. 9-30-10

851-054-0040

Eligibility for Initial Certification

(1) An applicant for certification as a Clinical Nurse Specialist (CNS) shall:

(a) Hold or obtain a current unencumbered registered nurse license in Oregon;

(b) Hold a graduate degree in nursing, or a post-masters certificate in nursing demonstrating evidence of CNS theory and clinical concentration. The program shall meet the following educational standards:

(A) The program shall be at least one academic year in length;

(B) There shall be faculty and/or clinical instructors who are academically and experientially qualified in nursing, and who maintain expertise within the CNS scope of practice;

(C) NLNAC or CCNE accreditation or documentation of a Board approved credentials evaluation for graduates of programs outside of the U.S. which demonstrates education equivalency to a NLNAC or CCNE graduate degree in nursing.

(D) Applicants who graduate or obtain a post-masters certificate on or after January 1, 2007 shall have completed 500 hours of clinical practice within the program; or prior to state certification:

(i) Complete a formal academic program offering any remaining hours of clinical practice; or

(ii) Complete a Board approved clinical continuing education course offering supervised clinical practice for any remaining hours.

(c) Meet the practice requirement through verification of:

(A) Graduation from a CNS educational program within the past five years; or

(B) Practice within the CNS scope of practice for at least 960 hours within the five years preceding the application. Verification of practice hours is subject to random audit.

(2) If an applicant does not meet the practice requirement in 851-054-0040(1)(c), the applicant shall:

(a) Submit for Board approval, a detailed plan for precepted practice that includes: competencies that support the CNS scope of practice; names and qualifications of CNS preceptor(s); and a description of the nature of the proposed unpaid, voluntary, precepted clinical experience.

(A) If the applicant has practiced at least 960 hours within the six years prior to the date of application, the practice plan shall provide for 250 hours of preceptorship. Documented practice hours within the CNS scope for the past two years may be recognized and may reduce the required hours, except that, in no case shall the precepted practice be less than 120 hours.

(B) If the applicant has practiced at least 960 hours within the CNS scope for the ten years prior to the date of application, the practice plan shall provide for 400 hours.

(C) If the applicant has not practiced at least 960 hours within the CNS scope for the ten years prior to the date of application, the practice plan shall provide for 500 hours.

(b) Obtain a limited certification for precepted practice. The limited certification shall be issued only upon receipt of a completed CNS application, application for limited certification, Board approval of the plan for supervised practice, and payment of all applicable fees. The limited certification is valid only for precepted practice that has been approved in advance by the Board, and will be valid for one year from the date of issue. One extension of the limited certificate may be granted upon approval and payment of fee, provided there is a current valid application for certification on file and no disciplinary action has been taken against the applicant. This extension will be valid for one year from date of approval.

(c) Successfully complete the precepted hours of practice supervised by the CNS preceptor. Successful completion shall be verified by a final evaluation submitted by the supervising CNS to the Board to verify that the applicant is competent to practice in the CNS scope at a safe and acceptable level, and that the number of required hours of precepted practice was completed.

(d) Submit evidence of continuing education related to the CNS role to total 20 contact hours for each year out of practice with no less than 50% obtained from accredited providers of continuing nursing education (CNE), continuing medical education (CME), or continuing pharmacology education (CPE). Continuing education taken concurrent with the reentry plan may be applied towards the total continuing education requirement, provided all hours are complete by the end of the preceptorship.

(3) The applicant shall submit all fees required by the Board with the application. The fees are not refundable. An application that remains incomplete after one year shall be considered void.

(4) Clinical Nurse Specialists seeking prescriptive authority will need to meet all additional requirements in Division 56. These requirements may be obtained as part of a re-entry program plan approved by the Board.

Stat. Auth.: ORS 678.050, 678.370 & 678.372

Stats. Implemented: ORS 678.050, 678.370 & 678.372

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 10-2001, f. & cert. ef. 7-9-01; BN 6-2006, f. & cert. ef. 5-8-06; BN 11-2006, f. & cert. ef. 10-5-06; BN 3-2007, f. & cert. ef. 3-13-07; BN 14-2010, f. & cert. ef. 9-30-10

851-054-0050

Renewal of Clinical Nurse Specialist Certification

Renewal of the Clinical Nurse Specialist (CNS) certification shall be on the same schedule as the renewal of the registered nurse license. The requirements for renewal are:

(1) Current unencumbered license as a registered nurse in Oregon; and

(2) Practice as a CNS for no less than 960 hours within the five years prior to renewal or have completed a preceptorship as established in OAR 851-054-0040(2); and

(3) Forty contact hours of continuing education accumulated during the current certification period. At least 50% shall consist of formal academic or structured continuing education obtained from the following continuing education accrediting bodies: American Nurses Credentialing Center (ANCC), Accreditation Council for Continuing Medical Education (ACCME), American Academy of Continuing Medical Education (AACME), Accreditation Council for Pharmacy Education (ACPE), state boards of nursing and state nursing associations.

ADMINISTRATIVE RULES

(4) Proof of national board certification as a Clinical Nurse Specialist in a specialty may be used to meet structured continuing education requirements for the current renewal cycle for up to 50% of the total continuing education requirement.

(5) A Clinical Nurse Specialist with prescriptive authority must meet additional CE requirements as specified in Division 56.

(6) The CNS shall affirm and document completion of the continuing education and practice hours on the application renewal form. Verification of all hours and credits is subject to random audits by the Board. Falsification of continuing education or practice hours is grounds for disciplinary action.

(7) The CNS shall maintain accurate records of any claimed CE hours and practice hours for no less than five years from date of submission to the Board.

(8) An applicant for renewal who has graduated from the CNS program less than two years prior to the first renewal will not be required to document the full 40 contact hours of continuing education. Continuing education will be prorated on a monthly basis based on the length of time between graduation and the date of the first renewal.

(9) The applicant shall submit the required fees with the application. Fees are not refundable. An application shall be void if not completed during the current biennial renewal cycle.

(10) An applicant for renewal up to 30 days past the expiration date shall meet all requirements for renewal and pay a delinquent fee.

(11) Any individual whose CNS certification is delinquent may not practice as a CNS until certification is complete, subject to civil penalty.

Stat. Auth.: ORS 678.101, 678.370 & 678.372

Stats. Implemented: ORS 678.372

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 11-2006, f. & cert. ef. 10-5-06; BN 14-2010, f. & cert. ef. 9-30-10

851-054-0055

Reactivation of Clinical Nurse Specialist Certification

(1) Any applicant for renewal who applies more than 30 days past the expiration date of their CNS certificate shall be considered delinquent, and required to demonstrate eligibility for renewal.

(2) Requirements for eligibility include:

(a) Current unencumbered licensure as a Registered Nurse;

(b) Verification of continuing education hours equal to 20 contact hours per year since the last year of renewal of which 50% shall consist of formal academic or structured continuing education obtained from the following continuing education accrediting bodies: American Nurses Credentialing Center (ANCC), Accreditation Council for Continuing Medical Education (ACCME), American Academy of Continuing Medical Education (AAOCME), Accreditation Council for Pharmacy Education (ACPE), state boards of nursing and state nursing associations.

(c) Verification of continuing education hours equal to 20 contact hours per year of since the last year of renewal of which 50% shall consist of formal academic or structured continuing education from the following continuing education accrediting bodies: American Nurses Credentialing Center (ANCC), Accreditation Council for Continuing Medical Education (AACME), American Academy of Continuing Medical Education (AAOCME), Accreditation Council of Pharmacy Education (ACPE), state boards of nursing and state nursing associations.

Stat. Auth.: ORS 678.101, 678.370 & 678.372

Stats. Implemented: ORS 678.372

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 14-2010, f. & cert. ef. 9-30-10

.....

Rule Caption: Rules Revised Relating to Standards and Authorized Duties for Nursing Assistants and Medication Aides.

Adm. Order No.: BN 15-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 851-063-0090

Subject: These rules cover standards and authorized duties for certified nursing assistants and certified medication aides. This rule amendments provides consistent language regarding violations relating to impairment.

Rules Coordinator: KC Cotton—(971) 673-0638

851-063-0090

Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of

conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

(1) Conduct related to the client's safety and integrity:

(a) Leaving a nursing assistant assignment without properly notifying appropriate supervisory personnel;

(b) Failing to report to proper authorities information regarding incompetent, unethical or illegal practice of any health care provider;

(c) Failing to respect client rights and dignity regardless of social or economic status, personal attributes or nature of health problems or disability;

(d) Failing to report actual or suspected incidents of client abuse; or

(e) Engaging in sexual misconduct related to the client or to the workplace.

(2) Conduct related to other federal or state statutes/rule violations:

(a) Knowingly aiding, abetting or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of health care providers;

(b) Violating the rights of privacy, confidentiality of information or knowledge concerning the client, unless required by law to disclose such information;

(c) Discriminating against a client on the basis of age, race, religion, sex, sexual preference, national origin or disability;

(d) Abusing a client. The definition of abuse includes but is not limited to intentionally causing physical harm or discomfort, striking a client, intimidating, threatening or harassing a client;

(e) Neglecting a client. The definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured;

(f) Engaging in other unacceptable behavior or verbal abuse towards or in the presence of a client such as using derogatory names or gestures or profane language;

(g) Using the client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for services;

(h) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; or

(i) Removing or attempting to remove drugs, supplies, property or money from the workplace without authorization.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records;

(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given;

(c) Falsifying a client or agency record; including but not limited to filling in someone else's omissions, signing someone else's name, recording care not given, fabricating data/values;

(d) Altering a client or agency record; including but not limited to changing words/letters/numbers from the original document to mislead the reader of the record, adding to the record after the original time/date without indicating a late entry;

(e) Destroying a client or agency record;

(f) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period; or

(g) Failing to communicate information regarding the client's status to the supervising nurse or other appropriate person in a timely manner.

(4) Conduct related to the client's family:

(a) Failing to respect the rights of the client's family regardless of social or economic status, race, religion or national origin;

(b) Using the CNA client relationship to exploit the family for the CNA's personal gain or for any other reason;

(c) Stealing money, property, services or supplies from the family; or

(d) Soliciting or borrowing money, materials or property from the family.

(5) Conduct related to co-workers: violent, abusive, threatening, harassing or intimidating behavior towards a co-worker which either occurs in the presence of clients or otherwise relates to the delivery of safe care to clients.

(6) Conduct related to achieving and maintaining clinical competency:

(a) Failing to competently perform the duties of a nursing assistant;

(b) Performing acts beyond the authorized duties for which the individual is certified; or

ADMINISTRATIVE RULES

(c) Assuming duties and responsibilities of a nursing assistant without nursing assistant training or when competency has not been established or maintained.

(7) Conduct related to impaired function:

(a) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the nursing assistant or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant; or

(b) Having a physical or mental condition that makes the nursing assistant unable to perform safely the duties of a nursing assistant.

(8) Conduct related to certificate violations:

(a) Providing, selling, applying for or attempting to procure a certificate by willful fraud or misrepresentation;

(b) Functioning as a medication assistant without current certification as a medication assistant;

(c) Altering a certificate of completion of training and/or nursing assistant certification issued by the Board;

(d) Disclosing contents of the competency examination or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration;

(e) Allowing another person to use one's nursing assistant certificate for any purpose;

(f) Using another's nursing assistant certificate for any purpose; or

(g) Representing oneself as a CNA without current, valid CNA certification.

(9) Conduct related to the certificate holder's relationship with the Board:

(a) Failing to cooperate with the Board during the course of an investigation. The duty to cooperate does not include waiver of confidentiality privileges, except if a client is harmed. This waiver of confidentiality privileges does not apply to client-attorney privilege.

(b) Failing to answer truthfully and completely any question asked by the Board on an application for initial certification, renewal of certification or recertification;

(c) Failing to provide the Board with any documents requested by the Board; or

(d) Violating the terms and conditions of a Board order.

Stat. Auth.: ORS 678.442

Stats. Implemented: ORS 678.442

Hist.: BN 6-1999, f. & cert. ef. 7-8-99; BN 9-2002(Temp), f. & cert. ef. 3-5-02 thru 8-1-02; BN 16-2002, f. & cert. ef. 7-17-02; BN 12-2009, f. & cert. ef. 12-17-09; BN 4-2010(Temp), f. & cert. ef. 4-19-10 thru 10-15-10; BN 15-2010, f. & cert. ef. 9-30-10

Board of Optometry Chapter 852

Rule Caption: Establishes requirement for optometry business entity organization.

Adm. Order No.: OPT 1-2010

Filed with Sec. of State: 9-20-2010

Certified to be Effective: 9-20-10

Notice Publication Date: 8-1-2010

Rules Adopted: 852-020-0045

Subject: Establishes requirements for optometry business entity organization.

Rules Coordinator: Kelly Paige—(503) 399-0662, ext. 23

852-020-0045

Requirements for Business Entity Organization

The following provisions apply to licensed optometric physicians in Oregon organizing as a business entity and are in addition to the provisions for professional corporations, limited liability company and partnership outlined in ORS Chapters 58, 63, 67, and 70.

(1) Definitions. As used in these administrative rules, unless the context requires otherwise.

(a) "Business entity" means:

(A) A professional corporation organized under ORS Chapter 58, predecessor law or comparable law of another jurisdiction;

(B) A limited liability company organized under ORS Chapter 63 or comparable law of another jurisdiction;

(C) A partnership organized in Oregon after January 1, 1998, or that is registered as a limited liability partnership, or that has elected to be governed by ORS Chapter 67 or comparable law of another jurisdiction;

(D) A limited partnership organized under ORS chapter 70, predecessor law or comparable law of another jurisdiction.

(b) "Majority ownership interest" means more than 50 percent of:

(A) The issued voting stock of a professional corporation;

(B) The members of a limited liability company; or

(C) Participation in the profits of a partnership.

(c) "Organizational document" means:

(A) The articles of incorporation of a professional corporation, or comparable document of another jurisdiction;

(B) The articles of organization of a limited liability company, or comparable document of another jurisdiction;

(C) The partnership agreement and, for a limited liability partnership, its registration, or comparable document(s) of another jurisdiction; or

(D) A certificate of limited partnership, or comparable document of another jurisdiction.

(d) "Owner" means a voting shareholder of a professional corporation, member of a limited liability company, or partner of a partnership.

(e) "Principal" means a person who is a director of a professional corporation, manager of a limited liability company, or general partner of a limited partnership.

(2) Requirements for business entities organized to practice optometry:

(a) The majority ownership interest shall be held by optometric physicians licensed in this state to practice optometry.

(A) A majority of the principals shall be optometric physicians who are licensed in this state to practice optometry.

(B) All officers except the secretary and treasurer, if any, must be optometric physicians who are licensed in this state to practice optometry. Any two or more offices may be held by the same person.

(b) A professional corporation may be a shareholder of a professional corporation organized for the purpose of practicing optometry solely for the purpose of effecting a reorganization as defined in the Internal Revenue Code.

(c) Business entities organized before the effective date of this rule that are not in compliance with the provisions of this rule have until July 1, 2011 to come into compliance.

(d) The Oregon Board of Optometry has the discretion to allow business entities to apply for a waiver of the majority ownership requirement provided full disclosure of business ownership is provided to the Board, a plan and timetable is presented for a transition to meet the requirements of this rule, and the Board finds that the health and welfare of the patient is the first priority of the optometric physicians and business entity.

(e) Upon a finding that a holder or owner of an optometric practice has failed to comply with the provisions of this rule or the regulations prescribed by the Board pursuant to the practice of optometry, the Oregon Board of Optometry may consider the failure to comply with this rule as a violation of this rule which may subject a holder or owner to discipline pursuant to ORS 683.140.

(3) Powers of professional corporations organized to practice optometry.

(a) A professional corporation organized for the purpose of practicing optometry has the powers enumerated in ORS 60.077 and 60.081, except as provided otherwise by the Oregon Board of Optometry.

(b) A general corporation under the provisions of ORS Chapter 60 may not be organized to practice optometry.

(4) Proxies:

(a) A proxy to exercise voting rights in a business entity organized for the purpose of practicing optometry may be given under the following conditions:

(A) If the voting rights belong to an optometric physician licensed in this state to practice optometry, the proxy may be given only to an owner of the same business entity who is also an optometric physician licensed in this state to practice optometry, or to an attorney licensed in this state to practice law.

(B) If the voting rights do not belong to an optometric physician licensed in this state to practice optometry, the proxy may be given only to another owner of the same business entity whether or not the other owner is an optometric physician licensed in this state to practice optometry, or to an attorney licensed in this state to practice law.

(b) No voting trust may be created to exercise the voting rights of one or more owners of a business entity organized for the purpose of practicing optometry.

(c) Two or more persons with voting rights in a business entity organized for the purpose of practicing optometry may enter into a voting agreement provided that the voting agreement does not transfer voting rights from an individual who is an optometric physician licensed in this state to practice optometry to an individual who is not so licensed. Notwithstanding

ADMINISTRATIVE RULES

any provision of this subsection, voting rights may be transferred to an attorney licensed in this state to practice law.

(5) Acquisition and disposition of ownership interest:

(a) Persons with an ownership interest in a business entity organized for the purpose of practicing optometry may acquire, transfer, assign or dispose of such ownership interest only in a manner that leaves the business entity in compliance with the provisions of this rule.

(b) If the majority ownership interest of a business entity organized for the purpose of practicing optometry is no longer held by optometric physician(s) licensed in this state to practice optometry due to such ownership interest being held by an administrator, executor, personal representative, guardian, conservator or receiver of the estate of a former owner, or by a transferee who receives such ownership interest by operation of law or court decree, such administrator, executor, personal representative, guardian, conservator, receiver or transferee may act in the same ownership capacity as the former owner, including acting in the former owner's capacity as principal or officer, until the ownership requirements are in compliance with the provisions of this rule, but not to exceed six months following receipt or transfer of such ownership interest.

(c) Subject to subsection (a) of this section, the organizational document, bylaws or agreements among owners of a business entity organized for the purpose of practicing optometry may provide limitations on the ability to acquire, transfer, assign or dispose of an ownership interest in the business entity.

(d) Subject to subsection (a) of this section, the articles of incorporation, bylaws or agreements among shareholders of a professional corporation may provide for the purchase or redemption of shares by the corporation.

(6) Disqualification of optometric physician; disposition of ownership interest.

(a) If an optometric physician practicing optometry on behalf of a business entity is disqualified from practicing optometry for more than six months or assumes a public office, the duties of which prohibit practicing optometry for more than six months under the rules of the Oregon Board of Optometry or other law, within 60 days after the disqualification or prohibition, the optometric physician's ownership interest shall be disposed of in accordance with Section (5); or

(A) In the case of a professional corporation, the corporation shall have the right to redeem the shares of the optometric physician.

(B) In the case of a limited liability company, the optometric physician shall cease to be a member by withdrawal or expulsion.

(C) In the case of a partnership, the optometric physician shall cease to be a partner by withdrawal, dissociation or expulsion

(b) If the disposition of ownership interest under subsection (a) of this section results in less than majority ownership of the business entity by optometric physicians licensed in this state to practice optometry, the business entity shall have six months from the date of disqualification or prohibition to come into compliance with the majority ownership provisions of this rule.

(c) If an optometric physician practicing optometry on behalf of a business entity is disqualified from practicing optometry for six months or less or assumes a public office, the duties of which prohibit practicing optometry for six months or less under the rules of the Oregon Board of Optometry or other law, the optometric physician may retain interest in the business entity and may remain a principal of the business entity during the period of disqualification or prohibition, unless otherwise prohibited under the rules of the Oregon Board of Optometry or by law.

(7) Disposition of ownership interest upon death of owner.

(a) A business entity organized for the purpose of practicing optometry may provide for the disposition of the ownership interest of a deceased owner in the organizational document, in the bylaws, by agreement between owners or between the business entity and its owners, providing such disposition leaves the business entity in compliance with the provisions of this rule.

(b) If there is no provision for the disposition of a deceased owner's interest as described in subsection (a) of this section, the ownership interest shall be disposed of in any manner that leaves the business entity in compliance with the provisions of this rule and the laws of this state.

(c) If the ownership interest of a deceased owner is not disposed of within twelve months after the owner's death, a special meeting of the remaining owners shall be called within fourteen months after the owner's death to decide by vote of the remaining owners whether the business entity shall dispose of such ownership interest in accordance with the provisions of this rule, or whether the business entity shall be voluntarily dissolved. The action determined to be taken by the remaining owners shall be

completed within eighteen months after the owner's death. The Board may grant an extension of this time period upon request.

(d) If the deceased owner of a business entity organized for the purpose of practicing optometry was the sole owner of the business entity at the time of death:

(A) The business entity shall cease the practice of optometry as of the date of the owner's death unless it has retained the services of another optometric physician licensed in this state to practice optometry.

(B) Notwithstanding Section (2)(c) of this rule, within twelve months after the date of the owner's death, the business entity shall be dissolved unless:

(i) The ownership interest of the deceased owner has been sold or assigned to one or more optometric physicians who are licensed in this state to practice optometry; and

(ii) The name of the business entity has been changed and a restated organizational document adopted in accordance with laws pertaining to that type of business entity.

(8) Multi-disciplinary Provisions. A business entity may be organized for the purpose of rendering professional services within two or more health-related licensed professions, provided the majority ownership interest is held by persons licensed in this state in a health-related licensed profession, the primary objective of whom is the diagnosis and treatment of the human body, and such licensees are acting only within their license scope of practice and code of professional conduct and are subject to the disciplinary authority of their respective licensing board.

(9) Use of titles in business entity name. A business entity organized for the purpose of practicing optometry that uses the name of the optometric physician in the business entity name must comply with the use of titles as required in ORS 676.110.

Stat. Auth.: ORS 58, 63, 683
Stats. Implemented: ORS 58.367, 63.074, 683.270(11)
Hist.: OPT 1-2010, f. & cert. ef. 9-20-10

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 8-2010

Filed with Sec. of State: 9-29-2010

Certified to be Effective: 9-29-10

Notice Publication Date: 8-1-2010

Rules Amended: 255-030-0013

Subject: Division 30 rules provide for the procurement of notifying victims and the District Attorney of all upcoming hearings. The 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; PAR 8-2010, f. & cert. ef. 9-29-10

Rule Caption: Adopts guidelines for setting parole deferral periods.

Adm. Order No.: PAR 9-2010

Filed with Sec. of State: 9-29-2010

Certified to be Effective: 9-29-10

Notice Publication Date: 8-1-2010

ADMINISTRATIVE RULES

Rules Adopted: 255-062-0006, 255-062-0011, 255-062-0016, 255-062-0021, 255-062-0026, 255-062-0031

Rules Repealed: 255-062-0006(T), 255-062-0011(T), 255-062-0016(T), 255-062-0021(T), 255-062-0026(T), 255-062-0031(T)

Subject: Division 62 rules put in place procedures for implementing statutory changes that: (1) prohibit the Board from holding a subsequent hearing after the Board denies a petition for a change in terms of confinement of an inmate convicted of aggravated murder or murder in less than two years, or more than 10 years, from the denial date; and (2) prohibit the Board from granting a release date in less than two years, or more than 10 years, after the Board denies a firm parole or post-prison supervision release date for certain inmates.

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

255-062-0006

When Parole Deferral Periods May Occur

(1) After the Board denies a petition for change in terms of confinement of an inmate convicted of aggravated murder or murder, the Board may not hold a subsequent hearing that is less than two years, or more than 10 years, from date petition is denied.

(2) After the Board denies a firm parole or post-prison supervision release date for certain inmates, the Board may not hold a subsequent hearing to consider granting a release date in less than two years, or more than 10 years, from date on which release on parole or post-prison supervision is denied.

(3) Upon finding that it is not reasonable to expect that the inmate would be granted a change in the terms of confinement, or not reasonable to expect that the inmate would be granted a firm release date, following two years, the Board will deliberate and select a deferral date of between two and 10 years from the date of the decision, or from the date of the inmate's current projected parole release date or current parole consideration date.

Stat. Auth.: ORS 183.335, 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

255-062-0011

Type of Hearing Eligible for a Deferral of More than Two Years

OAR 255-062-0005 applies to the following hearings:

(1) **Murder Review Hearing:** If the State Board of Parole and Post-Prison Supervision denies a petition for a change in the terms of confinement filed by an inmate under ORS 163.105 or ORS 163.115, the Board may not grant the inmate a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied.

(2) **Exit Interview Hearing: Crime Commitment Date prior to 05/19/1988** — but on or after 10/4/1977: If the State Board of Parole and Post-Prison Supervision concludes, applying ORS 144.125(3), that an inmate suffers from a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board may not defer the projected parole release date for less than two years, or more than 10 years, from the date of inmate's current projected parole release date.

(3) **Exit Interview Hearing: Crime Commitment Date on or between 1/29/1977 and 10/3/1977:** If the State Board of Parole and Post-Prison Supervision finds, based on the doctor's report and diagnosis, coupled with all the information that the Board is considering, and applying OAR 254-50-015 (1977), ORS 144.180, and pursuant to ORS 144.175(1) (2), that deferral of the inmate's projected parole release date is necessary, the Board may not defer the projected parole release date for less than two years, or more than 10 years, from the date of inmate's current projected parole release date.

(4) **Parole Consideration Hearing:** If the State Board of Parole and Post-Prison Supervision finds, pursuant to ORS 144.228, that an inmate who was sentenced as a dangerous offender under ORS 161.725 has a mental or emotional disturbance, deficiency, condition, or disorder predisposing the inmate to the commission of any crime to a degree rendering him or her a danger to the health or safety of others, and that therefore, the condition that made the inmate dangerous is not in remission and the inmate continues to remain a danger, and that the inmate cannot be adequately controlled with supervision and mental health treatment which are available in the community, the Board will conduct the next review hearing no less than two years, or more than 10 years, from the current parole consideration date.

(5) **Parole Hearing: Crime Commitment Date before 1/29/1977:** If the State Board of Parole and Post-Prison Supervision finds that there is not a reasonable probability that an inmate will, after parole, remain outside the

institution without violating the law, and that the inmate's parole release is not compatible with the welfare of society, the Board may not grant the inmate a subsequent hearing that is less than two years, or more than 10 years, from the date the petition is denied.

Stat. Auth.: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

255-062-0016

Factors to be Considered in Establishing a Deferral Period Longer Than Two Years

Following an interview and consideration of all the information presented at the hearing, the Board may find by unanimous vote of the members participating in the hearing, that it is not reasonable to expect that the inmate would be granted a change in the terms of confinement, or it is not reasonable to expect that the inmate would be granted a firm release date before the end of a specified deferral period, not to exceed ten years, based on one or more of the following non-exclusive factors:

(1) A determination by the Board, based on the psychological evaluation and all the information available at the hearing, that the inmate has a mental or emotional disturbance, deficiency, condition, or disorder predisposing him/her to the commission of any crime to a degree rendering the inmate a danger to the health or safety of others;

(2) Infractions of institutional rules and discipline;

(3) Commission of crimes subsequent to the crime of conviction;

(4) Inmate's failure to demonstrate understanding of the factors that led to his/her criminal offense(s);

(5) Inmate's demonstrated lack of effort to address criminal risk factors of psychological or emotional problems;

(6) Inmate's demonstrated lack of effort to address criminal risk factors of substance abuse problems;

(7) Failure to seek and maintain appropriate work or training;

(8) Inmate's failure to seek out and benefit from programming including but not limited to sex offender treatment, batterers intervention programs, anger management, cognitive therapy, and victim impact panels where available;

(9) Inmate's inability to experience or demonstrate remorse or empathy;

(10) Demonstrated poor planning and foresight;

(11) Demonstrated impulsivity; or

(12) Demonstrated lack of concern for others, including but not limited to any registered victims.

Stat. Auth.: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

255-062-0021

Request for Interim Hearing

(1) When the Board defers the inmate's next hearing for more than two years from the date a petition is denied or from the current projected parole release date, current parole consideration date, or current parole hearing date, the inmate may submit a request for an interim hearing not earlier than the date that is two years from the date the petition is denied or from the current projected parole release date, current parole consideration date, or current parole hearing date, and at intervals of not less than two years thereafter. The inmate bears the burden of producing evidence sufficient to convince the Board that an interim hearing is warranted.

(2) Such petitions must conform to the following format:

(a) Petitions must be created by any process that makes a clear, legible, black or dark blue image, written on standard 8 1/2 " x 11" white or light blue paper, with margins of at least 1" on each side. Handwritten petitions will be accepted, although typed documents are preferred. All writing shall be legible and capable of being read without difficulty.

(b) In no more than one page, a summary outlining how the inmate qualifies for an interim hearing.

(c) From the date of the last hearing to the petition date, a current copy of the following documents:

(A) Oregon Corrections Plan;

(B) Earned time computation form;

(C) Spending Account;

(D) Disciplinary Reports, if any.

(d) In no more than 10 pages, any supporting facts, information or documents relevant to the criteria outlined in OAR 255-062-0016, or other factors specific to how the inmate has demonstrated a significant change or progress toward rehabilitation; the inmate may should list certificates

ADMINISTRATIVE RULES

earned and dates of programs completed instead of submitting copies of certificates.

(e) Although reference to rules, codes, or laws may be appropriate, the Board will not accept or consider additional pages or exhibits including copies of codebooks, manuals, other manuscripts, certificates, news articles, legal opinions, or other materials not directly related to the inmate's reformation.

(f) If the petition does not conform to the format rules above, the petition will be denied.

(3) The Board shall consider the request for an interim hearing by file pass.

(4) At its discretion, the Board may request additional information from the inmate.

(5) If a petition is denied, the inmate may petition again no earlier than two years from the date of the denial.

Stat. Auth.: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

255-062-0026

Interim Hearing Finding

If the Board finds, based upon a properly-submitted request for an interim hearing, that there is reasonable cause to believe that the inmate may be granted a change in the terms of confinement or a firm release date, the Board shall conduct a hearing as soon as is reasonably convenient. An interim hearing may be granted by a majority of the Board, except in cases where a full Board is required by ORS 144.054.

Stat. Auth.: ORS 144.054, 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

255-062-0031

Final Orders

(1) When the Board grants an inmate a hearing that is more than two years from the date a petition is denied or from the current projected parole release date, current parole consideration date, or current parole hearing date, and when the Board denies a petition for an interim hearing, the Board shall issue a final order.

(2)(a) The order shall be accompanied by findings of fact and conclusions of law.

(b) The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the board's order.

Stat. Auth.: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Stats. Implemented: ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660
Hist.: PAR 6-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 9-2010, f. & cert. ef. 9-29-10

.....
Board of Pharmacy
Chapter 855

Rule Caption: List certain synthetic cannabinoids as Schedule I controlled substances.

Adm. Order No.: BP 10-2010(Temp)

Filed with Sec. of State: 10-15-2010

Certified to be Effective: 10-15-10 thru 4-11-11

Notice Publication Date:

Rules Amended: 855-080-0021

Subject: This amendment lists synthetic cannabinoids that have no legitimate medical use as Controlled Substances in Schedule I. The amendment excludes such chemicals when they are used in a legitimate research facility, are listed in OAR's 855-080-0022 through 0026 (Schedules II through V) or are FDA approved drugs.

A copy of the text can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office.

Rules Coordinator: Karen MacLean—(971) 673-0001

855-080-0021

Schedule I

(1) Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in 21CFR part 1308.11, and unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when-

ever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (a) Benzylfentanyl;
- (b) Thénylfentanyl;
- (c) N-Benzylpiperazine (BZP);
- (d) 1,4-butanediol.
- (e) Methamphetamine, except as listed in OAR 855-080-0022.

(2) Schedule I also includes the following substances, including their isomers, homologues, esters, ethers, salts, and salts of isomers, esters, and ethers except when in the possession of an FDA registered manufacturer or a registered research facility, or a person for the purpose of sale to an FDA registered manufacturer or a registered research facility:

- (a) CP 47,497 and homologues: 2-5-(2-methyloctan-2-yl)phenol).
- (b) HU-210: also known as 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo pyran-9-methanol;

(c) JWH-018: 1-pentyl-3-(1-naphthoyl)indole, also known as Naphthalen-1-yl-(1-pentylindol-3-yl)methanone;

(d) JWH-073: 1-butyl-3-(1-naphthoyl)indole, also known as Naphthalen-1-yl-(1-butylindol-3-yl)methanone;

(e) JWH-200: 1-3-(1-naphthoyl)indole;

(f) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;

(g) JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone.

(h) Any other cannabinoid receptor agonist that is not listed in OARs 855-080-0022 through 0026 (Schedules II through V) or is not an FDA approved drug.

(3) Exceptions. The following are exceptions to subsection (1) of this rule:

(a) 1, 4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of its sale to a legitimate manufacturer of industrial products and the person is in compliance with the Drug Enforcement Administration requirements for List I Chemicals.

(b) 1,4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of the legitimate manufacture of industrial products.

(c) Marijuana.

Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 475.035, 475.059, 475.065 & 475.940
Hist.: PB 4-1987, f. & ef. 3-30-87; PB 8-1987, f. & ef. 9-30-87; PB 10-1987, f. & ef. 12-8-87; PB 15-1989, f. & cert. ef. 12-26-89; PB 9-1990, f. & cert. ef. 12-5-90; PB 5-1991, f. & cert. ef. 9-19-91; PB 1-1992, f. & cert. ef. 1-31-92 (and corrected 2-7-92); PB 1-1994, f. & cert. ef. 2-2-94; PB 1-1996, f. & cert. ef. 4-5-96; PB 1-1997, f. & cert. ef. 9-22-97; BP 4-2000, f. & cert. ef. 2-16-00; BP 9-2000, f. & cert. ef. 6-29-00; BP 2-2002(Temp), f. & cert. ef. 2-4-02 thru 7-31-02; BP 3-2002(Temp), f. & cert. ef. 3-1-02 thru 8-23-02; BP 4-2002, f. 6-27-02, cert. ef. 7-1-02; BP 5-2002, f. & cert. ef. 11-14-02; BP 1-2003, f. & cert. ef. 1-14-03; BP 1-2007, f. & cert. ef. 6-29-07; BP 8-2010, f. & cert. ef. 6-29-10; BP 10-2010(Temp), f. & cert. ef. 10-15-10 thru 4-11-11

.....
Board of Psychologist Examiners
Chapter 858

Rule Caption: Rule corrections and updates; Board per diem; notice of proposed rulemaking requirements.

Adm. Order No.: BPE 2-2010

Filed with Sec. of State: 9-28-2010

Certified to be Effective: 9-28-10

Notice Publication Date: 8-1-2010

Rules Amended: 858-010-0005, 858-010-0007, 858-010-0010, 858-010-0015, 858-010-0016, 858-010-0017, 858-010-0020, 858-010-0030, 858-010-0034, 858-010-0036, 858-010-0055, 858-020-0045, 858-030-0005, 858-040-0015, 858-040-0026, 858-040-0035, 858-040-0036, 858-040-0055

Subject: Sets a \$50 a day per diem for Board members for Board meetings; deletes requirements that notice of proposed rulemakings be sent to the Associated Press; other minor housekeeping items.

Rules Coordinator: Debra Orman McHugh—(503) 373-1155

858-010-0005

Board Duties and Procedure

(1) **Board Meetings.** The State Board of Psychologist Examiners shall meet as necessary at a time and place specified by the Board and at such other times and places as specified by the Chair of the Board, a majority of members of the Board or by the Governor. The time and place of all meetings shall be posted on the Board's website.

ADMINISTRATIVE RULES

(2) **Board Members.** Board members shall receive a per diem of \$50 a day for board meetings, conference attendance, presentations and Board sub-committee meetings when acting in their official capacity.

(3) **Internal Organization.** At the last meeting in each fiscal year, the first order of business shall be organizational matters, including election of Board Chair and Vice-Chair and the assignment of standing responsibilities to Board members. The term of the Chair, Vice Chair or any standing assigned responsibility can be changed or terminated at any meeting where the proposal has been placed on the agenda and sent to the members one week in advance of the meeting, or by unanimous consent of the Board.

(4) **Chair and Vice Chair Responsibilities:**

(a) The Chair is authorized to take emergency action between Board meetings, subject to ratification by the Board. However, in the case of actions significant enough to normally require Board decisions, the Chair shall first attempt to get authorization for such decisions from the Board members through telephone or email communication. All emergency actions of any kind shall be noted in the agenda for the next meeting and shall become the first order of business at that next meeting;

(b) The Vice-Chair shall perform the duties of the Chair when the Chair is unable to do so.

(5) **Board Communications.** Only the Board Chair shall write other than routine or form letters in the name of the Board unless members are specifically authorized in a Board meeting to do so. The Board should approve in advance any correspondence that may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the Chair may be required to take immediate action that shall be reviewed at the next meeting of the Board.

(6) **Board Files.** All Board files shall be assembled in the Board's official office. The Board Administrator shall maintain the Board's files under the direction of the Chair. The Board Administrator shall maintain a master record of any files that are checked out of the Board office by Board members. The Board Administrator shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy.

(7) **Minutes and Agendas:**

(a) The minutes of a meeting shall be distributed to all Board members at least one week in advance of the next meeting;

(b) The agenda shall be prepared by the Board Chair or Board Administrator and distributed to all Board members at least one week before each meeting. The agenda items shall include reports by the Board Administrator, the Chair and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Board Chair, the Board Administrator shall make additional scheduling at the direct request of Board members. The Board may at its discretion, revise the agenda or limit it to a particular topic under special circumstances. Reports may be added as an addendum to the minutes of any meeting; and

(c) The agenda shall be distributed to all licensees and applicants for licensure.

(8) The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, printed and promulgated by the Attorney General, effective January 1, 2009, shall be the rules of procedure before the Board under ORS 183.310 to 183.500.

Stat. Auth.: ORS 675.010 - 675.150

Stats. Implemented: ORS 675.110 & 675.130

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 8, f. 12-5-74, ef. 12-25-74; PE 12, f. & ef. 3-5-76; PE 13, f. & ef. 9-15-76; PE 1-1979, f. & ef. 9-5-79; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82; PE 1-1987(Temp), f. & ef. 3-6-87; PE 1-1988, f. & cert. ef. 7-25-88; PE 1-1991, f. & cert. ef. 4-3-91; PE 4-1993, f. & cert. ef. 7-19-93; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0007

Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of a permanent rule, the Board of Psychologist Examiners shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least twenty-one (21) days prior to the effective date;

(2) By mailing or emailing a copy of the notice to individuals on the Board's mailing list established pursuant to ORS 183.335(6);

(3) By mailing or emailing a copy of the notice to the following individuals, organizations, or publications:

(a) All licensees of the Board;

(b) Oregon Psychological Association; and

(c) All applicants for licensure.

(4) Prior to the adoption, amendment, or repeal of any rule of the Board relating to continuing education, the Board shall additionally mail a copy of the notice to the State Board of Higher Education.

Stat. Auth.: ORS 675.010 - 675.150

Stats. Implemented: ORS 675.110

Hist.: PE 13, f. & ef. 9-15-76; PE 1-1990, f. & cert. ef. 2-16-90; PE 2-1991, f. 8-15-91, cert. ef. 8-16-91; PE 4-1993, f. & cert. ef. 7-19-93; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0010

Education Requirements — Psychologist

(1) To meet the education requirement of ORS 675.030(1), an applicant must possess either:

(a) A doctoral degree in psychology from a program accredited by the American Psychological Association as of the date the degree was awarded; or

(b) A doctoral degree in psychology from a program at a college or university that is regionally accredited at the doctoral level by any one of the following regional accrediting associations: Northwest, North Central, Western, New England, Middle States or Southern, and

(c) A minimum of three academic years of full-time graduate study including at least one year which is in residence at the institution from which the degree is granted, or its equivalent. Residence requires interaction with psychology faculty and other matriculated psychology students; one year's residence or its equivalent is defined as follows:

(i) Thirty semester hours or 45 quarter hours or the equivalent; or

(ii) A minimum of 500 hours of student-faculty contact involving face-to-face individual or group educational meetings. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90 percent of the time, be documented by the applicant and the institution, and relate substantially to the program components specified.

(2) The program under sections (1)(a) or (b) must be defined as follows:

(a) Organizational Structure. The organizational structure of the graduate program must be defined as follows:

(A) The program must be identified and labeled as a program in psychology;

(B) The program must stand as a recognized entity within the institution;

(C) There must be an authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;

(D) There must be a sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field;

(E) There must be a faculty and a person administratively responsible for the program;

(F) There must be a body of students selected on the basis of high ability and appropriate educational preparation.

(b) Curriculum. The curriculum of the program must require applicant's successful completion of the following:

(A) 40 semester hours (60 quarter hours) of graduate courses identified by title and course content as psychology, that may include clinical, counseling, industrial/ organizational and school psychology, excluding thesis and practica;

(B) An original dissertation or equivalent that was psychological in nature that meets the requirement for an approved doctoral program;

(C) Three or more graduate semester hours (five or more graduate quarter hours) each in biological basis of behavior (including, but not limited to physiological psychology, comparative psychology, neuropsychology, psychopharmacology, sensation and perception, biological basis of development); cognitive-affective basis of behavior (including, but not limited to learning, thinking, motivation, emotion, cognitive development); social basis of behavior (including, but not limited to social psychology, organization theory, community psychology, social development); individual differences (including, but not limited to human development, personality theory, psychopathology); and

(D) At least one graduate course each in research design and methodology; statistics and psychometrics; and scientific and professional ethics.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030(1)(b)(c)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1992, f. & cert. ef. 1-16-92; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-

ADMINISTRATIVE RULES

2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0015

Education Requirements – Psychologist Associate

(1) To meet the education requirement of ORS 675.030(1), an applicant must possess either:

(a) A masters degree in psychology from a program accredited by the American Psychological Association as of the date the degree was awarded; or

(b) A masters degree in psychology from a program at a college or university that is regionally accredited at the doctoral level by any one of the following regional accrediting associations: Northwest, North Central, Western, New England, Middle States or Southern.

(2) The masters program shall include at least 45 quarter hours or 30 semester hours of graduate credit, 30 quarter hours or 20 semester hours of which must be in graded (not “pass–no pass”) courses. Hours shall be from at least five of the basic areas of psychology including:

(a) Experimental psychology; Learning theory; Physiological psychology; Motivation; Perception; Comparative psychology; Statistical methods; Design of research; Developmental psychology; Individual differences; Social psychology; Organizational psychology; Personality theory; Abnormal psychology; and

(b) A minimum of one graduate level course in ethics; and

(c) A minimum of one graduate level course psychological tests and measurements.

Stat. Auth.: ORS 675.065

Stats. Implemented: ORS 675.065(1)(4)(c)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & ef. 9-5-79; PE 1-1989(Temp), f. & cert. ef. 2-24-89; PE 2-1989, f. & cert. ef. 5-24-89; PE 3-1989(Temp), f. & cert. ef. 9-7-89; PE 1-1990, f. & cert. ef. 2-16-90; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1993(Temp), f. & cert. ef. 2-12-93; PE 3-1993, f. & cert. ef. 4-13-93; PE 5-1993, f. & cert. ef. 10-6-93; PE 1-1995, f. & cert. ef. 2-16-95; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 1-2002(Temp), f. 1-28-02, cert. ef. 1-31-02 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0016

Standard Application Procedure

(1) Filing of Applications. Upon receipt of an application for licensure, the Board shall process the application and determine if the application is complete. An application is considered complete when the following supporting documents have been received:

(a) Proof of Master’s or Doctorate Degree;

(A) Final Graduate Level Transcript imprinted with date degree was awarded; or

(B) A Verification of Educational Degree Form;

(b) University Accreditation Form (non-APA accredited schools only);

(c) Reference Forms;

(d) Educational Record in Psychology Form (non-APA accredited schools only);

(e) Social Security Number Authorization Form;

(f) Verification of pre-degree supervised work (if any);

(g) Verification of post-degree supervised work experience (if any);

(h) National Written Examination (EPPP) score (if any);

(i) Verification of Licensure in other states (if any);

(j) Verification of ABPP status (if any);

(k) Application Fee;

(l) Criminal Background Check Fee, and

(m) Other clarifying information requested by the Board.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030(1)(a)(b)(c)(d)(e)(2)

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0017

Non-Standard Application Procedure

(1) ABPP Board Certified . If an applicant is ABPP Board Certified by the American Board of Professional Psychology (ABPP), the applicant’s ABPP file will be accepted as primary source documentation and the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Submits a complete application for licensure;

(c) Requests ABPP to send a copy of the applicant’s Certification file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

(e) Pays the criminal background check fee; and

(f) Pays the application fee.

(2) Certificate of Professional Qualification (CPQ). If an applicant holds a valid Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Board (ASPPB), the applicant’s CPQ file will be accepted as primary source documentation and the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Submits a complete application for licensure;

(c) Requests ASPPB to send a copy of the applicant’s CPQ file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

(e) Pays the criminal background check fee; and

(f) Pays the application fee.

(3) Health Service Provider in Psychology (HSPP). If an applicant holds a valid HSPP credential issued by the National Register, the Board may issue a license if the applicant:

(a) Has a doctoral degree in psychology;

(b) Possesses and has maintained an active license as a psychologist in another state for at least five years;

(c) Submits a complete application for licensure;

(d) Requests the National Register to send a copy of the applicant’s HSPP file directly to the Board;

(e) Passes a Board-administered jurisprudence examination;

(f) Pays the criminal background check fee; and

(g) Pays the application fee.

(4) Senior Psychologist. The Board may issue a license if the applicant:

(a) Possesses and has maintained for at least 15 years a license to practice based on a doctoral degree in psychology that is issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards;

(b) Submits a complete application for licensure;

(c) Requests the state(s) in which the applicant is licensed to send a copy of the applicant’s licensure file directly to the Oregon Board;

(d) Passes the Oregon jurisprudence examination;

(e) Pays the criminal background check fee; and

(f) Pays the application fee.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0020

Process and Disposition of Application for License

(1) Application Review Procedure. When the application and all of the required supporting documents have been received, the application file shall be reviewed for eligibility. The reviewer shall either:

(a) Approve the application. When the reviewer determines the application is complete, a letter of approval shall be sent notifying the applicant of eligibility to take the EPPP and the Jurisprudence examination and to enter into a Resident Supervision Contract.

(b) Deny the application. If the application is denied, the reviewer shall send the applicant a letter noting the reason.

(c) Full Board review. Under unusual circumstances, the application will be reviewed by the full Board for determination of disposition.

(d) Applicants for licensure may appeal a decision by the reviewer by requesting in writing an application review by the full Board.

(2) Active Application. The Board shall maintain an incomplete application file for one year from the date the application was received. A file shall be presumed inactive if correspondence from the Board is returned as “undeliverable.”

(3) The Board may extend the application period upon written request prior to the one year expiration date. Failure to receive a courtesy reminder notice from the Board shall not relieve an applicant of the responsibility to request an extension.

(4) Reapplication. If an application for licensure has been denied by the Board for any reason, the Board will not review a second application until at least one year has lapsed from the date of the previous denial.

(5) Information Changes. An Applicant must notify the Board immediately if any information submitted on the application changes, including but not limited to: address and telephone number; complaints; disciplinary actions; and, civil, criminal, or ethical charges and employment investigations which lead to termination or resignation. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

Stat. Auth.: ORS 675.040, 675.045 & 675.050

Stats. Implemented: ORS 675.040(1)(2)(3), 675.045(1)(2)(a)(b), 675.050(1)(a)(b)(2)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 2-1989, f. & cert. ef. 5-24-89; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert.

ADMINISTRATIVE RULES

ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0030

Procedures for Oregon Jurisprudence Examination

(1) Jurisprudence Examination. The purpose of the examination is to measure the candidate's knowledge and application of state laws and regulations related to the professional practice of psychology, including the American Psychological Association's ethical principles incorporated by Board statute and rule.

(a) Candidates whose education credentials, training and references have been accepted by the Board shall be notified in writing of their eligibility take the jurisprudence examination.

(b) The jurisprudence examination shall be administered at least twice a year.

(2) Eligible candidates prepared to take the jurisprudence examination must submit a written request to the Board postmarked at least 30 days prior to the examination date and pay the examination fee.

(3) The jurisprudence examination fee is not refundable.

(4) The applicant shall be given no less than two weeks' notice of the date, time and place of the applicant's scheduled examination. Appearance at the scheduled examination shall constitute a waiver of the prior written notice.

(5) Special Accommodations. Requests for special accommodations for a disability or for English as a second language must be made at the time the written request to sit for the examination is made, or when the disability becomes known to the applicant. The request must include:

(a) Written verification of the disability from a qualified care provider (i.e. a person certified or licensed by the state to provide such services) detailing:

(A) Nature, extent and duration of disability; and

(B) Recommendation(s) for accommodation.

(b) English as a Second Language: Written request for reasonable accommodation detailing:

(A) Level of proficiency in English including, but not limited to, number of years speaking and/or writing English;;

(B) History of special accommodations granted in similar testing circumstances;

(C) Other information to support request for special accommodation; and

(D) Recommendation(s) for accommodation.

(6) Administration.

(a) The Board shall determine the questions on each examination and shall determine the passing score.

(b) The Board shall provide a Candidate Handbook that includes a copy of the Board's examination rules and an explanation of the Board requirements related to scheduling and the conduct during the examination, current examination study materials and the Candidate Handbook shall be available at all times on the Board's website at www.Oregon.gov/OBPE.

(c) Disqualification. A candidate sitting for the jurisprudence examination may be disqualified during or after the examination for conduct which affects the integrity of the candidate's performance or the examination. Disqualification will result in denial of the candidate's application.

(7) Scoring. Candidates shall be assigned a number so test scorers do not know the identity of the test taker until the examination report is prepared for the Board. The Board shall notify each candidate in writing regarding the result of the examination within one week of the date of the examination. If a candidate has a complaint under investigation, the Board may delay issuing the licensure of that candidate until the complaint has been resolved.

(8) Reconsideration, Review and Reexamination.

(a) Within thirty days after notice of the examination results, a candidate who does not pass the examination may petition the Board in writing to have their examination rescored.

(b) Review. A candidate who does not pass the examination may review the examination record of incorrect questions and answers at the Board's office within a period of ninety days following the date of the examination and upon written request to the Board. The purpose of the review is to assist the candidate prepare to retake the examination. No more than one review shall be allowed.

(c) Reexamination. A candidate who does not pass the examination may be reexamined. If a candidate does not pass the second examination and wishes to take a third examination the candidate must submit a study plan for the Board's review and approval prior to sitting for the third examination. If a candidate fails to pass the third examination, the candidate's application for licensure shall be denied.

Stat. Auth.: ORS 675.030, 675.040, 675.045, 675.050 & 675.065

Stats. Implemented: ORS 675.030, 675.040, 675.045, 675.050 & 675.065

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & cert. ef. 9-5-79; PE 1-1981(Temp), f. & cert. ef. 12-9-81; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & cert. ef. 7-23-82; PE 1-1985(Temp), f. & cert. ef. 12-20-85; PE 1-1986, f. & cert. ef. 7-1-86; PE 1-1988, f. & cert. ef. 7-25-88; PE 3-1988(Temp), f. & cert. ef. 11-30-88; PE 1-1990, f. & cert. ef. 2-16-90; PE 1-1991, f. & cert. ef. 4-3-91; PE 2-1991, f. 8-15-91, cert. ef. 8-16-91; PE 3-1992(Temp), f. & cert. ef. 12-10-91; PE 1-1992, f. & cert. ef. 1-16-92; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1995, f. & cert. ef. 2-16-95; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 1-2000(Temp), f. 3-8-00, cert. ef. 3-8-00 thru 9-4-00; BPE 3-2000, f. & cert. ef. 9-7-00; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2004(Temp), f. & cert. ef. 3-2-04 thru 8-29-04; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2006, f. 8-29-06, cert. ef. 9-1-06; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0034

Criminal Background Checks

(1) The purpose of these rules is to provide for the reasonable screening of all applicants for licensure, and licensees who are under investigation, on or after March 1, 2010 in order to determine if they have a history of criminal behavior and are not fit to be issued a license by the Board.

(2) These rules are to be applied when evaluating the criminal history of an applicant for licensure or a licensee under investigation and conducting fitness determinations based upon such history. The fact that an applicant has cleared the criminal history check does not guarantee the granting of a license. The fact that a licensee under investigation has cleared the criminal history check does not guarantee continued licensure.

(3) The Board may require fingerprints of all applicants for a psychologist or psychologist associate license to determine fitness to practice. The Board may require licensees under investigation to provide fingerprints when the Board has a rational reason to determine if the licensee has a history of criminal behavior. Fingerprints will be provided on prescribed forms provided by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board; the Board will submit fingerprints to the Oregon Department of State Police to conduct a Criminal History Check and a National Criminal History Check. Any original fingerprint cards will subsequently be destroyed by the Oregon Department of State Police in accordance with ORS 181-534(4).

(4) The Board may determine whether an applicant is fit to be granted a license, or whether a licensee under investigation is fit for continued licensure, based on the criminal records background check, any false statements made regarding their criminal history, and any refusal to submit or consent to a criminal records check including fingerprint identification. The Board may make a fitness determination conditional upon applicant's or licensee's acceptance of probation, conditions, limitations, or other restrictions upon licensure.

(5) Except as otherwise provided in section (2), in making the fitness determination, the Board shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(d) Mitigating circumstances relevant to the responsibilities and circumstances of the license. Mitigating circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the applicant or licensee at the time of the crime;

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) Evidence, if any, of rehabilitation submitted.

(6) All requested background checks include available state and national data, unless obtaining one or the other is an acceptable alternative.

(7) In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee under investigation or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(8) Criminal offender information is confidential. Dissemination of information received under HB 2157 is only available to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).

ADMINISTRATIVE RULES

(9) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect their own state and national criminal offender records and, if requested, provide the individual with a copy of their own state and national criminal offender records.

(10) The Board may consider any conviction of any violation of the law in compliance with ORS 670.280, and for which the court could impose a punishment. The Board may also consider any arrests and court records that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.

(10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 670.280. The Board may also consider any arrests and court records that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.

(11) If an applicant or licensee is determined not to be fit for licensure, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.414-470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.

(12) If the applicant or licensee successfully contests the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation or other agency reporting information to the Board, the Board will conduct a new criminal history check and re-evaluate the criminal history upon submission of a new criminal history request form.

(13) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, the application is considered incomplete.

Stat. Auth.: ORS 181.534, 675.070

Stats. Implemented: ORS 181.534, 675.070

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0036

Guidelines for Supervised Work Experience Psychologists

(1) Policy. Two years of supervised work experience is required for licensure.

(a) The Board may approve one year of pre-doctoral supervised work experience if the experience was a formal requirement of the applicant's doctoral program.

(b) A minimum of one year of the required work experience must take place after the doctorate degree is conferred.

(c) One year of supervised work experience is defined as 1,500 hours of psychological work performed over a period not less than twelve months.

(d) Psychological work is defined as psychotherapy and treatment for an individual or group; diagnosis and assessment; completing documentation related to diagnosis or treatment provided; treatment planning; termination reports; chart reviews; client care meetings and consultation; psychological testing; research related to client care; report writing; and receiving formal training including workshops and conferences.

(e) As of January 6, 2010, at least 50% of post-doctoral psychological work must be face-to-face client contact.

(f) For the purposes of licensure, psychological work does not include business development; credentialing activities; marketing; purchasing; creating forms; administrative billing or other business management activities.

(2) The following guidelines shall be used by the Board to identify post-doctoral supervised work experience. While obtaining postdoctoral supervised work experience, the applicant must be in a Board approved Resident Supervision Contract:

(a) Working under the supervision of an Oregon licensed psychologist licensed in Oregon for at least two years; or

(b) Working under the supervision of an Oregon licensed psychologist licensed for at least two years in a state with licensing standards comparable to Oregon.

(c) Supervised employment in other jurisdictions must be a formal supervised work experience arrangement under the supervision of a psychologist who has been licensed for at least two years in a state with licensing standards comparable to Oregon or

(d) For the period April 8, 2008 through December 31, 2009, an employee of an institution or agency exempt from licensure under ORS 675.090 (1)(e), who provides documentation of supervision by a psychologist licensed for at least two years may, at the discretion of the Board, receive supervised employment credit.

(3) Applicants whose educational credentials and professional references have been approved by the Board shall be eligible to enter into a Resident Supervision Contract as described in subsection (2)(a) of this rule.

(a) Resident status shall begin the date the Board approves the Resident Supervision Contract.

(b) Termination of a Resident Supervision Contract will be granted by the Board at the written request of the supervisor or the resident. The termination shall be effective at the time the Board approves the request in writing.

(c) If the supervisor is to be paid for supervision payment must be in the form of a per-hour fee.

(d) Supervision of more than two residents concurrently shall require prior approval by the Board.

(4) Resident's Responsibilities. The resident's conduct must conform to the following standards:

(a) Title. The resident must be designated at all times by the title "psychologist resident." All signed materials, letterheads, business cards, telephone directory listings, internet postings; brochures, insurance billings and any other public or private representation must include the individual's title as "psychologist resident" and the supervisor's name and designation "supervisor."

(b) Scope of Practice. The resident will only offer services in those areas that the supervisor is competent.

(c) Nature of Supervision. The resident must obtain frequent and regular supervision meetings throughout the duration of the Resident Supervision Contract. The resident must provide the supervisor with a periodic evaluation of all cases and psychological activities in which the resident is engaged. The resident's practice must comply with Oregon laws and administrative rules.

(d) The supervisor is not required to be working on-site with the resident.

(e) Non-routine individual supervision may occur by electronic means when geographical distance, weather or emergency prohibit a face-to-face meeting.

(f) Frequency. If a resident works 1-20 hours in a week the resident must receive at least one hour of individual supervision every week. If a resident works more than 20 hours in a week the resident must receive at least two hours of supervision every week. One hour must be individual and one hour may be group supervision. On a non-routine basis individual supervision may be delayed up to 14 days to accommodate vacations, illness, travel or inclement weather.

(A) Group supervision must be:

(i) A formal and on-going group of at least three mental health professionals;

(ii) Facilitated by a licensed mental health professional;

(iii) Approved by the resident's supervisor; and

(iv) All legal and ethical issues must be referred back to the supervisor if the group facilitator is not a licensed psychologist.

(g) Duration. The resident status is a transitional step toward licensure and is not intended as a means to avoid licensure. A Psychologist Resident Contract shall be effective for a period not to exceed two years from the date of Board approval. The Board may extend the contract beyond two years upon a written request from the resident and the supervisor prior to the expiration of the contract. Failure to receive a courtesy reminder notice from the Board shall not relieve the resident of the responsibility to request an extension.

(h) Confidentiality. The resident must advise all clients orally and in their informed consent policy that the supervisor may have access to all information and material relevant to the client's case.

(i) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract;

(j) The resident must provide the Board with a Supervisor Evaluation Report at the conclusion or termination of the Resident Supervision Contract.

(5) Responsibilities of the Supervisor. The supervisor's conduct must conform to the following standards:

(a) Closely review, supervise, and evaluate representative and problem cases with attention to diagnostic evaluation, treatment planning, ongoing case management, emergency intervention, recordkeeping and termination;

(b) Countersign all psychological reports and professional correspondence produced by the resident; and ensure that letterhead, business cards, telephone directory listings, brochures, insurance billing and any other public or private representation includes the appropriate title of "Psychologist Resident" or "Psychologist Associate Resident" and the supervisor's name

ADMINISTRATIVE RULES

and designation as "supervisor." Client progress notes do not need to be signed by the supervisor.

(c) Review with the resident, Oregon laws and administrative rules related to the practice of psychology, including the 2002 APA "Ethical Principles of Psychologists and Code of Conduct," professional relationships and referrals, protection of records, billing practices, recordkeeping and report writing;

(d) Assist the psychologist resident in developing a plan to prepare for the national written exam and the Oregon jurisprudence examination;

(e) Promptly communicate to the Board any professional or ethical concerns regarding the resident's conduct or performance;

(f) Promptly communicate to the Board any significant interruption or expected termination of the Resident Supervision Contract;

(g) Ensure that the resident has access to supervision by telephone to discuss urgent matters, if the supervisor is unavailable for any reason, during a period not to exceed fourteen days;

(h) In the absence of the primary supervisor, not to exceed fourteen days, one-on-one supervision hours may be conducted retro-actively.

(i) Keep notes of each supervisory session, and provide them to the Board upon request;

(j) Maintain a record of hours of supervision and provide it to the Board upon request; and

(k) Provide the Board with a Resident Evaluation Report at the conclusion or termination of the Resident Supervision Contract.

(6) Associate Supervisor. Any supervision of the resident by a person other than the primary supervisor must be identified in the Resident Contract and approved by the Board.

(a) The associate supervisor is responsible for providing supervision as described in section (5) of this rule in the event that the primary supervisor is unavailable for any reason; and

(b) The associate supervisor is responsible for reporting any professional or ethical concerns regarding the resident's conduct or performance to the primary supervisor and the Board.

Stat. Auth.: ORS 675.030, 675.040, 675.045, 675.050, 675.065 & 675.110
Stats. Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065, 675.110
Hist.: PE 1-1988, f. & cert. ef. 7-25-88; PE 1-1990, f. & cert. ef. 2-16-90; PE 1-1991, f. & cert. ef. 4-3-91; PE 2-1991, f. 8-15-91, cert. ef. 8-16-91; PE 4-1993, f. & cert. ef. 7-19-93; PE 1-1996, f. & cert. ef. 6-25-96; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-010-0055

Limited Permits

(1) The Board may grant a limited permit to practice psychology in the State of Oregon to individuals who possess and have maintained an active license as a psychologist in another jurisdiction in good standing. Applicants must:

(a) Submit an Visitor's Permit Application or a Temporary Permit Application;

(b) Submit proof of licensure in good standing from other jurisdictions;

(c) Pay the limited permit fee;

(d) Submit a statement certifying that the applicant has read and understands Oregon law relating to the practice of psychology.

(2) Limited Permit Types.

(a) Visitor's Permit. A visitor's permit may be issued to psychologists that do not intend to seek full licensure in Oregon, and are providing psychological services for a limited, time-specific period only.

(A) A statement of work must be submitted with the Visitor's Permit Application, and whenever the psychologist re-enters Oregon.

(B) The statement of work must include purpose, location, and the specific dates of service.

(C) A visitor's permit shall be effective for no more than 30 days in a 12 month period.

(b) Temporary Permit. The Board may grant a temporary permit to an approved applicant for full licensure in Oregon.

(A) Individuals applying for a temporary permit that do not have a minimum of five years of licensure must consult with an Oregon licensed psychologist at least one hour per week on matters pertaining to Oregon law. The consultant must agree and be named on the Limited Permit Application.

(B) A temporary permit shall be effective for no more than 90 calendar days. Applicants granted a temporary permit must take the jurisprudence examination within 90 days from the date the permit is approved.

(C) Failure to pass the jurisprudence examination shall result in cancellation of the temporary permit. The Board has discretion to extend the

temporary permit for an additional 30 days in order to allow the applicant time to transition clients to another provider.

(D) Applicants whose temporary permit is cancelled may submit a Consultation Contract for Board approval to continue providing services after the cancellation date.

Stat. Auth.: ORS 675.063
Stats. Implemented: ORS 675.063

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 2-1989, f. & cert. ef. 5-24-89; PE 1-1990, f. & cert. ef. 2-16-90; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1995, f. & cert. ef. 2-16-95; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-1999(Temp), f. & cert. ef. 3-2-99 thru 7-1-99; BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-020-0045

Notice and Investigation Process

(1) Notice to Respondent. The Board's Administrator shall notify the respondent by letter when a complaint is filed, or an investigation has been initiated, into respondent's conduct or practice. The notice letter shall provide respondent with a citation to the laws and regulations that apply to the investigation. The notice letter shall also set out the general allegations to be investigated. The investigator may modify the scope of the investigation as needed. The Board Administrator may delegate this notification procedure to the Board's investigator.

(2) Notice to Supervisors. When a complaint is filed against an individual acting under the supervision of a licensed psychologist, the supervising psychologist(s) shall be notified that any investigation into the conduct of the supervisee may affect the licensure of the supervisor(s). The Board may open a companion investigation naming the supervisor(s).

(3) Purpose of Investigation. The purpose of the investigation shall be to determine whether sufficient credible evidence exists of violation of rules or laws administered by the Board to justify issuance of a Notice of Intent to Impose sanctions against a person licensed by the Board or such other action as the circumstances may warrant.

(4) Scope of Investigation. The investigator shall seek guidance as appropriate and necessary from individual Board members, the full Board, agency legal counsel, and the Board's administrator. Should the Board decide to operate with a Consumer Protection Committee structure, that committee shall serve as the primary source of guidance for the investigator.

(5) Cooperation. Failure by Respondent to cooperate with a board investigation constitutes unprofessional conduct per ORS 675.070(2). Cooperation by respondent includes:

(a) Submitting client records to the Board's investigator, with or without a signed release by the client, for a full investigation of the allegations presented in the notice letter;

(b) Sending a complete case file to the Board's investigator;

(c) Being available for a personal interview with the Board's investigator; and

(d) Responding to questions presented by the Board's investigator.

(6) Duty of the Investigator. The investigator shall collect evidence, interview witnesses and make a written report to the Board.

Stat. Auth.: ORS 675.020 & 675.110
Stats. Implemented: ORS 675.110

Hist.: BPE 3-1999, f. & cert. ef. 7-6-99; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-030-0005

Application, Examination and Licensing Fees

(1) Application: \$300

(2) Jurisprudence Examination: \$150

(3) License Fees

(a) The license renewal fee for an Active psychologist and psychologist associate shall be calculated on an annual amount of \$375.

(b) The license renewal fee for a Semi-Active psychologist and psychologist associate shall be calculated on an annual amount of \$187.50.

(c) The license renewal fee for Inactive psychologist and psychologist associate shall be \$50 and paid on a biennial amount of \$100.

(d) Effective for the renewal periods beginning January 1, 2010, the Board will phase in the implementation of a two year license on a birth month renewal schedule.

(e) The Board shall impose a Delinquency Fee of \$200 for licenses renewed within thirty days after the stated due date.

(f) The Board shall have discretion to waive the delinquency fee in hardship cases.

(4) Limited Permit: \$100

ADMINISTRATIVE RULES

(5) Miscellaneous Fees. Most materials and information are available through the Board website at www.oregon.gov/obpe or may be purchased in accordance with ORS 192.440(2).

- (a) Certified Verification of Licensure: \$5
 - (b) Certified Transfer of Application Information: \$20
 - (c) Student Loan Deferment Letter: \$5
 - (d) Duplicating Request: \$2.50 for the first five copies; \$.25 for each copy thereafter
 - (e) Laws and Administrative Rules: \$5
 - (f) Electronic File of Mailing Labels: \$35
 - (g) Application Packet, including Laws and Administrative Rules: \$10
 - (h) Duplicate Wall Display Certificate of Licensure: \$12
 - (i) Certified Duplicate License: \$10
 - (j) Cumulative Disciplinary Report: \$7.50
- Stat. Auth.: ORS 675.110 & 675.115
Stats. Implemented: ORS 675.110 & 675.115
Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 7, f. 10-21-74, ef. 11-11-74; PE 9, f. 2-3-75, ef. 2-25-75; PE 1-1978, f. & ef. 9-5-78; PE 1-1979, f. & ef. 9-5-79; PE 2-1980, f. & ef. 9-23-80; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82; PE 1-1983, f. & ef. 11-1-83; PE 2-1989, f. & cert. ef. 5-24-89; PE 3-1992, f. & cert. ef. 7-14-92; PE 2-1993(Temp), f. & cert. ef. 3-18-93; PE 4-1993, f. & cert. ef. 7-19-93; Renumbered from 858-010-0060; PE 5-1993, f. & cert. ef. 10-6-93; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-1999(Temp), f. & cert. ef. 3-2-99 thru 7-1-99; BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2000, f. 9-7-00, cert. ef. 10-15-00; BPE 2-2001(Temp), f. 8-31-01, cert. ef. 10-12-01 thru 2-27-02; BPE 3-2001(Temp), f. & cert. ef. 10-12-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2009(Temp), f. 9-29-09, cert. ef. 10-1-09 thru 12-31-09; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-040-0015

Basic Requirements

(1) Licensees must earn at least 50 continuing education credits during the period between license renewals. Continuing education credit must be reported as follows:

(a) Licensees must submit a Renewal Notice and Reporting Affidavit to the Board office with the fee on or before the due date printed on the notice.

(b) An unsigned or incomplete Renewal Notice and Reporting Affidavit shall be returned to the licensee.

(2) New Licensees. There is no continuing education reporting required for individuals licensed less than twelve months on their first renewal date. Continuing education shall be pro-rated for individuals licensed less than twenty-four months on their first renewal date.

(3) All active and semi-active licensees must complete four hours of professional ethics in each reporting period.

(4) All active and semi-active licensees must complete a minimum of seven hours of continuing education dedicated to the topic of pain management. This is a one time requirement.

(a) One hour must be a course provided by the Oregon Pain Management Commission.

(b) The pain management requirement must be reported within twenty-four months of the first Renewal Notice and Affidavit.

(5) No continuing education reporting is required for licensees requesting a change from active or semi-active to inactive status.

(6) No continuing education reporting is required for inactive licensees.

(7) The Board may grant exemptions in whole or in part from continuing education requirements, including extension of deadlines, in documented hardship cases.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-040-0026

Continuing Education Random Audit

(1) The Board will conduct a random audit of continuing education compliance each year.

(2) Unless the licensee is contacted for an audit, certificates of attendance or other proof of continuing education activities should not be sent to the Board, but must be retained by the licensee for two years after the reporting period.

(3) To obtain credit during an audit, the following information must be typed or printed provided in legible form on the Board's Continuing Education Audit Report:

- (a) Activity Title for multi-session or multi-day activities, titles of separate sessions attended;
- (b) Dates attended, including month, day, and year;
- (c) Organization sponsoring the program;
- (d) Full name and degree of qualified instructor;

(e) Hours claimed according to OAR 858-040-0055.

(f) To obtain credit for writing published articles and books, the following information must be provided on the Continuing Education Audit Report as follows:

- (A) Publisher;
- (B) Title of publication;
- (C) Dates of publication; and
- (D) Hours claimed according to OAR 858-040-0055.

(4) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee.

(5) The following shall constitute evidence of completion:

(a) For courses taken for academic credit from accredited universities and colleges: a copy of a transcript showing satisfactory completion of the course;

(b) For non-academic courses taken, a certificate of attendance;

(c) For formal individual home study programs, written evidence of completion from the sponsor;

(d) For formally organized study groups, a copy of the study group syllabus, and the recorder's study group meeting minutes;

(e) For consultation or supervision, copies of cancelled checks, or signed verification by the psychologist providing services; and

(f) For published material, a copy of pages of the material showing title, author, and date of publication.

(6) If a CE report or documentation is not approved, the licensee shall be so notified and shall be granted a period of time by the Board in which to correct the deficiencies noted.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-040-0035

Programs Which Qualify for Continuing Education Credit

Policy. Acceptable continuing education must be a learning activity which contributes directly to the professional competence of the licensee.

(1) Program Prerequisites. Continuing Education programs shall qualify for credit if:

(a) The subject matter deals primarily with substantive psychological issues, skills or laws, rules and ethical standards related to one's role as a psychologist or psychologist associate.

(b) The program is conducted by a qualified instructor or discussion leader. A qualified instructor or discussion leader is a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter; and

(c) A record of attendance, such a certificate of completion, is obtained.

(2) Qualifying Programs. The following shall qualify for continuing education credit provided they comply with all other CE requirements:

(a) Substantive professional development programs of recognized mental health organizations;

(b) University or college courses. Each classroom hour shall equal one qualifying hour;

(c) Formally organized work place educational programs;

(d) Formally organized study groups that comply with the following:

(A) At least two other mental health professionals attend;

(B) The study group prepares and preserves a syllabus of meeting dates and study topics in advance;

(C) A record is kept of each study group meeting. The record must include the names of the participants present, the subject matter and references which relate to any written material utilized; and

(e) Supervision or Consultation Received for a fee from an Oregon licensed Psychologist.

(A) Credit shall be given only to the licensee receiving supervision or consultation, not to the licensee providing supervision or consultation.

(B) No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.

(f) Home Study including non-interactive internet and tele-courses.

(g) Published articles and books on substantive psychological issues.

(h) Service as Lecturer, Discussion Leader, or Speaker on substantive psychological issues.

(A) Credit as a lecturer, discussion leader, or speaker may be claimed for work that is either paid or unpaid.

(B) Credit shall be allowed for the first time a course is taught. No credit shall be allowed for repeat presentations unless an instructor can demonstrate that the program content was substantially changed and such change required significant additional study or research.

(i) Ethics.

ADMINISTRATIVE RULES

- (j) Oregon Board of Psychologist Examiners committee volunteer.
- (k) Ethics Committee meetings of professional associations.
- (l) Pain Management.
- (m) Office records organization; records maintenance and security procedures; office procedures; office staff training related to records maintenance and security procedures; billing software instruction.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110(14)
Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02, 858-040-0035(2)
Renumbered from 858-040-0045; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-040-0036

Programs Which Do Not Qualify for Continuing Education Credit

- (1) Marketing; investments; and practice building strategies.
- (2) Yoga; therapeutic massage;
- (3) Non-Clinical administrative staff meetings;
- (4) Word processing computer skills;
- (5) Therapies which are not widely recognized as within the scope of

practice of psychology, through research or scientifically demonstrated clinical effectiveness.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110(14)
Hist.: BPE 2-2002, f. & cert. ef. 2-27-02; Renumbered from 858-040-0035(5); BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

858-040-0055

Credit Hours Granted

- (1) Credit shall be given for actual hours attended.
- (2) Credit shall be given for no more than 25 hours of continuing education for home study and study group hours combined.
- (3) An instructor, discussion leader, or speaker shall be given two hours of credit for preparation for each hour of presentation time, and one hour of credit for each hour of presentation time.
- (4) Credit shall be given for no more than 25 hours of continuing education credit in a reporting period for an instructor, discussion leader, or speaker and published material combined.

Stat. Auth.: ORS 675.110
Stats. Implemented: ORS 675.110(14)
Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10

Bureau of Labor and Industries Chapter 839

Rule Caption: Updates reference to current version of federal child labor law; deletes outdated reference.

Adm. Order No.: BLI 19-2010

Filed with Sec. of State: 9-28-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 839-021-0104, 839-021-0355

Subject: The Wage and Hour Commission has adopted the federal child labor hazardous occupation orders prohibiting the employment of minors under 18 years of age in certain occupations. These federal regulations were amended effective July 19, 2010. These rule amendments conform the state child labor law to the federal regulation amendments. In addition, the rule amendments delete an obsolete statutory reference in OAR 839-021-0355 pertaining to prohibited performance by minors.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-021-0104

Occupations Particularly Hazardous or Detrimental to the Health or Well-Being of Minors Under the Age of 18

(1) Except as provided in OAR 839-021-0285, an employer may not employ a minor under 18 years of age in any occupation declared particularly hazardous or detrimental to their health or well-being, except under terms and conditions specifically set forth by rules of the Wage and Hour Commission.

(2) Those occupations set out in **Title 29 CFR, Part 570.51** to and including **Part 570.68** as amended July 19, 2010 are hereby adopted as occupations particularly hazardous or detrimental to the health and well-being of minors 16 and 17 years of age and the regulations pertaining to these occupations set out in **Title 29 CFR, Part 570.51** to and including **Part 570.68** as amended July 19, 2010 are hereby adopted and incorporated by reference herein and are attached as **Appendix 1**.

[ED. NOTE: Appendices referenced are available from the agency.]

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

Stat. Auth.: ORS 653.525

Stats. Implemented: ORS 653.305

Hist.: BL 182, f. & ef. 11-14-75; BL 6-1988, f. & cert. ef. 4-12-88; BLI 3-1999, f. & cert. ef. 6-16-99; BLI 9-2002, f. 3-28-02, cert. ef. 4-1-02; BLI 17-2006, f. 5-12-06, cert. ef. 5-15-06; BLI 19-2010, f. 9-28-10, cert. ef. 10-1-10

839-021-0355

Prohibited Performances

(1) No employer may employ a minor in the entertainment industry in any occupation declared particularly hazardous pursuant to OAR 839-021-0102 and 839-021-0104 or in employment prohibited by 839-021-0097 and 839-021-0276 to 839-021-0285. However, a safe simulation of such employment may be allowed.

(2) Minors under fifteen days of age may not be employed in the entertainment industry.

(3) Minors under one year of age may not be employed in the entertainment industry unless the employer can demonstrate a need for such minor. A separate letter of application must be submitted to the Executive Secretary or designee setting forth the details of the needed employment. The letter must include:

(a) A complete description of the action in which the minor is expected to participate; and

(b) Certification that the minor will not be engaged for longer than the hours allowed by OAR 839-021-0335; and

(c) A signed statement from the minor's parent permitting the employment; and

(d) A signed statement from a physician licensed by the Oregon State Board of Health attesting that the minor is physically able to perform the expected duties. The physician's statement must be accompanied by the physician's complete address and the physician's agreement to furnish the Bureau of Labor and Industries with any or all of the information necessary to confirm the particulars of such statement.

(4) No employer may employ a minor under one year of age in the entertainment industry unless a registered nurse is present and available to the minor at all times while the minor is present.

(5) No employer may employ a minor in the entertainment industry when the employment would place the minor in a clear and present danger to life and limb. If the minor believes there exists such danger, the employer must, at the same time, discuss the matter with the minor and the minor's parent or guardian together. If the minor persists in the belief that a clear and present danger to life and limb exists, regardless of its validity, the employer must not require the minor to perform the activity the minor believes will present such danger.

(6) No employer may employ a minor to participate in a performance in the entertainment industry unless the minor has been trained to portray it safely.

(7) No employer may employ a minor to participate in, or be present during, an obscene performance or the depiction of an obscene performance in violation of ORS 163.665 to 163.695 or 167.060 to 167.095.

(8) No employer may employ a minor in a place of public amusement or entertainment in violation of ORS 167.830 to 167.840.

(9) No employer may employ a minor to be exhibited in a trance.

(10) Notwithstanding the provisions of OAR 839-021-0102 and this rule, upon written request, the commission may, for good cause shown, exempt the employment of a minor under 16 years of age in the entertainment industry from the provisions of OAR 839-021-0102 and this rule after determining that the exemption will not be detrimental to the health or safety of the minor affected. Such exemption will be granted only under circumstances including but not limited to the following:

(a) The employment is not in violation of federal child labor regulations;

(b) The minor employee is adequately trained to perform the duties requested;

(c) The minor employee will be adequately supervised in performing the duties of the position;

(d) The parent or person standing in the place of the minor's parent has given written consent for the employment of the minor to perform duties otherwise prohibited; and

(e) The employer complies with all other applicable provisions of laws and rules.

Stat. Auth.: ORS 653.305 & 653.525

Stats. Implemented: ORS 653.305 & 653.525

Hist.: BL 9-1984, f. & ef. 8-7-84; BL 6-1988, f. & cert. ef. 4-12-88; BLI 9-2002, f. 3-28-02, cert. ef. 4-1-02; BLI 10-2004(Temp), 7-29-04 thru 1-24-05; BLI 1-2005, f. & cert. ef. 1-3-05; BLI 19-2010, f. 9-28-10, cert. ef. 10-1-10

ADMINISTRATIVE RULES

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2010.

Adm. Order No.: BLI 20-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rules amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2010.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2010, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2010, and the effective dates of the applicable special wage determination and rates amendments: Amendments/Corrections to July 1, 2010 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective October 1, 2010).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2010, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS.279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 1-1-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. & 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-

09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef. 1-19-10; BLI 4-2010, f. & cert. ef. 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10

.....

Department of Administrative Services Chapter 125

Rule Caption: Qualified Rehabilitation Facility (QRF) Program Rules.

Adm. Order No.: DAS 3-2010

Filed with Sec. of State: 10-8-2010

Certified to be Effective: 10-8-10

Notice Publication Date: 8-1-2010

Rules Adopted: 125-055-0016, 125-055-0017

Rules Amended: 125-055-0005, 125-055-0010, 125-055-0015, 125-055-0020, 125-055-0025, 125-055-0030, 125-055-0035, 125-055-0040, 125-055-0045

Subject: In 1977, the Oregon legislature passed the "Products of Disabled Individuals" act or Qualified Rehabilitation Facility (QRF) law obliges all state and local governments, school districts and other tax supported political bodies in Oregon, to purchase goods and services from QRFs when the product or service meets their requirements. The Rules interpreting these statutes were revised in 2003. A QRF Advisory Council of diverse stakeholders was convened in the fall of 2007. This Advisory Council acted as the Administrative Rule Advisory Committee and met until early summer of 2009. During this period they reviewed the QRF rules for accountability and transparency. That Advisory Council made rule revision recommendations to DAS.

Rules Coordinator: Jeffery Kohlleppe—(503) 378-2349, ext. 325

125-055-0005

Definitions

As used in OAR 125-055-0005 to 125-055-0045:

(1) "Agency" means a public agency, as defined in ORS 279.835(4).

(2) "Community Rehabilitation Program" (CRP) means a nonprofit agency for individuals with disabilities providing or facilitating one or more of the following services to individuals with disabilities, enabling them to maximize their opportunities for employment:

(a) Medical, psychiatric, psychological, social, and vocational services;

(b) Physical, occupational and recreational therapy;

(c) Speech, language, and hearing therapy;

(d) Assessment for determining eligibility and vocational rehabilitation needs;

(e) Job development, placement, and retention services;

(f) Psychosocial rehabilitation services;

(g) Supported employment services;

(h) Services to family members, if necessary, to enable the applicant or eligible individual to achieve an employment outcome; and

(i) Personal assistance services.

(3) "Competitive Employment" means work performed by an individual in the competitive labor market on a full-time basis with no more than reasonable accommodation (as required by the Americans with Disabilities Act, 42 USC §§12101 to 12213) for which the individual is compensated within the range of customary wages and levels of benefits paid in the community for the same or similar work performed by individuals who are not disabled.

(4) "Department" means the Oregon Department of Administrative Services.

(5) "Individual with a Disability," as defined in ORS 279.835(3), means a person who has a physical or mental impairment (a residual, limiting condition resulting from an injury, disease or congenital defect) that so limits the person's functional capabilities (such as mobility, communication, self-care, self-direction, work tolerance or work skills) that the individual is not able to engage in normal competitive employment over an extended period of time and, as a result, must rely on the provision of specialized employment opportunities.

ADMINISTRATIVE RULES

(6) "Price" means the cost to Agencies of the products and services procured through the QRF Program, as determined under OAR 125-055-0030.

(7) "Procurement List" means a listing of those QRFs currently qualified under OAR 125-055-0015 to participate in the QRF Program and includes, as required by ORS 279.850(1), a list of the products and services offered by QRFs and determined by the Department, under OAR 125-055-0020, to be suitable for purchase by Agencies.

(8) "Qualified Rehabilitation Facility (QRF)" means a nonprofit corporation operating as a CRP:

(a) Organized under the laws of the United States or of this state and operated in the interest of Individuals with a Disability, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(b) That complies with any applicable occupational health and safety standard required by the laws of the United States or of this state; and

(c) That in the manufacture of products and in the provision of services, whether or not the products or services are procured under the QRF Program, during the fiscal year employs Individuals with a Disability for not less than 75 percent of the total work hours of direct labor required for the manufacture or provision of the products or services.

(9) "QRF Program" means the program created by ORS 279.835 to 279.855.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855
Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0010

Policy

(1) As required by ORS 279.850(1), Agencies that intend to procure a product or service that is listed on the Procurement List must procure that product or service, at the Price determined by the Department, from a QRF if the product or service is of specifications appropriate to the Agency's procurement needs and is available within the time required by the Agency.

(2) It is the policy of the Department to assist QRFs by administering a program to:

(a) identify contracting opportunities in the public sector for QRFs;

(b) ensure that QRFs meet the standards set forth in the QRF Program; and

(c) assist and facilitate Agencies in entering into contracts with QRFs for the provision of products and services.

(3) In administering the QRF Program, the Department, Agencies and QRFs must keep in mind the purpose of the law: to encourage and assist Individuals with a Disability to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for QRF products and services.

(4) In promoting the policy of this section and ORS 279.850(2), the Department's Chief Procurement Officer (CPO) may appoint uncompensated volunteer members to serve on an advisory council to make recommendations to the CPO concerning the facilitation and administration of the QRF Program. The CPO's authority to appoint advisory council members includes the authority to remove and replace members in the CPO's sole discretion. Meetings of the advisory council are not subject to the public meetings law (ORS 192.610 to 192.710). However, the Department will post notice of the times and places of meetings of the advisory council on a website maintained by the Department. The Department reserves the right to change the meeting time and place after the posting of the meeting notice.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855
Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0015

Application for QRF Participation

(1) A CRP that seeks to participate in the QRF Program must submit a complete application to the Department on a Department-prescribed form. Exhibits submitted with the application must include:

(a) IRS 501(c)(3) letter;

(b) Articles of Incorporation;

(c) Bylaws;

(d) Mission Statement;

(e) A description of how the applicant is operating as a CRP; and

(f) A written plan for the applicant's compliance with the direct labor requirement of ORS 279.835(5).

(2) The Department reserves the right to require applicants to provide additional information.

(3) If the Department determines that the applicant is qualified, it will send the applicant notice of QRF status. If the Department does not find the applicant qualified, it will reject the application and notify the applicant in writing of the criteria not satisfied.

(4) The applicant may submit a written appeal to the Department within ten (10) calendar days of the date of the rejection notice. The appeal must state the error in the Department's decision. If the applicant does not appeal the Department's decision, the decision is final.

(5) On appeal, if the Department determines the applicant is then qualified, it will send written notice to the applicant of QRF status. If the Department finds no error in its determination, it will provide the applicant a written notice confirming the decision. The Department's written notice under this subsection constitutes a final order under ORS 183.484.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855
Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0016

QRF Status and Annual Reporting

(1) A QRF is required, during the QRF's fiscal year, to employ Individuals with a Disability for not less than 75 percent of the total work hours of direct labor required for the manufacture or provision of all products or services produced by the QRF. The 75 percent direct labor requirement need not be met with respect to each product or service provided by the QRF, or with respect to each contract the QRF enters into under the QRF Program.

(2) All participating QRFs must submit, on a Department-prescribed form, information from their preceding fiscal year. The Department will evaluate this information to determine compliance with ORS 279.835(5).

(3) The QRF must submit its annual report to the Department within 120 calendar days after the close of the QRF's fiscal year.

(4) A QRF may request an extension in writing prior to the 120-day deadline. The request must state the reason for the extension and the anticipated date of submission.

(5) The Department will evaluate the annual report for accuracy and compliance with ORS 279.835(5). If the Department determines that the QRF meets the requirements, it will send written notice of qualification to the QRF.

(6) If the Department determines that a QRF is noncompliant with any requirements of ORS 279.835(5), the Department will issue a written notice to the QRF. The written notice will state the reasons the QRF is not compliant and provide potential remedies.

(a) A QRF receiving notice of noncompliance under this subsection must respond to the Department within thirty (30) calendar days of the date of the Department's notice. The QRF's response must acknowledge receipt of the notice and describe a corrective action plan.

(b) If the QRF does not respond within thirty (30) calendar days from the date of the written notice, the Department will issue to the QRF written notice of the proposed termination of the QRF's participation in the QRF Program. The Department's written decision under this subsection constitutes a final order under ORS 183.484.

(c) The Department may require the QRF, as part of the required cure, to submit to the Department quarterly audit reports concerning the direct labor requirement of ORS 279.835(5). The Department may require the quarterly audits to be conducted and reported by a CPA in accordance with OAR 125-055-0035.

(7) If the QRF fails to achieve compliance within the time prescribed by the Department, the QRF will receive a written notice of termination.

(a) The QRF may submit a written appeal to the Department within ten (10) calendar days of the date of the termination notice. The appeal must state the QRF's grounds for appealing the decision. If the QRF does not appeal the Department's decision, the termination of the QRF's participation in the QRF Program is final.

(b) On appeal, if the Department determines the QRF is then qualified, it will send the QRF notice of qualification. If the Department does not find the QRF qualified, it will provide the QRF a written decision that states the reasons for that determination. The Department's written decision under this subsection constitutes a final order under ORS 183.484.

(8) After any termination of a QRF's participation in the QRF Program, the QRF may not enter into or renew any contracts under the QRF Program. Termination of QRF status also constitutes sufficient grounds for an Agency to terminate any contract procured under the QRF Program. The Department will post notice of the termination of a QRF's participation in

ADMINISTRATIVE RULES

the QRF Program on the website or other accessible online posting address administered through the Department. The QRF may re-apply no earlier than one year from the date the termination became final.

(9) Nothing in this rule may be construed as prohibiting the Department and the QRF from resorting to informal dispute resolution measures such as non-binding arbitration or mediation.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0017

Record Keeping

(1) All participating QRFs must maintain current records for each Individual with a Disability employed by the organization. The records must contain the disability documentation source and when required, a Competitive Employment statement. A Competitive Employment statement is not required for Individuals with a Disability qualified by the Social Security Administration due to their disability.

(a) Competitive Employment Statement. The Competitive Employment statement is a Department form signed by the QRF executive and prepared by a person qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of Individuals with a Disability.

(b) Acceptable Disability Documentation Sources:

(A) A letter on United States Veterans Administration letterhead stating that the individual has been determined eligible for vocational services due to his or her disability;

(B) A letter on Social Security Administration letterhead stating the individual is eligible for benefits due to his or her disability;

(C) Documentation from the Oregon Department of Human Services (DHS) or a DHS-designated Community Developmental Disability Program that the individual has an existing disability. "Community Developmental Disability Program" means an entity that is responsible for planning and delivery of services for individuals with developmental disabilities operated by or under a contract with the DHS, Seniors and People with Disabilities Division or a local mental health authority;

(D) Documentation from the Oregon Commission for the Blind that the individual has been determined to have a disability;

(E) Documentation from a Qualified Mental Health Professional that the individual is determined to have mental illness. A "Qualified Mental Health Professional" means any person meeting the following minimum qualifications as defined in OAR 309-114-0005:

(i) Graduate degree in psychology;

(ii) Bachelor's or graduate degree in nursing and licensed in the State of Oregon;

(iii) Graduate degree in social work or counseling;

(iv) Graduate degree in a behavioral science field;

(v) Graduate degree in recreational art, or music therapy;

(vi) Bachelor's degree in occupational therapist and licensed by the State of Oregon; or

(vii) Bachelor's or graduate degree in a relevant area.

(F) Documentation on the Department's "Documentation of Disability" form signed by a medical professional. "Medical Professional" means an individual licensed by:

(i) The Oregon Medical Board;

(ii) The Oregon Board of Naturopathic Medicine;

(iii) The Oregon State Board of Nursing as a Nurse Practitioner; or

(iv) The State Board of Psychologist Examiners.

(2) To the full extent permitted by law, a QRF must make its records available for inspection by the Department, the Office of the Oregon Secretary of State and their officers and representatives.

(3) If a QRF, its officers, employees or agents, knowingly make any false, fraudulent or untrue statement or representation in any application, certification or record required or authorized to be created, maintained or submitted under OAR 125, chapter 055, the Department may invoke the procedures authorized by OAR 125-055-0016(6) and (7) to secure appropriate action, including but not limited to requiring the correction or cure of the violation or the termination of the QRF's participation in the QRF Program. In determining the sanction, the Department may consider the magnitude, number, and impact of the false statements or representations.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0020

Determination of Suitability of Product or Service

(1) The Department will publish and maintain a Procurement List that identifies the products and services of QRFs suitable for procurement by Agencies. No Agency or QRF may enter into or renew a contract under the QRF Program for products or services not on the Procurement List. QRF products and services determined suitable will remain listed, subject to the Department's examination of the QRF's annual report and compliance with subsection (2).

(2) For a product or service to be suitable for addition to the Procurement List, each of the following criteria must be satisfied:

(a) QRF Status. The organization's QRF status must be current.

(b) Ownership. A QRF must own the product or directly provide the service the QRF proposes to provide to Agencies through the QRF Program. For example, a product or service will not be suitable for procurement by Agencies where the QRF operates merely as a broker, distributor, licensor or sales agent for another person or entity in providing a product to an Agency.

(c) Tied Products. A QRF's contract to provide a service cannot obligate an Agency to buy a product tied to that service unless the product is incidental to, or consumed in, the performance of the service.

(d) No Excessive Prices. The price proposed by the QRF must not be excessive. When proposed pricing is determined by the Department to be excessive, the Department may require the QRF to demonstrate that the proposed pricing is not excessive.

(e) Purpose. The QRF must demonstrate capacity to address the policy of the law as stated in ORS 279.840. To ensure that a QRF achieves this goal, the QRF must disclose to the Department:

(A) The projected employment potential for Individuals with a Disability in connection with the proposed product or service; and

(B) That appreciable value will be added to the products or services by Individuals with a Disability. The term "appreciable value" means a measurable addition of value, or an objectively observable improvement, enhancement or change, to the final product or service. No product or service may be suitable where the process of the manufacture, assembly or production of the product or the rendition of the service contains or is affected by any procedure, device or artifice under which the work of individuals with disabilities does not contribute, in a substantial, economically meaningful manner, to the value of the product or to the performance of the service, or under which the work of Individuals with a Disability is not a logical element of the chain of production.

(f) Compensation. Individuals with a Disability must be compensated for their work at a rate of pay that is consistent with the applicable legal requirements of the state and federal governments.

(g) Subcontractor Disclosure. Direct labor performed by subcontractors in the manufacture of a product or provision of a service to an Agency must be disclosed in the QRF's direct labor ratios reported to the Department as required by OAR 125-055-0016(1). The QRF must disclose subcontractor utilization, partnerships or planned joint ventures, including:

(A) the portion of the labor to be performed;

(B) the equipment to be used or supplied by; and

(C) the location of work performed by any subcontractor, partner or joint venturer (collectively, "subcontractor").

(h) Quality Standards and Delivery Schedules. The QRF must demonstrate the capability to meet the applicable specifications and to make the product or service available within the time required by the procuring Agency.

(i) Additional Information. The Department reserves the right to request additional information such as start-up costs and estimated cost recovery, market research conducted by the QRF, and physical location of business space dedicated to the product or service. The Department may conduct on-site investigations of the QRF's work sites and production processes.

(3) If the Department determines the product or service satisfies the criteria in subsection (2), it will notify the QRF of its decision. If the Department determines that the product or service does not satisfy the criteria in subsection (2), it will notify the QRF in writing of the criteria not satisfied.

(4) The QRF may appeal the decision by submitting a written appeal to the Department within ten (10) calendar days from the date of the Department's notice. The appeal must state the QRF's grounds for appealing the decision. On appeal, if the Department determines the product or service satisfies the criteria of subsection (2), it will notify the QRF of its decision. If on appeal, the Department does not find the product or service satisfies the criteria, it will provide the QRF a written decision stating the

ADMINISTRATIVE RULES

reasons for the determination. The Department's written decision under this subsection will constitute a final order under ORS 183.484.

(5) The Department will post the suitability determination on the Department's website and e-procurement system for thirty (30) calendar days. A person or entity who will be adversely affected by the listing in its ability to compete for public contracts for the proposed product or service may submit a written protest to the Department before the listing is effective. The protest must describe how the listing will adversely affect the person's or entity's ability to compete for public contracts for the proposed product or service and must demonstrate how the product or service fails to satisfy the criteria stated in subsection (2). The listing will become effective on the thirty-first day.

(6) If the Department receives a written protest concerning the proposed listing, the Department will consider the protest and issue a written response to the protesting party. The Department will only consider protests made in writing and received before the close of business on the thirtieth day. In considering a timely protest, the Department may request further information from the protesting party and the QRF.

(a) The Department's response to the protest will confirm, modify, or withdraw the proposed listing of the product or service. The Department will make its written determination available, by mail or by electronic means, to the protesting party and to the QRF.

(b) A protesting party or QRF who is adversely affected or aggrieved by the Department's response under this subsection may request that the Department institute contested case proceedings under ORS 183.411 to 183.470. A written request for a contested case must be received by the Department within fourteen (14) calendar days of the date of the Department's response. The request for a contested case must describe how the requesting party is adversely affected or aggrieved by the response and how the Department erred in its decision. The Department may grant or deny the request. If the Department grants the request, the contested case will be limited to the issues raised before the Department in the protest.

(7) At any time during the suitability determination process, the Department, QRF and protesting party may agree to informal dispute resolution measures such as non-binding arbitration or mediation in addition to the appeal procedures prescribed by subsections (4) through (6).

(8) Existing Contractor. The placement of a product or service on the Procurement List will not operate to displace a contractor under an existing contract with an Agency.

(9) Amending an Existing Suitability Determination. The QRF may submit a written request to the Department for modification of an existing suitability determination. The request must satisfy the criteria in subsection (2).

(a) If the Department determines the information provided by the QRF satisfies the criteria in subsection (2), it will record an amendment to the existing suitability determination. The Department will follow the posting requirements of subsection (5).

(b) If the Department determines the information provided by the QRF does not satisfy the criteria of subsection (2), it will send notice to the QRF. The QRF may appeal the Department's decision under the process described in subsections (4) and (7).

Stat. Auth.: ORS 279.845(1) & 184.340

Stat. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0025

Review of Suitability Determinations

(1) The Department reserves the right to review suitability determinations as changes in rules, laws, market conditions and QRF contractor performance occur. Information that was not available to the Department during the initial determination that negatively impacts the suitability of the product or service may also cause a review. The review may result in removal of the product or service from the Procurement List. A QRF may appeal a decision to remove a product or service from the Procurement List in the manner provided in OAR 125-055-0020(4).

(2) An Agency and a QRF may not alter the character or scope of the product or service so that it no longer is essentially the same product or service that was the subject of the suitability determination. In cases where such a change is sought, the Agency or the QRF must first request and receive from the Department a new or amended determination that the product or service, as changed, is suitable under OAR 125-055-0020(2). In cases where the change in specifications or amendment appears to affect the Price of a product or service as determined under OAR 125-055-0030, the Department also may conduct a new Price determination in response to the request.

Stat. Auth.: ORS 279.845(1) & 184.340

Stat. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0030

Determination of Price

(1) Under ORS 279.845(1)(a), the Department will determine the Price of QRF products and services placed on the Procurement List.

(2) The Price determined by the Department will be a reasonable and adequate Price that will recover for the QRF the cost of:

(a) Raw materials;

(b) Labor;

(c) Overhead that can be allocated to the particular product or service for which the Price determination is being made, including the actual, reasonable costs of complying with the independent audit requirements of OAR 125-055-0035;

(d) Delivery costs, which include the transportation of a product to the site designated by the Agency or the transportation of workers to and from a site at which they will perform services for a customer; and

(e) An amount held in reserve for inventory and equipment replacement.

(3) The QRF must submit its proposed Price to the Department based on the volume or scope of the work and specifications acceptable to the Agency. The Department reserves the right to review and amend a Price determination in light of reductions in or additions to the number of Agencies served under a multiple agency contract.

(a) In submitting its proposed Price, the QRF must make full disclosure of known costs. The disclosure must include documentation on a form prescribed by the Department. The Department may require additional information. The disclosed costs must reflect a Price that will permit the QRF to recover the amounts prescribed in subsection (2) and ORS 279.845(1)(a).

(b) If the QRF and the Agency agree on the terms and conditions of a proposed contract and the Price for the products or services to be provided under the proposed contract, the QRF and the Agency must present the proposed contract (including the agreed Price) to the Department for review and a determination of the Price.

(4) Based on the volume or proposed scope of work and the costs disclosed by the QRF under subsection (3), the Department will determine a Price for the products or services offered under the proposed contract. Based on the disclosed costs, the Department will determine a Price to be reasonable and adequate to permit the QRF to recover the amounts prescribed in subsection (2). The Department will notify the QRF and the Agency of the Price.

(5) In determining a reasonable and adequate Price of a product or service, the Department may consider:

(a) Prices of similar products or services purchased in comparable quantities by federal agencies under the Javits-Wagner-O'Day Act, 41 USC §§ 46 to 48c;

(b) Prices of products or services of similar specifications and quantities previously purchased by Agencies from responsible contractors engaged in the business of selling similar products or services;

(c) Prices that private businesses pay for similar products or services in similar quantities of comparable scope and specifications if purchasing from a reputable vendor engaged in the business of selling similar products or services; and

(d) Prices of products or services of similar specifications and quantities purchased by Agencies from other QRFs.

(6) QRFs and Agencies may not execute or implement any contract under the QRF Program until the Department has transmitted its notice of the Price determination.

(7) Re-determination of Price. The Department may re-determine a Price at the request of a QRF, an Agency or at the discretion of the Department. Until the Department approves a new Price, the QRF must continue to provide the service or product at the existing Price. The Agency may not pay or agree to pay the QRF any amount other than the Price approved by the Department. The Department reserves the right to suspend the Price and set an interim Price. This re-determination may trigger a review of the suitability determination for the affected product or service under OAR 125-055-0025.

(a) In re-determining Price, the Department may consider the factors in subsections (2) and (3). The Department also may take into consideration changes that have taken place since the last Price determination that are pertinent to re-determining Price.

(b) Each re-determination of Price shall be based on changes in the scope of work, changes in the costs of producing the product or performing

ADMINISTRATIVE RULES

the service, or both. If the proposed re-determination is based on changes in QRF cost factors, the QRF must submit to the Department and the Agency a request for a Price change showing a breakdown of cost changes with appropriate documentation, as requested by the Department or Agency.

(c) Agencies and QRFs may not make material changes to the specifications of a contract entered into under the QRF Program unless the changes are in writing and have been submitted to the Department for a re-determination of Price.

(d) The Agency and QRF, in order to assist the Department in Price re-determinations, must submit to the Department the specific changes in the scope of work or other conditions which will be required during the contract period.

(e) The QRF must submit a Price recommendation to the Agency and the Department for review and re-determination of Price as described in subsection (3).

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279.015(1)(b) & 279.835 - 279.855

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0035

Direct Labor Audits

(1) If a QRF's gross revenues generated under the QRF Program exceed \$100,000 annually, the QRF must conduct an independent audit of direct labor to maintain qualifications and listing on the Procurement List. Independent audits must be conducted every other year as scheduled by the Department to determine compliance with ORS 279.835(5)(c). The audit must be conducted by an independent certified public accountant (CPA) in accordance with generally accepted auditing principles. The QRF must submit a letter of attestation and the compilation worksheet to the Department 120 calendar days after the close of the QRF's fiscal year. A QRF may request an extension in writing prior to the 120-day deadline. The request must state the reason for the extension and the anticipated date of submission.

(2) For purposes of subsection (3):

(a) "Direct labor" means all work required for the manufacture, preparation, processing and packing of products produced by a QRF and all work performed in rendition of services by a QRF. Direct labor does not include supervision, administration, shipping, or client-type services provided by a QRF to Individuals with a Disability served by the QRF, such as job training and therapeutic services.

(b) "Supervision" means the direction, assignment, instruction and oversight of individuals performing direct labor and inspection of work performed or products for quality assurance.

(c) "Administration" means the management activities of a QRF that include acquisition of equipment, parts, supplies and inventory, handling of the entity's payroll, personnel and accounting activities, executive decision-making and other business activities, generally of a centralized nature, that do not entail the "hands-on" production of a product or the performance of a service.

(d) "Shipping" means the transportation of a product to the site designated by the acquirer of the product or the transportation of workers to and from the site at which they will perform services for a customer.

(3) The examination and resulting audit report must be based on the following records and information:

(a) A listing of all products and services provided by the entity in the QRF's fiscal year, including those products and services procured by Agencies under the QRF Program and those procured outside the QRF Program;

(b) A list of all individuals covered by the audit scope employed by the QRF that are Individuals with a Disability who provided direct labor for the production of products or the performance of services during the fiscal year that is the subject of the audit examination, including employee name, unique employee identification number, job description and disability status;

(c) A list of all individuals covered by the audit scope employed by the QRF, whether paid or unpaid, who are not Individuals with a Disability and provided direct labor required for the production of products or the performance of services during the fiscal year that is the subject of the audit examination, including employee name, unique employee identification number and job description;

(d) A compilation of the total hours of direct labor performed by the QRF during the fiscal year;

(e) Payroll reports for all individuals covered by the audit scope employed by the QRF during the fiscal year, including employee name,

work hours paid, vacation hours, sick leave hours and training hours. Hours worked must be segregated from hours paid but not worked;

(f) Time and billing records showing direct hours worked by each employee in the manufacture of goods or provision of services;

(g) The QRF must have documentation of disability on file for each employee who is claimed to be an Individual with a Disability. The acceptable forms of disability documentation are defined in OAR 125-055-0017(1)(b); and

(h) A Competitive Employment statement must be on file for each employee who is claimed to be an Individual with a Disability, except as described in OAR 125-055-0017(1).

(4) The audit report must address the following elements:

(a) A determination whether the QRF's time, billing and payroll records are sufficiently complete and reliable to demonstrate compliance with the 75 percent direct labor requirement of ORS 279.835(5)(c). The records must permit segregation of direct labor hours from other hours worked and paid, and allow for the assessment of direct hours worked by employees with disabilities, as well as by employees without disabilities;

(b) If the CPA finds the records to be sufficiently complete and reliable, the CPA must test the QRF's calculations of total direct labor hours worked by employees with disabilities for the entire applicable fiscal year. Only direct labor hours worked may be included in the calculations. Vacation, sick leave, holiday, training hours and any other hours paid but not worked by the employee must be excluded from the calculation;

(c) The CPA must apply sufficient statistical sampling techniques to obtain an 80 percent level of confidence that:

(A) The direct labor by Individuals with a Disability during the QRF's fiscal year satisfied the 75 percent direct labor requirement under ORS 279.835(5)(c); and

(B) The hours reported as worked by Individuals with a Disability were worked by individuals whose disabilities were documented under subsection (3)(g).

(d) A determination whether adequate actions have been taken to resolve any prior adverse audit report findings or recommendations; and

(e) The CPA that conducted the direct labor audit must sign an attestation that the QRF complied or did not comply with the 75 percent direct labor requirement of ORS 279.835(5)(c) during the applicable fiscal year. If the CPA attests that the QRF did not comply with the requirement of ORS 279.835(5)(c), the report must include a concise description of the nature and extent of the noncompliance.

(5) The letter of attestation must be signed and dated by the CPA and by an officer of the QRF's board of directors.

(6) Failure to comply with the requirements of ORS 279.835(5)(c) by a QRF constitutes sufficient grounds to terminate the QRF's participation in the QRF Program and constitutes sufficient grounds for an Agency to terminate, or to suspend performance of the work under, a contract with the QRF.

(7) The cost of the audit required by this rule is an overhead expense that the QRF may recover and which must be taken into account in determining the Price under OAR 125-055-0030.

(8) If the Department determines that a QRF is in material noncompliance with any requirement imposed on it by this rule, including the direct labor requirement of ORS 279.835(5)(c), the Department will issue to the non-complying QRF a written notice to cure the noncompliance. The written notice will state the reasons that the QRF is not in compliance and provide potential remedies.

(a) A QRF receiving notice of noncompliance under this subsection must respond to the Department within thirty (30) calendar days of the date of the Department's notice. The QRF's response must acknowledge receipt of the notice and describe a corrective action plan.

(b) If the QRF does not submit a written response within thirty (30) calendar days from the date of the written notice or such additional time as may be permitted by the Department, the Department may issue, to the QRF, written notice of the proposed termination of participation in the QRF Program.

(c) The Department reserves the right to require a QRF to submit to the Department quarterly audit reports concerning the QRF's compliance with the direct labor requirement of ORS 279.835(5)(c). The Department may require, at its discretion, that the quarterly audits be conducted and reported by a CPA in accordance with subsection (5). If a QRF subject to this requirement satisfies the direct labor requirement in the first two consecutive quarterly audits, the Department may waive the quarterly audit requirement for that QRF.

(d) If the QRF fails to achieve compliance within the time prescribed in the Department's written notice, the Department may terminate the

ADMINISTRATIVE RULES

QRF's participation in the QRF Program. The Department will issue to the QRF a written notice of termination.

(e) After termination of QRF status, the QRF may not enter into or renew any contracts under the QRF Program. Termination of the QRF's participation in the QRF Program constitutes sufficient grounds for any Agency to terminate any contract with the QRF.

(f) One year after the effective date of termination of QRF status, a CRP may re-apply for QRF status under OAR 125-055-0015 and listing on the Procurement List under OAR 125-055-0020.

(9) If a QRF fails the direct labor requirement of ORS 279.835(5)(c), that QRF will be required to submit an independent audit report the following year. If the subsequent annual audit discloses that the QRF failed to satisfy the direct labor requirement, the Department will issue a notice of termination to the QRF.

(10) The QRF may submit a written appeal to the Department within ten (10) calendar days from the date of the notice of termination issued under subsection (8)(d). The appeal must state the QRF's grounds for appealing the decision. If the QRF does not appeal the Department's decision, termination of participation in the QRF Program is final.

(11) On appeal, if the Department determines that the QRF complied with the direct labor requirement of ORS 279.835(5)(c), it will notify the QRF of its decision. If on appeal, the Department determines that the QRF failed to comply with the direct labor requirement of ORS 279.835(5)(c), it will provide the QRF a written decision stating the reasons for the determination. The Department's written decision under this subsection constitutes a final order under ORS 183.484.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0040

General Provisions

(1) Contracting Authority. The Department and other Agencies must contract directly with a QRF for a contract to qualify for the exception from the competitive procurement requirement in ORS 279A.025 for contracts under the QRF Program. Contracts between multiple Agencies and a QRF satisfy this requirement that the Agencies must contract directly with a QRF.

(2) Contract Disputes. Contract performance issues and disputes arising out of contracts entered into under the QRF Program, such as disputes concerning timely delivery of products or performance of services or compliance with specifications, must be resolved exclusively between the QRF and the Agency that is a party to the contract, and will not be resolved by the Department (except where the Department is a party to the contract with the QRF).

(3) Temporary Services for State Agencies. In each contract for the provision of temporary services entered into by a state agency under the QRF Program, the QRF must monitor the prior and current work assignments of its employees who work under the contract to ensure that no employee performs services for the state in excess of a total of 1,040 hours in a 12-month period. A QRF temporary service provider must obtain a written statement from the employee attesting to the total hours worked as a temporary employee for any state agency during the last 12 months. A state Agency filling behind an employee on approved leave may continue beyond 1,040 hours in a 12-month period only when the temporary employee replaces a single employee on approved leave. The temporary appointment may not exceed the period of the approved leave.

(4) Competitive Public Contract Bidding by a QRF. If a QRF submits, to any Agency, a competitive bid, proposal, quote or other offer in a competitive procurement for a public contract, then regardless of whether the offer was accepted, that QRF may not, at any time during the initial term of the contract for which the QRF submitted a competitive offer, make any claim to the Agency that instituted the procurement for the public contract that the product or service that was the subject of the offer should have been subject to the requirements of the QRF Program.

(5) A QRF must not enter into a public contract with an Agency under the QRF Program unless the contract complies with OAR 125-055-0005 to 125-055-0040 and the products or services that are the subject of the contract are listed on the Procurement List. Any liabilities or expenses that may arise from the establishment of a contract that violates this subsection will be those exclusively of the QRF and Agency.

(6) Application of these Rules. OAR 125-055-0005 through 125-055-0040, as amended effective October 5, 2010, apply to applicants and participants in the QRF Program after October 5, 2010.

(a) Existing disability documentation for Individuals with a Disability participating in the QRF Program prior to October 1, 2010 will meet the requirements of OAR 125-055-0017(1)(b).

(b) The implementation of the Competitive Employment statement, as required by OAR 125-055-0017(1), will commence with the reporting of the fiscal year ending October 2011.

(c) The revised audit requirements will be implemented as follows:

(A) Direct labor audits for fiscal years ending October and December 2010, and June 2011 are waived.

(B) Direct labor audits will be required for fiscal years ending October and December 2011, and June 2012, for all QRFs with gross revenues exceeding \$100,000 annually under the QRF Program.

(C) Starting October 2012, direct labor audits will be required every other year as determined by the Department in accordance with OAR 125-055-0035(1).

(d) The amendments to OAR 125-055-0005 to 125-055-0045, effective October 5, 2010, shall not affect the validity of any of the following determinations the Department made prior to the effective date of the amendments:

(A) Any determination that a QRF was qualified for participation in the QRF Program;

(B) Any determination that a product or service was suitable for addition to the Procurement List; or

(C) Any determination of Price.

(7) The Department reserves the right to extend any deadline or time within which a QRF or a party to any proceedings under OAR 125-055-0015 to 125-055-0040 must take any action under those rules if the affected party applies in writing for relief to the Department and demonstrates in writing that special circumstances warrant the grant of such relief. For the purpose of this subsection, special circumstances that warrant the grant of relief include emergencies that reasonably can be regarded as imposing an obstacle to the QRF's or party's ability to meet the deadline or achieve the correction of a violation of rules. Special circumstances are circumstances beyond the reasonable control of the individual or organization including, but not limited to, the illness or other incapacity of key officers of the organization seeking relief, emergency reorganizations or replacements of the corporate structure, board of directors or executive officers of the organization, acts of God and comparable practical impediments to an individual's or organization's ability to meet a deadline or achieve the correction of a violation of rules. The grant or denial of relief under this subsection must be determined by the Department official specifically delegated that task. The Department also reserves the right to waive or to permit the correction of minor or technical violations of OAR 125-055-0015 to 125-055-0040.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

125-055-0045

Purchases under ORS 279.855

(1) QRFs, residential programs and public benefit corporations recognized by ORS 279.855 may acquire equipment, materials, supplies and services under the same conditions as state agencies that, under ORS 279A.040, are not subject to the requirement that the Department provide for their acquisition of such items. Accordingly, QRFs, residential programs and public benefit corporations must enter into an agreement with the Department in order to participate in the Oregon Cooperative Procurement Program (ORCPP). The agreement must have substantially the same form, content and obligations as the standard agreement prescribed by the Department that state agencies must execute in order to participate. In addition, QRFs, residential programs and public benefit corporations must comply with the applicable subsections of this rule to acquire equipment, materials, supplies or services under ORS 279.855.

(2) QRFs that currently are approved under OAR 125-055-0015 may purchase equipment, materials, supplies and services through the Department in the same manner as state agencies, as provided in ORS 279A.140 to 279A.155 and 279A.250 to 279A.290.

(3) A residential program seeking to purchase equipment, materials, supplies or services through the Department under ORS 279.855 must make a written request to the Department to which is attached a true and correct copy of its currently effective contract with the Department of Human Services to provide services to youth in the custody of the state. In addition, the residential program must submit a letter from the Oregon Department of Human Services, on the letterhead of that department or of a division of that department, that contains the following information:

ADMINISTRATIVE RULES

(a) The services the residential program must provide, including the scope of those services, under the currently effective contract with the Department of Human Services;

(b) The Department of Human Services contract number;

(c) The starting date and expiration date of the contract; and

(d) The name, original signature, mailing address and telephone number of the Department of Human Services' Contract Administrator for the contract.

(4) A public benefit corporation seeking to purchase equipment, materials, supplies or services through the Department under ORS 279.855 must make a written request to the Department to which is attached:

(a) A certification by an authorized officer of the public benefit corporation that the applicant qualifies as a public benefit corporation under ORS 65.001;

(b) A true and correct copy of documentation, which may include the corporation's currently effective articles of incorporation, that demonstrates that the corporation is tax exempt under 501(c)(3) of the Internal Revenue Code and that the corporation is not a religious corporation as defined in ORS 65.001;

(c) A true and correct copy of at least one currently effective contract between the public benefit corporation and a state agency or unit of local government by which the corporation's contract performance is funded at least in part with state funds; and

(d) A letter from the state agency or unit of local government that confirms the existence and effectiveness of the contract submitted under subsection (4)(c), on the letterhead of the state agency or unit of local government, that contains the following information:

(A) The services the public benefit corporation must provide, including the scope of those services, under the contract submitted under subsection (4)(c);

(B) The contract number;

(C) The starting date and expiration date of the contract; and

(D) The name, original signature, mailing address and telephone number of the state agency or unit of local government's Contract Administrator for the contract.

(5) Neither the Department nor the State of Oregon will be liable for any obligation or debt entered into on behalf of a QRF, a residential program or a public benefit corporation, and likewise will not be liable for any obligation or debt incurred by a QRF, a residential program or a public benefit corporation, in making purchases.

(6) Each residential program and public benefit corporation that makes any purchase of equipment, materials, supplies or services through the Department under ORS 279.855 must notify the Department in writing whenever a contract that is necessary for the organization to qualify under ORS 279.855 expires, is terminated, or is not renewed, and whenever the organization otherwise ceases to qualify under ORS 279.855 or this rule.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.835

Hist.: DAS 4-2003, f. & cert. ef. 9-8-03; DAS 6-2004(Temp), f. & cert. ef. 12-28-04 thru 6-24-05; DAS 8-2005, f. & cert. ef. 6-21-05; DAS 3-2010, f. & cert. ef. 10-8-10

Department of Administrative Services, Budget and Management Division Chapter 122

Rule Caption: Suspends temporary Rule reducing general fund allotments to allow for greater reductions in allotments.

Adm. Order No.: BMD 2-2010(Temp)

Filed with Sec. of State: 9-21-2010

Certified to be Effective: 9-21-10 thru 12-18-10

Notice Publication Date:

Rules Suspended: 122-060-0030

Subject: Suspends temporary rule 122-060-0030, which reduced allotments to agencies by 4.6282 percent, to permit adoption of a new temporary rule that reduces allotment to agencies by 7.6457 percent. The new rule, Temporary Rule 122-060-0040 is adopted at the same time as this rule is suspended.

Rules Coordinator: Jeffery Kohlleppe—(503) 378-2349, ext. 325

122-060-0030

Allotment Reductions to Balance Budget and Prevent Deficit

(1)(a) The Department of Administrative Services (Department) has determined that probable receipts from taxes and other revenue sources for the 2009-11 General Fund appropriations will be less than anticipated by the Legislative Assembly when it enacted the state's budget for the 2009-11

biennium and made adjustments to that budget in the special session held during the 2010 calendar year. Consequently, the amount of General Fund revenue available for appropriations for the remainder of the 2009-11 biennium will be less than the amounts estimated or allotted therefore. Pursuant to ORS 291.261, acting on this determination and with the Governor's approval, and following notice to the agencies affected, the Department is reducing allotment amounts for the remainder of the 2009-11 biennium to balance the state's budget and prevent state government from incurring a deficit in violation of Article XI, Section 7, of the Oregon Constitution.

(b) The reductions in moneys allotted specified in Section 2 of this rule take effect on the date on which the Department files the rule with the Archives Division, Secretary of State.

(c) If one or more individual allotment reductions made under Section 2 of this rule is for any reason held to be invalid or unlawful, the remaining reductions shall not be affected but shall remain in full force and effect in accordance with the terms of this rule, and to this end the reductions made by this rule are severable.

(2) Moneys allotted for the final four quarters of the 2009-11 biennium are reduced by 4.6282 percent.

(3) On a schedule to be established by the Department, each agency for which allotments are reduced under this rule must submit to the Department estimates for the remaining allotment periods of the 2009-11 biennium that are consistent with the reductions.

(4) Notwithstanding section 2 above, the Department shall make no reductions in moneys allotted for payment on debt obligations incurred by the state prior to the effective date of this rule.

Stat. Auth.: ORS 183.335(5); 184.340; 291.232-291.261

Stats Implemented: ORS 291.261

Hist.: BMD 1-2010(Temp), f. & cert. ef. 6-22-10 thru 12-18-10; Suspended by BMD 2-2010(Temp), f. & cert. ef. 9-21-10 thru 12-18-10

Rule Caption: Reduces general Fund allotments to agencies by 7.6457 percent in response to revenue forecast.

Adm. Order No.: BMD 3-2010(Temp)

Filed with Sec. of State: 9-21-2010

Certified to be Effective: 9-21-10 thru 3-19-11

Notice Publication Date:

Rules Adopted: 122-060-0040

Subject: The rule reduces moneys allotted to state agencies for the final four calendar quarters of the 2009/10/4/2010/2011 biennium by 7.6457 percent, based upon a finding that the reduction is necessary to avoid a budget deficit. The rule requires state agencies to submit estimates for the rest of the biennium to the Department of Administrative Services that are consistent with the reduction required by this rule. The rule also provides that if any individual allotment reduction is held invalid, the remaining reductions are not affected, and excludes from the reduction moneys allotted for payment of debt obligations by the state prior to the effective date of the rule.

Rules Coordinator: Jeffery Kohlleppe—(503) 378-2349, ext. 325

122-060-0040

Allotment Reductions to Balance Budget and Prevent Deficit

(1)(a) The Department of Administrative Services (Department) has determined that probable receipts from taxes and other revenue sources for the 2009-11 General Fund appropriations will be less than anticipated by the Legislative Assembly when it enacted the state's budget for the 2009-11 biennium and made adjustments to that budget in the special session held during the 2010 calendar year. Consequently, the amount of General Fund revenue available for appropriations for the remainder of the 2009-11 biennium will be less than the amounts estimated or allotted therefore. Pursuant to ORS 291.261, acting on this determination and with the Governor's approval, and following notice to the agencies affected, the Department is reducing allotment amounts for the remainder of the 2009-11 biennium to balance the state's budget and prevent state government from incurring a deficit in violation of Article XI, Section 7, of the Oregon Constitution.

(b) The reductions in moneys allotted specified in Section 2 of this rule take effect on the date on which the Department files the rule with the Archives Division, Secretary of State.

(c) If one or more individual allotment reductions made under Section 2 of this rule is for any reason held to be invalid or unlawful, the remaining reductions shall not be affected but shall remain in full force and effect in accordance with the terms of this rule, and to this end the reductions made by this rule are severable.

ADMINISTRATIVE RULES

(2) Moneys allotted for the final four calendar quarters of the 2009–11 biennium are reduced by 7.6457 percent.

(3) On a schedule to be established by the Department, each agency for which allotments are reduced under this rule must submit to the Department estimates for the remaining allotment periods of the 2009–11 biennium that are consistent with the reductions.

(4) Notwithstanding section 2 above, the Department shall make no reductions implemented by this rule in moneys allotted for payment on debt obligations incurred by the state prior to the effective date of this rule.

Stat. Auth.: ORS 183.335(5), 184.340 & 291.232 - 291.261
Stats Implemented: ORS 291.261
Hist.: BMD 3-2010(Temp), f. & cert. ef. 9-21-10 thru 3-19-11

Department of Administrative Services, Human Resource Services Division Chapter 105

Rule Caption: Establishes processes for individuals to apply for state employment and agencies to fill positions.

Adm. Order No.: HRSD 2-2010(Temp)

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-5-10 thru 11-27-10

Notice Publication Date:

Rules Amended: 105-040-0020

Rules Suspended: 105-040-0020(T)

Subject: Temporary Rule Revision Background:

During workgroup meetings as part of the permanent rule making process a further review of the language from the original permanent rule was when removed when the June 1, 2010 temporary rule was put in place. This omission is causing intended consequences regarding the use and administration of layoff lists.

This revised temporary rule returns the original language regarding the use and administration of agency layoff lists. Many agencies are heading in to larger numbers of layoff and we want to ensure consistent treatment for all affected. Adding the original language in the revised temporary rule eliminates the unintended consequences. This language will be included in the permanent rule making language to maintain consistency.

Summary of Changes:

105-040-0020 Types and Order of Applicant Lists:

• Reinstate language on the use and administration of agency layoff lists regarding recall and appointment.

Rules Coordinator: Jeffery Kohlleppe—(503) 378-2349, ext. 325

105-040-0020

Types and Order of Applicant Lists

Applicability: Classified unrepresented, management service, and classified positions, except, where in conflict with a collective bargaining agreement.

(1) The State of Oregon uses the following eligible lists (some of which have an established order of use) in priority order listed below to facilitate the recruitment and selection process:

(a) First priority: Injured Worker List. This list shall consist of employees with compensable work-related injuries or illnesses that occurred while employed with a state agency in the Executive Branch. The employee must not have waived reemployment rights in accordance with state workers' compensation laws, an applicable collective bargaining agreement or, State HR Policy 50.020.03 Reinstatement and Reemployment of Injured Workers.

(b) Second priority: Agency Layoff Lists. These lists shall consist of permanent (full or part-time) and seasonal employees who completed initial trial service with the State and separated from the service in good standing due to layoff or demotion in lieu of layoff.

(A) Agency Layoff Lists are established by individual agencies. Eligible employees are placed on the list by the classification at separation or demotion within the category of service specified in ORS 240.195. The term of eligibility on the list is two years from date of layoff or demotion. An individual shall be removed from the list upon the second refusal of a job offer unless an agency layoff plan allows for additional refusals or when the employee is returned to an equivalent position from which laid off (other than temporary or limited duration work).

(B) Agency Layoff Lists shall be used when no qualified injured worker is available to fill the vacant position. An employee, on the agency layoff list of the same classification and category of service of the position

to be filled, shall be appointed if the employee meets the special qualifications, if any, for the position. Appointments from the list shall be made consistent with the agency's layoff plan.

(c) Third priority: Statewide Layoff, Agency Promotion, Statewide Promotion, Transfer, and Open Competitive Lists. The use of these lists shall follow the exhaustion of first and second priority lists.

(i) The Statewide Layoff List shall consist of permanent (full or part-time) employees in either the management or classified unrepresented service who separated due to a layoff or unclassified executive service employees terminated from state service due to reduction in force. Employees on the Statewide Layoff List must have completed initial trial service. Agency Promotion, Statewide Promotion, Transfer Lists, and Open Competitive Lists may be used in any combination or order to supplement the Statewide Layoff List.

(ii) A hiring agency may use the Agency Promotion, Statewide Promotion, Transfer, and Open Competitive Lists in any order or combination at the hiring agency's discretion.

(A) Agency Promotion Lists shall consist of agency employees who apply for and meet the qualifications of the position.

(B) Statewide Promotion Lists shall consist of eligible state employees who apply for meet the qualifications of the position. Eligible state employees are current employees in an:

(i) Agency covered by ORS 240; or

(ii) Agency covered by an inter-agency agreement with HRSD that stipulates that the employees are eligible to apply to the statewide promotion list.

(C) Transfer Lists shall include eligible state employees who apply for and meet the qualifications of a position of the same classification, or same, equal, or lower salary range number. Employees may request placement on transfer lists via their agency's human resources office. If an employee wishes to transfer to another agency, he or she must contact that agency's human resources office for placement on the list. Eligible state employees are current employees in an:

(i) Agency covered by ORS 240; or

(ii) Agency covered by an inter-agency agreement with HRSD that stipulates that the employees are eligible to apply to the statewide transfer list.)

(D) Open Competitive Lists shall include persons seeking employment with the state who meet the qualifications of the position.

(2) Documentation retention requirements are outlined under State HR Policy 40.010.01 Recruitment and Selection Record Retention.

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

Stat. Auth.: ORS 184.340, 240.145 & 240.250

Stats. Implemented: ORS 240.306, 659A.052, 659A.043 & 659A.046

Hist.: PD 2-1994, f. & cert. ef. 8-1-94; HRSD 1-2003(Temp), f. & cert. ef. 1-13-03 thru 7-12-03; HRSD 3-2003, f. & cert. ef. 4-30-03; HRSD 13-2003, f. 7-15-03, cert. ef. 7-21-03; HRSD 1-2007, f. 4-24-07, cert. ef. 5-1-07; HRSD 1-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 11-27-10; HRSD 2-2010(Temp), f. & cert. ef. 10-5-10 thru 11-27-10

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amended to include new definitions related to the federal Healthcare Reform Act.

Adm. Order No.: OEGB 11-2010(Temp)

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-010-0015

Rules Suspended: 111-010-0015(T)

Subject: OAR 111-010-0015 includes rule amendments needed to respond to the new rescission of coverage provisions and expanded eligibility for dependent children under age 26 under the federal Healthcare reform Act.

Rules Coordinator: April Kelly—(503) 378-6588

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OEGB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Adverse Benefit Determination" means a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in

ADMINISTRATIVE RULES

part), for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on but not limited to:

- (a) A determination of a member's eligibility to participate in the plan;
- (b) A determination that the benefit is not a covered benefit; or
- (c) A rescission of coverage, whether or not, in connection with rescission, there is an adverse effect on any particular benefit.

(3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (13)(b).

(4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

- (a) Medical;
- (b) Dental;
- (c) Vision;
- (d) Life, disability and accidental death;
- (e) Long term care;
- (f) Flexible spending accounts;
- (g) Supplemental medical, dental and vision;
- (h) Any other remedial care recognized by state law, and related services and supplies;

(i) Comparable benefits for employees who rely on spiritual means of healing; and

(j) Self insurance programs managed by the Board.

(5) "Benefits" means goods and services provided under benefit plans.

(6) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(7) "Child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son, daughter, stepson, or stepdaughter; adopted child, child placed for adoption, or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Educational Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.

(D) The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

(8) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEBB plans comparable in design to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(9) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(11) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design

that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(12) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(13) "Dependent" means and includes the Employee's Spouse or Domestic Partner, or child as defined by OAR 111-010-0010(6) or other person having a relation to the subscriber as defined by the Contractor.

(14) "Documented district policies" means Educational Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Educational Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(15) "Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the educational entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) Educational Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(16) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

(17) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is employed or is in a job-sharing position on a half time or greater basis or meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008.

(b) "Retired eligible employee" means a previously active eligible employee, who is:

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(18) "Employee Group" means employees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Educational Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(19) "Members" means and includes the following:

ADMINISTRATIVE RULES

- (a) "Eligible employee" as defined by OAR 111-010-0015(17)
- (b) "Child" as defined by OAR 111-010-0015(7)
- (c) "Domestic Partner" as defined by OAR 111-010-0015(15)
- (d) "Spouse" as defined by OAR 111-010-0015(25)
- (20) "Non-subject District" means a community college, district or a charter school if the employees are not considered employees of a school district.

(21) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(22) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(23) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

- (a) Was self-insured on December 31, 2006;
- (b) Had an independent health insurance trust established and functioning on December 31, 2006; or
- (c) Can provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

(24) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event.

(25) "Spouse" means a person of the opposite sex who is a husband or wife. Except as provided in Oregon Constitution Article XV, Section 5a, a relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(26) "Subject District" means a common school district, a union high school district, or an education service district that:

- (a) Did not self-insure on January 1, 2007;
- (b) Did not have a health trust in effect on January 1, 2007; or
- (c) Does not provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.860

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 2-2008, f. & cert. ef. 1-4-08; OEBB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEBB 1-2009, f. & cert. ef. 1-30-09; OEBB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEBB 8-2009, f. & cert. ef. 5-1-09; OEBB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 19-2009, f. & cert. ef. 12-17-09; OEBB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 11-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

Rule Caption: Amended to include revisions related to the federal Healthcare Reform Act.

Adm. Order No.: OEBB 12-2010(Temp)

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-040-0001, 111-040-0005, 111-040-0015, 111-040-0020, 111-040-0040

Rules Suspended: 111-040-0001(T), 111-040-0015(T), 111-040-0040(T)

Subject: Amendments include revisions that are needed to respond to the new rescission of coverage provisions and the expanded eligibility for dependent children under age 26 under the federal Healthcare reform Act.

Rules Coordinator: April Kelly—(503) 378-6588

111-040-0001

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

- (a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form,
- (b) The first of the month following the date of hire or the date of eligibility; or
- (c) The first of the month following the approval date of additional optional life insurance requested above the guarantee issue amount.

(2) Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth. The active eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth in order for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. The active eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement in order for the newly adopted child to be eligible for benefit coverage; and

(A) The active eligible employee must submit the adoption agreement with the enrollment forms to the Participating District.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for a dependent child by affidavit as defined in OEBB administrative rules starts the first of the month following receipt of the affidavit by the district benefits administrator

(3) Elections made during an open enrollment period are effective on the first day of the new plan year. If enrolling in a dental or vision plan, there will be a 12-month waiting period for services other than preventive dental exams and cleanings and/or routine vision exams for coverage added during the open enrollment period.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-040-0005

Termination Dates

(1) Benefit coverage for an active eligible employee, a spouse, a domestic partner or a dependent child ends on the last day of the month that eligibility is lost with the following exceptions:

(a) If the eligible employee's eligibility terminates due to termination of employment, death, reduction in hours, leave, or other alteration of the employee's employment, coverage will end on the last day of the month in which OEBB receives notification of the event from the Educational Entity. No retroactive terminations or adjustments are allowed.

(b) If the active eligible employee notifies the Educational Entity within 31 days after an event terminating eligibility of the employee's spouse, domestic partner, or dependent, coverage for the spouse, domestic partner, or dependent will end on the last day of the month in which OEBB receives notification of the event from the Educational Entity. No retroactive terminations or adjustments are allowed.

(2) If the active eligible employee fails to notify the employee's Educational Entity within 31 days after an event terminating eligibility of the employee's spouse, domestic partner or dependent, this may be considered intentional misrepresentation and OEBB may terminate coverage retroactively to the end of the month in which eligibility was lost. If benefits are to be terminated retroactively, OEBB shall give the affected individual 30 days notice of the termination and an opportunity to appeal before the retroactive termination takes effect.

(3) Benefit coverage for active eligible employees ends on the last day of the month that they retire, unless otherwise determined in a collective bargaining agreement or documented district policy in effect on June 30, 2008. Benefit coverage may be continued based on the requirements and limitations in OARs 111-050-0001 through 111-050-0050.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-040-0015

Removing an Ineligible Individual from Benefit Plans

(1) An active eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their Educational Entity benefits administrator within 31 calendar days after the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-040-0005.

(2) An active eligible employee ending a domestic partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the Educational Entity benefits administrator within 31 calendar days after the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the date identified in OAR 111-040-0005.

ADMINISTRATIVE RULES

(3) An Educational Entity is responsible for removing ineligible individuals from the OEGB benefits management system. The Educational Entity must complete such removal within 14 calendar days after:

- (a) An event resulting in loss of the employee's eligibility, or
- (b) The receipt of notification of an event resulting in loss of eligibility of the employee's spouse, domestic partner or dependent child.

(4) If coverage of an employee's spouse, domestic partner or dependent child is terminated retroactively under OAR 111-040-0005(2), then:

(a) The active eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carrier's discretion; and

(b) Premium adjustments will be made retroactively based on the coverage end date as identified in OAR 111-040-0005(2), not to exceed three months of premium dollars.

(5) OEGB shall conduct audits to monitor compliance with OEGB administrative rules governing eligibility and enrollment.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEGB 14-2008, f. & cert. ef. 8-15-08; OEGB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEGB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-040-0020

Open Enrollment

(1) Active eligible employees may make benefit plan changes or elections and add or remove eligible dependents during open enrollment periods as designated by OEGB.

(2) Coverage under OEGB-sponsored benefits plans for an eligible individual added during open enrollment begins on the first day of the new plan year. Dental and vision coverage added during the open enrollment period will be limited to preventive dental exams and cleanings and routine vision exams for the first 12 months of coverage. Coverage for an individual terminated during open enrollment ends on the last day of the month of the current plan year.

(3) An active eligible employee hired after the open enrollment period and before the start of the new plan year has open enrollment rights.

(4) Benefit plan elections are irrevocable for the new plan year except as specified in OAR 111-040-0040.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEGB 14-2008, f. & cert. ef. 8-15-08; OEGB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-040-0040

Qualified Status Changes (QSC)

(1) Active eligible employees experiencing a change in family or work status as noted below after annual enrollment or during the plan year have 31 calendar days after the date of the event to make changes. If the event is the gaining of a dependent child as defined by 111-040-0040(2)(c) or results in a loss of eligibility, the eligible employee has 60 calendar days after the event to make changes.

(2) The eligible employee can only make those changes that are consistent with the event for themselves and dependents.

(3) The employee must report the Qualified Status Change (QSC) to the employee's Educational Entity within the specified timeframe. Failure to report within 31 calendar days a QSC that would remove a spouse, domestic partner, or dependent child may be considered intentional misrepresentation, and OEGB may retroactively terminate the individual's coverage back to the last day of the month in which the individual lost eligibility. Please refer to the QSC matrix for details on what changes can occur with each event.

(4) Qualified Status Changes which allow the employee to make changes to his or her coverage are:

(a) Gain spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of spouse or domestic partner by divorce, annulment, death or termination of domestic partnership;

(c) Gain dependent child by birth, placement for/or adoption, or Domestic Partner's children (by affidavit of domestic partnership);

(d) Active eligible employee starts new employment and gains eligibility;

(e) Change in employment status by active eligible employee which affects eligibility;

(f) Active eligible employee ends employment or other change in employment status resulting in a loss of eligibility;

(g) Spouse or domestic partner starts new employment or other change in employment status which affects eligibility;

(h) Spouse or domestic partner's employment ends or other change in employment status resulting in a loss of eligibility under their employer's plan;

(i) Event by which a dependent child satisfies eligibility requirements under OEGB plans (for a list of requirements see 111-010-0015);

(j) Event by which a dependent child ceases to satisfy eligibility requirements under OEGB plans (for a list of requirements see 111-010-0015);

(k) Changes in the residence of the active eligible employee or family member

(i.e., moving out of the service area of an HMO);

(l) Reinstatement of coverage. Reinstatement can be used in the following situations:

(A) Military (USERRA)

(B) When coverage was continued under COBRA

(C) When coverage was terminated in error and there is no lapse in coverage.

(m) Significant changes in cost of the eligible employee's or early retiree's current plan and tier level that result in a negative impact of 10 percent or more to:

(A) The amount an active eligible employee or early retiree must contribute toward benefits.

(B) The amount a spouse or domestic partner must contribute toward his or her group health insurance plan cost.

(n) Related laws or court orders. For example: Qualified Medical Child Support Order (QMCSO), Medicare, HIPAA, or Family Health Insurance Assistance Program (FHIAP). Changes are determined by the applicable law or court order.

(5) Changes in coverage, or contribution amounts that result in a reduced amount that an employee or eligible dependent must contribute toward benefits, do not constitute a Qualified Status Change.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEGB 14-2008, f. & cert. ef. 8-15-08; OEGB 10-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; OEGB 11-2009, f. & cert. ef. 7-31-09; OEGB 17-2009(Temp), f. & cert. ef. 10-7-09 thru 4-4-10; OEGB 22-2009, f. & cert. ef. 12-17-09; OEGB 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; OEGB 6-2010, f. & cert. ef. 8-3-10; OEGB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEGB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

Rule Caption: Amended to include revisions related to the federal Healthcare Reform Act.

Adm. Order No.: OEGB 13-2010(Temp)

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-050-0001, 111-050-0015, 111-050-0030, 111-050-0045, 111-050-0050

Rules Suspended: 111-050-0030(T), 111-050-0050(T)

Subject: Amendments include revisions that are needed to respond to the new rescission of coverage provisions of the federal Healthcare reform Act on coverage continued under COBRA and early retiree plans.

Rules Coordinator: April Kelly — (503) 378-6588

111-050-0001

Continuation of Group Medical and Dental Insurance Coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA allows an eligible individual losing group health plan coverage due to a qualifying event to continue their coverage for a limited time on a self-pay basis.

(1) OEGB will issue or cause the issuance of an initial COBRA notice explaining the right to continue medical and dental insurance plans to all newly eligible employees and individuals.

(a) The notice must be mailed to the eligible employee's known address immediately following enrollment in OEGB medical or dental insurance plans. The notice must include all known eligible individuals residing at the address. Known eligible individuals residing separately from the eligible employee must be mailed a separate notice at their known address.

(b) The initial COBRA notice must be mailed to individuals becoming newly eligible due to marriage or the formation of a domestic partnership.

(2) A COBRA triggering event must cause the loss of benefit coverage. COBRA triggering events include:

ADMINISTRATIVE RULES

- (a) An involuntary reduction in hours or layoff;
- (b) A strike or lockout;
- (c) The beginning of an unpaid leave of absence;
- (d) The termination of employment;
- (e) Retirement;
- (f) A dependent child no longer satisfying eligibility requirements;
- (g) The loss of employer-sponsored group coverage for dependents

due to Medicare eligibility;

- (h) A divorce or termination of a domestic partnership; and
- (i) The death of the employee.

(3) All individuals losing eligibility due to a triggering event must receive a COBRA continuation notice.

(4) An eligible employee or dependent has 60 days from the receipt of the COBRA notice to activate their COBRA rights of continuation and 45 days from the election date to pay the initial premium. Generally, OEBB-sponsored insurance coverage must be continuous.

(5) Generally, medical plans may be continued under COBRA provisions for the following basic maximum coverage periods:

(a) 18 months after the date of the triggering events specified in section (2)(a)–(e) above; and

(b) An 11 month extension is provided to COBRA participants when there is a disability determination by the Social Security Administration and the plan is notified within the required timeline, resulting in a 29 month coverage period; or

(c) 36 months after the date of the triggering events specified in section (2)(f)–(i) above.

(6) An eligible employee's spouse or domestic partner who is 55 years of age or older and who loses benefit coverage due to events specified in section (2)(h) and (i) above, may continue OEBB medical insurance coverage for themselves and their dependent children beyond the general 36-month COBRA continuation period. An eligible individual may continue their OEBB medical insurance coverage until they are entitled to Medicare, are covered under another group medical insurance plan or otherwise lose eligibility.

(7) An eligible individual continuing OEBB medical insurance coverage only or medical and dental insurance coverage under COBRA provisions has the same rights as active eligible employees for making changes midyear and during the open enrollment period.

(8) COBRA coverage will terminate on the last day of the month for which premiums are paid in full.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(b), 243.866(7), 659A.060 - 659A.069 & 743.600 - 743.602
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-050-0015

Medical, Dental and Vision Termination Dates for Retirees

(1) A retiree enrolled in OEBB retiree insurance plans who becomes eligible for Medicare coverage may not continue on an OEBB medical or vision plan, unless they are eligible as a result of end-stage renal disease. OEBB benefits end the last day of the month prior to the Medicare effective date. The retiree is responsible for reporting to their Educational Entity and to OEBB when the retiree is covered by Medicare within 60 days after the Medicare coverage effective date. Failure to report within this time frame may be considered intentional misrepresentation by OEBB and OEBB may retroactively terminate OEBB coverage back to the last day of the month prior to the Medicare effective date.

(2) If a retiree becomes eligible for Medicare coverage, but his or her currently-enrolled eligible dependents are not, these eligible individuals may continue OEBB medical, dental and vision insurance coverage until such time as they no longer meet OEBB eligibility requirements or become eligible for Medicare coverage for reasons other than end-stage renal disease, whichever occurs first. The eligible individuals must confirm intent to continue coverage with the retiree plan administrator within 60 days after the retiree's eligibility for Medicare.

(3) Eligible dependents who were covered on a plan at the time of retirement who are eligible for Medicare, or who become eligible for Medicare, may not continue coverage on an OEBB medical or vision plan unless it is stated in a collective bargaining agreement or documented district policy in effect on or before February 1, 2010, that they may continue on OEBB medical plans until the retiree becomes eligible for Medicare with the following exception: OEBB coverage must end for Medicare-eligible dependents of a retiree enrolled on a Kaiser Permanente medical plan.

(4) If the retiree is responsible for self-paying all or partial premiums and fails to remit the premium amount to their Educational Entity, coverage

will terminate on the last day of the month in which premiums are paid in full to OEBB.

(5) Dental coverage may be continued subject to the Educational Entity's documented district policy or collective bargaining agreement. Coverage is based on the OEBB dental plans that the Educational Entity offers to retired OEBB Medicare-eligible individuals.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-050-0030

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when a retired eligible employee provides incorrect information or fails to make correct selections when making benefit plan changes. The retired eligible employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Educational Entities to correct enrollment errors reported by the retired eligible employee within 60 calendar days of the original eligibility date, annual plan change period end date, or Qualified Status Change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001.

(b) Enrollment errors identified after 60 calendar days of the eligibility date, annual plan change period end date or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan changes are processed incorrectly in the benefit system.

(a) OEBB authorizes Educational Entities to correct processing errors identified within 60 calendar days of the eligibility date, annual plan change period end date, or Qualified Status Change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001. The Educational Entities must reconcile all premium discrepancies.

(b) Processing errors identified after 60 calendar days of the eligibility date, annual plan change period end date, or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-050-0045

Termination Dates

(1) Benefit coverage for a retired eligible employee, a spouse, a domestic partner or a dependent child ends on the last day of the month that eligibility is lost with the following exceptions:

(a) If the retired employee's eligibility terminates, coverage will end on the last day of the month in which OEBB receives notification of the event from the Educational Entity. No retroactive terminations or adjustments are allowed.

(b) If the retired eligible employee notifies the Educational Entity within 31 days after an event terminating eligibility of the employee's spouse, domestic partner, or dependent, coverage for the spouse, domestic partner, or dependent will end on the last day of the month in which OEBB receives notification of the event from the Educational Entity. No retroactive terminations or adjustments are allowed.

(2) If the retired eligible employee fails to notify the employee's Educational Entity within 31 days after an event terminating eligibility of the employee's spouse, domestic partner or dependent, this may be considered intentional misrepresentation and OEBB may terminate coverage retroactively to the end of the month in which eligibility was lost. If benefits are to be terminated retroactively, OEBB shall give the affected individual 30 days notice of the termination and an opportunity to appeal before the retroactive termination takes effect.

(3) Benefit coverage for a spouse, domestic partner, or dependent child ends on the last day of the month that a retired eligible employee dies, unless otherwise determined by a collective bargaining agreement or documented district policy in effect on June 30, 2008.

Stat. Auth.: ORS 243.860 - 243.886

ADMINISTRATIVE RULES

Stats. Implemented: ORS 243.864(b), 243.866(7), 659A.060 - 659A.069 & 743.600 - 743.602
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-050-0050

Removing an Ineligible Individual from Benefit Plans

(1) A retired eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their Educational Entity benefits administrator within 31 calendar days after the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-050-0045.

(2) A retired eligible employee ending a domestic partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the Educational Entity benefits administrator within 31 calendar days after the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the date identified in OAR 111-050-0045.

(3) An Educational Entity is responsible for removing ineligible individuals from the OEBB benefits management system. The Educational Entity must complete such removal within 14 calendar days after:

(a) An event resulting in loss of the retired employee's eligibility, or

(b) The receipt of notification of an event resulting in loss of eligibility of the retired employee's spouse, domestic partner or dependent child.

(4) If coverage of an employee's spouse, domestic partner or dependent child is terminated retroactively under OAR 111-050-0045(2), then:

(a) The retired eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carrier's discretion; and

(b) Premium adjustments will be made retroactively based on the coverage end date as identified in OAR 111-050-0015 and 111-050-0045, not to exceed three months of premium dollars.

(5) OEBB shall conduct audits to monitor compliance with OEBB administrative rules governing eligibility and enrollment.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

Rule Caption: Amended to include revisions related to the federal Healthcare Reform Act.

Adm. Order No.: OEBB 14-2010(Temp)

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-070-0030, 111-070-0040

Subject: Amendments include revisions that are needed to respond to the new rescission of coverage provisions of the federal healthcare Reform act as they relate to the coverage available to part-time community college and higher education employees eligible for coverage under HB 2557 (2009).

Rules Coordinator: April Kelly—(503) 378-6588

111-070-0030

Termination

(1) OEBB coverage will be terminated under the following circumstances:

(a) Premiums are not paid in full by the due date. Coverage is contingent upon the receipt of the full monthly premium payment. Coverage will be terminated on the last day of the month in which premiums were paid in full; or

(b) Upon notification and confirmation that an individual was not eligible for benefits due to adjustments that affect the individual's PERS membership. Coverage will be terminated on the last day of the month in which OEBB receives confirmation of ineligibility.

(c) Upon notification and confirmation that an individual was not eligible for benefits due to not being a teaching or research faculty member during the calendar year upon which eligibility determination was based. Coverage will be terminated on the last day of the month in which OEBB receives confirmation of ineligibility.

(2) Eligibility for PERS membership is lost during the previous calendar year. Coverage will be terminated on the September 30th following the calendar year in which PERS membership is lost.

(3) Upon loss of OEBB coverage due to a qualifying event, HB 2557 eligible members and their eligible dependents will have COBRA rights. Cancellation due to failure to make a premium payment does not constitute COBRA rights.

Stat. Auth.: ORS 243.864, 2009 OL Ch. 351 (HB 2557)

Stats. Implemented: 2009 OL Ch. 351 (HB 2557)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

111-070-0040

Qualified Status Changes (QSC's)

(1) HB 2557 eligible members experiencing a change in family status after annual enrollment or during the plan year have 31 calendar days after the date of the event to make allowed changes. If the event is the gaining of a dependent child as defined by 111-070-0040(2)(c) or results in a loss of eligibility, the eligible member has 60 calendar days after the event to make changes.

(a) The member's failure to report timely a QSC that removes a spouse, domestic partner or dependent child may be considered intentional misrepresentation by OEBB and OEBB may retroactively terminate the individuals coverage back to the last day of the month in which the individual lost eligibility. If benefits are to be terminated retroactively, OEBB shall give the affected individual 30 days notice of the termination and an opportunity to appeal before the retroactive termination takes effect.

(b) The member's failure to report timely a QSC that allows the addition of a spouse, domestic partner or dependent child means that the individual does not have coverage. The next opportunity the HB 2557 eligible member has to add their spouse, domestic partner or dependent child is during open enrollment.

(2) The HB 2557 eligible member can only make those changes that are consistent with the event for themselves and eligible dependent(s).

(3) Qualified Status Changes which allow the member to make changes to his or her coverage are:

(a) Gain spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of spouse or domestic partner by divorce, annulment, death or termination of domestic partnership;

(c) Gain dependent by birth, placement for/or adoption, or Domestic Partner's children (by affidavit of domestic partnership);

(d) Event by which dependent child satisfies eligibility requirements under OEBB plans (for a list of requirements see 111-010-0015);

(e) Event by which dependent ceases to satisfy eligibility requirements under OEBB plans (for a list of requirements see 111-010-0015);

(f) Changes in cost or coverage do not constitute a Qualified Status Change. All changes resulting from a change in cost or coverage must be made during Open Enrollment.

(g) Related laws or court orders. For example: Qualified Medical Child Support Order (QMSCO), Medicare, or HIPAA. Changes are determined by the applicable law or court order, and the Family Health Insurance Assistance Program (FHIAP)

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11

Rule Caption: Amending the Oregon Educators Benefit Board's rules on appeals.

Adm. Order No.: OEBB 15-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 7-1-2010

Rules Amended: 111-080-0030

Rules Repealed: 111-080-0030(T)

Subject: OAR 111-080-0030 is amended to provide clarification and include descriptions of each level of the OEBB appeals process.

Rules Coordinator: April Kelly—(503) 378-6588

111-080-0030

Appeals and Administrative Reviews

(1) Eligibility, enrollment issues or rescissions. OEBB has an Appeal process consisting of three levels that a member can use if they disagree with an eligibility determination, enrollment record. If the appeal is a result of a rescission, or a determination that the benefit is not a covered benefit, coverage will continue pending the outcome of the appeal. These three levels are:

ADMINISTRATIVE RULES

(A) Appeal. An Appeal is the first level and must be received by OEBB in writing. OEBB staff gathers all information and sets up the Appeal file. OEBB Staff reviews the Appeal and makes a decision. The member is then notified in writing of the OEBB staff's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

(B) Request for Reconsideration. A Request for Reconsideration is the second level and can be used if the member is not satisfied with the outcome on their Appeal. The request by the member must be received in writing within 31 days of receiving the Appeal decision notification. OEBB staff requests any additional information needed and includes in the Appeal file. The OEBB Management Team reviews all the information contained in the file (from the Appeal and the Request for Reconsideration) and makes a decision. The member is then notified in writing of the OEBB Management Team's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based, a description of any additional information required and a description of the OEBB appeals process.

(C) Administrative Review Request. An Administrative Review Request is the third level and can be used if the member is not satisfied with the outcome on their Request for Reconsideration. The request by the member must be in writing OEBB staff requests any additional information and adds it to the Appeal file. OEBB staff will schedule an Administrative Review Committee meeting. OEBB staff will notify the member and all applicable parties of the date, time and location. At the meeting, the Administrative Review Request will be presented to the Administrative Review Committee members and after considering all documentation and possible public comment, a decision is made. The member will be notified in writing of the Administrative Review Committee's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

(2) Benefit and claim issues. Following the Insurance Carrier's appeals process, a member can request an administrative review by OEBB. An Administrative Review Request can be made to OEBB if the member is not satisfied with the outcome after completing the carrier's appeal process. OEBB staff gathers all information and sets up the file. The OEBB Contracts Officer will complete an initial review of the file to ensure it is limited to a determination of whether or not a service or benefit was intended to be covered under the current contract. The initial review will assess whether there is documentation contained within the contract or member handbook relating to the benefit that was denied. If the Administrative Review request does not meet the specified criteria the Contracts Officer will refer it to the OEBB Management Team and the member will be notified in writing of the OEBB Management Team's decision. If the request does meet the specified criteria, OEBB staff will schedule an Administrative Review Committee meeting. OEBB staff will notify the member and all applicable parties of the date, time and location. At the meeting, the Administrative Review Request will be presented to the Administrative Review Committee. They will consider all documentation and public comment and make a decision in accordance with the information presented. The member will be notified in writing of the Administrative Review Committee's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 17-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 7-2009, f. 3-24-09, cert. ef. 4-1-09; OEBB 18-2009(Temp), f. & cert. ef. 10-26-09 thru 4-23-10; OEBB 5-2010(Temp), f. & cert. ef. 4-26-10 thru 10-22-10; OEBB 15-2010, f. 9-29-30, cert. ef. 10-1-10

.....
**Department of Administrative Services,
Public Employees' Benefit Board
Chapter 101**

Rule Caption: Changes benefit rules responsive to Board action, and procurement/contracting rules per recent DOJ review.

Adm. Order No.: PEBB 3-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Adopted: 101-020-0066

Rules Amended: 101-002-0005, 101-002-0010, 101-005-0010, 101-005-0020, 101-005-0030, 101-005-0040, 101-005-0050, 101-005-0070, 101-005-0090, 101-005-0105, 101-005-0110, 101-005-0120, 101-005-0130, 101-005-0140, 101-020-0015, 101-050-0005, 101-050-0010, 101-050-0015, 101-050-0020

Rules Repealed: 101-001-0010, 101-002-0015, 101-002-0020, 101-005-0060, 101-006-0010, 101-006-0020, 101-050-0025

Subject: Adoptions, amendments and repeals contained herein are in response to (1) improved, clarified or incorporated changes necessary due to Board action, taken at its June 15, 2010 Board meeting (Bdattach 2, PEBB Oregon Administrative Rules"); and (2) DOJ-reviewed rule changes clarifying that DOJ Model Public Contract Rules may apply when PEBB's and DAS's procurement and contracting rules do not.

Rules Coordinator: Cherie Taylor—(503) 378-6610

101-002-0005

Powers and Duties of the Board

(1) Pursuant to ORS 243.125, it will be within the powers and duties of the Board to study all matters connected with providing adequate benefit plan coverage for Eligible Employees on the best basis possible with relation both to the welfare of the employees and to the state.

(2) The Board will design benefit plans, devise specifications, invite proposals, analyze responses to requests for proposals, decide on the award of contracts for benefit plan coverage of Eligible Employees.

(3) The Board seeks optimal health for PEBB's members through a system of care that is patient-centered, focused on wellness, coordinated, efficient, effective, accessible, and affordable. The Board will place emphasis on:

- (a) Employee choice among high quality benefit plans;
- (b) A competitive marketplace;
- (c) Benefit plan performance and information;
- (d) Employer flexibility in benefit plan design and contracting;
- (e) Quality customer services;
- (f) Creativity and innovation;
- (g) Benefit plans as part of total employee compensation;
- (h) The improvement of employee health;
- (i) An innovative delivery system;
- (j) A focus on improving quality and outcomes;
- (k) Promotion of health and wellness;
- (l) Appropriate provider, health plan, and consumer incentives;
- (m) Accessible and understandable information about costs, outcomes, and other health data, and;

(n) Benefits that are affordable to the state and employees.

(4) The Board may retain consultants, brokers, or other advisory personnel as it determines necessary; and subject to the State Personnel Relations Law, will employ such personnel as are required to perform the functions of the Board.

(5) The Board may delegate authority to the Administrator and Staff to complete duties described in (2)-(4) above.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 183.310 - 550, 192.660, 243.061 - 302 & 292.051

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-002-0010

Conduct of Meetings of the Board

(1) The Board will select one of its appointed voting members as chairperson and another voting member as vice chairperson.

(2) Meetings will be conducted by and will be under the control of the chairperson of the Board. In the absence of the chairperson, the vice chairperson or other Board member designated by the chairperson in the absence of the vice chairperson will preside. All meetings of the Board will be conducted in the matter prescribed by and in accordance with the Oregon Public Meetings Law, ORS 192.610 to 192.690.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 183.310 - 550, 192.660, 243.061 - 302 & 292.051

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

ADMINISTRATIVE RULES

101-005-0010

Renewal, Screening and Selection for Benefit, Vendor and Consultant Contracts

(1) The Board is charged with the obligation of obtaining Benefit Plans to provide Benefits to Eligible Employees. OARs 101-005-0140 through 101-005-0140 set forth the screening, selection and renewal process to be used for all such Benefit Plan contracts. The Board has sole authority for procuring all benefits and services contemplated by ORS 243.061 through 243.302.

(2) Except as provided in OAR 101-005-0040 through 101-005-0140, the Board adopts the DOJ model public contract rules in OAR 137, division 46 (General Provisions Related to Public Contracting) and division 47 (Public Procurements for Goods or Services), effective January 1, 2010, as the contracting rules that shall apply to its procurements for Benefit Plan contracts.

(3) The Board adopts the DOJ model public contract rules in OAR 137, division 46 (General Provisions Related to Public Contracting) and division 47 (Public Procurements for Goods or Services), effective January 1, 2010, as the contracting rules that shall apply to its procurements for Vendor and consultant contracts within the Board's contracting authority.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0020

Policy

The policy of the Board is to select Contractors in an expeditious and efficient a manner that is consistent with the goal of delivering high quality Benefits and other services at a cost that is affordable to both the employees and the state, consistent with the requirements of ORS 242.135 and OAR 101-002-0005. The Board may enter into more than one contract for each type of Benefit Plan or other service sought.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.125 & 243.135(2)

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0030

Definitions

For the purposes of OARs 101-005-0010 through 101-005-0140 the following terms have the meanings indicated below.

(1) "Benefit Plan" includes, but is not limited to:

(a) Contracts for insurance or other benefit based on life; supplemental medical, supplemental dental, optical, accidental death or disability insurance; group medical, surgical, hospital, flexible spending account, or any other remedial care recognized by state law; and related services and supplies.

(b) Comparable benefits for employees who rely on spiritual means of healing;

(c) Self insurance programs managed by the Board, and;

(d) Employee assistance programs.

(2) "Benefits" means those goods and services provided under Benefit Plans.

(3) "Board" means the ten-member Public Employees' Benefit Board, created by ORS 243.061.

(4) "Consultant" means consultants, brokers or other advisory personnel hired by the Board pursuant to ORS 243.125(5) to assist in acquiring adequate Benefit Plan coverage for eligible state employees; assist in the study of all matters connected with the provision of adequate Benefit Plan coverage for eligible state employees; assist in the development and implementation of decision-making processes; design and implement additional programs to review, monitor and assist in the improvement of Eligible Employees and their dependents' health; and provide other services as required by the Board.

(5) "Contractor" means an individual or firm selected to provide Benefits Plan services and other services with whom the Board contracts;

(6) "Eligible Employee" shall have the same definition as is described in ORS 243.105(4).

(7) "Emergency" means circumstances that:

(A) Could not have been reasonably foreseen;

(B) Create a substantial risk of loss, damage or interruption of Benefits or other services or a substantial threat to property, public health, welfare or safety; and

(C) Require prompt execution of a contract to remedy the condition.

(8) "PEBB" means the agency, overseen by the Board, that is within the Department of Administrative Services until the operational transfer to the Oregon Health Authority described in OAR 943-001-0015(2).

(9) "Person" means a natural person capable of being legally bound, a sole proprietorship, a corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-profit or nonprofit unincorporated association, a business trust, two or more persons having a joint or common economic interest, any other person with legal capacity to contract or a public body.

(10) "Proposal" means a competitive Proposal, binding on the Proposer and submitted in response to a Request for Proposals.

(11) "Proposer" means a Person who submits a Proposal in response to a Request for Proposals.

(12) "Renewal Contractors" means those Contractors who provided the same or similar employee Benefit Plan or other services under a contract with the Board in the year immediately prior. An employee Benefit Plan or other services contract is similar if it is reasonably related to the scope of work described in the procurement under which such a contract was awarded.

(13) "Request for Proposals" or "RFP" means all documents, whether attached or incorporated by reference, used for soliciting Proposals.

(14) "Responsible Proposer" means a person who meets the standards of responsibility described in OAR 101-005-0130.

(15) "Responsive Proposal" means a Proposal that substantially complies with the request for proposals and all prescribed procurement procedures and requirements.

(16) "Single Source" means the only vendor of a particular product or service reasonably available. If the Board chooses to procure a particular Benefit or service that is only available from one vendor, documentation must be maintained to support the determination that the product or service is available only from that one seller.

(17) "Formal Selection Procedure" means the process described in OAR 101-005-0040(1).

(18) "Informal Selection Procedure" means the process described in OAR 101-005-0040(2).

(19) "ORPIN" means the Oregon Procurement Information Network, an online service operated by the Department of Administrative Services that displays procurements and contracts issued by the State of Oregon's agencies.

(20) "Selection Committee" means the group of individuals comprised of PEBB staff, Board members, constituents, or consultants associated with PEBB who review, score, and recommend an Apparent Successful Proposer (ASP selected as a result of a RFP issued by PEBB) to the Board for approval.

(21) "Vendor" means the contractors from which PEBB will secure services other than Benefits.

Stat. Auth.: ORS 243.125(1)

Stats. Implemented: ORS 243.105(1), (2), & (4) & 243.125(5)

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 1-2009(Temp), f. & cert. ef. 2-24-09 thru 8-22-09; PEBB 2-2009, f. 7-29-09, cert. ef. 8-1-09; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0040

Procurement and Renewal Processes

(1) Formal Selection Procedure: This procedure will be used for the procurement of Benefits Exceptions to this procedure are specified in sections (2), (3), (4) and (5).

(a) Announcement: The Board will give notice of intent to contract for Benefits via the Oregon Procurement Information Network (ORPIN). The notice shall include a description of the Benefits or services sought the scope of the services required, and a description of special requirements, if any. The notice will invite qualified prospective contractors to apply. The notice will specify when and where the application may be obtained, to whom it must be returned, and the closing date.

(b) Proposal: The Proposal from the prospective contractors will consist of a statement that describes the prospective contractor's credentials, performance data and other information sufficient to establish contractor's qualifications for providing the Benefits or services sought, as well as any other information requested in the announcement.

(c) Evaluation: The Board or its designees will evaluate the qualifications of all applicants and select prospective contractors as set forth in OAR 101-005-0110.

(d) Award of Contracts: The Board will make final selections based on the criteria included in OAR 101-002-005(3).

(e) Confidentiality: Until after the notice of intent to award a contract is issued, Proposals are not required to be open for public inspection, and PEBB shall in good faith seek to protect Proposals from disclosure under

ADMINISTRATIVE RULES

ORS 192.502(4) as a confidential submission or under other applicable exemptions from disclosure. After the notice of intent to award a contract is issued, PEBB may withhold from disclosure to the public materials included in a Proposal that are exempt or conditionally exempt from disclosure under ORS 192.501 or 192.502.

(2)(a) Informal Selection Procedure: This procedure may be used at the Board's discretion, when the informal selection procedure will not interfere with competition among prospective contractors, reduce the quality of services, is an amount less than \$150,000 in contract costs, or will not increase costs. The Board will contact a minimum of three prospective contractors known to the Board to be qualified to propose the sought-after services. The selection will be made by the Board based upon the factors described in paragraph (1) (d) of this rule. If three quotes are not received, the Board will make a written record of its efforts to obtain quotes.

(b) When informal selection procedure has been used, the cumulative amendment(s) to the contract shall not increase the total contract cost to sum that is greater than twenty-five percent (25%) of the original contract cost.

(3)(a) Sole Source Procedure: PEBB may award a contract for Benefits without competition when the Administrator of PEBB determines in writing that the services are available from only one source, or the contractor is defined as a Qualified Rehabilitation Facility as defined in Oregon's public contracting code.

(b) The determination of a sole source must be based on written findings that may include:

(A) That the efficient utilization of existing services requires the acquisition of compatible services;

(B) That the services required for the exchange of software or data with other public or private agencies are available from only one source;

(C) That the services are for use in a pilot or an experimental project, or;

(D) Other findings that support the conclusion that the goods or services are available from only one source.

(c) To the extent reasonably practical, PEBB shall negotiate with the sole source to obtain contract terms advantageous to PEBB.

(4) Renewal Procedure: If the Board does not issue an RFP or Single Source procurements to solicit formal proposals from qualified potential Contractors or Vendors, the Board may directly negotiate and enter into renewal contracts each plan year with Renewal Contractors to provide Benefits and other services without following the procedures set forth in sections (1) and (2) above. The Board may renew contracts with Renewal Contractors for as many years as the Board determines is in the best interest of the state and employees. The Board may invite renewal Proposals from those Contractors or Vendors who provided the same or similar employee Benefit Plan or other services in the year immediately prior. An employee Benefit Plan or other services contract is similar if it is reasonable related to the scope of work described in the procurement under which such a contract was awarded. The Board will negotiate with Renewal Contractors and enter into contracts with them after giving full consideration to the factors listed in paragraph (1)(d) or to such of those factors as the Board determines shall be evaluated for the renewal.

(5) Emergency Appointment Procedure: The Board may select a Benefit Plan or other service Contractor without following any of the above procedures when Emergency conditions require. In such instance, the recommended appointment and a written description of the conditions requiring the use of this appointment procedure shall be submitted to the Board. The Board will determine if an Emergency exists, declare the Emergency and negotiate a contract with the Contractor after giving full consideration to the factors listed in paragraph (1)(d).

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 1-2009(Temp), f. & cert. ef. 2-24-09 thru 8-22-09; PEBB 2-2009, f. 7-29-09, cert. ef. 8-1-09; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0050

Mistakes

(1) Treatment of Mistakes. If the Board discovers certain mistakes in a Proposal before award of the Contract, and the mistakes are not identified as those qualifying as non-responsive to the specifications of the procurement, the Board may take the following action:

(a) The Board may waive, or permit a Proposer to correct a minor informality. A minor informality is a matter of form(s) rather than substance that is evident on the face of the Proposal, or an insignificant mistake that can be waived or corrected without prejudice to other Proposers. Mistakes including, but not limited to, signatures not affixed to the proposal docu-

ment, proposals sent to the incorrect address, insufficient number of proposals submitted, incorrect format, etc., will not be considered minor.

(b) The Board may correct a clerical error if the intended Proposal and the error are evident on the face of the Proposal, or other documents submitted with the Proposal, and the Proposer confirms the Board's correction in writing. A clerical error is a Proposer's error in transcribing its Proposal.

(2) Rejection for Mistakes. The Board may reject any Proposal in which a mistake is evident on the face of the Proposal and the intended correct Proposal is not evident or cannot be substantiated from documents accompanying the Proposal; i.e., documents submitted with the Proposal. In order to insure integrity of the competitive procurement process and to assure fair treatment of Proposers, mistakes discovered that are contrary to the specifications of the procurement will be carefully reviewed and will be determined, under the sole authority of the Board, to be waived or not be waived.

(3) If the Board discovers mistakes in the proposal after award, and the mistakes are not considered minor, the Board reserves the right to determine if the award will be revoked and then will re-evaluate proposals deemed to be in second, third, fourth, etc., in the standings.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.125(1)

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0070

Contract Amendments

PEBB may amend a contract without additional competition in any of the following circumstances:

(1) The amendment is within the scope of the procurement as described in RFP, the sole source determination, or special procurement (the "Procurement Document"). An amendment is not within the scope of the procurement if the Agency determines that if it had described the changes to be made by the amendment in the Procurement Document, it would likely have increased competition or affected award of the contract.

(2) These rules otherwise permit PEBB to award a contract without competition for the goods or services to be procured under the amendment.

(3) The amendment is necessary to comply with a change in law that affects performance of the contract.

(4) The amendment results from renegotiation of the terms and conditions, including the contract price, of a contract and the amendment is advantageous to PEBB, subject to all of the following conditions:

(a) The Services to be provided under the amended contract are the same as the Services to be provided under the unamended contract.

(b) PEBB determines that, with all things considered, the amended contract is at least as favorable to PEBB as the unamended contract.

(c) The amended contract does not have a total term greater than allowed in the Procurement Document after combining the initial and extended terms.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 1-2009(Temp), f. & cert. ef. 2-24-09 thru 8-22-09; PEBB 2-2009, f. 7-29-09, cert. ef. 8-1-09; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0090

Addenda to an RFP

(1) Issuance; Receipt. The Board may change an RFP only by written addenda.

(2) Notice and Distribution. The RFP shall specify how the Board will provide notice of addenda and how the Board will make the addenda available.

(3) Timelines; Extensions. The Board shall issue addenda within a reasonable time to allow prospective Proposers to consider the addenda in preparing their Proposals. The Board may extend the Closing if the Board determines prospective Proposers need additional time to review and respond to addenda. Except to the extent required by public interest, the Board shall not issue addenda less than 72 hours before the closing unless an addendum also extends the Closing.

(4) Request for Change or Protest. Unless a different deadline is set forth in an addendum, a Proposer may submit a written request for change or protest to the addendum by the close of the Board's next business day after issuance of the addendum.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

ADMINISTRATIVE RULES

101-005-0105

Submission of Proposals; Format; Timing

(1) All Proposals submitted as a result of a Formal Solicitation, Informal Solicitation, or Single Source Solicitation shall comply with the procurement's specifications. If portions of the Proposal to any solicitation are deemed unacceptable or non-responsive to the specifications of the solicitation, the Proposal will be deemed non-responsive and will not be given further evaluation or consideration. If a Proposal to any solicitation is delivered late, it will be deemed non-responsive to the specification of the solicitation and will be returned to the Proposer unopened.

(2) Submission of Proposals shall be in writing and shall be delivered in the written format, as required by the specifications of the solicitation. Proposals shall also be submitted electronically in any reasonable format specified in the RFP.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.125(1)

Hist.: PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0110

Evaluation of Proposals

(1) Evaluation. The evaluation process described in this rule applies to the Formal Selection Procedure set forth in OAR 101-005-0040 (1). The Board and any assigned representatives, including but not limited to, PEBB stakeholders staff, or Consultants, hereinafter identified as the Selection Committee, shall evaluate Proposals only in accordance with criteria set forth in the RFP and applicable law. The Board shall evaluate Proposals to determine the Responsible Proposer or Proposers submitting the best responsive Proposal or Proposals.

(2) Competitive Range; Protest; Award.

(a) Determining Competitive Range. If the Board does not cancel the solicitation, the Board will evaluate all Proposals in accordance with the evaluation criteria set forth in the RFP. After evaluation of all Proposals in accordance with the criteria set forth in the RFP, the Board will determine the Proposers in the competitive range.

(b) Protesting Competitive Range. The Board shall provide written notice to all Proposers identifying Proposers in the competitive range. A Proposer that is not within the competitive range may protest the Board's evaluation and determination of the competitive range in not more than two (2) business days after the Board has sent written e-mail notice of the competitive range to all Proposers.

(c) Intent to Award; Discuss or Negotiate. After the protest period provided in accordance with paragraph (2) (b) expires, or after the Board has provided a final response to any protest, whichever date is later, the Board may engage in discussions and negotiations with Proposers in the competitive range.

(3) Discussions and Negotiations. If the Board chooses to enter into discussions and negotiations with the Proposers in the competitive range, the Board shall proceed as follows:

(a) Initiating Discussions. The Board shall initiate oral or written discussions and negotiations with all of the Proposers in the competitive range regarding their Proposals.

(b) Conducting Discussions. The Board may conduct discussions and negotiations with each Proposer in the competitive range necessary to fulfill the purposes of this section, but need not conduct the same amount of discussions or negotiations with each Proposer. The Board may terminate discussions and negotiations with any Proposer in the competitive range at any time. However, the Board shall offer all Proposers in the competitive range the opportunity to discuss their Proposals with the Board before the Board notifies Proposers of the award decisions.

(A) In conducting discussions, the Board and any designated representatives:

(i) Shall treat all Proposers fairly and shall not favor any Proposer over another;

(ii) Shall not discuss Proposers' Proposals with any other Proposers and shall maintain all Proposals as confidential documents to the extent permitted by the Public Records Law.

(iii) Shall not divulge the name(s) of the Proposers or the content of the Proposals until such time as cost negotiations are complete or an Apparent Successful Proposer has been announced.

(iv) Shall determine whether other factors, including but not limited to, Oregon residency of the primary business office and Proposer demonstration of services and products, will be used to determine the apparent successful Proposer, should a tie between Proposers occur.

(B) At any time during the time allowed for discussions and negotiations, the Board may:

(i) Continue discussions and negotiations with a particular Proposer or Proposers, or;

(ii) Terminate discussions with a particular Proposer and continue discussions with other Proposers in the competitive range;

(C) The Board may continue discussions and negotiations with Proposers until the Board has determined which Proposer or Proposers shall be awarded contracts.

(c) Intent to Award; Protest. The Board shall provide written notice to all Proposers in the competitive range of the Board's intent to award the contracts. An unsuccessful Proposer may protest the Board's intent to award in accordance with OAR 101-005-0140. After the protest period provided in accordance with OAR 101-005-0140 expires, or after the Board has provided a final response to any protest, whichever date is later, the Board may commence final Contract execution with the successful Proposer or Proposers.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0120

Rejection of a Proposal

Rejection of Proposals.

(1) The Board may reject any Proposal upon PEBB's finding that the Proposal:

(a) Is contingent upon PEBB's acceptance of terms and conditions (including Specifications) that differ from the RFP;

(b) Takes exception to terms and conditions set forth in the RFP;

(c) Attempts to prevent public disclosure of matters in contravention of the terms and conditions of the RFP or in contravention of applicable law;

(d) Offers services that fail to meet the specifications of the RFP;

(e) Is late;

(f) Is not in substantial compliance with the RFP;

(g) Is not in substantial compliance with all prescribed procurement procedures;

(h) Has been debarred as set forth in ORS 279 B.130;

(i) Has failed to provide the certification of non-discrimination required under ORS 279A.110(4), or;

(j) Is from a Proposer found non-responsive as described in OAR 101-005-0130.

(2) The Board may for good cause reject all Proposals in whole or in part or may cancel, delay or suspend the RFP upon the Board's written finding it is in the state's or employees' interest to do so. The Board shall notify all Proposers of the rejection of all Proposals, along with the good cause justification and finding. PEBB is not liable to any Proposer for any loss or expense caused by or resulting from the rejection, cancellation, delay or suspension.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0130

Responsible Proposer

(1) Before awarding a Contract, the Board must have information that indicates the Proposer meets the applicable standards of responsibility. PEBB shall prepare a written determination of non responsibility for a Proposer if PEBB determines that the Proposer does not meet the standards of responsibility.

(2) In determining whether a Proposer has met the standards of responsibility, PEBB shall consider whether a Proposer:

(a) Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or has the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.

(b) Completed previous contracts of a similar nature with a satisfactory record of performance. For purposes of this paragraph, a satisfactory record of performance means that to the extent that the costs associated with and time available to perform a previous contract remained within the Proposer's control, the Proposer stayed within the time and budget allotted for the procurement and otherwise performed the contract in a satisfactory manner. PEBB shall document the Proposer's record of performance if PEBB finds under this paragraph that the Proposer is not responsible.

(c) Has a satisfactory record of integrity. PEBB in evaluating the Proposer's record of integrity may consider, among other things, whether the Proposer has previous criminal convictions for offenses related to obtaining or attempting to obtain a contract or subcontract or in connection

ADMINISTRATIVE RULES

with the Proposer's performance of a contract or subcontract. PEBB shall document the Proposer's record of integrity if PEBB finds under this paragraph that the Proposer is not responsible.

(d) Is legally qualified to contract with PEBB.

(e) Supplied all necessary information in connection with the inquiry concerning responsibility. If a Proposer fails to promptly supply information concerning responsibility that PEBB requests, PEBB shall determine the Proposer's responsibility based on available information or may find that the Proposer is not responsible.

(f) Was not debarred by PEBB in accordance with ORS 279B.130.

(3) PEBB may refuse to disclose outside of PEBB confidential information furnished by a Proposer under this section when the Proposer has clearly identified in writing the information the Proposer seeks to have treated as confidential and PEBB has authority under ORS 192.410 to 192.505 to withhold the identified information from disclosure.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-005-0140

Protest of Contractor Selection, Contract Award

(1) Purpose. An adversely affected or aggrieved Proposer must exhaust all avenues of administrative review and relief before seeking judicial review of the Board's Contractor selection or contract award decision.

(2) Notice of Intent to Award. Unless otherwise provided in the RFP, the Board shall provide written notice to all Proposers of the Board's intent to award the contract(s). The Board's award(s) shall not be final until the later of the following:

(a) Seven (7) days after the date of the notice, unless the RFP provided a different period for protest, or;

(b) The Board provides a written response to all timely filed protests that denies the protests and affirms the award.

(3) Right to Protest Award. An adversely affected or aggrieved Proposer may submit to the Board a written protest of the Board's intent to award within seven (7) days after issuance of the notice of intent to award the contract, unless a different protest period is provided under the RFP.

(a) The Proposer's protest shall be in writing and must specify the grounds upon which the protest is based.

(b) A Proposer is adversely affected or aggrieved only if the Proposer would be eligible to be awarded the contract in the event that the protest were successful, and the reason for the protest is that:

(A) All higher ranked Proposals are nonresponsive;

(B) PEBB has failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in the RFP;

(C) PEBB has abused its discretion in rejecting the protestor's Proposal as nonresponsive; or

(D) PEBB's evaluation of Proposals or PEBB's subsequent determination of award is otherwise in violation of PEBB's rules or ORS 243.105 to 243.285.

(c) The Board shall not consider a protest submitted after the time period established in this rule or such different period as may be provided in the RFP.

(4) Authority to Resolve Protests. The chairperson of the Board, or his or her designee, has the authority to settle or resolve a written protest submitted in accordance with the requirements of this rule.

(5) Decision. If a protest is not settled, the chairperson of the Board, or his or her designee, shall promptly issue a written decision on the protest. Judicial review of this decision will be available if provided by statute.

(6) Award. The successful Proposer shall promptly execute the contract after the award is final and all contractual terms and conditions have been negotiated and agreed upon. The Board shall execute the contract only after it has obtained all applicable required documents and approvals.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.135 & 243.125

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2005, f. 7-26-05, cert. ef. 7-29-05; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-020-0015

Opting Out of Medical Insurance Coverage

(1) Opting out is a medical insurance plan election. An eligible employee opting out of medical coverage may receive cash, as determined by PEBB, in lieu of medical insurance coverage. To opt out an eligible employee must have medical insurance provided by another employer-sponsored group medical plan. Benefit eligible employees may opt out of PEBB-sponsored:

(a) Medical insurance only; or

(b) Beginning in plan year 2011, both medical and dental insurance. An employee may not opt out of dental coverage only. (2) PEBB requires eligible employees electing to only opt out of a medical plan to enroll in other core benefits, such as dental and employee basic life coverage.

(3) The eligible employee opting out of PEBB coverage must provide documentation to their agency of current other employer group sponsored medical or medical and dental coverage. Examples of documentation include, but are not limited to, plan identification cards or an employer letter of coverage. Eligible employees that are receiving health coverage under another PEBB eligible employee may request their agency to verify the other PEBB coverage electronically or contact PEBB for verification.

(4) Employees must submit documentation of other employer sponsored coverage to their agency for an opt out enrollment to become effective. The agency or PEBB will void an employee's open enrollment opt out election if the required documentation is not received within the required time. When an opt out election becomes void, PEBB enrolls the employee only in a medical plan and a dental plan that provides service statewide. All other employee optional plan elections will continue.

(a) Employees enrolling in opt out during open enrollment must submit proof of other coverage within five business days following the close date of the open enrollment period. The exception is an employee who is a newly eligible employee after the closure of the open enrollment period but before the start of the new plan year. The employee must complete paper open enrollment forms and submit proof of other group sponsored coverage to their agency before the start of the new plan year.

Example: John electronically enrolls in medical and dental opt out during October open enrollment. On November 2, (within five business days of the close of the open enrollment period) John provides his agency with a copy of both his medical and dental ID cards from his wife's employer sponsored coverage. John's opt out election will start effective January 1, the start of his new plan year.

(b) Newly eligible employees or employees with qualified mid-year plan changes may only enroll in opt out by submitting the correct enrollment forms and proof of other employer sponsored coverage to the agency within the allowable time for the enrollment type. Agencies will not enroll eligible employees in an opt out choice or any other PEBB plan until the enrollment forms and documentation submission are complete.

Example: Mary is a newly eligible employee on March 15. Mary cannot electronically enroll because she wants to opt out of medical only coverage. On March 25, she submits her paper enrollment form electing to opt out of medical to her agency, however she does not include documentation of other employer group medical coverage. Mary's agency cannot enroll her in any of her elections until she submits all required documentation. If Mary resubmits her enrollment and documentation before April 1, Mary's elections will be effective on April 1. If Mary does not resubmit her enrollment and documentation until April, the elections will be effective May 1.

(5) An eligible employee enrolled in Medicare, Medicaid, Veterans' Administration Health Benefit Programs, TRICARE or Student Health Insurance may not opt out in lieu of enrollment in a PEBB medical insurance plan. Beginning in plan year 2011, eligible employees may opt out of PEBB medical coverage if their employer sponsored group medical plan is TRICARE.

(6) A PEBB plan retiree receiving a state premium subsidy (e.g., early retirement premium subsidy) that returns to active employee status as benefit eligible but chooses to continue coverage under a PEBB retiree or COBRA plan is not eligible to opt out and receive cash in lieu of active employee medical benefits.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 3-2009, f. 9-29-09 cert. ef. 10-1-09; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-020-0066

Public Employees' Benefit Board Appeal Procedure

(1) Eligible employees may submit appeal requests to PEBB concerning PEBB policy, eligibility, or plan enrollments. PEBB staff, the Operations Subcommittee, and the Board use relevant state and federal regulations, policy, PEBB's documented Internal Revenue Code (IRC) 125 Cafeteria plan, and Oregon Administrative Rules to provide appeal decisions.

(2) PEBB does not accept appeals related to contracted plans or plan administrators, such as but not limited to medical, dental, life, disability, COBRA, and long term care, services, decisions, or claims.

(3) Beginning in 2011, if PEBB rescinds plan coverage due to an individual's ineligibility for coverage, the ineligible individual may appeal the rescission decision to PEBB using this rule. Until the appeal process for the rescission is exhausted the individual's premium and claim payments will continue as if the rescission had not occurred. Upon final appeal determination, if the rescission is upheld the employee will be responsible to pay

ADMINISTRATIVE RULES

all claims and premium payments paid by the Plan or PEBB during the period of ineligibility.

(4) Eligible Employees, or individuals notified of coverage rescission, have four levels of PEBB appeal.

(a) Level One: An eligible employee who believes he or she received an incorrect or unfair decision from PEBB, an employing agency, or retiree plan administrator, or an individual notified of a rescission may appeal the decision to PEBB within 30 days of that decision.

(A) The employee or individual must submit the appeal to PEBB using the correct forms and provide any supporting documentation for appeal.

(B) A PEBB Benefit Analyst will review the appeal documents and may request additional information from the employee, individual or the employer. PEBB must receive information requested from the employee or individual within 10 business days or the appeal is closed.

(C) The analyst will complete review of the appeal within 30 days of the date PEBB receives all the necessary appeal documentation or notify the employee or individual if a decision will require longer than 30 days.

(D) When complete, the analyst will provide a written explanation and determination to the employee.

(b) Level Two: An eligible employee or an individual notified of rescission who is dissatisfied with a Level One appeal determination may within 30 days of the determination letter request a Level Two review from the PEBB Plan Design Manager.

(A) The employee or individual must submit the request to the Plan Design Manager in writing and provide any new supporting documentation that would support the request. The manager may request additional information from the employee or the employer. Requested information from the employee or individual must be received with 10 business days or the appeal is closed.

(B) The Plan Design Manager will review the request and determine whether to provide a determination to the employee or move the request directly to Level Three. The Plan Design Manager may request that the Administrator or the Administrator's designee assist in the appeal review and determination.

(C) When the Plan Design Manager completes a review, the employee or rescission individual will receive a written explanation and determination within 30 days of PEBB receiving all the necessary appeal documentation. When the Plan Design Manager sends the appeal to Level Three without providing a determination, the employee will receive notice.

(c) Level Three: An eligible employee or a plan rescission individual receiving both a first and second level denial may request that the Operations Subcommittee review the appeal. The Subcommittee may review appeals submitted directly by the Plan Design Manager.

(A) An employee or individual requesting a Level Three review must submit the request in writing to the Plan Design Manager within 30 days of the Level Two determination letter date.

(B) The Operations Subcommittee may recommend a review and determination of the appeal by the Board without providing a decision to the employee or individual. The employee or individual will receive notice of the recommendation.

(C) When the Subcommittee completes a review, the employee or individual will receive a written explanation and determination within 30 days after the next regularly scheduled meeting.

(d) Level Four: An eligible employee dissatisfied with a determination by Operations Subcommittee or a rescission individual may request a review and determination of the appeal by the Board. The Board may review appeals submitted directly by the Operations Subcommittee.

(A) An employee or individual requesting a Level Four review must submit the request in writing to the Plan Design Manager within 30 days of the Operations Subcommittee determination letter date.

(B) When the board completes a review, the employee or individual will receive a written explanation and determination within 30 days after the next regularly scheduled meeting. Should the decision require longer than 30 days the Board will send notice to the employee.

(5) An individual may appeal the Board's decision as provided under the Oregon Administrative Procedures Act, ORS Chapter 183.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-050-0005

PEBB Retiree Health Plan Eligibility

(1) An active employee enrolled in PEBB plans immediately prior to retirement and who meets PEBB retiree plan eligibility may continue participation in PEBB health plans upon retiring.

(2) To be eligible a retiring employee must not be eligible for Medicare and be:

(a) Receiving a service or disability retirement allowance under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by the State of Oregon for its officers and employees;

(b) Eligible to receive a service retirement allowance under PERS and have reached earliest retirement age under ORS Chapter 238; or

(c) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by the State of Oregon and has reached earliest retirement age under the plan or system.

(3) Retiree plan eligibility for other individuals: A spouse, domestic partner, dependent child, and domestic partner's dependent child who each meet PEBB eligibility, are not Medicare eligible, and received coverage through the employee's active PEBB plans immediately prior to retirement are eligible for retiree plan coverage. When the retiring employee is Medicare eligible and not eligible for PEBB retiree plans, individuals receiving active coverage through the employee immediately prior to the retirement are eligible for retiree plan enrollment.

(4) If an individual covered by a PEBB retiree plan becomes Medicare eligible or loses PEBB eligibility while receiving retiree plan coverage, the individual must terminate from the plan. The exception is for Medicare eligibility because of end-stage renal disease. Individuals on the retiree plan who are not Medicare eligible and continue to meet PEBB eligibility may remain on the plan.

(5) A former eligible employee who first elects COBRA and later becomes eligible as a retired employee may enroll in PEBB retiree health plans at any time during or immediately following COBRA.

Stat. Auth.: ORS 243.061 - 243.302
Stats. Implemented: ORS 243.061-302 & 659A.060 - 659A.069
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-050-0010

Retiree Plan Enrollment and Termination

(1) An active employee meeting PEBB retiree eligibility may enroll themselves and other eligible individuals in PEBB retiree health plans.

(2) Retiree plan coverage must be continuous with active or COBRA PEBB plan enrollments. Employees that retire and receive PEBB plan coverage through another active employee may move to PEBB retiree coverage when the other employee coverage ends.

(3) An active employee meeting PEBB retiree eligibility must submit retiree enrollment forms within 60 days of the date the active employee insurance terminates. Enrollments submitted within this 60-day window are retroactive to the date of active coverage termination.

(4) A Retiree may elect any PEBB full time or part-time health plan. A Retiree may elect medical only, dental only, or medical and dental insurance coverage. If the retiree does not initially enroll in both medical and dental insurance plans, they may not add the other plan later.

(5) PEBB may offer a plan change period for retiree insurance plan participants. The plan change period allows the retiree to change benefit plans. The plan change period does not allow the retiree to add dependents or coverage not already in place.

(6) A retired eligible employee electing to continue PEBB health plans under COBRA can transfer to a PEBB retiree health plan at any time during or immediately following COBRA.

(7) A retired eligible employee and their eligible individuals must terminate from PEBB retiree plans when they:

- (a) Fail to self-pay the premiums; or
- (b) Fail to continue to meet PEBB eligibility; or
- (c) Become Medicare eligible; or
- (d) PEBB no longer offers retiree health plan coverage.

(8) Retiree plan coverage termination dates due to loss of eligibility:

(a) Coverage terminates the last day of the month before the month of Medicare eligibility.

Example: Joe becomes Medicare-eligible May 1st because his 65th birthday will be May 15th. Joe's retiree health coverage will terminate April 30th.

(b) Failure to meet PEBB eligibility requirements; e.g., a dependent ages out of coverage, coverage terminates the last day of the month that the eligibility is lost.

(8) Division 20 Enrollment Rules apply to retirees in the following situations:

(a) Midyear benefit plan changes such as those resulting in the addition of a family member, domestic partner, or domestic partner's dependent child to the retiree's insurance coverage. See OAR 101-020-0050.

ADMINISTRATIVE RULES

(b) Adding a newborn or adopted child to the retiree's insurance coverage. See OAR 101-020-0020.

(c) Removing an ineligible individual from the retiree's insurance coverage. See OAR 101-020-0025.

(d) Enrollment or processing errors. See OAR 101-020-0037.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061 - 243.302

Hist.: PEBS 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBS 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBS 1-2001, f. & cert. ef. 9-6-01; PEBS 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBS 1-2003, f. & cert. ef. 12-4-03; PEBS 1-2004, f. & cert. ef. 7-2-04; PEBS 3-2004, f. & cert. ef. 10-7-04; PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBS 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-050-0015

Retiree Returning to Work for a PEBS Participating Organization in a Benefit Eligible Status

(1) A retiree returning to work within a PEBS participating organization in a benefit eligible position is eligible for active employee PEBS benefit plans. Insurance coverage must be continuous between active employee benefit plans and retiree plans.

(a) A retiree returning to paid regular status within 12 months will have their previous enrollment for medical, dental, life and disability insurance reinstated the first of the month following their return to work.

(b) A retiree returning to paid regular status 12 months after an active insurance coverage end date must enroll as a newly eligible employee. There is no second guarantee issue of long-term care insurance.

(c) A retiree either enrolling as a new hire or being reinstated to active employee optional life insurance must cancel retiree life that was ported from PEBS when the employee retired.

(2) A retiree enrolled in a PEBS retiree insurance plan may suspend the retiree insurance coverage when enrolled as an active employee in PEBS benefit plans. The employee must notify and request the retiree plan administrator to suspend the retiree coverage.

(3) A retiree receiving a state premium subsidy; e.g., early retirement premium subsidy that returns to active employee status as benefit eligible but chooses to continue coverage under a PEBS retiree or COBRA plan is not eligible to opt out and receive cash in lieu of active employee medical benefits.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061 - 243.302

Hist.: PEBS 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBS 1-2001, f. & cert. ef. 9-6-01; PEBS 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBS 1-2003, f. & cert. ef. 12-4-03; PEBS 1-2004, f. & cert. ef. 7-2-04; PEBS 3-2004, f. & cert. ef. 10-7-04; PEBS 1-2005, f. & cert. ef. 4-14-05; PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBS 3-2010, f. 9-23-10, cert. ef. 10-1-10

101-050-0020

Retiree Survivor Medical and Dental Insurance Coverage

(1) An eligible spouse, domestic partner, dependent child, and dependent child of a domestic partner enrolled in PEBS retiree health plans at the time of a retiree's death (or subscriber's death) may elect to continue the retiree insurance coverage. The individual electing to continue the coverage becomes the subscriber. Subscribers must self-pay the premiums and maintain continuous coverage. It is the responsibility of the subscriber to notify the retiree plan administrator if they do not want continued coverage.

(2) The retiree plan coverage terminates for a surviving spouse or domestic partner when they:

- (a) Remarry or form a domestic partnership; or
- (b) Fail to make premium payments; or
- (c) PEBS no longer offers retiree insurance plans.

(3) The retiree plan coverage terminates for the surviving dependent children of the retiree, spouse, or domestic partner when they:

(a) No longer meet PEBS dependent eligibility requirements (OAR 101-015-0011); or

- (b) Fail to make premium payments; or
- (c) PEBS no longer offers retiree insurance plans.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061-302 & 659A.060 - 659A.069

Hist.: PEBS 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBS 1-2001, f. & cert. ef. 9-6-01; PEBS 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBS 1-2004, f. & cert. ef. 7-2-04; PEBS 3-2004, f. & cert. ef. 10-7-04; PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBS 3-2010, f. 9-23-10, cert. ef. 10-1-10

.....

Rule Caption: Adopts/suspends within Division 15, Eligibility, Dependent Child.

Adm. Order No.: PEBS 4-2010(Temp)

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10 thru 11-28-10

Notice Publication Date:

Rules Adopted: 101-015-0013

Rules Suspended: 101-015-0012

Subject: Adopts OAR 101-015-0013 and suspends current temporary rule OAR 101-015-0012(T) to clarify health plan coverage termination for dependent children reaching age 26. Rule changes are necessary to enact several provisions of federal healthcare reform.

Rules Coordinator: Cherie Taylor—(503) 378-6610

101-015-0012

Dependent Child

(1) Beginning June 1, 2010 and extending through December 31, 2010,

(a) Dependent children that are enrolled and receiving PEBS health plan coverage that would otherwise lose coverage under OAR 101-015-0011 during this period will continue to receive coverage, provided the child meets the following requirements:

(A) The child is an eligible employee's, spouse's, or domestic partner's son, daughter, stepson, stepdaughter, adopted child or child placed for adoption, foster child or other legally placed child, and;

(B) The child will not have attained age 27 by December 31, 2010, except as provided in section (4) of this rule.

(b) Newly eligible employees or eligible employees with a qualified mid-year plan change event may enroll only those children who meet the dependent eligibility conditions of OAR 101-015-0011 during this period.

(2) Beginning January 1, 2011 a dependent child must meet the following eligibility conditions to receive PEBS health plan coverage:

(a) The child is:

(A) An eligible employee's, spouse's, or domestic partner's son, daughter, stepson, stepdaughter, adopted child or child placed for adoption, foster child or other legally placed child, or;

(B) The biological child of an eligible dependent child and meets one of the following criteria:

(i) The child's parent will not be older than age 26 on the last day of the plan year, is unmarried and without a domestic partner, both the parent and the child live in the household of the eligible employee, and both receive over half of their financial support from the employee; or;

(ii) The child lives with the eligible employee and the employee is legally responsible for the welfare of the grandchild. The employee must be able to provide legal documentation of guardianship, conservatorship, or other custody documents.

(b) The child will not have attained age 27 as of December 31 of the plan year. The exception is a child who meets all the requirements of section (4) of this rule.

(3) An employee must complete and submit the appropriate PEBS affidavit and any required legal documents in order to provide coverage to the following children: a foster child, a child placed for adoption, a ward of the court, a child under legal guardianship or other court order, or an eligible grandchild. The employee must complete and return to the agency the notarized affidavit and any required evidence of legal responsibility within five business days of the child's electronic enrollment date or the date the agency receives the enrollment forms. PEBS or the agency will terminate the child's coverage retroactive to the effective date if the affidavit or required documents are not received within the specified time.

(4) There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(a) The disability must have existed before attaining age 26.

(b) The employee must provide evidence to the agency or PEBS that the child had continuous health plan coverage, group or individual, prior to attaining age 26, which continued until the PEBS health plan effective date.

(c) The child's attending physician must submit documentation of the disability to the eligible employee's PEBS health plan insurance plan for review and approval. If the child receives health plan approval, the health plan may review the child's health status at any time to determine continued PEBS coverage eligibility.

(d) If the child terminates from PEBS health plan coverage after the age of 26, the child is ineligible for future enrollment as a dependent child under PEBS coverage.

(5) PEBS terminates all health plan coverage at midnight on December 31 for dependent children who have reached age 26 during the calendar year. PEBS will not terminate coverage for children age 26 or older when approved by the health plan as incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability pursuant to section (4) of this rule.

Stat. Auth.: ORS 243

Stats. Implemented: ORS 183, 192, 243, 292, 302, 659 & 743

ADMINISTRATIVE RULES

Hist.: PEBB 1-2010(Temp), f. & cert. ef. 6-1-10 thru 11-28-10; PEBB 2-2010(Temp), f. & cert. ef. 6-3-10 thru 11-28-10; Suspended by PEBB 4-2010(Temp), f. 9-23-10, cert. ef. 10-1-10 thru 11-28-10

101-015-0013

Dependent Child

(1) Beginning January 1, 2011, a dependent child must meet the following eligibility conditions to receive PEBB health plan coverage:

(a) The child is:

(A) An eligible employee's, spouse's, or domestic partner's son, daughter, stepson, stepdaughter, adopted child or child placed for adoption, foster child or other legally placed child, or;

(B) The biological child of an eligible dependent child of an eligible employee, spouse, or domestic partner (a grandchild) and meets one of the following criteria:

(i) The child's parent will not be older than age 26 on the last day of the plan year, is unmarried and without a domestic partner, both the child's parent and the child live in the household of the eligible employee, and both receive over half of their financial support from the employee; or

(ii) The child lives with the eligible employee and the employee is legally responsible for the welfare of the grandchild. The employee must provide legal documentation of guardianship, conservatorship, or other custody documents upon enrollment.

(b) The child will not have attained age 27 as of December 31 of the plan year. The exception is a child who meets all the requirements of section (4) of this rule.

(2) During Open Enrollment the employee may electronically enroll a foster child, child placed for adoption, a ward of the court, a child under legal guardianship or other court order if the notarized affidavit and required legal documentation are submitted within five business days following close date of the period. The exception is for an employee who is a newly eligible employee after the closure of the open enrollment period but before the start of the new plan year. The employee must complete paper open enrollment forms and submit the required legal documentation, as listed in (3) of this rule, to the agency before the start of the new plan year. If the employee does not submit the documentation as required, the child's enrollment will not activate.

(3) Beginning November 1, 2010, newly eligible employees or employee's with a midyear change request to enroll a foster child, a child placed for adoption, a ward of the court, a child under legal guardianship or other court order, or an eligible grandchild must be received by the agency on the appropriate forms with the required documentation within the allowable enrollments allowable time, before enrollment will occur. The agency will not process the employee's enrollments until the employee submits all of the following:

(a) Completed and signed enrollment form;

(b) Completed and notarized affidavit; and

(c) Legal documentation.

(4) There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability, when the child is enrolled in PEBB coverage and continues to meet the criteria. The eligible employee's health plan may review a disabled dependent child's health status at any time to determine continued disability and PEBB coverage.

(a) All the following requirements must be met when a newly eligible employee requests, or an employee submits a midyear change request, to add a disabled dependent child to coverage who is 26 years of age or older:

(A) The child's attending physician must submit to the employee's health plan documentation of the disability and verify the disability existed before the child attained age 26.

(B) In addition to the enrollment forms, the employee must provide evidence to PEBB that the child has had continuous health plan coverage, group or individual, prior to attaining age 26 and the coverage remains in effect. The other coverage must continue until the employee's medical plan approves the child's health status as disabled and the PEBB plan is effective.

(b) If a disabled dependent child's coverage terminates for any reason after the age of 26, the child is ineligible for future enrollment as a dependent child under PEBB coverage.

(5) PEBB terminates all plan coverage for dependent children who reach age 26 during a calendar year at midnight December 31. PEBB will not terminate coverage for children age 26 or older when approved by the health plan as incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability pursuant to section (4) of this rule.

Stat. Auth.: ORS 243

Stats. Implemented: ORS 183, 192, 243, 292, 302, 659 & 743

Hist.: PEBB 4-2010(Temp), f. 9-23-10, cert. ef. 10-1-10 thru 11-28-10

Rule Caption: Amends Division 15, Eligibility, Domestic Partnership.

Adm. Order No.: PEBB 5-2010(Temp)

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10 thru 3-29-11

Notice Publication Date:

Rules Adopted: 101-015-0026

Rules Suspended: 101-015-0025(T)

Subject: Suspends OAR 101-015-0025, and adopts OAR 101-015-0026, to enact provisions of recent federal healthcare reform and will correctly state language for domestic partnership enrollment actions.

Rules Coordinator: Cherie Taylor—(503) 378-6610

101-015-0025

Domestic Partnership

(1) Certificate of Registered Domestic Partnership. When a Registered Domestic Partnership exists and the eligible employee wants to enroll the domestic partner or the domestic partner's eligible children in benefit plans, the employee may electronically enroll or submit enrollment update forms to the agency at the appropriate time as defined by PEBB enrollment rules.

(2) PEBB Affidavit of Domestic Partnership. An eligible employee and an individual of the opposite sex, or of the same sex without a Certificate of Registered Domestic Partnership who want enrollment in PEBB plans as Domestic Partners must meet all of the following criteria:

(a) Are both at least 18 years of age;

(b) Are responsible for each other's welfare and are each other's sole domestic partners;

(c) Are not married to anyone;

(d) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(e) Currently share the same regular permanent residence.

(f) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter, and any other expenses of maintaining a household. Financial information must be provided if requested.

(g) Electronically enroll or submit enrollment forms to the agency at the appropriate time as defined by PEBB enrollment rules. The employee and domestic partner must jointly complete and submit to the agency a notarized PEBB Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the agency received the enrollment forms. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(h) To enroll eligible dependent children of a domestic partnership by affidavit in benefit plans, whether or not the enrollment includes the domestic partner, the employee must submit an Affidavit of Domestic Partnership form along with enrollment or update forms to the agency. If the affidavit is not received within 5 business days of the electronic enrollment date or the date the agency received the forms, coverage will terminate for the domestic partner's eligible children retroactive to the effective date.

(3) An imputed value for the fair market value of the domestic partner and domestic partner's dependent children's insurance premium will be added to the eligible employee's taxable wages.

(4) An eligible employee ending a domestic partnership established under the PEBB Affidavit of Domestic Partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the agency within 60 days of the event. If the domestic partnership was established under the Certificate of Registered Domestic Partnership, only enrollment update forms must be submitted to the agency within 60 days of the event. Insurance coverage for the domestic partner and domestic partner's dependent children ends the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. 2-4-08, cert. ef. 2-4-08 thru 8-1-08; PEBB 2-2008, f. & cert. ef. 8-1-08; Suspended by PEBB 5-2010(Temp), f. 9-23-10, cert. ef. 10-1-10 thru 3-29-11

101-015-0026

Domestic Partnership

(1) Certificate of Registered Domestic Partnership. When a Registered Domestic Partnership exists and the eligible employee wants to enroll the domestic partner or the domestic partner's eligible children in benefit plans, the employee may electronically enroll or submit enrollment update forms to the agency at the appropriate time as defined by PEBB enrollment rules.

ADMINISTRATIVE RULES

(2) PEBB Affidavit of Domestic Partnership. An eligible employee and an individual of the opposite sex, or of the same sex without a Certificate of Registered Domestic Partnership who want enrollment in PEBB plans as Domestic Partners must meet all of the following criteria:

- (a) Are both at least 18 years of age;
- (b) Are responsible for each other's welfare and are each other's sole domestic partners;
- (c) Are not married to anyone;
- (d) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;
- (e) Currently share the same regular permanent residence.
- (f) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter, and any other expenses of maintaining a household. Financial information must be provided if requested.
- (g) Eligible employees must submit enrollment forms and a notarized affidavit to enroll domestic partners and children. To enroll eligible dependent children of a domestic partnership by affidavit in benefit plans, whether or not the enrollment includes the domestic partner, the employee must submit an Affidavit of Domestic Partnership.

(A) For open enrollment, the agency must receive the notarized affidavit within five business days following close date of the open enrollment period. The exception is for an employee who is a newly eligible employee after the closure of the open enrollment period but before the start of the new plan year. The employee must complete paper open enrollment forms and submit the notarized affidavit to their agency before the start of the new plan year. The agency or PEBB will not process an employee's domestic partner or partner's children until the enrollment documentation submission is complete.

(B) Beginning November 1, 2011, newly eligible employees or employees with qualified mid-year changes may only enroll a domestic partner or partner's children by submitting the correct enrollment forms and notarized affidavit within the allowable time for the enrollment type. Agencies will not process a domestic partner or a partner's children enrollment until the enrollment documentation submission is complete.

(3) An imputed value for the fair market value of the domestic partner and domestic partner's dependent children's insurance premium will be added to the eligible employee's taxable wages. (4) An eligible employee ending a domestic partnership established under the PEBB Affidavit of Domestic Partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the agency within 60 days of the event. If the domestic partnership was established under the Certificate of Registered Domestic Partnership, only enrollment update forms must be submitted to the agency within 60 days of the event. Insurance coverage for the domestic partner and domestic partner's dependent children ends the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302, Ch. 99, OL 2007
Hist.: PEBB 5-2010(Temp), f. 9-23-10, cert. ef. 10-1-10 thru 3-29-11

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

Rule Caption: Adopting the 2010 Solar Installation Specialty Code, solar fee methodologies and plan review threshold.

Adm. Order No.: BCD 13-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Adopted: 918-050-0180, 918-305-0265, 918-800-0010, 918-800-0020, 918-800-0030, 918-800-0040

Rules Amended: 918-309-0070, 918-311-0040

Subject: These rules are part of a comprehensive package to adopt Oregon's first Solar Installation Specialty Code (OSISC). The proposed rules adopt the 2010 OSISC in accordance with the administrative procedures in ORS 183. The rules amend sections of the National Electrical Code (NEC) that relate to solar electrical installations. The amendments to the NEC will become part of the Oregon Electrical Specialty Code (OESC).

The rules also adopt a standardized methodology for use by jurisdictions to value structural permits for solar installations. The rules include clarifications of electrical and structural fee methodology and plan review requirements for renewable energy permits. The rules create a streamlined process for solar installations across the state,

reducing costs for installers and encouraging renewable energy use in Oregon.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-050-0180

Statewide Methodology for Solar Structural Installation Permits

(1) Structural permits for solar photovoltaic (PV) system installation shall be calculated using the following methodology:

(a) Fees for installations that comply with the prescriptive path described in section 305.4 of the **Oregon Solar Installation Specialty Code** shall be a flat fee and includes one inspection and permit review by the municipality as defined in section 105.1 of the **Oregon Solar Installation Specialty Code**.

(b)(A) All other installations shall be based on the valuation of the structural elements for the solar panels, including racking, mounting elements, rails, and the cost of labor to install. The cost of the solar electrical equipment, including collector panels, and inverters shall be excluded from the permit valuation. The valuation shall then be applied to the municipality's fee schedule to determine the permit fee.

(B) Plan review fees shall be based on a predetermined percentage of the permit fee set by the municipality.

(2) Electrical components of a PV system require an electrical permit. Electrical permits shall be calculated based on the methodology established in OAR 918-309-0020 through 918-309-0070.

Stat. Auth. ORS 455.048 & 455.055
Stat Implemented ORS 455.046 & 455.055
Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-305-0265

Amend Article 690 Solar Photovoltaic Systems

Chapter 690 of the **National Electrical Code** adopted in OAR 918-305-0100 is amended by the adoption of Oregon specific amendments. The Oregon specific amendments are published in their entirety at Table 1-E.

Stat. Auth.: ORS 455.496 & 479.730
Stat. Implemented: ORS 479.730
Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-309-0070

Miscellaneous

Special fees are established for the following items in lieu of fees set under OAR 918-309-0060.

(1) Permit for each domestic water or sewage pump, irrigation pump or circle and its associated controls, excluding service fee, \$63;

(a) Single Circuit. If a well pump or sewage pump and its associated controls are serviced from the house main service, and the pump is installed and ready for inspection, no additional fee is charged. If the pump is installed by another contractor or later, an additional pump fee and a new permit is necessary under this part;

(b) Feeder. If the well has a subpanel, there is a fee for the feeder from the main service to the subpanel and a fee for branch circuits. If the pump is installed later, or by another contractor, a new permit and pump fee is required;

(c) Separate Service. If the well has separate service the fee is based on the service (amps) and the number of branch circuits. If the pump is installed later, or by a different contractor, a new permit and pump fee is required.

(2) Permit for the installation of each electrical sign or outline lighting system supplied by a single branch circuit, \$63.

(3) Each limited energy circuit panel, one or more air-conditioning or heater thermostats installed at a job site, multiple circuit terminal board or installation or extension of limited energy circuits, \$63.

(4) The permit fees in this rule, except as noted in subsection (11), are for up to two inspections and are charged in addition to other fees for electrical service.

(5) Note the exception under OAR 918-309-0030(3)(a)(A) dealing with residential limited energy.

(6) Installation of signal circuits in buildings over three floors. Each floor in excess of three shall be considered a separate panel for the purpose of calculating fees.

(7) Fees for Inspections in Excess of Those Allowed Under OAR 918-309-0030 through 918-309-0060. Charge for each additional inspection to be paid in advance unless requested by a bonded electrical contractor using the bulk label system, \$55.

(8) Fees for Other Inspections not Covered by This Rule. All inspections not provided in this rule shall be charged at \$86 per hour including travel and office time with a minimum charge of one hour.

(9) Fees for Bulk Labels:

ADMINISTRATIVE RULES

(a) Bulk labels sold only to electrical contractors, \$25 per label;
(b) Contractors working under a bulk label system are billed for any difference in the cost of the bulk label and the cost of the permit fees required in this rule.

(10) The fee for swimming pools shall be permitted as provided in OAR 918-309-0040 and 918-309-0060. The inspection of the grounding of the pool shall be included in the permit for the pool and counted as one of the number of allowed inspections under the permit.

(11)(a) Permit fees for renewable electrical energy systems. For renewable electrical energy permit applications, see OAR 918-309-0410. For repairs and maintenance of renewable electrical energy systems, see OAR 918-309-0220(5).

(A) 5 KVA or less: \$79;

(B) 5.01 KVA to 15 KVA: \$94;

(C) 15.01 KVA to 25 KVA: \$156.

(b) For wind generation systems in excess of 25KVA:

(A) 25.01 KVA to 50 KVA: \$204;

(B) 50.10 KVA to 100 KVA: \$469;

(C) For wind generation systems that exceed 100 KVA the permit fee shall be calculated in accordance with OAR 918-309-0040.

(c) For solar generation systems in excess of 25KVA:

(A) Each additional KVA over 25 will be charged an additional \$6.25 per KVA.

(B) The permit charge will not increase beyond the calculation for 100 KVA.

(d) Permits issued under this sub-section include three inspections. Additional inspections will be billed at an hourly rate.

Stat. Auth.: ORS 479.870

Stats. Implemented: ORS 479.870

Hist.: BCA 16-1990, f. 6-27-90, cert. ef. 7-1-90; BCA 6-1991(Temp), f. 3-21-91, cert. ef. 7-1-91; BCA 10-1991, f. 4-26-91, cert. ef. 7-1-91; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-260-0260; BCD 9-1998(Temp), f. 6-2-98, cert. ef. 7-1-98 thru 12-27-98; BCD 18-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 19-1999, f. 12-30-99, cert. ef. 1-1-00; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 9-2001(Temp), f. 8-15-01, cert. ef. 9-4-01 thru 3-3-02; BCD 10-2001, f. 9-28-01, cert. ef. 10-1-01; BCD 23-2001(Temp), f. 12-28-01, cert. ef. 1-1-02 thru 6-29-02; BCD 4-2002, f. 3-8-02, cert. ef. 4-1-02; BCD 9-2002, f. 3-29-02, cert. ef. 4-1-02; BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-311-0040

Electrical Plan Review for Complex Structures

(1) A jurisdiction providing electrical code plan review services may only require electrical plan review for a complex structure. For the purpose of this rule, "complex structures" have an electrical system designed, constructed or reconstructed with any of the following:

(a) A service or feeder beginning at 400 Amps where the available fault current exceeds 10,000 Amps at 150 Volts or less to ground or exceeds 14,000 Amps for all other installations; or

(b) Installation of a 150 KVA or larger separately derived system as defined in Article 100 of the **National Electrical Code (NEC)**; or

(c) Addition of a new motor load of 100 HP or more; or

(d) Fire pump installations as defined in Article 695 of the NEC; or

(e) Emergency systems installations as defined in Article 700 of the NEC; or

(f) A service or feeder rated at 600 Amps or over; or

(g) Voltage. More than 600 supply volts nominal; or

(h) Renewable Energy. Renewable electrical energy systems rated over 25 KVA; or

(i) Height. More than three stories; or

(j) Occupancy.

(A) Six or more residential units in one structure; or

(B) An "A" (Assembly) occupancy, "E" (Educational) occupancy, or "I-2" or "I-3" (Institutional) occupancy as defined in the adopted **Oregon Structural Specialty Code**; or

(C) Any of the following special occupancies as described in Chapter 5 of the NEC adopted by the board in OAR 918-305-0100:

(i) Hazardous (Classified) locations as defined in Articles 500 to 516; or

(ii) Installations in patient care areas of health care facilities as defined in Article 517; or

(iii) Agricultural buildings used for commercial purposes, as defined in Article 547; or

(iv) Floating buildings as defined in Article 553; or

(v) Marinas and boat yards as defined in Article 555; or

(k) Recreational Vehicle Park. A new recreational vehicle park, or any addition or alteration to an existing park.

(2) Plan review is not required for work permitted through minor installation labels under OAR 918-309-0210 to 918-309-0260.

(3) A jurisdiction requiring electrical plan review may not require plan review on more than one building or structure under construction or reconstruction at the same job site, as long as:

(a) The electrical systems of the buildings or structures are materially alike, and;

(b) A person obtains electrical permits for the buildings or structures within a reasonable time.

(4) Standardized Format for Plan Review. When electrical plan review is required the electrical plan shall meet the following requirements:

(a) Copies. Submit two sets of electrical plans;

(b) Readability. The plans shall be drawn to scale, contain definitions for legends used, be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the applicable electrical code requirements, laws, ordinances, rules and regulations;

(c) Contents. The plans shall contain the following minimum requirements:

(A) Feeder riser diagram showing panel location and circuit schedules;

(B) One line riser diagram showing bonding and grounding and conductor sizes;

(C) Available fault current on the line side of service disconnect;

(D) Complete load calculations, or provide applicable load records, for all new installations and for additions to existing installations;

(E) Fixture schedule, showing type, location and layout of the fixtures;

(F) Address of the installation and name of owner and address;

(G) Identification of the employer, identification and signature of person who prepared the plan, license number if the person is an electrical supervisor and professional registration number if the person is an architect or registered professional electrical engineer; and

(H) Location of emergency systems, identifying the power source and the system on plan.

(5) Nothing in these rules shall prohibit a jurisdiction from requiring a lighting energy budget.

(6) Nothing in these rules shall prohibit the owner or the owner's agent from requesting and receiving plan review for non-complex structures.

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

Stat. Auth.: ORS 479.870 & 455.117

Stats. Implemented: ORS 479.870 & 455.117

Hist.: BCA 33-1991(Temp), f. & cert. ef. 9-30-91; BCA 44-1991, f. & cert. ef. 12-26-91; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-320-0330; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 7-2006, f. 6-7-06, cert. ef. 10-1-06; BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-800-0010

Reasonable Notice to Interested Parties

Prior to the adoption, amendment or repeal of any rule, relating to the **Oregon Solar Installation Specialty Code**, the Building Codes Division shall give notice of the proposed adoption, amendment or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least 21 days prior to the effective date; and

(2) By making the notice available to persons as established under ORS 183.335 (8).

[Publications: Publications referenced are available for review at the agency.]

Stat. Auth.: ORS 183.335, 455.020 & 455.496

Stat. Implemented: ORS 183.335

Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-800-0020

Adopted Oregon Solar Installation Specialty Code

Effective October 1, 2010, the **2010 Oregon Solar Installation Specialty Code** and those standards referenced within are adopted as the division standards for the installation of the structural components for the installation, alteration, replacement or repair of solar photovoltaic systems.

[Publications: Publications referenced are available for review at the agency.]

Stat. Auth.: ORS 455.020 & 455.496

Stat. Implemented: ORS 455.020

Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-800-0030

Amendments to the Oregon Solar Installation Specialty Code

The **Oregon Solar Installation Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Solar Installation Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

[Publications: Publications referenced are available for review at the agency.]

Stat. Auth.: ORS 183.335, 455.020 & 455.496

ADMINISTRATIVE RULES

Stat. Implemented: ORS 183.335 & 455.020
Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

918-800-0040

Electrical Component of Solar Photovoltaic Installations

Electrical requirements for photovoltaic installations are found in Oregon Electrical Specialty Code, Chapter 690.

[Publications: Publications referenced are available for review at the agency.]

Stat. Auth.: ORS 455.496 & 479.730
Stat. Implemented: ORS 479.730 & 455.020
Hist.: BCD 13-2010, f. 9-30-10, cert. ef. 10-1-10

Rule Caption: Reconcile elevator permit fees and inspection intervals, and adopt standards for escalator “clean down” inspections.

Adm. Order No.: BCD 14-2010(Temp)

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 10-1-10 thru 11-30-10

Notice Publication Date:

Rules Adopted: 918-400-0645

Rules Amended: 918-400-0660, 918-400-0800

Subject: These temporary rules reconcile elevator operating permit fees under 918-400-0800 with corresponding inspection intervals, revise 918-400-0660 to adjust the inspection interval for all elevator equipment to two years, and adopt 918-400-0645 establishing administrative requirements for bi-annual escalator “clean down” inspections.

Elevator operating permits are issued periodically based on elevator inspection intervals. These temporary rules align operating permit cycles with corresponding inspection cycles by multiplying elevator operating permit fees under 918-400-0800 by the corresponding two-year inspection intervals. As a result of these temporary rules, elevator operators will be able to purchase operating permits for one up-front fee that covers a full 2-year inspection cycle. The temporary rules will also revise 918-400-0660 to adjust the inspection interval for all elevator equipment to two years and add 918-400-0645 to clarify the administrative process for escalator periodic inspections and “clean down” inspections.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-400-0645

Escalator and Moving Walk Clean Down Inspections

(1) Escalators and moving walks must receive bi-annual clean down inspections during each year of an inspection cycle in which a periodic inspections under ORS 460.125 is not performed.

(2) Bi-Annual escalator and moving walk clean down inspections are not covered by an owner’s operating permit fee. Inspection hours, inspector portal-to-portal travel time, and other fees for these inspections are billable as special inspections under 918-400-0800 to the equipment owner or equipment owner’s representative.

(3) Bi-annual escalator and moving walk clean down inspections must include inspection verification of the interior of an escalator and moving walk, and cleaning to prevent an accumulation of oil, grease, lint, dirt, and refuse.

Stat. Auth.: ORS 455.117, 460.085 & 460.125
Stats. Implemented: ORS 455.117, 460.085 & 460.125
Hist.: BCD 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 11-30-10

918-400-0660

Operating Permits

(1) Operating permits are issued periodically based on two-year inspection intervals.

(2) Clean down inspections of escalators and moving walks performed according to 918-400-0645 are additional inspections under section (3) of this rule for which special inspection fees under 918-400-0800 apply.

(3) The division reserves the right to perform additional inspections outside the two-year inspection interval established by this rule with prior notice to the responsible party according to criteria, which may include but are not limited to the following:

- (a) Accidents and injuries;
- (b) Commercial and public assembly structures;
- (c) Special residency occupancies, schools, hospitals;
- (d) Type of elevator;
- (e) Passenger or freight conveyances;

(f) Construction only purpose elevators; and

(g) Environmental conditions.

(4) The division may refuse to issue an operating permit if:

(a) Inspections are not satisfactorily completed; or

(b) Permit fees have not been received.

(5) The elevator-operating permit, or copy of the permit, must be posted in clear view in the elevator. A sign may be substituted providing the sign indicates the on-site location where the actual operating permit may be inspected during normal business hours.

Stat. Auth.: ORS 460.085

Stats. Implemented: ORS 460.055, 460.065, 460.085 & 460.125

Hist.: DC 25-1982, f. & ef. 12-16-82; Renumbered from 814-030-0040; BCA 41-1991(Temp), f. 12-13-91, cert. ef. 12-15-91; BCA 7-1992, f. & cert. ef. 4-10-92; BCD 18-1995, f. & cert. ef. 12-15-95; Renumbered from 918-400-0065; BCD 13-1999, f. & cert. ef. 10-1-99, Renumbered from 918-400-0420; BCD 8-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 8-2007, f. 7-13-07, cert. ef. 10-1-07; BCD 10-2009, f. 12-30-09, cert. ef. 1-1-10; BCD 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 11-30-10

918-400-0800

Fees

(1) Subject to section (6) of this rule, the following elevator fees are effective under ORS 460.165:

(a) Elevator contractor’s license, \$585 for application or renewal;

(b) Plan reviews, when required, \$78;

(2) The total operating permit fee for a specific type of equipment is calculated by multiplying its base operating permit fee under ORS 460.165 by its inspection interval in 918-400-0660. Effective October 1, 2010, an initial operating permit and an installation permit must be obtained prior to installation. A 12 percent surcharge will be added to the following total operating permit fees at the time of sale:

(a) Inclined Elevator — \$196.

(b) Belt Manlift — \$196.

(c) Moving Walk — \$196.

(d) Escalator — \$196.

(e) Rack & Pinion — \$196.

(f) Sidewalk Elevator — \$120.

(g) Sidewalk Material Lift — \$120.

(h) Special Purpose — \$196.

(i) Fees for the following elevators are determined by the rise of each unit: Special Purpose Personnel Elevator, Freight-Hydraulic, Freight-Electric, Passenger-Hydraulic, Passenger-Electric.

(A) Four floor rise or under — \$176.

(B) Over a four floor rise, but under a ten floor rise — \$216.

(C) Ten floor rise or over, but under a twenty floor rise — \$268.

(D) Twenty floor rise or over — \$314.

(j) Stairway Chairlift — \$120.

(k) Dumbwaiter — \$120.

(l) Limited-Use Limited Application — \$196.

(m) Material Lift — \$196.

(n) Vertical Reciprocating Lift — \$196.

(o) Vertical Wheelchair Lift — \$176.

(p) Inclined Wheelchair Lift — \$176.

(q) Stage Lift — \$196.

(3) Reinspections on a mechanism in section (2) of this rule made by request or in continued existence of a defect, \$75;

(4) For special inspections, testing, consultations, site visits, or other services for which no fee is otherwise specified, \$75 per hour for travel and inspection time;

(5) For the installation or alteration of an elevator, if the total cost of the installation or alteration other than the inspection fee, is:

(a) \$1,000 or under — \$98;

(b) \$1,001 to \$14,999 — \$98, plus \$13 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$1,000;

(c) \$15,000 to \$49,999 — \$280, plus \$8 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$15,000;

(d) \$50,000 or over — \$553, plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$50,000.

(6) Elevator alterations.

(a) No fee shall be charged when an alteration is limited to fixture upgrades to meet state-adopted accessibility standards;

(b) No fee shall be charged where the alteration is limited to the car interior upgrades that do not alter the gross weight of the car more than five percent;

(c) When a group of elevators under common group control is proposed for an upgrade, and the same upgrade is proposed for all cars in the group, the inspection fee shall be the contract valuation for the entire ele-

ADMINISTRATIVE RULES

vator upgrade project rather than the higher separate inspection fee for each elevator in the group; and

(d) Where the upgrade for a group of elevators is not identical for each elevator, the fees shall be calculated separately based on the contract valuation for each elevator.

(7) Plan Review Fees. Where a complete set of drawings shows all elevators affected by the proposed installation or alteration, only one plan review fee shall be required rather than a separate fee for each elevator.

(8) Limited Elevator Mechanic's License. The following fee applies to the license issued under OAR 918-400-0380(1): \$60 for application or renewal.

(9) Reciprocating Conveyor Mechanic's Licenses. The following fees apply to licenses issued under OAR 918-400-0380(2) and (3):

(a) Reciprocating Conveyor Mechanic's license, \$300 for application or renewal;

(b) Restricted Reciprocating Conveyor Mechanic's license, \$50 for application or renewal.

Stat. Auth.: ORS 460.085

Stats. Implemented: ORS 460.061 & 460.165

Hist.: DC 25-1982, f. & ef. 12-16-82; Renumbered from 814-030-0030; BCA 21-1991(Temp), f. 6-14-91, cert. ef. 7-1-91 thru 12-27-91; BCA 29-1991, f. & cert. ef. 8-30-91; BCD 18-1995, f. & cert. ef. 12-15-95; Renumbered from 918-400-0050; BCD 11-1996(Temp), f. & cert. ef. 7-1-96; BCD 27-1996, f. & cert. ef. 12-4-96; BCD 10-1998(Temp), f. 6-2-98, cert. ef. 7-1-98 thru 12-27-98; BCD 25-1998, f. 12-22-98, cert. ef. 12-27-98; BCD 13-1999, f. & cert. ef. 10-1-99; BCD 14-2000(Temp), f. 7-20-00, cert. ef. 8-1-00 thru 1-27-01; BCD 25-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 21-2002(Temp), f. 8-30-02, cert. ef. 9-1-02 thru 2-27-03; BCD 34-2002, f. 12-20-02, cert. ef. 1-1-03; BCD 12-2004, f. 8-20-04, cert. ef. 10-1-04; BCD 17-2007, f. 12-28-07, cert. ef. 1-1-08; BCD 4-2009(Temp), f. & cert. ef. 7-16-09 thru 1-1-10; BCD 10-2009, f. 12-30-09, cert. ef. 1-1-10; BCD 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 11-30-10

Rule Caption: Clarifies the administration and conditions for use of the electronic permitting system.

Adm. Order No.: BCD 15-2010

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-5-10

Notice Publication Date: 9-1-2009

Rules Adopted: 918-050-0855

Subject: The rule clarifies the administration of the statewide electronic permitting (ePermitting) system. It sets forth the responsibilities of contractors using the system and clarifies that misuse of the system can potentially subject the contractor to sanctions. Possible sanctions include: losing the ability to use the ePermitting system, civil penalties, and suspension or revocation of individual licenses.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-050-0855

Administration of Electronic Permitting

(1) As used in this rule, unless context requires otherwise:

(a) "Electronic permitting" means the Oregon eBuildingPermits system implemented under ORS 455.095.

(b) "Contractor" means a person holding a Construction Contractors Board license and, if applicable, a contractor license issued by the division.

(c) "Department" means the Department of Consumer and Business Services.

(d) "Division" means the Building Codes Division of the Department of Consumer and Business Services.

(e) "In good standing" means a person currently licensed as a contractor who has no outstanding penalties due and owing to the division, the department, the Construction Contractors Board, or any other state for violations of construction standards, permitting requirements, or any construction related licensing or certification standards.

(f) "Public User" means a person who accesses the electronic permitting system through the internet and has either created an account to apply for permits through the system or uses the system to search for information.

(g) "State Portal" means the public access portion of the electronic permitting system.

(2) The following persons are eligible to utilize the state portal to access the electronic permitting system:

(a) Contractors in good standing;

(b) Persons designated by a contractor in good standing; and

(c) Public users.

(3)(a) Where the division finds a contractor, public user, or any other person has provided inaccurate, false, or misleading information when using the state portal, including but not limited to information regarding appropriate licenses, certifications, or plan review, the division may pro-

hibit the registered public user, designated person, or contractor from using the state portal for a length of time to be determined by the division; and

(b) In addition to prohibiting use of the state portal, the division may take any additional action it considers appropriate, including civil penalties, and suspension, revocation, conditioning, or denial of division licenses, or take any actions as allowed under any provision of ORS 455.125, 455.127, or 455.129.

(4) Contractors sanctioned under any provision of ORS 455.125, 455.127, or 455.129 may be prohibited from using the state portal for a period of time to be determined by the division.

Stat. Auth.: ORS 455.095 & 455.097

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

Hist.: BCD 15-2010, f. & cert. ef. 10-5-10

Rule Caption: Removes requirement for Oregon amendments in code change courses on 2011 National Electrical Code.

Adm. Order No.: BCD 16-2010(Temp)

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-5-10 thru 4-2-11

Notice Publication Date:

Rules Adopted: 918-283-0155

Subject: This temporary rule changes the requirements for approval of code change continuing education courses. It removes the requirement that code change courses on the 2011 National Electrical Code contain materials about the Oregon amendments. This rule also clarifies that licensees and certified inspectors who take code change courses on the 2011 National Electrical Code that do not contain materials about the Oregon amendments, are still required to obtain continuing education on the Oregon amendments.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-283-0155

Continuing Education Code Change Courses on National Electrical Code

(1) Notwithstanding any other provision in OAR chapter 918, the division may approve continuing education courses covering the 2011 National Electrical Code without the Oregon amendments for code-change credit.

(2) A licensee or a certified inspector who takes courses on the 2011 National Electrical Code that do not include Oregon amendments must also complete a division-approved course covering the Oregon amendments to the 2011 National Electrical Code.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 16-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11

Department of Consumer and Business Services, Director's Office Chapter 440

Rule Caption: 2011 Workers' Compensation Premium Assessment Rates.

Adm. Order No.: DO 3-2010

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 1-1-11

Notice Publication Date: 9-1-2010

Rules Amended: 440-045-0020, 440-045-0025

Subject: The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. These rules establish the assessment rate for calendar year 2011.

Rules Coordinator: Win Lombardi—(503) 947-7866

ADMINISTRATIVE RULES

440-045-0020

Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2011 shall be 6.4 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11

440-045-0025

Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employer groups and self insured employers for the Calendar Year 2011 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve and the Self-Insured Employer Adjustment Reserve.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11

.....

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Non-grandfathered Individual Health Insurance Enrollment Periods for Persons under 19 Years of Age.

Adm. Order No.: ID 19-2010(Temp)

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 9-23-10 thru 3-21-11

Notice Publication Date:

Rules Adopted: 836-100-0010, 836-100-0015

Subject: These rules prohibit insurers from limiting or denying coverage for persons under the age of 19 because of health status or pre-existing condition; they establish uniform open enrollment periods during which all insurers offering subject policies must allow persons under the age of 19 years to enroll in, as a dependent or as the primary policy holder if eligible, and obtain individual health insurance coverage; and they provide insurers with standards for providing notice to consumers about these enrollment periods. Under specified, limited circumstances, these rules exempt subject insurers from the requirement that they reinsure previously enrolled individuals who reapply within a 12-month period.

The initial open enrollment period begins November 1, 2010 and ends December 31, 2010. Subsequent open enrollment periods must be offered the months of February and August of each year.

These rules will ensure that all carriers offering individual health insurance subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act (PPACA) do so in a manner that is consistent with the requirements of the law, which is essential to the continuing stability and competitiveness of the health insurance market in Oregon.

Rules Coordinator: Sue Munson—(503) 947-7272

836-100-0010

Non-grandfathered Individual Health Insurance Enrollment Periods for Persons Under 19 Years of Age

(1) An insurer that issues a non-grandfathered individual health insurance policy subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law 111-148, issued or renewed on or after September 23, 2010, may not limit, exclude, or deny health insurance coverage under a non-grandfathered individual health insurance policy based on health status or preexisting condition of a person under the age of 19 years.

(2) Except as provided in section (4) of this rule, an insurer that issues a non-grandfathered individual health insurance policy subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law 111-148, issued or renewed on or after September 23, 2010 that provides coverage for persons under 19 years of age, must allow a person under the age of 19 years to enroll in, as a dependent or as the primary policyholder if eligible, and obtain individual health insurance coverage during the following time periods:

(a) November 1, 2010 through December 31, 2010.

(b) The month of February each year beginning February 1, 2011.

(c) The month of August of each year beginning August 1, 2011.

(d) The 30-day period after the date the insurer receives notice of loss of other coverage if:

(A) Such notice is provided to the insurer no later than the 60th day after the loss of coverage;

(B) The loss of other coverage results from:

(i) Legal separation;

(ii) Divorce;

(iii) Cessation of dependent status;

(iv) Death of the primary policyholder; or

(v) Incurrence of a claim that meets or exceeds a lifetime limit on all benefits; and

(C) The person under 19 years of age is not eligible for group coverage.

(3) Health insurance coverage provided:

(a) Under subsection (2)(a) of this rule shall be effective January 1, 2011.

(b) Under subsections (2)(b) and (c) of this rule shall be effective on the first day of the month following the date the insurer receives the application and initial premium for such coverage.

(c) Under subsection (2)(d) of this rule must be provided under a like policy and shall be effective on the first day following the loss of coverage upon payment of the premium.

(d) From the moment of birth for a newly born child of the insured in accordance with ORS 743A.090.

(e) Upon placement for adoption for an adopted child of the insured in accordance with ORS 743.090.

(4) An insurer that issues a non-grandfathered individual health insurance policy subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law 111-148:

(a) Need not comply with section (2) of this rule if the insurer does not condition, deny, or otherwise limit eligibility for coverage based on health status or preexisting conditions of persons under 19 years of age.

(b) Need not comply with section (2)(a) of this rule if the insurer provided an open enrollment period of at least 30 days duration prior to the effective date of this rule during the 2010 calendar year for persons under the age of 19 applying for coverage in a health insurance policy subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law 111-148, issued or renewed on or after September 23, 2010.

(c) Need not provide coverage to a person under 19 years of age if the person previously had coverage with the insurer during the 12 months prior to the application for coverage and that coverage was terminated:

(A) For conduct that constituted the basis for a legally valid rescission;

(B) Except as provided in subsection (2)(d) of this rule, for failing to abide by the terms and conditions of the insurance contract, including but not limited to the failure to pay premiums in a timely manner; or

(C) Except as provided in subsection (2)(d) of this rule, by the policyholder.

(5) Except as otherwise provided in this rule, nothing in this rule requires an insurer that issues an individual health insurance policy subject to Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law 111-148, to provide coverage to a person under 19 years of age as the primary policyholder.

Stat. Auth.: ORS 731.244, 743.773

Stats Implemented: ORS 743.731, 743A.090, 743.769

Hist.: ID 19-2010(Temp), f. & cert. ef. 9-23-10 thru 3-21-11

836-100-0015

Notice of Enrollment Periods for Persons Under 19 Years of Age in Non-grandfathered Individual Health Insurance Policies

(1) An insurer that issues a non-grandfathered health insurance policy that provides coverage to person under the age of 19 years according to OAR 836-100-0010(T)(2) must provide, at a minimum, written notice, including notice written in electronic format, of the enrollment periods listed in OAR 836-100-0010(T)(2):

ADMINISTRATIVE RULES

(a) To its policyholders at least 30 days prior to but no more than 60 days prior to each enrollment period;

(b) To the public by prominently posting such notice on its public website at least 30 days prior to the open enrollment period through the end of the open enrollment period; and

(c) In pre-enrollment materials.

(2) An insurer that issues a non-grandfathered health insurance policy that provides coverage to a person under the age of 19 years according to OAR 836-100-0010(T) (2) must provide notice of the enrollment periods listed in OAR 836-100-0010(T) (2)(d) to persons eligible for coverage during such enrollments within five business days after the insurer learns of the person's eligibility.

(3) A health insurer covering persons under the age of 19 years according to OAR 836-100-0010(T) (2) must implement eligibility and enrollment periods consistent with OAR 836-100-0010(T) (2).

Stat. Auth.: ORS 731.244, 743.773

Stats Implemented: ORS 743.731, 743A.090, 743.769

Hist.: ID 19-2010(Temp), f. & cert. ef. 9-23-10 thru 3-21-11

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

Rule Caption: Workers' compensation medical bill data reporting.

Adm. Order No.: WCD 6-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 1-1-11

Notice Publication Date: 9-1-2010

Rules Amended: 436-009-0030

Subject: OAR chapter 436, division 009, "Oregon Medical Fee and Payment Rules." These amended rules:

Remove medical bill data reporting procedures from rule 0030, "Insurer's Duties and Responsibilities." For the past two years, the agency provided two medical bill reporting formats, quarterly reporting (also known as Bulletin 220 reporting) and ANSI X12 837 reporting. These rule changes reflect the completion of the transition to the ANSI X12 837 medical bill reporting requirements described in OAR 436-160, to be effective Jan. 1, 2011.

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

436-009-0030

Insurer's Duties and Responsibilities

(1) The insurer must pay for medical services related to a compensable injury claim, except as provided by OAR 436-060-0055.

(2) The insurer, or its designated agent, may request from the medical provider, any and all necessary records needed to review accuracy of billings. The medical provider may charge an appropriate fee for copying documents in accordance with OAR 436-009-0070(1). If the evaluation of the records must be conducted on-site, the provider must furnish a reasonable work-site for the records to be reviewed at no cost. These records must be provided or made available for review within 14 days of a request.

(3) Insurers must date stamp medical bills and reports upon receipt and pay bills for medical services on accepted claims within 45 days of receipt of the bill, if the billing is submitted in proper form in accordance with OAR 436-009-0010(2) through (4) and clearly shows that the treatment is related to the accepted compensable injury or disease. Billings not submitted in the proper form must be returned to the medical provider within 20 days of receipt of the bill with a written explanation describing why the bill was not paid or what needs to be corrected. A request for chart notes on EDI billings must be made to the medical provider within 20 days of receipt of the bill. The number of days between the date the insurer returns the billing or requests for chart notes from the provider and the date the insurer receives the corrected billing or chart notes, shall not apply toward the 45 days within which the insurer is required to make payment.

(a) The insurer must retain a copy of each medical provider's bill received by the insurer or must be able to reproduce upon request data relevant to the bill, including but not limited to, provider name, date of service, date the insurer received the bill, type of service, billed amount, coding

submitted by the medical provider as described in OAR 436-009-0010(2), and insurer action, for any non-payment or fee reduction. This includes all bills submitted to the insurer even when the insurer determines no payment is due.

(b) Any service billed with a code number commanding a higher fee than the services provided shall be returned to the medical provider for correction or paid at the value of the service provided.

(c) When a medical provider submits a bill electronically, it shall be considered "mailed" in accordance with OAR 436-010-0005.

(4) With each payment, the insurer or its representative must provide the medical provider a written explanation identifying the service(s) being paid. If the insurer or its representative denies or reduces payment, the insurer or its representative must provide the medical provider a written explanation that includes the specific reason(s) for non-payment, reduced payment, or discounted payment for each service billed by the medical provider. The written explanation must also include:

(a) An Oregon or toll-free contact phone number for the insurer for billing inquiries from medical providers;

(b) A notice of right to administrative review as follows: "If you disagree with this decision about this payment, contact {insurer's name and an Oregon or toll-free contact phone number}. If you are unable to reach an agreement with {insurer's name}, you may request administrative review by the director of the Department of Consumer and Business Services. Your request for review by the director must be made within 90 days of the mailing date of this explanation. To request review, sign and date this document in the space provided, indicate which decisions you disagree with, and mail this document with supporting documentation to the Workers' Compensation Division, Medical Section, PO Box 14480, Salem, OR 97309-0405. Or you may fax the request to the director at 503-934-6050. You must also send a copy of the request to the insurer. You should keep a copy of this document for your records."

(c) Space for the medical provider's signature and the date.

(5) An insurer must answer a medical provider's inquiry about a medical payment within 48 hours, not including weekends or legal holidays, of the medical provider's inquiry.

(6) Payment of medical bills is required within 14 days of any action causing the service to be payable, or within 45 days of the insurer's receipt of the bill, whichever is later.

(7) Failure to pay for medical services timely may render the insurer liable to pay a reasonable monthly service charge for the period payment was delayed, if the provider customarily levies such a service charge to the general public.

(8) When there is a dispute over the amount of a bill or the appropriateness of services rendered, the insurer must, within 45 days, pay the undisputed portion of the bill and at the same time provide specific reasons for non-payment or reduction of each medical service code. Resolution of billing disputes, including possible overpayment disputes, must be made in accordance with OAR 436-009-0008, 436-010-0008 and 436-015.

(9) Bills for medical services rendered at the request of the insurer and bills for information submitted at the request of the insurer, which are in addition to those required in OAR 436-010-0240, must be paid for within 45 days of receipt by the insurer even if the claim is denied.

(10) The insurer must establish an audit program for bills for all medical services to determine that the bill reflects the services provided, that appropriate prescriptions and treatment plans are completed in a timely manner, that payments do not exceed the maximum fees adopted by the director, and that bills are submitted in a timely manner. The audit shall be continuous and shall include no fewer than 10 percent of medical bills. The insurer must provide upon request documentation establishing that the insurer is conducting a continuous audit of medical bills. This documentation must include, but not be limited to, medical bills, internal audit forms, and any medical charge summaries prepared by private medical audit companies.

(11) The insurer must pay a medical provider for any bill related to the claimed condition received by the insurer on or before the date the terms of a disputed claim settlement (DCS) were agreed on, but was either not listed in the approved DCS or was not paid to the medical provider as set forth in the approved DCS. Payment must be made by the insurer as prescribed by ORS 656.313(4)(d) and OAR 438-009-0010(2)(g) as if the bill had been listed in the approved settlement or as set forth in the approved DCS, except if the DCS payments have already been made, the payment must not be deducted from the settlement proceeds. Payment must be made within 45 days of the insurer's knowledge of the outstanding bill.

(12) Once the director has determined that an insurer's average accepted disabling claim count is 100 or higher per calendar year the insurer

ADMINISTRATIVE RULES

er must report medical bill payment data to the department in subsequent years. If the insurer's claim count drops below an average of 50 accepted disabling claims, the insurer may apply to the director for exemption from the reporting requirement. See OAR 436-160 Electronic Data Interchange Medical Bill Data rules for reporting requirements.

[ED. NOTE: Appendix referenced are available from the agency.]

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.252, 656.325, 656.245, 656.248, 656.260 & 656.264

Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1997, f. 4-21-97, cert. ef. 7-1-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 6-2010, f. 10-1-10, cert. ef. 1-1-11

Rule Caption: Workers' compensation rules affecting electronic data interchange.

Adm. Order No.: WCD 7-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 1-1-11

Notice Publication Date: 8-1-2010

Rules Adopted: 436-160-0405, 436-160-0415, 436-160-0440, 436-160-0445, 436-162-0001, 436-162-0002, 436-162-0003, 436-162-0004, 436-162-0005, 436-162-0006, 436-162-0010, 436-162-0020, 436-162-0030, 436-162-0040, 436-162-0050, 436-162-0060, 436-162-0070, 436-162-0090

Rules Amended: 436-160-0001, 436-160-0002, 436-160-0004, 436-160-0005, 436-160-0060, 436-160-0410, 436-160-0420

Rules Repealed: 436-160-0080, 436-160-0400

Rules Renumbered: 436-160-0355 to 436-162-0355, 436-160-0360 to 436-162-0360, 436-160-0370 to 436-162-0370

Rules Ren. & Amend: 436-160-0300 to 436-162-0300, 436-160-0310 to 436-162-0310, 436-160-0320 to 436-162-0320, 436-160-0330 to 436-162-0330, 436-160-0340 to 436-162-0340, 436-160-0350 to 436-162-0350

Subject: OAR chapter 436, division 160, "Electronic Data Interchange; Medical Bill Data." These amended rules:

- Provide time frames for moving from testing to production of medical bill data reporting, time frames to submit corrected bill data; and time frames to correct and resubmit rejected transactions.

- Require certain matching data for cancel and replace transactions.

- Establish claim volume thresholds for insurers and self-insured employers to become subject to reporting requirement or to be eligible for exemption from continued reporting.

- Require reporting of corrections when specific bill data changes.

- Require reporting of diagnosis related group (DRG) codes under specified conditions.

- Describe timeliness and accuracy expectations for medical bill data reporting and penalties for non-compliance.

OAR chapter 436, division 162, "Electronic Data Interchange; Proof of Coverage." These rules:

- Have been copied or moved from OAR 436-160, so requirements for proof of coverage and medical bill data reporting will be in separate rule divisions. These rules do not change any existing reporting requirement for proof of coverage, but do amend the date of the "IAIABC EDI Implementation Guide for Proof of Coverage, Release 2.1," which the agency adopts by reference, from June 1, 2007 to July 1, 2010.

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

436-160-0001

Authority for Rules

These rules are promulgated under the director's authority contained in ORS 656.726(4).

Stat. Auth.: ORS 656.264 & 656.726(4)

Stats. Implemented: ORS Ch. 84, 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0002

Purpose

The director's purpose is to require workers' compensation medical data reporting via electronic data interchange.

Stat. Auth.: ORS 656.264 & 656.726(4)

Stats. Implemented: ORS 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0004

Adoption of Standards

The director adopts, by reference, IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1.1, dated July 1, 2009, unless otherwise provided in these rules. Copies of the guide are available from the IAIABC website: <http://www.iaabc.org/i4a/pages/index.cfm?pageid=3339>.

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

Stat. Auth.: ORS 656.264

Stats. Implemented: ORS 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0005

General Definitions

For the purpose of these rules, unless it conflicts with statute or rule:

(1) "ANSI" means the American National Standards Institute.

(2) "Conditional data element" means an element that becomes mandatory under certain conditions. Once mandatory, a conditional data element will cause a rejection of the transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(3) "Director" means the Director of the Department of Consumer and Business Services or the director's designee for the matter.

(4) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(5) "Electronic Data Interchange" or "EDI" means a computer to computer exchange of information in a standardized electronic format.

(6) "Electronic Record" means information created, generated, sent, communicated, received, or stored by electronic means.

(7) "FEIN" means the federal employer identification number or other federal reporting number used by the insurer, insured, or employer for federal tax reporting purposes.

(8) "Header record" means the record that precedes each transmission for the purpose of identifying a sender, the date and time of the transmission, and the transaction set within the transmission.

(9) "IAIABC" means the International Association of Industrial Accident Boards and Commissions, a professional trade association comprised of state workers' compensation regulators and insurance representatives (www.iaabc.org).

(10) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(11) "Insurer" means the State Accident Insurance Fund Corporation, an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in Oregon, or a self-insured employer.

(12) "Mandatory data element" means an element that will cause a rejection of a transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(13) "Optional data element" means an element that an insurer should report to the director if the information is available to the insurer. Optional data elements will not cause a rejection if missing or invalid.

(14) "Record" means electronic record.

(15) "Reprocessed transaction" means a rejected transaction that, at the discretion of the director, has been reprocessed and accepted by the division.

(16) "Sender" means the person or entity reporting electronic data interchange transactions to the division. Sender may include vendors or insurers.

ADMINISTRATIVE RULES

(17) "Trading partner agreement" means the agreement entered into under OAR 436-160-0020 between the director and an insurer to conduct transactions via EDI.

(18) "Trailer record" means the record that designates the end of a transmission and provides a count of transactions contained within the transmission, not including the header and trailer records.

(19) "Transaction" means a set of EDI records, defined according to standards in OAR 436-160-0004.

(20) "Transmission" means a defined set of transactions, including both header and trailer records to be sent to the division or sender via EDI.

(21) "Vendor" means an agent identified by the insurer to submit transmissions to the division on behalf of an insurer. Vendors may include service companies, third party administrators, and managing general agents.

Stat. Auth.: ORS 656.264, 656.726(4)
Stats. Implemented: ORS 84.004 & 656.264
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08;
WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0060

Testing Procedures and Requirements

Testing and transition to production:

(1) To initiate a test for EDI, the sender must contact the director.

(2) Each transmission for test purposes must conform to the standards specified in OAR 436-160-0004, or as otherwise identified in the trading partner agreement. Test files will be evaluated in terms of whether the data was sent in the correct, standardized format.

(3) To be approved to send production transmissions, the sender must:

(a) Transmit records via EDI; and

(b) Accomplish secure file transfer protocol (SFTP) uploads and downloads.

(4) The sender must demonstrate the ability to send transmissions to the director that are readable, in the correct format, and can be processed through the division's information processing system. An EDI FTP test is successful if the sender is able to resolve any consistently recurring fatal technical errors identified by the division so that:

(a) Transmissions are sent to the director without structural errors;

(b) Transmissions are sent to the director without transaction level technical errors; and

(c) The sender can receive and process the automated EDI acknowledgement transactions.

(5) To move from test to production, 80 percent of the sender's transactions must have been accepted by the division by the end of the testing period, including corrected and resubmitted transactions. The director will consider the sender's anticipated volume of production transactions to determine the number of transactions per test transmission required.

(6) Test periods will last a maximum of 120 days. Test periods begin the day the division processes the sender's first test file. If the sender has not met the minimum requirements to move from test to production within 120 days of the start of testing, the sender may request a testing extension period of 60 days.

(7) Senders that fail to successfully transition from test into production within 180 days must wait an additional 180 days before requesting a new test period of 120 days.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 84.013 & 656.264
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08;
WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0405

Insurers' Reporting Responsibilities

(1) Insurers with an average of at least 100 accepted disabling claims per year are required to electronically submit detailed medical bill payment data to the Department of Consumer and Business Services under OAR 436-160-0415. The number of accepted disabling claims is determined by the director based on an average accepted disabling claim volume for the previous three calendar years.

(2) Once the director has determined that an insurer's average accepted disabling claim count is 100 or higher the insurer must report medical bill payment data in subsequent years. If the insurer's claim count drops below an average of 50 accepted disabling claims, the insurer may apply to the director for exemption from the reporting requirement.

(3) The director will publish the list of insurers required to report medical bill data in Bulletin 359.

(4) Insurers that were required to report medical bill payment data under OAR 436-009-0030(12) before Jan. 1, 2011, must successfully complete EDI testing and begin reporting production data before Jan. 1, 2011.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0410

Medical Bill Electronic Filing Requirements

(1) The transmission data and format requirements are included in the IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1.1, dated July 1, 2009, and Appendix A of these rules. Additional Oregon-specific information can be found in the Oregon Medical State Reporting Electronic Data Interchange (EDI) Implementation Guide, available from the division's website: <http://www.cbs.state.or.us/wcd/operations/edi/ediindex.html#bill>.

(2) The chart in Appendix "A" shows all medical bill data elements accepted via EDI in Oregon, and whether the data element is mandatory (M), conditional (C), or optional (O) for each transaction type.

(3) Unless otherwise provided in these rules, the data elements must have the meaning provided in the data dictionary included in the IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1.1, dated July 1, 2009, Section 6, Medical Bill Payment Records Dictionaries, available from the IAIABC website: <http://www.iaiaabc.org/14a/pages/index.cfm?pageid=3339>.

(4) Transactions will be rejected if mandatory or required conditional data elements are omitted or submitted in a format that is not capable of being processed by the division's information processing system designated for medical bill transactions.

(5) Optional data element(s) in a transaction will be ignored if the optional data element is either omitted, or submitted in a format that is not capable of being processed by the division's information processing system designated for medical bill transactions.

[ED. NOTE: Appendices are available from the agency.]

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08;
WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0415

Oregon ASC X12 837 Medical Bill Reporting Requirements

(1) Event reporting requirements:

(a) Original medical bills, including interpreter bills under OAR 436-009, must be reported within 60 days of date paid.

(b) Denied bills for accepted claims must be reported within 60 days of date denied. Denied bills are defined as any bills in which there is a non-zero charge and a zero payment.

(c) Transactions must be accepted by the division within 60 days of either the date paid or the date denied to be considered timely reported. If a transaction is initially rejected it must be corrected, resubmitted, and accepted within the original 60 day time period to be considered timely reported.

(d) Cancellations: Report immediately, as soon as the payer knows that an original medical bill was previously sent in error.

(e) Corrections: Report via a Replacement transaction or a Cancel/Original combination transaction within 60 days of changes to any of the following data elements:

(A) DN15 – Claim Administrator Claim Number;

(B) DN504 – Facility Code;

(C) DN555 – Place of Service Bill Code;

(D) DN518 – DRG Code;

(E) DN682 – Facility NPI;

(F) DN634 – Billing Provider NPI;

(G) DN647 – Rendering Bill Provider NPI;

(H) DN592 – Rendering Line Provider NPI;

(I) DN726 – HCPCS Line Procedure Paid Code;

(J) DN576 – Revenue Paid Code;

(K) DN728 – NDC Paid Code;

(L) DN580 – Days/Units Paid;

(M) DN516 – Total Amount Paid per Bill;

(N) DN501 – Total Charges per Bill.

(2) Data reporting requirements: See "Medical Bill Data Element Requirement Table" Appendix A.

(3) Technical Requirements: See the Oregon Medical State Reporting Electronic Data Interchange (EDI) Implementation Guide for specifications on the Secure File Transfer Protocol (SFTP) requirements.

(4) Data Quality: The director will conduct electronic edits for blank or invalid data. Affected insurers are responsible for pre-screening the data they submit to check that all the required information is reported and is formatted correctly. See OAR 436-160-0420 for a description of the acceptance/rejection protocol for all reported medical bills. The insurer is responsible for timely correcting and resubmitting all rejected transactions for which law or rule require filing, reporting, or notice to the director.

ADMINISTRATIVE RULES

(5) An insurer must request and receive authorization from the department to stop submitting a previously rejected transaction when the department determines the transaction is uncorrectable. The department may impose a civil penalty against the insurer when, within any six month period, the insurer's number of uncorrectable transactions exceeds one percent of the insurer's total accepted transactions.

(6) The director will periodically review reported bill data to monitor insurer performance. If the director finds repeated or egregious violations of the reporting requirements of these rules the director may issue civil penalties under OAR 436-160-0445 and ORS 656.745.

(a) Medical bills must be reported timely. "Timely" means that an insurer reports medical payment data within 60 days of the date the bill is paid or denied as outlined in OAR 436-160-0415(1).

(b) Medical bills must be reported accurately. "Accurate" means that the medical bill data on bills accepted by the division conforms to the reporting requirements of the Medical Bill Data Element Requirement Table in Appendix A of these rules.

(c) The insurer may be subject to penalties for any reported medical bills that have not been accepted by the division or designated as uncorrectable under OAR 436-160-0415(5) within 180 days of the date of bill payment or denial.

(d) If the insurer's volume of uncorrectable bills exceeds one percent of the insurer's total accepted transactions within any six month period, the insurer may be assessed a penalty.

(7) The director may conduct additional audits to monitor insurer reporting compliance.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0420

Medical Bill Acknowledgement

(1) The sender will receive both TA1 and 997 interchange and functional acknowledgements (as defined by ANSI X12N) for each medical bill batch submitted, unless technical errors in the file prevent 997 processing. In addition, the sender will receive an 824 detailed acknowledgement (as defined by ANSI X12N) for each medical bill batch submitted, if the batch has successfully passed the 997 edits. The detailed acknowledgement will indicate either a transaction accepted (TA) or a transaction rejected (TR) acknowledgement for each individual transaction.

(2) A TA1, 997, or 824 error will be sent for all transactions incapable of being processed by the division's information processing system, including, but not limited to:

(a) An omitted mandatory data element;

(b) An improperly populated data element field, e.g., numeric data element field is populated with alpha or alphanumeric data, or is not a valid value according to the standards adopted in 436-160-0004;

(c) Transactions or electronic records within the transaction which require matching and cannot be matched to the division's database, e.g., cancellation of an original bill that does not match on Unique Bill ID;

(d) Illogical data in mandatory or required conditional field, e.g., payment date is after reporting date;

(e) Duplicate transmission or duplicate transaction within the transmission;

(f) Invalid bill submission reason code; or

(g) Illogical event sequence relationship between transactions, e.g., cancellation transaction submitted before an original bill is accepted.

(3) The insurer must correct and resubmit any transactions rejected for which law or rule requires filing, reporting, or notice to the director.

(4) A transaction accepted acknowledgement will be sent for all transactions that are in a format capable of being processed by the division's information processing system and are not rejected pursuant to section (2) of this rule.

(5) An insurer's obligation to file medical bill data for the purposes of this rule is not satisfied unless the director acknowledges acceptance of the transaction.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0440

Monitoring and Auditing Insurers

(1) The department may monitor and conduct periodic audits of medical bill data to ensure compliance with ORS chapter 656 and these rules.

(2) All records maintained or required to be maintained must be disclosed upon request by the director.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-160-0445

Assessment of Civil Penalties

(1) Under ORS 656.745, the director may assess a civil penalty against an insurer who fails to comply with ORS chapter 656 or the director's rules and orders.

(2) The insurer is responsible for its own actions as well as the actions of others acting on the insurer's behalf. If an insurer or someone acting on the insurer's behalf violates any provisions of these rules, the director may impose a civil penalty against the insurer.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.254, 656.745
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0001

Authority for Rules

These rules are promulgated under the director's authority contained in ORS 656.726(4).

Stat. Auth.: ORS 656.264, 656.726(4)
Stat. Implemented: ORS 656.017, 656.407, 656.419, 656.423, 656.427
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0002

Purpose

The director's purpose is to require workers' compensation proof of coverage reporting via electronic data interchange.

Stat. Auth.: ORS 656.264, 656.726(4)
Stat. Implemented: ORS 656.017, 656.407, 656.419, 656.423, 656.427
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0003

Applicability of Rules

(1) These rules apply to workers' compensation related transactions filed with the director via electronic data interchange on or after the effective date of these rules.

(2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.726(4)
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0004

Adoption of Standards

The director adopts, by reference, IAIABC EDI Implementation Guide for Proof of Coverage, Release 2.1, dated July 1, 2010, including the definition of standards and procedures, unless otherwise provided in these rules. Copies of the guide are available from the IAIABC website: <http://www.iaabc.org/i4a/pages/index.cfm?pageid=3339>.

Stat. Auth.: ORS 656.264
Stat. Implemented: ORS 656.017, 656.407, 656.419, 656.423, and 656.427
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0005

General Definitions

For the purpose of these rules, unless it conflicts with statute or rule:

(1) "ANSI" means the American National Standards Institute.

(2) "Conditional data element" means an element that becomes mandatory under certain conditions. Once mandatory, a conditional data element will cause a rejection of the transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(3) "Director" means the Director of the Department of Consumer and Business Services or the director's designee for the matter.

(4) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(5) "Electronic Data Interchange" or "EDI" means a computer to computer exchange of information in a standardized electronic format.

(6) "Electronic Record" means information created, generated, sent, communicated, received, or stored by electronic means.

(7) "Establishing document" means an EDI transaction that reports coverage for one or more entities. Establishing document types may include binders, new policies, rewrite/reissue transactions, renewals, reinstatements, add jurisdiction endorsements, or add employer/location endorsements.

(8) "FEIN" means the federal employer identification number or other federal reporting number used by the insurer, insured, or employer for federal tax reporting purposes.

(9) "Header record" means the record that precedes each transmission for the purpose of identifying a sender, the date and time of the transmission, and the transaction set within the transmission.

(10) "IAIABC" means the International Association of Industrial Accident Boards and Commissions, a professional trade association

ADMINISTRATIVE RULES

comprised of state workers' compensation regulators and insurance representatives (www.iaiaabc.org).

(11) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(12) "Industry code" means the code which indicates the nature of the employer's business, which is contained in the Standard Industrial Classification (SIC) manual published by the Federal Office of Management and Budget, or in the North American Industrial Classification System (NAICS) published by the U.S. Census Bureau.

(13) "Insurer" means the State Accident Insurance Fund Corporation; an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in Oregon; or a self-insured employer.

(14) "Mandatory data element" means an element that will cause a rejection of a transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(15) "Optional data element" means an element that an insurer should report to the director if the information is available to the insurer. Optional data elements will not cause a rejection if missing or invalid.

(16) "Proof of coverage" means an electronic record or set of records identifying an insurer as providing workers' compensation coverage for a specific employer.

(17) "Record" means electronic record.

(18) "Reprocessed transaction" means a rejected transaction that, at the discretion of the director, has been reprocessed and accepted by the division.

(19) "Sender" means the person or entity reporting electronic data interchange transactions to the division. Sender may include vendors or insurers.

(20) "Trading partner agreement" means the agreement entered into under OAR 436-162-0020 between the director and an insurer to conduct transactions via EDI.

(21) "Trailer record" means the record that designates the end of a transmission and provides a count of transactions contained within the transmission, not including the header and trailer records.

(22) "Transaction" means a set of EDI records, defined according to standards in OAR 436-162-0004.

(23) "Transmission" means a defined set of transactions, including both header and trailer records to be sent to the division or sender via EDI.

(24) "Vendor" means an agent identified by the insurer to submit transmissions to the division on behalf of an insurer. Vendors may include service companies, third party administrators, and managing general agents.

Stat. Auth.: ORS 656.264 and 656.726(4)
Stat. Implemented: ORS 84.004, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0006

Administration of Rules

Orders issued by the division in carrying out the director's authority to enforce ORS chapter 656 are considered orders of the director.

Stat. Auth.: ORS 656.704, 656.726(4)
Stat. Implemented: ORS 656.704, 656.726(4)
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0010

Security

(1) The sender must verify that an electronic signature, record, or performance is that of a specific person.

(2) The sender must utilize anti-virus software to eliminate any viruses on all electronic transmissions. The sender must maintain the anti-virus software with the most recent anti-virus update files from the software provider. The sender must notify the director immediately if a virus is detected.

Stat. Auth.: ORS 656.264, 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0020

Trading Partner Agreement

(1) If the director so requires, an insurer must enter into a trading partner agreement with the director before the division will begin testing with or accept production electronic transmissions from the insurer or from a vendor on behalf of that insurer.

(2) The trading partner agreement will include:

(a) A statement that the insurer will remain responsible and liable for all electronic records transmitted to the director;

(b) Transmission protocol between sender and director;

(c) A specific description of the form, format, and delivery of electronic transmissions under OAR 436-162-0004 and 436-162-0050;

(d) Specific identifying information for insurer, third party administrator, if any, and vendor, if any;

(e) Cost allocation of transactions, if any;

(f) The time frame for the director to submit acknowledgements of transmissions; and

(g) Any other necessary statements, conditions, or requirements to facilitate EDI.

Stat. Auth.: ORS 656.264, 656.726(4)
Stat. Implemented: ORS 84.013, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0030

Retention of Electronic Records

Insurers and self-insured employers must retain workers' compensation records under OAR 436-050-0120 and OAR 436-050-0220. Records may be retained in electronic format if the records can be reproduced.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 656.455, 731.475
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0040

Recognized Filing Date

(1) Unless otherwise stated in the trading partner agreement, an electronic record is sent when it:

(a) Is addressed or directed properly to an information processing system designated or used by the division to receive electronic records or information;

(b) Is in a form and format capable of being processed by that system; and

(c) Enters an information processing system outside the control of the sender or enters a region of the information processing system designated or used by the division and that is under control of the division.

(2) Unless otherwise stated in the trading partner agreement an electronic record is received when it:

(a) Enters an information processing system designated or used by the division to receive electronic records or information of the type sent and from which the division is able to retrieve the electronic record; and

(b) Is in a form and format capable of being processed by the division's information processing system.

(3) For the purpose of these rules, an electronic transaction is capable of being processed by the division's information processing system when all the required data elements are in the form and format specified in these rules, in the proper sequence, and in accordance with the terms of the trading partner agreement.

(4) A reprocessed transaction retains the filing date of the original transaction.

Stat. Auth.: ORS 656.264, 656.726(4)
Stat. Implemented: ORS 84.043, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0050

Form, Format, and Delivery for Electronic Data Reporting

The form, format, and delivery of data elements and definitions will conform to the standards specified in OAR 436-162-0004, or as otherwise identified in the trading partner agreement.

Stat. Auth.: ORS 656.726(4)
Stat. Implemented: ORS 84.013, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0060

Testing Procedures and Requirements

Proof of coverage testing:

(1) The director adopts the Oregon EDI Implementation Guide for Proof of Coverage as the standard for EDI testing procedures and requirements, available from the division's website: <http://www.cbs.state.or.us/wcd/operations/edi/ediindex.html#bill>.

(2) Senders conducting EDI transactions as of Jan. 1, 2009, do not have to complete EDI testing. Insurers using an approved EDI vendor to submit proof of coverage data to the department do not have to complete testing as provided by this rule.

(3) Senders must obtain director approval to submit proof of coverage data via EDI transactions. Each sender must successfully complete the Secure File Transfer Protocol (SFTP) test and the format and structure test(s) detailed in the Oregon EDI Implementation Guide for Proof of Coverage to demonstrate ability to successfully transmit coverage data in the format specified in OAR 436-162-0004. The director will notify senders once they have successfully completed testing. Insurers must either use an approved sender or be approved as a sender to report proof of coverage via EDI. If an insurer is not an approved sender, it must report through an

ADMINISTRATIVE RULES

approved sender until approved by the director for direct reporting of proof of coverage via EDI.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 84.013, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0070

Electronic Signature

The sender's federal employer identification number (FEIN) plus its postal code as reported in the header record and stated in the trading partner agreement, if such an agreement is required, is the unique identifier that is the electronic signature for electronic data interchange.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 84.001-84.061, 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0090

Address Reporting

The sender will follow the standard United States Postal Service guidelines in reporting all addresses.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0300

Establishing Document Transaction

For policies effective before July 1, 2009, the establishing document transaction types listed in OAR 436-162-0350(3)(c) can be used to file a guaranty contract under that rule. For policies effective on or after July 1, 2009, the establishing document transaction types listed in OAR 436-162-0355(2)(b) can be used to file proof of coverage. In Oregon, a reinstatement, an add location, and an add employer transaction type can also be an establishing document. A change policy number transaction type is not an establishing document.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 656.419, 656.423 and 656.427
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0300, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0310

Electronic Filing Requirements

(1) The chart in **Appendix "A"** shows all proof of coverage data elements accepted via EDI in Oregon, and whether the data element is mandatory (M), conditional (C), or optional (O) for each transaction type.

(2) Unless otherwise provided in these rules, the data elements shall have the meaning provided in the data dictionary of the IAIABC EDI Implementation Guide for Proof of Coverage, Release 2.1, dated July 1, 2010, referenced in OAR 436-162-0004.

(3) Transactions will be rejected if mandatory or required conditional data elements are omitted or submitted in a format that is not capable of being processed by the division's information processing system designated for proof of coverage transactions.

(4) Optional data element(s) in a transaction will be ignored if the optional data element is either omitted, or submitted in a format that is not capable of being processed by the division's information processing system designated for proof of coverage transactions.

(5) Unless otherwise provided in these rules, an insurer must transmit proof of coverage via EDI. Insurers may not submit paper documents to the director without the director's express permission or as provided in OAR 436-162-0350(7).

(6) Changes or corrections to proof of coverage transactions must be filed within 30 days of insurer knowledge of the change to a required data field.

(7) Professional employee organization (PEO) policies will be accepted via EDI, subject to the same data and transaction editing standards as other policies. A policy filing for a PEO does not eliminate the PEO's requirement to file worker leasing notices under OAR 436-050-0410.

(8) Wrap-up policies will be accepted via EDI, subject to the same data and transaction editing standards as other policies.

[ED. NOTE: Appendix referenced are available from the agency.]
Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-160-0310, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0320

Acknowledgement

(1) The division will respond to submitted transmissions with either a transaction accepted or a transaction rejected acknowledgement. The division may, at its discretion, reprocess transactions.

(2) A transaction rejected acknowledgement will be sent for all transactions incapable of being processed by the division's information processing system, including, but not limited to:

(a) An omitted mandatory data element;

(b) An improperly populated data element field, e.g., numeric data element field is populated with alpha or alphanumeric data, or is not a valid value;

(c) Transactions or electronic records within the transaction which require matching and cannot be matched to the division's database;

(d) Illogical data in mandatory or required conditional field, e.g., termination date is before coverage effective date;

(e) Duplicate transmission or duplicate transaction within the transmission;

(f) Invalid triplicate code; or

(g) Illogical event sequence relationship between transactions, e.g., endorsement transaction submitted before a policy transaction is submitted.

(3) The insurer must correct and resubmit any transactions rejected for which law or rule require filing, reporting, or notice to the director.

(4) Insurers are not required to resubmit reprocessed transactions.

(5) A transaction accepted acknowledgement will be sent for all transactions that are in a format capable of being processed by the division's information processing system and are not rejected pursuant to section (2) of this rule.

(6) An insurer's obligation to file proof of coverage for the purposes of this rule is not satisfied unless the director acknowledges acceptance of the transaction.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 656.264
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0320, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0330

Effective Dates

(1) For policies with effective dates before July 1, 2009:

(a) For all binder or new policy establishing document transactions submitted under OAR 436-162-0350, the coverage effective date will also be the guaranty contract effective date.

(b) For all other establishing document transactions that meet the guaranty contract filing requirements of OAR 436-162-0350, the transaction set type effective date will also be the guaranty contract effective date.

(c) The policy expiration date submitted on a transaction does not terminate liability under a guaranty contract. Liability under a guaranty contract filed by an insurer continues until it is terminated under OAR 436-162-0360 and ORS 656.423 or 656.427.

(2) For policies with effective dates on or after July 1, 2009:

(a) For binder or new policy establishing document transactions, the policy effective date will also be the effective date of the proof of coverage for the reported entity.

(b) For all other establishing document transactions, the transaction set type effective date will also be the effective date of the proof of coverage for the reported entity.

(3) For reinstatement transactions the transaction set type date will determine whether the transaction reinstates the guaranty contract or reinstates proof of coverage shown by the reinstated policy. Transaction effective dates before July 1, 2009, will reinstate the guaranty contract, which will remain in effect until renewed, replaced by new coverage, or terminated by the insurer. Transaction effective dates on or after July 1, 2009, will reinstate the director's required proof of coverage through the reinstated policy, which will remain in effect until the policy expiration date or the date of cancellation, whichever is earlier.

(4) For all other transactions, the effective date will be the transaction set type effective date.

(5) For reissue, renewal, reinstatement, or endorsement transactions, the transaction effective date will be the transaction set type effective date submitted by the insurer.

Stat. Auth: ORS 656.726(4)
Stat. Implemented: ORS 656.264, 656.419, 656.423 and 656.427
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0330, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

ADMINISTRATIVE RULES

436-162-0340

Changes or Corrections

(1) Changes or corrections to proof of coverage information must be submitted pursuant to the standards referenced in OAR 436-162-0004.

(2) To report changes or corrections of an insured employer's name or address, or other data elements, the insurer must transmit the appropriate transaction to specify what data is being changed or corrected.

(3) The insurer's policy number is used to assist in matching each transaction to the appropriate employer. When an insurer changes a policy number, the insurer must report that change with or prior to the next transaction submitted for that policy. Failure to report a change in the policy number will render future filings incapable of being processed by the division's information processing system and the insurer will receive a transaction rejected acknowledgement.

(4) If changing a partner name of an insured or employer does not change the entity, a new guaranty contract or policy proof of coverage does not need to be filed.

(5) To add or delete coverage for corporate officers, members of a limited liability company, partners, sole proprietors, or other non-subject workers, the insurer must file the appropriate "include" or "exclude" endorsement transaction to the associated policy filing.

Stat. Auth: ORS 656.726(4)

Stat. Implemented: ORS 656.264 and 656.419

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-160-0340, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0350

Guaranty Contract Filing Requirements

(1) This rule applies to coverage effective before July 1, 2009.

(2) For the purpose of these rules, an electronic guaranty contract consists of an executed trading partner agreement containing the guaranty described in subsection (3)(a) of this rule, and an accepted proof of coverage insured and employer electronic record.

(3) An insurer may file a guaranty contract via EDI by:

(a) Entering into a trading partner agreement with the director under OAR 436-162-0020 that contains a statement of assumption of liability and guaranty of payment under ORS 656.419(1);

(b) Transmitting an electronic record of the proof of coverage data elements identified as mandatory or required conditional under OAR 436-162-0310, including a unique FEIN for each legally distinct employer included in the establishing document transaction; and

(c) Transmitting an establishing document transaction: binder, new policy, renew policy, rewrite/reissue policy, reinstatement, add location, add employer, or add jurisdiction. A renew policy, add location, or add employer transaction will only establish a guaranty contract if the data elements have not previously been transmitted, the employer FEIN is not a duplicate per section (4) below, and coverage for that unique employer FEIN has not been previously established by the reporting carrier. A reinstatement transaction will only establish a new guaranty contract if there is a lapse in coverage and the requirements of ORS 656.419 and OAR 436-162-0350 are otherwise met.

(4) A duplicate FEIN or a FEIN previously reported under the same policy will be recorded as an additional employer location or an assumed business name, but will not establish an additional guaranty contract for effective dates of coverage before July 1, 2009.

(5) Reinstatement, rewrite, and reissue transaction types must follow a cancellation transaction.

(6) If an employer elects to include any non-subject worker(s) under coverage, or subsequently to exclude such workers from coverage, the insurer must submit a transaction with a reason code for including or excluding a corporate officer, partner, member, sole proprietor, or any other person.

(7) Insurers not approved to file guaranty contract information via EDI by Dec. 31, 2008, must continue to file changes to existing guaranty contracts via paper on or after July 1, 2009.

Stat. Auth: ORS 656.726(4)

Stat. Implemented: ORS 656.264, 656.419, 656.423, 656.427

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0350, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0355

Proof of Coverage Filing Requirements

(1) This rule applies to coverage effective on or after July 1, 2009.

(2) An insurer may file proof of coverage via EDI by:

(a) Transmitting an electronic record of the proof of coverage data elements identified as mandatory or required conditional under OAR 436-162-0310, including a unique FEIN for each legally distinct employer included in the establishing document transaction; and

(b) Transmitting an establishing document transaction: binder, new policy, renew policy, rewrite/reissue policy, reinstatement, add location, add employer, or add jurisdiction.

(3) Reinstatement, rewrite, and reissue transaction types must follow a cancellation transaction.

(4) If an employer elects to include any non-subject worker(s) for coverage, or subsequently to exclude such workers from coverage, the insurer must submit a transaction with a reason code for including or excluding a corporate officer, partner, member, sole proprietor, or any other person.

Stat. Auth: ORS 656.726(4)

Stat. Implemented: ORS 656.264, 656.419, 656.423, 656.427

Hist.: WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0355, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0360

Guaranty Contract Terminations

(1) For the purposes of EDI, to terminate a guaranty contract when an insurer receives written notice of cancellation of coverage from an employer pursuant to ORS 656.423, the insurer must:

(a) Provide notice to the director no more than ten calendar days after the effective date of termination by transmitting the transaction type for cancellation by insured or nonrenewal by insured. The "transaction effective date" will be used to report the effective date of termination under ORS 656.423 or ORS 656.427;

(b) Retain the employer's written notice for inspection by the division; and

(c) Provide written notice to the employer under ORS 656.423 or ORS 656.427(1) and (3), if required.

(2) For the purposes of EDI, to terminate a guaranty contract for any other reason, the insurer must:

(a) Provide notice to the director no more than ten calendar days after the effective date of termination by transmitting the transaction type for cancellation, nonrenewal, or delete jurisdiction; and

(b) Provide written notice to the employer under ORS 656.423 or ORS 656.427(1) and (3), if required.

(3) The date of termination must be included in the written notice to the employer to terminate a guaranty contract. For the purposes of notice to the director, the transaction effective date is the termination effective date.

(4) A delete location transaction can be used to notify the director that one or more locations for an employer are no longer workplaces of the employer. This transaction does not meet the requirements of ORS 656.423 or ORS 656.427 for notice of termination.

Stat. Auth: ORS 656.726(4)

Stat. Implemented: ORS 656.264, 656.419, 656.423 and 656.427

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0360, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

436-162-0370

Proof of Coverage Terminations

For policies effective on or after July 1, 2009, to report a cancellation of a policy before the expiration of the policy term, the insurer must:

(1) Provide notice to the director no more than ten calendar days after the effective date of cancellation by transmitting the transaction type for cancellation, delete jurisdiction, or delete location(s). The "transaction set type effective date" will be used to report the effective date of cancellation under ORS 656.423 or 656.427;

(2) Retain a record of the written notice sent to the employer under ORS 656.427 for inspection by the division; and

(3) Provide written notice to the employer under ORS 656.427(1) and (3).

Stat. Auth: ORS 656.726(4)

Stat. Implemented: ORS 656.264, 656.419, 656.423, 656.427

Hist.: WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; Renumbered from 436-160-0370, WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11

.....

Department of Energy Chapter 330

Rule Caption: Establishes criteria for agencies to compare fuel cell power systems to other equipment options.

Adm. Order No.: DOE 12-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

ADMINISTRATIVE RULES

Notice Publication Date: 8-1-2010

Rules Adopted: 330-130-0500

Subject: The proposed rule establishes criteria, for use by state agencies when constructing or renovating a major facility, to enable the comparison of fuel cell power systems to other equipment options for use in emergency backup and critical power equipment.

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-130-0500

Use of Fuel Cell Power Systems

(1) This rule establishes the criteria for agencies to use when comparing fuel cell power systems to other equipment options as required by ORS 276.910.

(2) State agencies who are constructing or renovating a Class 1 building with an identified requirement for emergency backup power or with critical power application shall compare and evaluate, in collaboration with the design team, available equipment options, including fuel cell power systems, to meet the identified need. The evaluation shall include, but not be limited to:

(a) An evaluation of the emissions over the expected life cycle of the system, including the estimated activity related to standby, testing, maintenance, fueling, and operational activity. An agency may, if the information is available, consider the emissions generated during manufacturing and shipping of the equipment, including its components.

(b) A comparison and documentation demonstrating that the agency considered the environmental impact for the following:

- (A) Nitrous Oxide;
- (B) Sulfur Oxide;
- (C) Carbon Monoxide;
- (D) Carbon Dioxide;
- (E) Other regulated particulates; and
- (F) Any other pollutant identified by the agency.

(c) A comparison of the life cycle costs of all equipment under consideration, which may include estimates of acquisition, installation and commissioning, siting and permitting, maintenance, fueling and decommissioning and training costs; and

(d) An analysis of the ability of the systems to meet the design and stress needs of the application, the availability of fuel over the life cycle of the system and the availability of service support, maintenance and parts during system life cycle.

Stat. Auth.: ORS 276.910
Stats. Implemented: ORS 276.910
Hist.: DOE 12-2010, f. & cert. ef. 10-1-10

.....

Department of Fish and Wildlife Chapter 635

Rule Caption: Columbia River Recreational Chinook Bag Limit Increased Between Warrior Rock and Bonneville Dam.

Adm. Order No.: DFW 131-2010(Temp)

Filed with Sec. of State: 9-21-2010

Certified to be Effective: 9-22-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: Amended rule allows retention of one additional adult Chinook salmon beginning September 22, 2010 and until further notice in the mainstem Columbia River recreational fishery from Warrior Rock Lighthouse upstream to Bonneville Dam. The area downstream from a line projected from Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island on the Washington shore remains closed to Chinook retention (adults and jacks).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The 2010 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2010 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2010 Oregon Sport Fishing Regulations:

(a)(A) Effective August 1 through December 31, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, the combined bag limit for adult Chinook salmon, adipose fin-clipped coho salmon, and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(B) Retention of Chinook is prohibited during September 1 through December 31;

(b)(A) Effective August 1 through September 21, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam, the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(B) Retention of Chinook is only allowed during August 1 through September 11 or until the harvest guideline is achieved, in the area bounded by a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, downstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(c) Effective September 22 through December 31, in the mainstem Columbia River from a line projected from Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, upstream to Bonneville Dam, the combined bag limit for adult Chinook salmon, adipose fin-clipped steelhead, and adipose fin-clipped coho is two fish per day.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10

.....

Rule Caption: Fall Commercial Drift Gill Net Seasons Set for September In Columbia River Mainstem.

Adm. Order No.: DFW 132-2010(Temp)

Filed with Sec. of State: 9-21-2010

Certified to be Effective: 9-22-10 thru 10-31-10

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. Two commercial drift gill net fishing periods were adopted. The fishing periods are: 8:00 p.m. Wednesday, September 22 to 6:00 a.m. Thursday, September 23, 2010 (10 hours) and 8:00 p.m. Sunday, September 26 to 6:00 a.m. Monday, September 27, 2010 (10 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).

(b) Zones 4-5, as identified in OAR 635-042-0001 as follows:
8:00 p.m. Wednesday, September 22 to 6:00 a.m. Thursday, September 23, 2010 (10 hours);
8:00 p.m. Sunday, September 26 to 6:00 a.m. Monday, September 27, 2010 (10 hours);

ADMINISTRATIVE RULES

(2) Only drift gill nets may be used. It is unlawful to use a gill net having a mesh size less than 8 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 six (6) 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 in section (1)(a) above.

(5) Closed waters, as described in OAR 635-042-0005 for Lewis-B, Washougal and Sandy rivers sanctuaries are in effect during open fishing periods identified in section (1)(b) 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. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & 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. & cert. ef. 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. & cert. ef. 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. & cert. ef. 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. & cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 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. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. & 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. & 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. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. ef. 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. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. ef. 9-22-10 thru 10-31-10

.....

Rule Caption: Directed Commercial Sardine Fishery Third Allocation Period Closes September 24, 2010.

Adm. Order No.: DFW 133-2010(Temp)

Filed with Sec. of State: 9-22-2010

Certified to be Effective: 9-24-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-004-0017

Rules Suspended: 635-004-0017(T)

Subject: This amended rule closes the third allocation period of the directed commercial sardine fishery effective September 24 through December 31, 2010. This modification conforms to federal rule changes announced September 22, 2010 to be published in the Federal Register on September 27, 2010.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0017

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.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660,** provides requirements for commercial sardine fishing in the Pacific Ocean. 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 635-004-0016, the National Oceanic and Atmospheric Administration (NOAA), by means of Docket No. 0912281446-0111-02, filed 07/21/10 for public inspection at <http://www.archives.gov/federal-register/public-inspection/> with intent to publish in the Federal Register on day, July 22, 2010, announced inseason management measures effective 12:01 a.m. Thursday, July 22, 2010, including but not limited to closure of the directed sardine fishery through September 14, 2010. The directed sardine fishery will open for the third allocation period on September 15, 2010.

(4) Notwithstanding the regulations as defined in OAR 635-004-0016, the National Oceanic and Atmospheric Administration (NOAA), by means of Docket No. 0912281446-0111-02 filed 09/22/10 for public inspection at <http://www.federalregister.gov/inspection.aspx> with intent to publish in the Federal Register on day, September 27, 2010, announced inseason management measures effective September 24, 2010, including but not limited to, closure of the third allocation period of the directed sardine fishery through December 31, 2010.

[Publications references are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 38-2009, f. & cert. ef. 4-22-09; DFW 78-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; DFW 85-2009(Temp), f. & cert. ef. 7-17-09, cert. ef. 7-18-09 thru 12-31-09; DFW 116-2009(Temp), f. & cert. ef. 9-23-09 thru 12-31-09; Administrative correction 1-25-10; DFW 79-2010(Temp), f. & cert. ef. 6-11-10, cert. ef. 6-12-10 thru 6-30-10; Administrative correction 7-27-10; DFW 104-2010(Temp), f. & cert. ef. 7-22-10 thru 9-14-10; Administrative correction 9-22-10; DFW 133-2010(Temp), f. & cert. ef. 9-24-10 thru 12-31-10

.....

Rule Caption: Coho Salmon Bag Limit Increased to Three Fish in Select Willamette Zone Streams.

Adm. Order No.: DFW 134-2010(Temp)

Filed with Sec. of State: 9-22-2010

Certified to be Effective: 9-23-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-017-0090

Rules Suspended: 635-017-0090(T)

Subject: The amended rule allows the sport harvest of three adipose fin-clipped coho in each of the Clackamas, Sandy, and Willamette (Section 1 only) rivers effective Thursday, September 23, 2010. Rule modifications also allow the sport harvest of three coho in each of the Tualatin, Yamhill, Molalla, Santiam, and Willamette (Section 2 only) rivers effective Thursday, September 23, 2010. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to the Clackamas, Sandy, and Willamette rivers and tributaries above 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

ADMINISTRATIVE RULES

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. The daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(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. The daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(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. The daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(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. The daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(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. The daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(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 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) Effective September 23 through December 31, 2010 in the Clackamas River, Sandy River, Bull Run River, Willamette River (section 1 only: Mouth upstream to Willamette Falls, including Multnomah Channel and Willamette Slough) and Eagle Creek the daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adipose fin-clipped adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(c) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(7) The Molalla River (Clackamas Co.) upstream to Pine Creek Bridge:

(a) Effective September 23 through December 31, 2010 the daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(b) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(8) 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) Effective September 23 through December 31, 2010 in the Santiam River areas described in Section (8)(a) above, the daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon or adipose fin-clipped steelhead may be retained per day for a total aggregate of three fish harvested daily.

(c) All other General Statewide and Willamette Zone regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(9) Willamette River (section 2 only: Willamette Falls upstream to Highway 20 bridge located at Albany):

(a) Effective September 23 through December 31, 2010 the daily bag limit for the daily bag limit for adult salmon or steelhead is 2 per day - 20 per year, 5 jacks per day, 2 daily jack limits in possession, with the exception that one additional adult coho salmon may be retained for a total aggregate of three fish harvested daily.

(b) All other General Statewide and Willamette Zone regulations, as provided in the **2010 Oregon Sport Fishing Regulations**, remain in effect.

[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. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02, cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert.

ADMINISTRATIVE RULES

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; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10

Rule Caption: Tillamook Bay Commercial Cockle Clam Dive Fishery Closure.

Adm. Order No.: DFW 135-2010(Temp)

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 9-27-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-005-0020

Subject: Amended rule closes the commercial Tillamook Bay clam dive fishery for cockle clams at 12:01 a.m. Monday September 27, 2010 due to attainment of the 90,000 pound annual harvest quota, under bay clam dive permits. Modifications are consistent with requirements of OAR 635-005-0032 sections (2) and (3).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0020

Closed Seasons and Areas

It is unlawful to take for commercial purposes:

(1) Gaper clams from January 1 through June 30, except under a limited entry bay clam dive fishery permit (OAR 635-006-1015), an incidental catch of one gaper clam per eight butter clams, or 25 pounds of gaper clams per 100 pounds of butter clams, whichever allows the greater gaper clam incidental catch.

(2) Razor clams from July 15 through September 30 in the area north of Tillamook Head in Clatsop County.

(3) Any clams from:

(a) Little Nestucca Bay;

(b) Big Nestucca Bay;

(c) Netarts Bay, except cockles may be taken;

(d) Salmon River and Bay;

(e) Siletz River and Bay;

(f) All state parks south of Tillamook Head.

(4) Bay clams in Tillamook Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) The "Ghost Hole" from the floating toilet site south to Sandstone Point and 500 feet westward from the Highway 101 shoreline;

(b) The area east of a line connecting the Coast Guard tower on the north jetty and buoy marker 13;

(c) The area above mean lower low water near Kincheloe Point.

(5) Cockle clams in Netarts Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) An area extending 500 feet to the north adjacent to Oregon State University's shellfish reserve and across the entire width of the bay;

(b) The area above mean lower low water.

(6) Bay clams in Coos Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) In depths less than 10 feet from mean lower low water;

(b) The area of South Slough east of the Charleston bridge.

(7) Cockle clams in Tillamook Bay, under a bay clam dive permit (OAR 635-006-1015), after 12:01 a.m. Monday, September 27, 2010 when

the annual quota of 90,000 pounds for the bay clam dive fishery (635-005-0032(2) and (3)) is projected to have been attained.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0065, 1975; Renumbered from 635-036-0090, 1979; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 137-1991(Temp), f. 12-20-91, cert. ef. 12-23-91; FWC 39-1992(Temp), f. & cert. ef. 6-19-92; FWC 94-1992(Temp), f. 9-18-92, cert. ef. 9-19-92; FWC 102-1992 (Temp), f. 10-1-92, cert. ef. 10-2-92; FWC 121-1992(Temp), f. & cert. ef. 11-9-92; DFW 30-1998(Temp), f. & cert. ef. 5-6-98 thru 10-23-98; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 61-2002, f. & cert. ef. 6-14-02; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 133-2008(Temp), f. 10-17-08, cert. ef. 10-18-08 thru 12-31-08; Administrative correction 1-23-09; DFW 135-2010(Temp), f. 9-23-10, cert. ef. 9-27-10 thru 12-31-10

Rule Caption: Treaty Indian Fall Commercial Gill Net Fishery In Columbia River Above Bonneville Dam Continues.

Adm. Order No.: DFW 136-2010(Temp)

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 9-27-10 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 authorize a new 2.5 day fishery which begins at 6:00 a.m. Monday, September 27 and runs through 6:00 p.m. Wednesday, September 29, 2010. Modifications are consistent with action taken September 24, 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 main-stem 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); 6:00 a.m. Monday, September 13 through 6:00 p.m. Friday, September 17, 2010 (4.5 days); and 6:00 a.m. Monday, September 27 through 6:00 p.m. Wednesday, September 29, 2010 (2.5 days).

(a) No minimum mesh size restriction is in effect through September 17, 2010. Effective Monday, September 27 at 6:00 a.m. the minimum mesh size restriction is 8 inches.

(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

ADMINISTRATIVE RULES

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. & cert. ef. 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. & 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. 9-17-90; 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. 9-17-91, 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. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, 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. 9-20-93; 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. 9-7-94, 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. 9-6-96, 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. & cert. ef. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-15-99 thru 9-17-99; DFW 66-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-15-00, 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. & cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06,

cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2009(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010, f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. & cert. ef. 9-27-10 thru 10-31-10

Rule Caption: Previously Authorized Commercial Fishing Period for Zones 4 and 5 of the Columbia River Rescinded.

Adm. Order No.: DFW 137-2010(Temp)

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 9-24-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule rescinds a previously authorized fishing period in the fall non-Indian commercial season for Chinook salmon and white sturgeon in zones 4 and 5 of the Columbia River. The rescinded fishing period was to have been from 8:00 p.m. Sunday, September 26 to 6:00 a.m. Monday, September 27, 2010 (10 hours). Modifications are consistent with the action taken September 24, 2010 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1)(a) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(b) 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);

9:00 p.m. Tuesday, August 24 to 6:00 a.m. Wednesday, August 25, 2010 (9 hours);

and

8:00 p.m. Wednesday, September 22 to 6:00 a.m. Thursday, September 23, 2010 (10 hours).

(2) Only drift gill nets may be used. It is *unlawful* to use a gill net having a mesh size less than 8 inches (as described in OAR 635-042-0010(4)). Nets not specifically authorized for use in this fishery may be on board 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 six (6) 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, Elokom-B, Cowlitz River, Kalama-B, Lewis-B, Washougal and Sandy rivers sanctuaries are in effect during open fishing periods identified in section (1)(a) above.

(5) Closed waters, as described in OAR 635-042-0005 for Lewis-B, Washougal and Sandy rivers sanctuaries are in effect during open fishing periods identified in section (1)(b) above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 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. & 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

ADMINISTRATIVE RULES

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 82-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10

Rule Caption: Inseason Actions for Commercial Groundfish Fisheries Implemented by the Federal Government on October 4, 2010.

Adm. Order No.: DFW 138-2010(Temp)

Filed with Sec. of State: 10-4-2010

Certified to be Effective: 10-4-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: This amended rule adopts in-season actions implemented by the federal government for Pacific ocean commercial groundfish fisheries, including changes to cumulative trip limits for the limited entry non-whiting trawl 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 lindcod retention allowances for vessels fishing in the salmon troll fishery and operating outside of the non-trawl RCA.

(4) 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. 191/Monday, October 4, 2010, announced inseason management measures effective October 1, 2010, including, but not limited to, changes to cumulative trip limits for the limited entry non-whiting trawl fishery.

[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; DFW 138-2010(Temp), f. & cert. ef. 10-4-10 thru 12-31-10

Rule Caption: Fall Commercial Drift Gill Net Seasons Set for October In the Columbia River Mainstem.

Adm. Order No.: DFW 139-2010(Temp)

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-5-10 thru 11-30-10

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0031(T)

Subject: This amended rule implements three fall non-Indian commercial salmon drift gill net fishing periods in Columbia River zones 1 through 5 using 8 inch minimum and 9.75 inch maximum mesh sizes. The fishing periods adopted are: 7:00 p.m. Tuesday, October 5 to 7:00 a.m. Wednesday, October 6, 2010 (12 hours); 7:00 p.m. Thursday, October 7 to 7:00 a.m. Friday, October 8, 2010 (12 hours); and 7:00 p.m. Sunday, October 10 to 7:00 a.m. Monday, October 11, 2010 (12 hours). Amendments also implement a 12-hour non-Indian commercial drift gill net fishing period in zones 1 through 3 from 6:00 a.m. through 6:00 p.m. on Tuesday, October 12, 2010

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by drift gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in section (2) below. Retention of green sturgeon is prohibited.

(2) Open Seasons:

(a) Zones 1–5, as identified in OAR 635-042-0001 as follows:

7:00 p.m. Tuesday, October 5 to 7:00 a.m. Wednesday, October 6, 2010 (12 hours);

7:00 p.m. Thursday, October 7 to 7:00 a.m. Friday, October 8, 2010 (12 hours); and

7:00 p.m. Sunday, October 10 to 7:00 a.m. Monday, October 11, 2010 (12 hours).

(b) Zones 1–3, as identified in OAR 635-042-0001 as follows: 6:00 a.m. to 6:00 p.m. Tuesday, October 12, 2010 (12 hours).

(3) Only drift gill nets may be used. In the open periods described in section (2)(a) above gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size only. In the open period described in section (2)(b) above gear is restricted to gill nets with a 6-inch maximum mesh size only. 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.

(4) A maximum of eight (8) 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. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(5) Closed waters, as described in OAR 635-042-0005 for Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal rivers sanctuaries are in effect, as applicable, during the open fishing periods identified in sections (2)(a) and (2)(b) above.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-

ADMINISTRATIVE RULES

1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984 (Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985 (Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986 (Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989 (Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; FWC 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; 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 113-2005(Temp), f. & cert. ef. 9-28-05 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; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cert. ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cert. ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cert. ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cert. ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cert. ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cert. ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cert. ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & cert. ef. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & cert. ef. 10-5-10 thru 11-30-10

Rule Caption: Amend rules to correct an unintended date change that occurred referencing the 2010 Big Game Regulations.

Adm. Order No.: DFW 140-2010(Temp)

Filed with Sec. of State: 10-6-2010

Certified to be Effective: 10-6-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-045-0000, 635-060-0000

Subject: Amend rules to correct an unintended date change that occurred relating to the Oregon Big Game Regulations. These amendments will restore the 2010 Oregon Big Game Regulations as the current regulations incorporated by reference.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled “2010–2011 Oregon Game Bird Regulations”, and “2010 Oregon Big Game Regulations”, are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled “2010–2011 Oregon Game Bird Regulations”, and “2010 Oregon Big Game Regulations,” are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 25-1978, f. & ef. 5-26-78; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 16-1985, f. & ef. 4-11-85; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10

Rule Caption: Tillamook Bay Commercial Cockle Clam Dive Fishery Closure.

Adm. Order No.: DFW 141-2010(Temp)

Filed with Sec. of State: 10-6-2010

Certified to be Effective: 10-7-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-005-0020

Rules Suspended: 635-005-0020(T)

Subject: Amended rule closes the commercial Tillamook Bay clam dive fishery for cockle clams at 12:01 a.m. Thursday October 7, 2010 due to attainment of the 90,000 pound annual harvest quota, under bay clam dive permits. Modifications are consistent with requirements of OAR 635-005-0032 sections (2) and (3).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0020

Closed Seasons and Areas

It is *unlawful* to take for commercial purposes:

(1) Gaper clams from January 1 through June 30, except under a limited entry bay clam dive fishery permit (OAR 635-006-1015), an incidental catch of one gaper clam per eight butter clams, or 25 pounds of gaper clams per 100 pounds of butter clams, whichever allows the greater gaper clam incidental catch.

ADMINISTRATIVE RULES

(2) Razor clams from July 15 through September 30 in the area north of Tillamook Head in Clatsop County.

(3) Any clams from:

- (a) Little Nestucca Bay;
- (b) Big Nestucca Bay;
- (c) Netarts Bay, except cockles may be taken;
- (d) Salmon River and Bay;
- (e) Siletz River and Bay;
- (f) All state parks south of Tillamook Head.

(4) Bay clams in Tillamook Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) The "Ghost Hole" from the floating toilet site south to Sandstone Point and 500 feet westward from the Highway 101 shoreline;

(b) The area east of a line connecting the Coast Guard tower on the north jetty and buoy marker 13;

(c) The area above mean lower low water near Kincheloe Point.

(5) Cockle clams in Netarts Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) An area extending 500 feet to the north adjacent to Oregon State University's shellfish reserve and across the entire width of the bay;

(b) The area above mean lower low water.

(6) Bay clams in Coos Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) In depths less than 10 feet from mean lower low water;

(b) The area of South Slough east of the Charleston bridge.

(7) Cockle clams in Tillamook Bay, under a bay clam dive permit (OAR 635-006-1015), after 12:01 a.m. Thursday, October 7, 2010 when the annual quota of 90,000 pounds for the bay clam dive fishery (OAR 635-005-0032(2) and (3)) is projected to have been attained.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0065, 1975; Renumbered from 635-036-0090, 1979; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 137-1991(Temp), f. 12-20-91, cert. ef. 12-23-91; FWC 39-1992(Temp), f. & cert. ef. 6-19-92; FWC 94-1992(Temp), f. 9-18-92, cert. ef. 9-19-92; FWC 102-1992(Temp), f. 10-1-92, cert. ef. 10-2-92; FWC 121-1992(Temp), f. & cert. ef. 11-9-92; DFW 30-1998(Temp), f. & cert. ef. 5-6-98 thru 10-23-98; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 61-2002, f. & cert. ef. 6-14-02; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 133-2008(Temp), f. 10-17-08, cert. ef. 10-18-08 thru 12-31-08; Administrative correction 1-23-09; DFW 135-2010(Temp), f. 9-23-10, cert. ef. 9-27-10 thru 12-31-10; DFW 141-2010(Temp), f. 10-6-10, cert. ef. 10-7-10 thru 12-31-10

Rule Caption: Treaty Indian Fall Commercial Gill Net Fishery Authorized In Columbia River Above Bonneville Dam.

Adm. Order No.: DFW 142-2010(Temp)

Filed with Sec. of State: 10-8-2010

Certified to be Effective: 10-9-10 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 authorize a new 2.5 day fishery which begins at 6:00 a.m. Monday, October 11 and runs through 6:00 p.m. Wednesday, October 13, 2010. Amendments also restrict sales of platform and hook-and-line caught fish to those harvested prior to 6:00 p.m. Sunday, October 17, 2010. Modifications are consistent with action taken October 8, 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, walleye, 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 any open commercial fishing period prior to 6:00 a.m. Sunday, October 17, 2010 may be sold at any time. Fish harvested after 6:00 a.m. Sunday, October 17, 2010 may not be sold but may be retained for subsistence purposes.

(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); 6:00 a.m. Monday, September 13 through 6:00 p.m. Friday, September 17, 2010 (4.5 days); 6:00 a.m. Monday, September 27 through 6:00 p.m. Wednesday, September 29, 2010 (2.5 days); and 6:00 a.m. Monday, October 11 through 6:00 p.m. Wednesday, October 13, 2010 (2.5 days).

(a) No minimum mesh size restriction is in effect through September 17, 2010. Effective Monday, September 27 at 6:00 a.m. the minimum mesh size restriction is 8 inches.

(b) Allowable sales include salmon, 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, 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.

(a) Sale of steelhead is prohibited after October 17, 2010.

(b) Sale of fish outside designated fishing areas is allowed only if accompanied by a Transport Permit authorized by the Yakama Nation.

(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. & 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. 9-17-90; FWC 85-1991, f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 9-1-92, cert. ef. 9-2-92; FWC

ADMINISTRATIVE RULES

87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. 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. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. 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. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. 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 12-31-01; FWC 87-2001(Temp), f. 9-10-01, 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. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. 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. 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. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. 9-12-03 cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. 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. 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. 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. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-2006; FWC 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. 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. 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. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; FWC 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; FWC 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; FWC 114-2009(Temp), f. 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. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; FWC 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; FWC 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; FWC 128-2010, f. & cert. ef. 9-10-10 thru 10-31-10; FWC 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; FWC 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10

.....

Rule Caption: Closure of the Non-finclipped Coho Fishery In the Coquille River and Bay.

Adm. Order No.: DFW 143-2010(Temp)

Filed with Sec. of State: 10-8-2010

Certified to be Effective: 10-10-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-016-0090

Subject: Amended rule closes the Coquille River and Bay non-finclipped coho fishery which opened on September 1 due to the expected attainment of the 1,200 non-finclipped adult coho allocation.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-016-0090

Inclusions and Modifications

(1) The 2010 Oregon Sport Fishing Regulations provide requirements for the Southwest 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 requirements provided in the 2010 Oregon Sport Fishing Regulations, the following restrictions apply to angling in waters of the Southwest Zone:

(a) Within the Coos River Basin the following additional rules apply: All waters of the South Fork Coos River upstream from the head of tide-water at Dellwood at RM 10.0 are closed for Chinook salmon from August 1 through December 31 and closed for steelhead from August 1 through November 14; and

(b) Within the Coquille River Basin the following additional rules apply: Open for non fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 1 through 12:00 midnight Sunday, October 10, 2010 when attainment of a quota of 1,200 non fin-clipped adult coho is expected to have been met. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(c) Within the Tenmile Lakes Basin the following additional rules apply: Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non fin-clipped coho salmon from October 1 through the earlier of December 31 or attainment of an adult coho quota of 500 non-finclipped coho. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone. Only one rod per angler may be used while angling for coho. Streams that empty into North and South Tenmile Lakes are not open to coho salmon angling, nor is the canal that connects North and South Tenmile Lakes.

(d) All waters of Floras Creek upstream of the County Road 124 bridge over Floras Creek at RM 5.0 are closed for Chinook salmon between August 1 and December 31.

(e) All waters of the Sixes River upstream of Edson Creek at RM 10.0 are closed for Chinook salmon between August 1 and December 31.

(f) All waters of the Chetco River mainstem upstream of the power-line crossing at RM 2.2 are closed to angling from August 1 through November 5.

(g) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 5.

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

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; FWC 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; FWC 34-1998, f. & cert. ef. 5-4-98; FWC 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; FWC 55-1998(Temp), f. & cert. ef. 7-19-98 thru 12-31-98; FWC 70-1998, f. & cert. ef. 8-28-98; FWC 100-1998, f. 12-23-98, cert. ef. 1-1-99; FWC 36-1999, f. & cert. ef. 5-20-99; FWC 96-1999, f. 12-27-99, cert. ef. 1-1-00; FWC 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; FWC 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; FWC 1-2001, f. 1-25-01, cert. ef. 2-1-01; FWC 8-2001, f. & cert. ef. 3-5-01; FWC 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; FWC 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; FWC 70-2001, f. & cert. ef. 8-10-01; FWC 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; FWC 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; FWC 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; FWC 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; FWC 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; FWC 123-2001, f. 12-31-01, cert. ef. 1-1-02; FWC 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-31-02; FWC 26-2002, f. & cert. ef. 3-21-02; FWC 37-2002, f. & cert. ef. 4-23-02; FWC 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; FWC 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); FWC 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); FWC 130-2002, f. 11-21-02, cert. ef. 1-1-03; FWC 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; FWC 125-2003, f. 12-11-03, cert. ef. 1-1-04; FWC 117-2004, f. 12-13-04, cert. ef. 1-1-05; FWC 127-2004, f. 12-22-04, cert. ef. 1-1-05; FWC 136-2005, f. 12-7-05, cert. ef. 1-1-06; FWC 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; FWC 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; FWC 79-2006, f. 8-11-06, cert. ef. 1-1-07; FWC 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; FWC 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; FWC 136-2007, f. 12-31-07, cert. ef. 1-1-08; FWC 137-2007, f. 12-31-07, cert. ef. 1-1-08; FWC 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; FWC 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; FWC 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; FWC 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; FWC 156-2008, f. 12-31-08, cert. ef. 1-1-09; FWC 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; FWC 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; FWC 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; FWC 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09; FWC 143-2009(Temp), f. 11-17-09, cert. ef. 11-19-09 thru 12-31-09; FWC 144-2009, f. 12-8-09, cert. ef. 1-1-10; FWC 65-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 5-31-10; FWC 76-2010,

ADMINISTRATIVE RULES

f. 6-8-10, cert. ef. 8-1-10; DFW 143-2010(Temp), f. 10-8-10, cert. ef. 10-10-10 thru 12-31-10

Rule Caption: Updated the Oregon Wolf Conservation and Management Plan.

Adm. Order No.: DFW 144-2010

Filed with Sec. of State: 10-11-2010

Certified to be Effective: 10-11-10

Notice Publication Date: 9-1-2010

Rules Amended: 635-110-0000, 635-110-0010, 635-110-0020, 635-110-0030

Rules Repealed: 635-110-0010(T)

Subject: Amended rules regarding the Oregon Wolf Conservation and Management Plan. Incorporated by references, the body of the Oregon Wolf Conservation and management Plan, plus Appendix A; other appendices are not included.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-110-0000

Wolf Conservation and Management Plan

The document entitled "Oregon Wolf Conservation and Management Plan" dated October 2010 is incorporated here by reference as administrative rule. (This incorporation by reference includes the body of the Plan plus its Appendix A. Other appendices are excluded) Copies may be obtained at the Salem headquarters office of the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, OR 97303. This document includes program direction, objectives and strategies to fulfill management, research, and habitat needs. It is also intended as an informational document to assist resource management agencies with their wildlife program. As of October 1, 2010, those portions of the plan which authorize harassment or take of wolves are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, those portions of the plan will govern harassment and take of wolves in Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006 & 498.012

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 148-2005, f. & cert. ef. 12-29-05; DFW 144-2010, f. & cert. ef. 10-11-10

635-110-0010

Harassment and Take of Wolves during Phase I (Conservation)

NOTE: As of October 1, 2010, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase I — (Conservation: 0–4 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes. For OAR 635-110-0010, 635-110-0020 and 635-110-0030, "livestock" means horses, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl, any fur-bearing animal bred and maintained (commercially or otherwise) within pens, cages and hutches, bison and working dogs. "Working dogs" means guarding dogs and herding dogs.

(2) Non-injurious harassment.

(a) Subject to the conditions specified in paragraph (c), the following persons may use non-injurious harassment against wolves without a permit:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-injurious harassment means scaring off a wolf (or wolves) without doing bodily harm, and includes (but is not limited to) firing shots in the air, making loud noises or otherwise confronting the wolf (or wolves).

(c) Non-injurious harassment is allowed without a permit under this rule only if:

(A) The wolf (or wolves) is in the act of testing or chasing livestock, is attempting to test or chase livestock or is in close proximity of livestock;

(B) The person encounters the wolf (or wolves) unintentionally (i.e., the person is not stalking or searching for wolves);

(C) The harassment in fact does not result in injury to the wolf (or wolves); and

(D) The harassment is reported to ODFW within 48 hours.

(d) Any non-injurious harassment that does not meet each requirement of this rule requires a permit in advance from ODFW.

(3) Non-lethal injurious harassment.

(a) Subject to the conditions specified in paragraph (c), in addition to state or state authorized agents, the following persons may use non-lethal injurious harassment against wolves by permit:

(A) Livestock producers (or their agents) on land they own or lawfully occupy;

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-lethal injurious harassment means scaring off a wolf (or wolves) without killing but with some injury to the wolf. Wolves may be pursued (unintentional encounters are not required).

(c) Non-lethal injurious harassment is allowed by permit from ODFW only if:

(A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. "Other wolf-livestock conflict" means loitering near, testing, chasing, or otherwise disrupting livestock;

(B) The applicant confers with ODFW to determine the most effective harassment method;

(C) ODFW confirms the location of known den sites;

(D) The harassment in fact does not result in the death of a wolf;

(E) No identified circumstance exists that attracts wolf/livestock conflict; and

(F) The harassment is reported to ODFW within 48 hours.

(d) Permits for non-lethal injurious harassment remain valid for the livestock grazing season in which issued, provided the livestock operator complies with all applicable laws, including permit conditions. The agency shall inform harassment permit holders of non-lethal methods for minimizing wolf-livestock conflict and provide assistance upon request. Receiving future lethal control permits is contingent upon documentation of efforts to use non-lethal methods.

(4) Relocation. ODFW will authorize relocation by state personnel when a wolf (or wolves) becomes inadvertently involved in a situation, or is present in an area, that could result in conflict with humans or harm to the wolf, provided that ODFW has no reason to believe that the wolf actually attacked or killed livestock or pets. The relocation will be designed to prevent conflict with humans or reduce the possibility of harm to the wolf. The wolf (or wolves) would be relocated to suitable habitat at the direction of ODFW.

(5) Lethal take of wolves in the act of attacking livestock.

(a) Subject to the conditions specified in paragraph (c) and with a permit from ODFW, the following persons may use lethal force against wolves in the act of attacking livestock:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees using public land.

(b) A wolf is "in the act of attacking livestock" if it is biting, wounding or killing livestock.

(c) Lethal force is allowed by permit from ODFW only if:

(A) ODFW confirms that wolves previously have wounded or killed livestock in the area and efforts to prevent or resolve the problem have been deemed ineffective;

(B) The wolf is seen in the act of attacking, not testing or scavenging;

(C) There is fresh evidence of the attack (e.g., visible wounds, tracks demonstrating a chase occurred);

(D) The wolf carcass is not removed or disturbed;

(E) The use of lethal force is reported to ODFW or Wildlife Services within 24 hours;

(F) No identified circumstance exists that attracts wolf/livestock conflict;

(G) ODFW confirms that the wound was caused by a wolf (or wolves); and

(H) Throughout the term of the permit, the permit holder implements non-lethal actions to minimize or avoid wolf-livestock conflict.

NOTE: The Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take to deal with chronic depredation.

(a) ODFW may authorize its personnel, authorized agents, or Wildlife Services, to use lethal force on wolves at a property owner or permittee's request if:

(A) ODFW confirms either:

(i) Two confirmed depredations by wolves on livestock in the area; or

ADMINISTRATIVE RULES

(ii) One confirmed depredation followed by three attempted depredations (testing or stalking) in the area;

(B) The requester documents unsuccessful attempts to solve the situation through non-lethal means;

(C) No identified circumstance exists that attracts wolf-livestock conflict; and

(D) The requester has complied with applicable laws and the conditions of any harassment or take permit.

(b) When authorized, lethal take under this paragraph will be taken only by ODFW, authorized ODFW agents, or Wildlife Services personnel.

(7) "Identified circumstance" means a condition which:

(a) ODFW determines, based upon its investigation of the situation, attracts wolves and fosters conflict between wolves and livestock; and

(b) ODFW advises the landowner, livestock producer or grazing permittee to remedy; but

(c) The landowner, livestock producer or grazing permittee fails to remedy.

(8) "In the area" means where ODFW has determined the presence of the depredate wolves.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 92-2010(Temp), f. & cert. ef. 6-29-10 thru 12-25-10; DFW 144-2010, f. & cert. ef. 10-11-10

635-110-0020

Harassment and Take of Wolves During Phase II (Management)

NOTE: as of October 1, 2010, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase II — (Management: 5-7 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

(2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-110-0010(2)).

(3) Non-lethal injurious harassment.

(a) Non-lethal injurious harassment is allowed without a permit on private land by livestock producers or their agents on land they own or lawfully occupy. Livestock producers are encouraged to use non-injurious techniques first. There must be no identified circumstance that attracts wolf-livestock conflict, and the harassment must be reported to ODFW within 48 hours.

(b) Non-lethal injurious harassment is allowed by permit on public land by grazing permittees who are legally using public land under valid livestock grazing allotments and upon the following conditions:

(A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. "Other wolf-livestock conflict" means loitering near, testing, chasing, or otherwise disrupting livestock;

(B) ODFW considers the location of known wolf sites;

(C) There is no identified circumstance at the site which attracts wolf/livestock conflict; and

(D) The harassment is reported to ODFW within 48 hours.

(c) As to non-lethal injurious harassment on either private or public land, pursuing wolves is allowed.

(4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-110-0010(4)).

(5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as in Phase I (OAR 635-110-0010(5)).

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private or public land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take of wolves to deal with chronic depredation.

(a) State employees or agents are authorized to use lethal force under the same conditions as in Phase I (635-110-0010(6)).

(b) Subject to the conditions specified in paragraph (c) and with a limited duration permit from ODFW, the following persons may use lethal force to deal with chronic depredation:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees legally using public land.

(c) ODFW will issue a permit to use lethal force to deal with chronic depredation only if:

(A) ODFW confirms that the area has had at least two depredations by wolves on livestock;

(B) ODFW determines that wolves are routinely present on that property and present a significant risk to livestock;

(C) There is no identified circumstance at the site which attracts wolf/livestock conflict;

(D) The applicant is in compliance with applicable laws and the terms of any previous wolf permit;

(E) The applicant documents use of non-lethal methods; and

(F) Any wolf taken is considered property of the state and reported to ODFW within 48 hours.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 144-2010, f. & cert. ef. 10-11-10

635-110-0030

Harassment and Take of Wolves During Phase III

NOTE: as of October 1, 2010, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase III (more than 7 packs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

(2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-110-0010(2)).

(3) Non-lethal injurious harassment is allowed under the same conditions as in Phase II (OAR 635-110-0020(3)), except that wolf depredation on livestock or other wolf-livestock conflict may be confirmed by either ODFW or Wildlife Services.

(4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-110-0010(4)).

(5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as for Phase II (OAR 635-110-0020(5)), except that wolf depredation on livestock may be confirmed by either ODFW or Wildlife Services.

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private or public land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take of wolves to deal with chronic depredation is allowed under the same conditions as for Phase II (OAR 635-110-0020(6)), except that wolf depredation on livestock may be confirmed by either ODFW or Wildlife Services.

(7) The Commission will authorize controlled take of wolves by special permit in specific areas where necessary to address chronic wolf-livestock conflicts or ungulate population declines. "Chronic" means two livestock depredations have been confirmed by ODFW or Wildlife Services, or one depredation followed by three attempted depredations (testing or stalking). The Commission may also choose to authorize such controlled take on private lands where the landowner is willing to provide access.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 144-2010, f. & cert. ef. 10-11-10

Rule Caption: Columbia River Recreational Chinook Fishery Opens From Buoy 10 Upstream to Bonneville Dam.

Adm. Order No.: DFW 145-2010(Temp)

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-15-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: Amended rule allows the retention of adult Chinook salmon in the Columbia River mainstem recreational fishery in the area from Buoy 10 upstream to Bonneville Dam until further notice. Modifications make the combined bag limit for adult Chinook salmon, adipose fin-clipped steelhead, and adipose fin-clipped coho two fish per day.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-023-0130

Fall Sport Fishery

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2010 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2010 Oregon Sport Fishing Regulations**:

(a) Effective August 1 through December 31, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, the combined bag limit for adult Chinook salmon, adipose fin-clipped coho salmon, and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is prohibited during September 1 through December 31;

(b) Effective August 1 through September 21, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam, the combined bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook; except:

(A) Retention of Chinook is only allowed during August 1 through September 11 or until the harvest guideline is achieved, in the area bounded by a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, downstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(c) Effective September 22 through October 14, 2010 in the mainstem Columbia River from a line projected from Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island, Washington, upstream to Bonneville Dam, the combined bag limit for adult Chinook salmon, adipose fin-clipped steelhead, and adipose fin-clipped coho is two fish per day.

(d) Effective at 12:01 a.m. Friday, October 15, 2010 until further notice, in an area from Buoy 10 upstream to Bonneville Dam, the combined bag limit for adult Chinook salmon, adipose fin-clipped steelhead, and adipose fin-clipped coho is two fish per day.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10, DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10

Rule Caption: Additional Fall Commercial Drift Gill Net Fishing Periods Set for the Columbia River.

Adm. Order No.: DFW 146-2010(Temp)

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-14-10 thru 11-30-10

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

Subject: This amended rule implements one fall non-Indian commercial salmon drift gill net fishing period in Columbia River zones 1 through 3 using 6 inch maximum mesh size. Amendments adopted also implement two fall non-Indian commercial salmon drift gill

net fishing periods in Columbia River zones 4 through 5 using a 8 inch minimum mesh size.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by drift gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in section (2) below. Retention of green sturgeon is prohibited.

(2) Open Seasons:

(a) Zones 1-5, as identified in OAR 635-042-0001 as follows: 7:00 p.m. Tuesday,

October 5 to 7:00 a.m. Wednesday, October 6, 2010 (12 hours);

7:00 p.m. Thursday, October 7 to 7:00 a.m. Friday, October 8, 2010 (12 hours); and

7:00 p.m. Sunday, October 10 to 7:00 a.m. Monday, October 11, 2010 (12 hours).

(b) Zones 1-3, as identified in OAR 635-042-0001 as follows:

6:00 a.m. to 6:00 p.m. Tuesday, October 12, 2010 (12 hours); and

6:00 a.m. to 6:00 p.m. Thursday, October 14, 2010 (12 hours).

(c) Zones 4-5, as identified in OAR 635-042-0001 as follows:

7:00 p.m. Thursday, October 14 to 7:00 a.m. Friday, October 15, 2010 (12 hours); and

7:00 p.m. Sunday, October 17 to 7:00 a.m. Monday, October 18, 2010 (12 hours).

(3) Only drift gill nets may be used. In the open periods described in section (2)(a) above gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size only. In the open period described in section (2)(b) above gear is restricted to gill nets with a 6-inch maximum mesh size only. In the open periods described in section (2)(c) above gear is restricted to gill nets with a 8-inch minimum mesh size only. 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.

(4) A maximum of eight (8) 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 through Saturday, October 16, 2010 and five (5) white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel effective Sunday, October 17, 2010. The sturgeon possession and sales limit includes mainstem fisheries only. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(5) Closed waters, as described in OAR 635-042-0005 for Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal rivers sanctuaries are in effect, as applicable, during the open fishing periods identified in sections (2)(a) and (2)(b) above through October 13; and Elokomin-B, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal rivers sanctuaries are in effect, as applicable, during the open fishing periods identified in sections (2)(b) and (2)(c) above beginning October 14, 2010.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-

1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp),

f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-

80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC

38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-

1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-

1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp),

f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-

85; FWC 62-1985(Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC

54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 67-

1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp),

f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-

9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88;

FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88;

FWC 100-1988(Temp), f. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89,

cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. &

cert. ef. 10-6-89; FWC 113-1989(Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. &

cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. &

cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-

91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91;

FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-

22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert.

ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp),

f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f.

& cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp),

f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp),

f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-

1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-

1997(Temp), f. & cert. ef. 11-3-97; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru

12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-

1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW

62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-

00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru

12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00;

ADMINISTRATIVE RULES

Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; 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 113-2005(Temp), f. & cert. ef. 9-28-05 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; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cert. ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cert. ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cert. ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cert. ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cert. ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cert. ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cert. ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & cert. ef. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & cert. ef. 10-5-10 thru 11-30-10; DFW 146-2010(Temp), f. 10-13-10, cert. ef. 10-14-10 thru 11-30-10

Rule Caption: Commercial Chetco River Terminal Area Chinook Salmon Fishery Closes.

Adm. Order No.: DFW 147-2010(Temp)

Filed with Sec. of State: 10-15-2010

Certified to be Effective: 10-15-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-003-0085

Subject: Amended rule closes the commercial Chetco River terminal area Chinook salmon fishery effective 11:59 p.m. October 15, 2010 due to the anticipated attainment of the allocation for this valuable resource.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-003-0085

Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area — from October 15 through the earlier of November 30 or quota of 1,250 Chinook in the area described in section (1)(a) of this rule.

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbog Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; it is unlawful to make more than one landing of Chinook per day; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to elksw.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(2) Tillamook Bay Ocean Terminal Area - from September 1 through the earlier of October 31 or quota of 600 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area between Pyramid Rock (45°29'48" N. Lat.) and Twin Rocks 45°35'54" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (2), it is unlawful to take Chinook salmon less than 28 inches in total length and it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 25 Chinook per calendar week (Sunday through Saturday). Landings are restricted to Garibaldi.

(c) All vessels landing salmon caught in this season must report to the Department within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 271 or by e-mail to tillsw.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Chetco River Ocean Terminal Area — from October 13 through October 15 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks, or to fish more than four spreads per line; it is unlawful to make more than one landing of Chinook per day; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146, & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 48-1984(Temp), f. & ef. 8-31-84; 57-1984(Temp), f. & ef. 9-15-84; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. & cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 132-2009(Temp), f. & cert. ef. 10-19-09 thru 10-31-09; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10

Rule Caption: Changes to Cumulative Trip Limits for Black and Blue Rockfish, Cabezon and Greenling Species.

Adm. Order No.: DFW 148-2010(Temp)

Filed with Sec. of State: 10-15-2010

Certified to be Effective: 10-15-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-004-0033

Rules Suspended: 635-004-0033(T)

Subject: This amended rule increases the cumulative trip limits for black rockfish and blue rockfish combined by 200 pounds in period 4 and 400 pounds in periods 5 and 6; for cabezon by 100 pounds in periods 5 and 6; and for greenling species by 50 pounds in period 4 and by 100 pounds in periods 5 and 6.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0033

Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

- (a) Minor Shelf Rockfish
- (b) Minor Slope Rockfish
- (c) Black and Yellow Rockfish

ADMINISTRATIVE RULES

- (d) Brown Rockfish
- (e) Calico Rockfish
- (f) China Rockfish
- (g) Copper Rockfish
- (h) Gopher Rockfish
- (i) Grass Rockfish
- (j) Kelp Rockfish
- (k) Olive Rockfish
- (l) Quillback Rockfish
- (m) Treefish
- (n) Black Rockfish
- (o) Blue Rockfish
- (p) Cabezon
- (q) Canary Rockfish
- (r) Greenling
- (s) Tiger Rockfish
- (t) Vermilion Rockfish
- (u) Widow Rockfish
- (v) Yelloweye Rockfish
- (w) Yellowtail Rockfish
- (x) Darkblotched Rockfish
- (y) Pacific Ocean Perch
- (z) Longspine Thornyhead
- (aa) Shortspine Thornyhead
- (bb) Arrowtooth Flounder
- (cc) Dover Sole
- (dd) Petrale Sole
- (ee) Rex Sole
- (ff) Other Flatfish
- (gg) Lingcod
- (hh) Sablefish
- (ii) Pacific Whiting

(2) For the purpose of this rule, "Other nearshore rockfish" means: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoideis*); quillback (*S. maliger*); and treefish (*S. serripes*).

(3) For the purpose of this rule a "commercial harvest cap" is defined as the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries. For 2010, the commercial harvest cap for black rockfish is 139.2 metric tons.

(4) For the purpose of this rule a "commercial landing cap" is defined as the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries. For 2010, the commercial landing caps are:

- (a) Black rockfish, 137.9 metric tons.
- (b) Black rockfish and blue rockfish combined of 141.9 metric tons.
- (c) Other nearshore rockfish, 14.3 metric tons.
- (d) Cabezon, 31.3 metric tons.
- (e) Greenling, 23.4 metric tons.

(5) For the purpose of this rule, the periods to which cumulative trip limits apply are: January through February (period 1); March through April (period 2); May through June (period 3); July through August (period 4); September through October (period 5); and November through December (period 6).

(6) For black and blue rockfish combined, no vessel may land more than:

- (a) 800 pounds in period 1;
 - (b) 1,000 pounds in period 2;
 - (c) 1,400 pounds in period 3;
 - (d) 1,600 pounds in period 4;
 - (e) 1,400 pounds in period 5; and
 - (f) 1,200 pounds in period 6.
- (7) In each period, no vessel may land more than:
- (a) 700 pounds of other nearshore rockfish, combined;
 - (b) 1,500 pounds of cabezon in periods 1-4;
 - (c) 1,500 pounds of cabezon in periods 5 and 6;
 - (d) 250 pounds of greenling species in periods 1-3;
 - (e) 300 pounds of greenling species in period 4; or
 - (f) 350 pounds of greenling species in periods 5 and 6.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 73-1982(Temp), f. & ef. 10-27-82; FWC 1-1983 (Temp), f. & ef. 1-6-83; FWC 10-1983, f. & ef. 3-1-83; FWC 23-1983(Temp), f. & ef. 6-14-83; FWC 41-1983(Temp), f. & ef. 9-6-83; FWC 3-1984 f. & ef. 1-26-84; FWC 18-1984 (Temp), f. 5-4-84, ef. 5-6-84; FWC 36-1984(Temp), f. 7-31-84, ef. 8-1-84; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f.

& ef. 2-19-85; FWC 18-1985(Temp), f. 4-26-85, ef. 4-27-85; FWC 52-1985(Temp), f. 8-30-85, ef. 9-1-85; FWC 65-1985 (Temp), f. & ef. 10-4-85; FWC 82-1985, f. 12-16-85, ef. 1-1-86; FWC 50-1986(Temp), f. & ef. 8-29-86; FWC 81-1986, f. 12-31-86, ef. 1-1-87; FWC 57-1987(Temp), f. & ef. 7-24-87; FWC 104-1987, f. 12-18-87, ef. 1-1-88; FWC 97-1988(Temp), f. & cert. ef. 1-6-88; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 49-1989(Temp), f. & cert. ef. 7-26-89; FWC 69-1990 (Temp), f. 7-24-90, cert. ef. 7-25-90; FWC 122-1990, f. 11-26-90, cert. ef. 11-29-90; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 48-1991(Temp), f. & cert. ef. 5-3-91; FWC 82-1991(Temp), f. 7-30-91, cert. ef. 7-31-91; FWC 83-1991, f. 8-1-91, cert. ef. 7-31-91; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 9-1992, f. 2-20-92, cert. ef. 2-21-92; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 10-1993, f. & cert. ef. 2-10-93; FWC 1-1994, f. & cert. ef. 1-14-94; FWC 32-1994, f. & cert. ef. 6-3-94; FWC 44-1994, f. 7-26-94, cert. ef. 8-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 94-1995(Temp), f. 12-29-95, cert. ef. 1-1-96; FWC 9-1996, f. 3-5-96, cert. ef. 3-8-96; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 119-2002(Temp), f. 10-24-02, cert. ef. 10-25-02 thru 12-31-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 14-2003(Temp), f. 2-20-03, cert. ef. 2-21-03 thru 8-19-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 60-2003(Temp), f. 7-15-03, cert. ef. 7-16-03 thru 12-31-03; DFW 79-2003(Temp), f. & cert. ef. 8-18-03 thru 12-31-03; DFW 102-2003(Temp), f. 9-30-03, cert. ef. 10-1-03 thru 12-31-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 76-2004(Temp), f. 7-23-04, cert. ef. 7-28-04 thru 12-31-04; DFW 100-2004(Temp), f. & cert. ef. 9-28-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 31-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 82-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 12-31-05; DFW 86-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 119-2005(Temp), f. 10-10-05, cert. ef. 10-11-05 thru 12-31-05; DFW 135-2005(Temp), f. 11-30-05, cert. ef. 12-1-05 thru 12-31-05; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 50-2006(Temp), f. 6-28-06, cert. ef. 7-1-06 thru 12-27-06; DFW 83-2006(Temp), f. 8-10-06, cert. ef. 8-11-06 thru 2-6-07; DFW 108-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; DFW 133-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 83-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 12-31-07; DFW 120-2007(Temp), f. 10-30-07, cert. ef. 11-1-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 128-2007, f. 12-13-07, cert. ef. 1-1-08; Administrative Correction 1-24-08; DFW 70-2008(Temp), f. 6-26-08, cert. ef. 7-1-08 thru 12-27-08; DFW 123-2008(Temp), f. 9-30-08, cert. ef. 10-2-08 thru 12-31-08; DFW 154-2008(Temp), f. 12-29-08, cert. ef. 1-1-09 thru 6-29-09; DFW 21-2009(Temp), f. 2-26-09, cert. ef. 3-1-09 thru 8-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 75-2009(Temp), f. 6-26-09, cert. ef. 7-1-09 thru 12-28-09; DFW 127-2009(Temp), f. 10-8-09, cert. ef. 10-10-09 thru 12-31-09; DFW 155-2009, f. 12-28-09, cert. ef. 1-1-10; DFW 110-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 12-31-10; DFW 148-2010(Temp), f. & cert. ef. 10-15-10 thru 12-31-10

Department of Forestry Chapter 629

Rule Caption: Klamath – Lake Forest Protection District boundary change.

Adm. Order No.: DOF 3-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 9-29-10

Notice Publication Date: 6-1-2010

Rules Amended: 629-041-0540

Subject: OAR 629-041-0540 describes the Klamath-Lake Forest Protection District boundary. This rulemaking process is to change the location of the Klamath-Lake Forest Protection District boundary in Lake County. The revised boundary would be State Highway 31 from T.31S R.16E Section 3 W.M. to T.33S R.17E Section 5 W.M.
Rules Coordinator: Sabrina Perez—(503) 945-7210

629-041-0540

Klamath-Lake Forest Protection District Boundary

The boundary of the Klamath-Lake Forest Protection District is as follows: Beginning at the point where the common boundary of Jackson County and Klamath County, as set forth in ORS 201.150 and 201.180, intersect with the southern boundary of the state of Oregon, as set forth in ORS 201.005, in or near section 18, township 41 south, range 5 east, Klamath County; thence northerly on the common boundary of Jackson County and Klamath County, as set forth in ORS 210.150 and 201.180, to the boundary of Douglas County, as set forth in ORS 201.100, in or near section 6, township 30 south, range 5 east, Klamath County; thence northerly on the common boundary of Douglas County and Klamath County, as set forth in ORS 201.100 and 201.180, to the common line between township 26 south, range 61/2 east and township 27 south, range 61/2 east, in or near section 2, township 27 south, range 61/2 east, Klamath County; thence east to the northeast corner of section 1, township 27 south, range 61/2 east, Klamath County; thence north to the northwest corner of section 6, township 27 south, range 7 east, Klamath County; thence east to the northeast corner of section 1, township 27 south, range 8 east, Klamath County; thence south the northeast corner of section 1, township 28 south, range 8 east, Klamath County; thence east to the northwest corner of section 6, township 28 south, range 11 east, Klamath County; thence north to the northwest corner of section 7, township 27 south, range 11 east, Klamath County; thence east to the northeast corner of section 10, township 27 south, range 12 east, Lake County; thence south to the northeast corner of

ADMINISTRATIVE RULES

the southeast quarter of the northeast quarter of section 10, township 27 south, range 12 east, Lake County; thence east to the northeast corner of the southeast quarter of the northeast quarter of section 11, township 27 south, range 12 east, Lake County; thence south to the northeast corner of the southeast quarter of section 11, township 27 south, range 12 east, Lake County; thence east to the northeast corner of the southwest quarter of section 12, township 27 south, range 12 east, Lake County; thence south to the northeast corner of the southeast quarter of the southwest quarter of section 12, township 27 south, range 12 east, Lake County; thence east to the northwest corner of the southwest quarter of section 7, township 27 south, range 13 east, Lake County; thence north to the northwest corner of section 7, township 27 south, range 13 east, Lake County; thence east to the northeast corner of section 9, township 27 south, range 13 east, Lake County; thence south to the northeast corner of section 21, township 27 south, range 23 east, Lake County; thence east to the centerline of Oregon Highway 31, in or near section 23, township 27 south, range 13 east, Lake County; thence southerly on the centerline of Oregon Highway 31 to the common line between township 27 south, range 13 east, and township 28 south, range 13 east, in or near section 36, township 27 south, range 13 east, Lake County; thence west to the southeast corner of section 36, township 27 south, range 12 east, Lake County; thence south to the northeast corner of section 13, township 28 south, range 12 east, Lake County; thence east to the northeast corner of section 18, township 28 south, range 13 east, Lake County; thence south to the northeast corner of section 6, township 29 south, range 13 east, Lake County; thence east to the northeast corner of section 1, township 29 south, range 14 east, Lake County; thence south to the northeast corner of the southeast quarter of section 13, township 29 south, range 14 east, Lake County; thence east to the northeast corner of the southwest quarter of section 18, township 29 south, range 15 east, Lake County; thence south to the northeast corner of the northwest quarter of section 19, township 29 south, range 15 east, Lake County; thence east to the northeast corner of section 20, township 29 south, range 15 east, Lake County; thence south to the northeast corner of section 32, township 29 south, range 15 east, Lake County; thence east to the northeast corner of section 34, township 29 south, range 16 east, Lake County; thence south to the northeast corner of the southeast quarter of section 34, township 29 south, range 16 east, Lake County; thence east to the northeast corner of the southwest quarter of section 35, township 29 south, range 16 east, Lake County; thence south to the northeast corner of the southwest quarter of section 14, township 30 south, range 16 east, Lake County; thence east to the centerline of Oregon Highway 31 in or near section 13, township 30 south, range 16 east, Lake County; thence southerly on the centerline of Oregon Highway 31 to the centerline of Clover Flat County Road, in section 17, township 34 south, range 19, east, Lake County; thence southerly and easterly on the centerline of Clover Flat County Road to the centerline of U.S. Highway 395, in or near section 6, township 36 south, range 21 east; Lake County; thence southerly on the centerline of U.S. Highway 395 to the common line between sections 18 and 19, township 36 south, range 21 east, in or near section 18, township 36 south, range 21 east, Lake County; thence east to the northwest corner of the northeast quarter of section 23, township 36 south, range 21 east, Lake County; thence north to the northwest corner of the northeast quarter of section 14, township 36 south, range 21 east, Lake County; thence east to the northeast corner of section 13, township 36 south, range 21 east, Lake County; thence south to the northwest corner of section 18, township 36 south, range 22 east, Lake County; thence east to the northeast corner of the northwest quarter of section 18, township 36 south, range 22 east, Lake County; thence south to the northeast corner of the southwest quarter of section 18, township 36 south, range 22 east, Lake County; thence east to the northeast corner of the southeast quarter of section 18, township 36 south, range 22 east, Lake County; thence east to the northeast corner of the southeast quarter of section 19, township 36 south, range 22 east, Lake County; thence east to the northeast corner of section 20, township 36 south, range 22 east, Lake County; thence south to the northeast corner of the southeast quarter of section 32, township 36 south, range 22 east, Lake County; thence east to the northeast corner of the northwest quarter of the southwest quarter of section 34, township 36 south, range 22 east, Lake County; thence south to the southeast corner of the southwest quarter of the southwest quarter of section 34, township 36 south, range 22 east, Lake County; thence west to the southeast corner of section 33, township 36 south, range 22 east, Lake County; thence south to the southeast corner of section 9, township 37 south, range 22 east, Lake County; thence west to the southeast corner of section 8, township 37 south, range 22 east, Lake County; thence south to the northeast corner of section 20, township 37 south, range 22 east, Lake County; thence east to the northeast corner of the northwest quarter of section 21, township 37 south, range 22 east, Lake

County; thence south to the northeast corner of the southwest quarter of section 21, township 37 south, range 22 east, Lake County; thence east to the northeast corner of the southeast quarter of section 21, township 37 south, range 22 east, Lake County; thence south to the northeast corner of the southeast quarter of section 28, township 37 south, range 22 east, Lake County; thence east to the northeast corner of the southwest quarter of section 27, township 37 south, range 22 east, Lake County; thence south to the northeast corner of the southeast quarter of the southwest quarter of section 27, township 37 south, range 22 east, Lake County; thence east to the northeast corner of the southeast quarter of the southwest quarter of section 26, township 37 south, range 22 east, Lake County; thence south to the northeast corner of the northwest quarter of section 35, township 37 south, range 22 east, Lake County; thence east to the northeast corner of section 35, township 37 south, range 22 east, Lake County; thence south to the northeast corner of the southeast quarter of section 35, township 37 south, range 22 east, Lake County; thence east to the northeast corner of the southeast quarter of section 36, township 37 south, range 22 east, Lake County; thence south to the centerline of Plush Cutoff County Road, in or near section 12, township 38 south, range 22 east, Lake County; thence southerly on the centerline of Plush Cutoff County Road, to the centerline of Oregon Highway 140, in or near section 2, township 39 south, range 22 east, Lake County; thence westerly on the centerline of Oregon Highway 140 to the common line between sections 2 and 3, township 39 south, range 22 east, in or near section 3, township 39 south, range 22 east, Lake County; thence south to the southeast corner of section 34, township 39 south, range 22 east, Lake County; thence west to the northeast corner of the northwest quarter of section 5, township 40 south, range 22 east, Lake County; thence south to the northeast corner of the northwest quarter of section 20, township 40 south, range 22 east, Lake County; thence east to the northeast corner of section 20, township 40 south, range 22 east, Lake County; thence south to the northeast corner of the southeast quarter of section 29, township 40 south, range 22 east, Lake County; thence east to the northwest corner of the southwest quarter of section 27, township 40 south, range 22 east, Lake County; thence north to the northwest corner of section 27, township 40 south, range 22 east, Lake County; thence east to the northeast corner of section 27, township 40 south, range 22 east, Lake County; thence south to the northeast corner of section 34, township 40 south, range 22 east, Lake County; thence east to the northeast corner of section 35, township 40 south, range 22 east, Lake County; thence south to the southern boundary of the state of Oregon, as set forth in ORS 201.005, in or near section 23, township 41 south, range 22 east, Lake County; thence westerly on the southern boundary of the state of Oregon, as set forth in ORS 201.005, to the point of beginning.

Stat. Auth.: ORS 477.225

Stats. Implemented: ORS 477.225

Hist.: DOF 10-1998, f. & cert. ef. 8-13-98; DOF 2-1999, f. & cert. ef. 5-13-99; DOF 3-2010, f. 9-23-10, cert. ef. 9-29-10

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

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

Adm. Order No.: ADS 4-2010(Temp)

Filed with Sec. of State: 9-20-2010

Certified to be Effective: 9-20-10 thru 3-9-11

Notice Publication Date:

Rules Adopted: 415-054-0400, 415-054-0410, 415-054-0420, 415-054-0430, 415-054-0440, 415-054-0450, 415-054-0460, 415-054-0470, 415-054-0480, 415-054-0490, 415-054-0500, 415-054-0510, 415-054-0520

Rules Suspended: 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

Subject: The Addictions and Mental Health Division is proposing revisions to OAR 415-054 “DUII ADES” and “DUII Demonstration Project” rules to update and consolidate these rules, and to separate them from the “DUII Treatment” rules; the “DUII treatment” rules

ADMINISTRATIVE RULES

will be moving to the OAR 309-032 "Integrated Services and Supports Rules" (ISSR).

Rules Coordinator: Richard Luthe—(503) 947-1186

415-054-0045

Purpose

Purpose: These rules prescribe standards and procedures for certification as an Alcohol and Drug Evaluation Specialist.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: MHD 7-1981(Temp), f. & ef. 11-25-81; MHD 9-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0045; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0050

Definitions

As used in these rules unless the context requires otherwise:

(1) "Alcohol and Drug Evaluation Specialist" means an individual who possesses a valid certificate issued under these rules.

(2) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(3) "Certificate" means a letter issued to an individual by the Division under these rules, which states that the individual is in compliance with relevant administrative rules.

(4) "Client" means an individual who has signed a written consent which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2) and is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants; or

(b) A defendant who is participating in a diversion agreement under ORS 813.200.

(5) "Driving under the influence of intoxicants diversion agreement" means a petition meeting the criteria established in ORS 813.200 through 813.260.

(6) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services.

(7) "DUII Information Programs" mean short-term (12-20 hours in duration), didactic, alcohol and other drug education programs which meet the minimum curriculum, instructor, and hourly standards established by the Division.

(8) "DUII Rehabilitation Programs" mean programs of treatment and therapeutically-oriented education services that meet the minimum standards established by the Division.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: MHD 7-1981(Temp), f. & ef. 11-25-81; MHD 9-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0050; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0055

Required Duties of an Evaluation Specialist

(1) Evaluation: An evaluation specialist shall promptly and personally evaluate referred clients using, at a minimum, assessment instruments designated by the Assistant Director.

(2) Referral: On the basis of the evaluation, the evaluation specialist shall promptly refer the client to a program providing the appropriate information or rehabilitation services. The referrals must be made in accordance with the following standards:

(a) All referrals must be made on a form approved by the Division.

(b) Referrals must be made in accordance with referral criteria established by the Division.

(c) In making referrals, the evaluation specialist must document that the screening evaluation included consideration of the following factors:

(A) Any clinical need for a particular type of treatment; and

(B) Accessibility or proximity of the information or rehabilitation program.

(d) All referrals must be made in accordance with the referral policies and procedures contained in the DUII Evaluation Manual provided by the Division.

(3) Monitoring: The evaluation specialist shall:

(a) Verify the client's entry into the information or rehabilitation program and document such verification in the client record;

(b) Document contact with each client's service provider at least once every 90 days to verify that the client is fully participating in the service program and complying with its requirements. Documentation of monitor-

ing contacts must be in the client's file in the form of written inquiries and reports or written records of telephone contacts; and

(c) Communicate promptly with appropriate judicial or other justice system staff concerning the client's compliance with service program requirements in a manner satisfactory to the local court system and document the communications in the client record.

(4) Records: The evaluation specialist shall maintain a file on each individual which includes:

(a) Evaluation results and evaluation instruments used in the evaluation including all evaluation instruments required by the Division;

(b) Evidence of an interview with the client in the form of a written narrative summary of information obtained in the interview;

(c) A copy of the driving record of the client;

(d) Documentation of the client's Blood Alcohol Content (BAC) at the time of the DUII arrest;

(e) A copy of the Diagnostic and Referral Report;

(f) Copies of reports on the client made to the Division;

(g) A copy of the written consent signed by the client for compliance with Section 2.35 of 42 CFR Part 2;

(h) Written report from the information or rehabilitation program verifying completion of the information or rehabilitation program;

(i) Documentation that the client has been provided with information on community mental health resources when the client need for information is clinically indicated; and

(j) Other relevant information as required by the Division.

(5) Reports: The evaluation specialist shall send complete reports to the Division on forms and by dates prescribed by the Division.

(6) Continuing Education: The evaluation specialist shall fulfill all reasonable continuing education requirements prescribed by the Division.

(7) Cooperation: The evaluation specialist shall assist the Division by:

(a) Providing all information requested by the Division at the time and place and in the form designated by the Division;

(b) Assisting in the conduct of all reviews of the evaluation specialist's job performance and compliance with these rules; and

(c) Promptly undertaking and completing all corrective actions required in writing by the Division.

(8) Sobriety: During all working hours, an evaluation specialist shall not be under the influence of nor use or have present in any amounts in his or her body any alcohol or controlled substance, unless pursuant to a current prescription from a licensed physician.

(9) Disabilities Act: All evaluation specialists must comply with Title 2 of the Americans With Disabilities Act of 1990, 42 USC § 12131 et seq.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: MHD 7-1981(Temp), f. & ef. 11-25-81; MHD 9-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0055; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0060

Applications and Requirements

(1) Any applicant requesting a certificate as an evaluation specialist must submit an application form which demonstrates compliance with the following:

(a) Education or Experience:

(A) Graduation from an accredited four-year college or university with a Bachelors degree in social sciences, psychology, sociology, substance abuse, or related field with course work specific to alcohol or other drug education, treatment, or counseling; or

(B) Four years of full-time supervised experience in alcohol or other drug treatment, evaluation, education, or counseling; or

(C) A combination of two years of education or training in alcohol or drug treatment, evaluation, education, or counseling and two years of full-time supervised experience in alcohol or drug service delivery.

(b) Reference Letters: Three acceptable letters of reference from persons in the human services field with personal knowledge of the applicant who attest to the applicant's character, work habits, and qualifications.

(c) Court Designation: A written statement, from the court or courts, which designates the applicant to perform alcohol and drug evaluations. A separate application is required for each county where the applicant intends to operate.

(2) Any applicant requesting a certificate as an evaluation specialist must complete the training required in 415-054-0070.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

ADMINISTRATIVE RULES

Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0070

Approval for Training; Training

(1) The Division shall review applications for compliance with applicable requirements and notify the applicant within 60 days after review as to whether the applicant has been approved for training.

(2) An applicant who is approved for training must receive training by the Division on the following subjects:

- (a) Alcohol and drug evaluation techniques;
- (b) Methods for determining appropriate education or treatment;
- (c) Referral procedures and reports;
- (d) Client supervision and monitoring;
- (e) Data reporting and program evaluation;
- (f) Confidentiality laws;
- (g) The criminal justice systems;
- (h) Urinalysis monitoring;
- (i) Criminal and administrative statutes related to driving under the influence of intoxicants; and
- (j) Other information as appropriate.

(3) The frequency of training provided by the Division is at the discretion of the Division.

(4) The Division may require re-training or additional training at intervals to be determined by the Division.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0075

Administrative Requirements

(1) Client Record-keeping: Each Alcohol and Drug Evaluation Specialist shall:

(a) Accurately record all information about clients as required by these rules in permanent client records;

(b) Maintain each client record to assure permanency, identification, accessibility, uniform organization, and completeness of all components required by these rules and in a manner to protect against damage or separation from the permanent client or program record;

(c) Keep all documentation current, unless specified otherwise, within seven days of delivering the service or obtaining the information;

(d) Not falsify, alter, or destroy any client information required by these rules to be maintained in a client record or program records;

(e) Document all procedures in these rules requiring client consent and the provision of information to the client on forms describing what the client has been asked to consent to or been informed of, and signed and dated by the client. If the program does not obtain documentation of consent or provision of required information, the reasons must be specified in the client record and signed by the person responsible for providing the service to the client;

(f) Require that errors in the permanent client record shall be corrected by lining out the incorrect data with a single line in ink, adding the correct information, and dating and initialing the correction. Errors may not be corrected by removal or obliteration through the use of correction fluid or tape so they cannot be read; and

(g) Permit inspection of client records upon request by the Division to determine compliance with these rules.

(2) Client Record Retention: Client records shall be kept for a minimum of seven years.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0076

Client Rights

(1) Client Record Confidentiality: An Alcohol and Drug Evaluation Specialist shall comply with federal regulations (42 CFR part 2) and state statutes (ORS 179.505 and 426.460) pertaining to confidentiality of client records.

(2) Client Rights & Dignity: Each client shall be assured the same civil and human rights as other persons. The evaluation specialist shall provide services in a manner that protects client privacy and dignity.

(3) Sexual Contact: Sexual abuse of clients or sexual contact with clients is prohibited.

(4) Access to Records: Access includes the right to obtain a copy of the record within five days of requesting it and making payment for the cost of duplication. The client shall have the right of access to the client's own records except if confidential information has been provided to the Alcohol and Drug Evaluation Specialist on the basis that the information not be redisclosed.

(5) Barriers to Treatment: Where there is a barrier to services due to culture, language, illiteracy, or disability, the Alcohol and Drug Evaluation Specialist shall:

(a) Make reasonable modifications in policies, practices, and procedures to avoid discrimination, unless the Alcohol and Drug Evaluation Specialist can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity, such as:

(A) Providing individuals capable of assisting the program in minimizing barriers, such as interpreters;

(B) Translation of written materials to appropriate language or method of communication;

(C) To the degree possible, providing assistive devices which minimize the impact of the barrier; and

(D) To the degree possible, acknowledging cultural and other values which are important to the client.

(b) Not charging clients for costs of the measures, such as the provision of interpreters, that are required to provide nondiscriminatory services to the client.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0080

Program Approval

(1) Certificate: In order to receive a certificate from the Division under the process set forth in OAR 415-012-0000 to 0090 an Alcohol and Drug Evaluation Specialist shall meet the standards set forth in these rules and any other administrative rules applicable to the program.

(2) Inspection: The Division shall inspect at least every two years each Alcohol and Drug Evaluation Specialist under these rules.

(3) Renewals: The renewal of a certificate shall be governed by OAR 415-012-0040.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0090

Denial, Revocation, Nonrenewal, or Suspension of Certification

(1) The denial, revocation, nonrenewal, or suspension of a certificate for an Alcohol and Drug Evaluation Specialist may be based on any of the grounds set forth in OAR 415-012-0060.

(2) In addition to the grounds set forth in OAR 415-012-0060, the Assistant Director may deny, revoke, refuse to renew, or suspend a certificate when he or she determines that the issuance or continuation of the certificate would be inconsistent with the public interest. In determining the public interest, the Assistant Director shall consider any factors relevant to the public health or safety.

(3) An applicant or holder of a certificate may be considered to be in violation of ORS Chapter 813 if the Assistant Director finds that the applicant or holder has provided DUII information or rehabilitation services to a client who was referred by a judge to the same applicant or holder for DUII diagnostic assessment services. The Assistant Director may deny, suspend, revoke or refuse to renew a certificate under this rule unless:

(a) The Assistant Director has determined that a lack of alternative agencies or organizations in the service area makes it necessary to allow the same agency or organization to perform both diagnostic assessment and DUII information or rehabilitation functions; or

(b) An agency or organization has applied to and been authorized by the Assistant Director to operate a demonstration project which combines the diagnostic assessment services and DUII information or rehabilitation program services.

(4) The Assistant Director shall deny, suspend, revoke, or refuse to renew a certificate where he or she finds that:

(a) There has been repeated failure to apply the Division-approved classification and referral criteria in making screening decisions; or

(b) The Alcohol and Drug Evaluation Specialist has failed to demonstrate competency in the areas of training specified in OAR 415-054-0070; or

ADMINISTRATIVE RULES

(c) The Alcohol and Drug Evaluation Specialist fails to correspond appropriately with the court and/or treatment providers.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0100

Variations

Requirements and standards for requesting and granting variations or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 813.206

Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 2-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0200

Purpose

Purpose: These rules prescribe standards for the approval of Driving Under the Influence of Intoxicants Demonstration Projects that combine diagnostic assessment and treatment services in a single agency or organization.

Stat. Auth.: ORS 409.410 & 813.025

Stats. Implemented: ORS 813.025

Hist.: ADAP 1-1993, f. & cert. ef. 9-14-93; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0210

Definitions

(1) "Alcohol and Drug Evaluation Specialist" means an individual who possesses valid certification issued by the Division.

(2) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(3) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(4) "DUII Demonstration Project" means a project approved by the Assistant Director for the purpose of demonstrating the effectiveness of combining diagnostic assessment and treatment services in a single agency or organization for persons charged with the offense of driving under the influence of intoxicants.

(5) "DUII Diagnostic Assessment" means an examination by an Alcohol and Drug Evaluation Specialist to determine if a person has a problem condition involving alcohol or a controlled substance as described in ORS 813.040.

(6) "DUII Alcohol/Other Drug Information Program" means a short-term (12 - 20 hours in duration), didactic, alcohol and drug education program which has a current letter of approval from the Assistant Director or his/her designee indicating that the program meets the minimum curriculum, instructor, and hourly standards established by rule.

(7) "DUII Alcohol/Other Drug Rehabilitation Program" means a program of treatment and therapeutically oriented education services that has a current letter of approval from the Assistant Director or his/her designee indicating that the program meets the minimum curriculum, counselor, and hourly standards established by administrative rule.

(8) "Single Agency or Organization" means any one person or business entity, or any combination of persons or business entities acting together as a program, an agency, or in any other arrangement, which provides, or has a financial interest in the provision of, DUII diagnostic assessment services approved by the Assistant Director under OAR 415-054-0045 through 415-054-0100 and any DUII treatment services defined in 415-054-0005 through 415-054-0040.

(9) "Treatment Services" means services provided by a DUII Alcohol/Other Drug Information Program or by a Alcohol/Other Drug Rehabilitation Program.

Stat. Auth.: ORS 409.410 & 813.025

Stats. Implemented: ORS 813.025

Hist.: ADAP 1-1993, f. & cert. ef. 9-14-93; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0220

Approval Process

(1) Eligible Provider: Only persons, agencies, and organizations holding an unconditional letter of approval issued by the Assistant Director to provide DUII diagnostic assessment or treatment services at the time of their application under these rules may be approved.

(2) Submission of Request: Eligible providers may submit a request to the Assistant Director for approval to operate a DUII demonstration project.

(3) Required Content of Request: Requests for approval under these rules must contain information that addresses the following items:

(a) That clearly defined and significant problem exists in the provision of DUII diagnostic assessment and treatment services;

(b) That the problem cannot be resolved as long as the assessment and treatment functions are performed by separate agencies or organizations;

(c) That there is relevant research or other data which shows that a particular method for combining the performance of these functions in a single agency is an effective and appropriate means of resolving the problem;

(d) That the person or agency proposing to conduct a demonstration of the particular method has, and can maintain for the duration of the project:

(A) The appropriate clinical and managerial knowledge, skills, and abilities required by administrative rule for Alcohol and Drug Evaluation Specialists and DUII treatment programs; and

(B) A means of evaluating the effectiveness of the project that is independent of the applicant and uses generally accepted research practices in comparing the program and post-program performances of project service recipients to those of either persons served prior to initiation of the project or persons served in a control group during the project. The evaluation must include the cost effectiveness of the project and any cost savings to clients.

(e) That there is no evidence that the applicant has failed to satisfactorily conduct and/or complete other programs or projects for private or public entities or that the applicant has been uncooperative in resolving problems identified by such entities;

(f) The effect on other programs and whether referrals will be made to outside agencies or only internally within the program;

(g) The geographic location to be served, the participating persons, agencies and organizations and their respective roles in the proposed project, the length of time proposed for the project, and the expected outcomes;

(h) Letters of endorsement from courts and relevant persons and agencies and written assurances of participation by the proposed service participants;

(i) Documentation that the request for approval has been reviewed and a recommendation made by the Community Mental Health Program (CMHP) director and the local alcoholism and drug planning committee;

(j) Any additional information relevant to the application requested by the Division.

(4) Conditions for Approval: Approval of a demonstration project is within the discretion of the Assistant Director. The Division shall review requests for approval for compliance with requirements and make appropriate notification to the requesting person or agency within 60 days of the date the request is received by the Assistant Director.

(5) Term of Approval: The Assistant Director's approval under these rules is for no longer than the period of time agreed to by the Assistant Director for the conduct of the DUII demonstration project, or until the Assistant Director revokes approval for the project or its DUII Services, whichever occurs sooner.

Stat. Auth.: ORS 409.410 & 813.025

Stats. Implemented: ORS 813.025

Hist.: ADAP 1-1993, f. & cert. ef. 9-14-93; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0230

General Requirements

(1) The approved demonstration project must comply with the requirements for DUII treatment services in accordance with OAR 415-054-0005 through 415-054-0040 and the requirements for diagnostic assessment in 415-054-0045 through 415-054-0100.

(2) The approved demonstration project must ensure that the effectiveness of the project is evaluated by the means proposed within the request for approval.

(3) The approved demonstration project must ensure that a written report of the results of the evaluation of the program is submitted to the Division within timelines approved by the Assistant Director.

Stat. Auth.: ORS 409.410 & 813.025

Stats. Implemented: ORS 813.025

Hist.: ADAP 1-1993, f. & cert. ef. 9-14-93; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

ADMINISTRATIVE RULES

415-054-0240

Revocation or Denial of Approval

(1) The Assistant Director shall deny, revoke, or refuse to renew approval where it is found that there has been a substantial failure to comply with part or all of these rules or there has been substantial non-compliance with relevant federal or state law.

(2) Approval of an application for a demonstration project is within the discretion of the Assistant Director. The Division may deny, revoke, or refuse to renew approval where it finds that any of the conditions in these rules are not met.

(3) The Division shall refuse to renew approval if the written report of the evaluation of the program required under these rules fails to demonstrate the effectiveness of combining the diagnostic assessment and the treatment functions within a single agency.

(4) When a letter of approval to operate a demonstration project is denied, suspended, or revoked, or the Division refuses to renew it, notice of that action shall be sent by certified mail and shall include a statement that a contested case hearing to challenge the action may be requested, but that such request must be made within 21 days of the date of mailing of the notice.

Stat. Auth.: ORS 409.410 & 813.025

Stats. Implemented: ORS 813.025

Hist.: ADAP 1-1993, f. & cert. ef. 9-14-93; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0300

Definitions

As used in these rules, unless the context requires otherwise:

(1) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(2) "Client" means an individual who is a first-time violator of ORS 475.864 and who has signed a written consent which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2), and is either:

(a) An adult who has a Marijuana Diversion Agreement; or

(b) A juvenile who has been referred under ORS 419C.443.

(3) "Evaluation Specialist" means an individual who possesses a valid Letter of Approval issued under this Division.

(4) "Letter of Approval" means the letter issued to an individual by the Division which states that the person meets the standards set out by these rules.

(5) "Level I Services" means certain designated education services approved by the Division for use in a marijuana education program under OAR .

(6) "Level II Services" means certain designated education and treatment services approved by the Division for use in a marijuana treatment program under OAR .

(7) "Marijuana Diversion Agreement" means a petition for possession of marijuana agreement which has been signed and dated by a court pursuant to ORS 135.907 to 135.921.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0000 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0310

Required Duties of an Evaluation Specialist

(1) Evaluation: An evaluation specialist shall promptly evaluate referred clients using, at a minimum, assessment instruments designated by the Assistant Director. Based upon the evaluation, the evaluation specialist shall determine whether Level I or Level II services are appropriate for a client and what program meets the client's needs.

(2) Referral: On the basis of the evaluation, the evaluation specialist shall promptly refer the client to a program providing the appropriate Level I services or Level II services. Whenever possible, referrals of juveniles to programs providing Level II services shall be to programs with juvenile treatment capacity. All referrals must be made on a form approved by the Division. If the service provider and the evaluation specialist disagree as to the appropriate level of treatment for a client, the service provider and the evaluation specialist shall collectively agree on an appropriate program for the client.

(3) Monitoring: The evaluation specialist shall:

(a) Directly contact each client's service provider at least once a month to verify that the client is fully participating in the service program and complying with its requirements;

(b) Communicate promptly with appropriate judicial or other justice system staff concerning the client's compliance with service program requirements; and

(c) Where a client is in a Level I services program, confer with the service provider between the third and sixth week of service to determine if the client should be placed in a Level II services program, and take appropriate actions, if necessary.

(4) Records: The evaluation specialist shall maintain a file on each individual which includes:

(a) Evaluation results and evaluation instruments used in the evaluation;

(b) Evidence of indigency, if appropriate, consisting of a document signed and dated by the Adult and Family Services Division indicating eligibility for the federal food stamp program;

(c) A record of the fee payments made and balance owed on the client's account;

(d) Documentation showing compliance with all provisions of this Division;

(e) Copies of reports on the client made to the Division; and

(f) A copy of the written consent signed by the client for compliance with Section 2.35 of 42 CFR Part 2;

(g) Other relevant information as required by the Division.

(5) Record Retention: The evaluation specialist shall retain all records regarding each client for a period of seven years following the date of completion or discontinuance of treatment or services.

(6) Reports: The evaluation specialist shall send complete reports to the Division on forms and by dates prescribed by the Division.

(7) Confidentiality: The evaluation specialist shall comply with all federal and state confidentiality laws, including those contained in 42 CFR Part 2.

(8) Continuing Education: The evaluation specialist shall fulfill all continuing education requirements prescribed by the Division.

(9) Cooperation: The evaluation specialist shall assist the Division by:

(a) Providing all information requested by the Division at the time and place and in the form designated by the Division;

(b) Assisting in the conduct of all reviews of the evaluation specialist's job performance and compliance with this Division;

(c) Promptly undertaking and completing all corrective actions required in writing by the Division.

(10) Sobriety: During all working hours, an evaluation specialist shall not be under the influence of nor use or have present in any amounts in his or her body any alcohol or controlled substance, unless pursuant to a current prescription from a licensed physician.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0005 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0320

Reimbursement for Service to Indigent Clients

(1) A marijuana evaluation specialist is eligible to seek reimbursement in the manner required by the Division for services provided to an indigent client under this Division if the following is in the client's record:

(a) Documentation, dated and signed by the Adult and Family Services Division, verifying the client's eligibility for the federal food stamp program over the period included in the reimbursement request; and

(b) Documentation that the crime or violation committed by the client leading to the need for the evaluation for which reimbursement is sought was possession of less than an ounce of marijuana.

(2) Reimbursement for evaluation under this rule is subject to the availability of funds for that purpose under Chapter 1075, Oregon Laws 1989, (Enrolled House Bill 2479), and to the maximum rate for evaluation approved by the Ways and Means Committee and/or Emergency Board of the Oregon Legislative Assembly for this purpose.

(3) The marijuana evaluation specialist will promptly and fully return any payments made when a Division audit reveals that the program was ineligible to seek reimbursement for service to a client.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0010 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

ADMINISTRATIVE RULES

415-054-0330

Applications and Requirements

Any applicant requesting a Letter of Approval as an Evaluation Specialist must submit an application form which demonstrates compliance with the following:

(1) Education or Experience:

(a) Graduation from an accredited four-year college or university with a Bachelors degree in social sciences, psychology, sociology, substance abuse, or related field with course work specific to alcohol or other drug education, treatment, or counseling; or

(b) Two years of full-time supervised experience in alcohol or other drug treatment, evaluation, education, or counseling; or

(c) Two years of training in alcohol or drug treatment, evaluation, education, or counseling.

(2) Reference Letters: Three acceptable letters of reference from persons in the human services field with personal knowledge of the applicant who attest to the applicant's character, work habits, and qualifications. An applicant proposing to serve adolescents under this Division must submit, as one of the three letters, a letter of recommendation from a youth serving agency.

(3) Court Designation: A written statement from a court which designates the applicant to perform marijuana evaluations for the court.

(4) Sobriety Requirement: A statement that the applicant is not suffering from acute alcoholism or drug dependency.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0015 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0340

Approval for Training; Training

(1) The Division shall review applications for compliance with applicable requirements and notify the applicant within 60 days of the date the application is received as to whether the applicant has been approved for training.

(2) An applicant who is approved for training may receive training by the Division on the following subjects:

(a) Evaluation techniques for use with adult and adolescent offenders;

(b) Methods for determining appropriate education and treatment service levels;

(c) Referral procedures and reports;

(d) Client supervision and monitoring;

(e) Data reporting and program evaluation;

(f) Confidentiality laws;

(g) The criminal justice and juvenile court systems;

(h) Urinalysis monitoring; and

(i) Other information as appropriate.

Stat. Auth.: ORS 409.050

Stats. Implemented: 409.050

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0020 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0350

Letters of Approval; Renewal

(1) After approval of an applicant for training and successful completion of a training program outlined in OAR 415-054-0340, the Division may issue a Letter of Approval which is valid for six months from the date of issuance.

(2) During the six-month period, the Division will review the evaluation specialist's job performance and compliance with this Division. If the job performance and compliance with this Division are satisfactory, the Division may extend the validity of the Letter of Approval for an additional period, not to exceed 18 months.

(3) Prior to expiration of a Letter of Approval, an evaluation specialist may request renewal of any Letter of Approval which has been extended pursuant to section (2) of this rule or previously renewed. Unless revoked, suspended, or denied under OAR 415-054-0360, the Division may renew a Letter of Approval for a two-year period.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0025 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0360

Revocation; Suspension, or Denial of Letter of Approval; Appeal

(1) The Division shall deny, suspend, revoke, or refuse to renew a Letter of Approval where it finds that:

(a) There has been substantial failure to comply with part or all of any rules in this Division or there has been a substantial noncompliance with relevant federal or state law;

(b) The applicant, within the previous three years, has been convicted of:

(A) Any crime or violation under ORS Chapter 475, including but not limited to the Uniform Controlled Substances Act, or under ORS 813.010, driving under the influence of intoxicants;

(B) A substantially similar crime or violation in any other state; or

(C) Any felony.

(c) The applicant has entered into within the past three years, a diversion agreement under ORS 813.230 or section 7 of 1989 Oregon Laws Chapter 1075, or a diversion agreement under a substantially similar law in any other state;

(d) Subsequent to the time of issuance of any letter of Approval, and regardless of the current validity of that letter, the person who was issued the letter is convicted of any of the crimes or violations referred to in subsection (1)(b) or (c) of this rule.

(2) The Division may deny, suspend, revoke or refuse to renew a Letter of Approval where it finds that an applicant or holder of a Letter of Approval:

(a) Submits fraudulent or untrue information to the Division;

(b) Has a prior denial, suspension, revocation, or refusal to renew a Letter of Approval;

(c) Has jeopardized or injured the health, safety, or welfare of any client; or

(d) Has at any time been convicted of any of the crimes or violations referred to in subsection (1)(b) or (c) of this rule.

(3) When a Letter of Approval is denied, suspended, or revoked, or the Division refuses to renew it, notice of that action shall be sent by certified mail, and shall include a statement that a contested case hearing to challenge the action may be requested, but that such request must be made within 15 days of the date of mailing of the letter.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0030 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0370

Variances

Requirements and standards for requesting and granting variances or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 135.907-135.921, 419C.443 & 475.864

Hist.: HR 2-1989(Temp), f. & cert. ef. 10-16-89; HR 11-1990, f. & cert. ef. 4-13-90; Renumbered from 410-008-0035 by ADS 3-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; Suspended by ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0400

Purpose

Purpose: These rules prescribe standards and procedures for certification as a Driving Under the Influence of Intoxicants (DUII) and Marijuana Diversion Alcohol and Drug Screening Specialist (ADSS).

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0410

Definitions

As used in these rules unless the context requires otherwise:

(1) "Alcohol and Other Drug Screening Specialist (ADSS)" means an individual who possesses a valid certificate issued under these rules.

(2) "Alcohol and Other Drug Treatment Program" means an organizationally distinct program that provides alcohol and drug assessment, education and treatment services on a regularly scheduled basis and has a current letter of approval from the Assistant Director or their designee indicating that the program meets the minimum curriculum, counselor and hourly standards established by administrative rule consistent with Level I or Level II of the American Society of Addiction Medicine Patient Placement Criteria (ASAM PPC-2R).

(3) "ASAM PPC-2R" means the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001, which is a clinical guide

ADMINISTRATIVE RULES

used in matching individuals to appropriate levels of care and incorporated by reference in these rules.

(4) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(5) "Certificate" means a letter issued to an individual by the Division under these rules, which states that the individual is in compliance with relevant administrative rules.

(6) "Certification" means the letter issued to an individual by the Division which states that the person meets the standards set out by these rules.

(7) "Conflict of Interest" means the use of an individual's relationship, a relative of the individual's relationship or the individual's business relationship to a treatment agency, any employee of the agency or board member to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the relationship. The conflict of interest may either be actual (will occur) or potential (may occur).

(8) "Diagnostic Assessment" means the process of obtaining all pertinent biopsychosocial information, as identified by the individual, family and collateral sources, for determining if a person has a problem condition involving alcohol or a controlled substance, or both, providing a diagnosis, matching individuals to the appropriate level of care using the ASAM PPD-2R level of care criteria as described in ORS 813.040 and planning individualized services and supports by an approved DUII treatment provider.

(9) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(10) "Driving under the influence of intoxicants diversion agreement" means a petition filed with the court meeting the criteria established in ORS 813.200 through 813.260.

(11) "DUII Demonstration Project" means a project approved by the Assistant Director for the purpose of demonstrating the effectiveness of combining screening and referral with diagnostic assessment and treatment services in a single agency or organization for persons charged with the offense of driving under the influence of intoxicants.

(12) "Individual" means an individual who has signed a written consent which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2) and is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants;

(b) A defendant who is participating in a diversion agreement under ORS 813.200;

(c) A first-time violator of ORS 475.864 and is:

(A) An adult who has a Marijuana Diversion Agreement; or

(B) A juvenile who has been referred under ORS 419C.443.

(13) "Marijuana Diversion Agreement" means a petition for possession of marijuana agreement filed with the court which has been signed and dated by a court pursuant to ORS 135.907 to 135.921.

(14) "Restricted Driver's License" means a hardship or probationary license issued by the Department of Motor Vehicles (DMV).

(15) "Single Agency or Organization" means any one person or business entity or any combination of persons or business entities acting together as a program, an agency, or in any other arrangement, which provides, or has a financial interest in the provision of, screening and referral services and treatment services approved by the Assistant Director under OAR 415-054-0400 through 415-054-0520.

(16) "Treatment Services" means services provided by an Alcohol and Other Drug Treatment Program that are planned, medically appropriate, individualized and consist of medical, psychological and rehabilitative procedures, experiences and activities designed to remediate the problem condition involving alcohol or a controlled substance.

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0420

Screening and Referral

(1) Screening: The ADSS shall screen each individual using the screening instrument designated by the Division. The purpose of the screening process is to gather initial information used for determination of risk related to problem alcohol or drug use, or both, mental health and gambling problems. The information shall be used in decision-making throughout the treatment of DUII and marijuana diversion offenders.

(a) The screening shall be conducted in a face-to-face interview whenever possible following referral to the ADSS occurring within a time frame determined by the court. The ADSS shall document in the screening instru-

ment justification for telephonic interview when face-to face interview is not possible.

(b) The screening will consist of an integrated approach that includes:

(A) A detailed summary of the DUII arrest or marijuana possession citation, or both, that includes:

(i) Arrest or citation date, time and location;

(ii) Time of the intoxilizer test;

(iii) Individual's Blood Alcohol Content (BAC) level at time of arrest when the BAC is available; and

(iv) How much alcohol or marijuana was consumed by self report and collateral report.

(B) Alcohol and drug use history;

(C) Treatment history;

(D) Presence of co-occurring mental health problems; and

(E) Presence of co-occurring gambling problems.

(c) The screening will include any relevant collateral data or information that includes but is not limited to:

(A) Education completed;

(B) Employment status;

(C) History of frequent job changes;

(D) Parental status;

(E) Marital status;

(F) Driving history including prior DUII diversions and convictions;

(G) Legal and criminal arrest history; and

(H) Any refusal to provide a breath or blood sample.

(d) The ADSS shall analyze the information gained during the screening process and provide a summary of the information gathered, documented in writing, located at the end of the approved screening instrument and document the results that were shared with the individual on the screening and referral form.

(2) Referrals: On the basis of the screening summary, the ADSS shall refer the individual to a treatment program, approved by the Division, providing the appropriate treatment services for the individual within 5 days of screening with any exception clearly documented in the permanent individual record.

(3) The referral must be made in accordance with the following standards:

(a) All referrals must be made on the referral form approved by the Division.

(b) Referrals include:

(A) A summary of the screening results for purpose of assisting in further alcohol and drug assessment, mental health assessment or gambling assessment and treatment and the risk level determined by the screening process;

(B) Narrative of specific treatment program selection that includes documentation of any identified specific clinical need for a particular type of assessment or treatment from the screening process including if the individual has made a request for restricted driver's license;

(C) Any gender, cultural or other considerations for selecting a treatment program;

(D) Any identified barriers to accessibility or proximity to the selected treatment program;

(E) Documentation the individual was informed of all the DUII approved treatment programs in the area and acknowledgement that the individual participated in choosing the provider through individual signature. Whenever possible, referrals of juveniles shall be to programs that specialize in adolescent treatment; and

(F) Name and contact information of the selected treatment program for referral.

(c) Levels of care: The ADSS will not determine treatment levels of care and will not change the determined treatment levels of care made by the clinical assessment conducted by the AMH approved treatment provider.

(d) Re-referral: When the individual or treatment provider requests a referral to another provider, the ADSS must document in writing on the referral form approved by the Division and maintain a copy of the referral form in the individual file the following:

(A) The clinical, financial or logistical justification for changing a treatment program referral from one provider to another;

(B) Documentation that the rationale for granting the new referral was communicated with both the current and proposed treatment providers;

(C) A release of information signed by the individual for individual records from the current treatment provider be provided to the proposed treatment provider; and

ADMINISTRATIVE RULES

(e) The ADSS may refer the individual back to the court if the individual refuses to sign the release of information or comply with recommendation to remain at the current treatment provider should the request for re-referral be denied.

(4) The ADSS may not refer any individual to a treatment program with which a conflict of interest has been determined to exist.

Stat. Auth.: ORS 409.010, 409.050 and 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0430

Tracking

The ADSS shall:

(1) Verify the individual's entry into the treatment program and document such verification in the individual record within 30 days;

(2) Document contact with each individual's service provider at least once every 30 days to verify the individual is fully participating in the service program and complying with the requirements. Documentation of monitoring contacts must be in the individual's file in the form of written inquiries and reports or written records of telephone contacts; and

(3) Communicate with appropriate judicial or other justice system staff concerning the individual's compliance with service program requirements in a manner satisfactory to the local court system and document the communications in the individual record.

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0440

Certification and Personnel Requirements

(1) Application for certification: Any applicant requesting a certificate as an ADSS must submit an application form which demonstrates compliance with the following:

(a) Education or Experience:

(A) Graduation from an accredited four-year college or university with a Bachelors degree in social sciences, psychology, sociology, substance abuse, or related field with course work specific to alcohol or other drug education, treatment or counseling; or

(B) Four years of full-time supervised experience in alcohol or other drug treatment, evaluation, education or counseling; or

(C) A combination of two years of education or training in alcohol or drug treatment, evaluation, education or counseling and two years of full-time supervised experience in alcohol or drug service delivery.

(b) Reference Letters: Three acceptable letters of reference from persons in the human services field with personal knowledge of the applicant who attests to the applicant's character, work habits and qualifications.

(c) Court Designation: A written statement from the court or courts designating the applicant to perform alcohol and drug screening and referral. If more than one ADSS is designated by the court or courts, the statement must also include the justification for additional ADSS to serve the jurisdiction based on the number of DUII cases referred or other capacity needs such as cultural and language specialty.

(d) Declare in writing to the Division any potential or actual conflict of interest with any treatment provider that includes financial gain or avoidance of financial detriment, to self or a relative or business with which the staff is associated.

(2) Required training: An applicant who is approved for certification must document training received prior to certification at a minimum on the following subjects:

(a) Procedure to conduct a screening interview and gathering collateral information for determining risk for problem alcohol or drug use, or both, mental health and gambling problems specific to individual age group;

(b) Methods for analyzing the information gained from the screening process and determining risk level based on screening results;

(c) Methods for determining appropriate referrals to treatment providers for diagnostic assessment and treatment based on the screening results;

(d) Referral procedures and required reporting;

(e) Data analysis and reporting, evaluation procedures for determining referral program appropriateness for each individual;

(f) Individual tracking;

(g) Confidentiality laws;

(h) Ethics training;

(i) Criminal justice systems;

(j) Toxicology including urinalysis testing, interpretation of results and tracking;

(k) Criminal and administrative statutes related to Oregon driving under the influence of intoxicants laws; and

(3) Continuing Education: The ADSS shall fulfill 10 hours per year continuing education requirements related to addiction and criminal justice topics.

(4) Personnel standards: The ADSS shall comply with the following personnel standards:

(a) Assist the Division in the conduct of all reviews of the ADSS/Es job performance and compliance with these rules; and

(b) Complete all corrective actions required in writing by the Division in the time frame required by the notification letter.

(5) Sobriety: During all working hours, an ADSS shall not be under the influence of, nor use or have present in any amounts in his or her body, any alcohol or controlled substance, unless pursuant to a current prescription from a licensed physician.

(6) Comply with Title 2 of the Americans With Disabilities Act of 1990, 42 USC Section 12131 et seq.

(7) The ADSS must serve an average of one individual per month over the course of one calendar year.

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0450

Administrative Requirements

(1) Record keeping: The ADSS shall:

(a) Accurately record all information about individuals as required by these rules in a confidential permanent individual record that includes;

(A) Completed screening instruments and screening results;

(B) A copy of the completed screening and referral form approved by the Division sent to the treatment program;

(C) A copy of the completed referral report approved by and sent to the Division that includes individual identifying data, referral criteria, and referral specifics;

(D) Any additional documents that provide justification for changing a treatment program referral from one provider to another, signed and dated by the ADSS with effective date of the change;

(E) A copy of the written consent signed by the individual for compliance with Section 2.35 of 42 CFR Part 2;

(F) Documentation if the individual has been assessed by community mental health or gambling treatment programs when indicated by the screening results;

(G) Documentation of any fees paid by the individual indicating the service provided, the amount paid and any outstanding fees;

(H) Written report from the treatment program verifying completion of the program including all fees have been satisfied; and

(I) When a individual resides in states other than Oregon, the court designated ADSS must screen and refer the individual in accordance with OAR 415-054-0420(1) through OAR 415-054-0420(4) to a treatment program that is licensed in that state and meets the standards set forth by OAR 309-032-1540(12)(f):

(i) The ADSS must document that the individual has been informed that the law requires treatment completion in compliance with OAR 415-054-0420(2); and

(ii) The ADSS must maintain a copy of the cover letter to the out-of-state treatment program detailing OAR 309-032-1540(12).

(b) Keep all documentation current within seven days of delivering the service or obtaining the information unless specified otherwise

(c) Not falsify, alter or destroy any individual information required by these rules to be maintained in an individual record or program records;

(d) Document all procedures in these rules requiring individual consent and the provision of information to the individual on forms describing what the individual has been asked to consent to or been informed of; Form to be signed and dated by the individual. If the program does not obtain documentation of consent or provision of required information, the reasons must be specified in the individual record and signed by the person responsible for providing the service to the individual;

(e) Require that errors in the permanent individual record shall be corrected by lining out the incorrect data with a single line in ink, adding the correct information and dating and initialing the correction. Errors may not be corrected by removal or obliteration through the use of correction fluid or tape so they cannot be read; and

(f) Permit inspection of individual records upon request by the Division to determine compliance with these rules.

(2) The ADSS shall maintain each individual record to assure permanency, identification, accessibility, uniform organization and completeness

ADMINISTRATIVE RULES

of all components required by these rules and in a manner to protect against damage or separation from the permanent individual or program record for seven years;

(3) Reporting requirements:

(a) The ADSS shall send the original copy of the completed AMH individual referral list to the Division monthly.

(b) The ADSS shall provide in writing notification when no longer providing the services of an ADSS and include a plan to maintain individual permanent records in compliance with OAR 415-054-0450(2) or transfer of the individual permanent records to another ADSS designated by the same court in compliance with OAR 415-054-0450(1).

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0460

Individual Rights

(1) Individual Record Confidentiality: The ADSS shall comply with federal regulations at 42 CFR part 2 and state statutes ORS 179.505 and ORS 430.399 pertaining to confidentiality of individual records.

(2) Individual Rights and Dignity: Each individual shall be assured the same civil and human rights as other persons. The ADSS shall provide services in a manner that protects individual privacy and dignity.

(3) Sexual Contact: Sexual abuse of individuals or sexual contact with individuals is prohibited.

(4) Access to Records: Access includes the right to obtain a copy of the record within five days of requesting it and making payment for the cost of duplication. The individual shall have the right of access to the individual's own records except if confidential information has been provided to the ADSS on the basis that the information not be re-disclosed.

(5) Barriers to Treatment: Where there is a barrier to services due to culture, language, illiteracy or disability, the ADSS shall:

(a) Make reasonable modifications in policies, practices, and procedures to avoid discrimination, unless the ADSS can demonstrate that doing so would fundamentally alter the nature of the service, program or activity, such as:

(A) Providing individuals capable of assisting the program in minimizing barriers, such as interpreters;

(B) Translation of written materials to appropriate language or method of communication;

(C) To the degree possible, providing assistive devices which minimize the impact of the barrier; and

(D) To the degree possible, acknowledging cultural and other values which are important to the individual.

(E) Not charging individuals for costs of the modifications such as the provision of interpreters that is required to provide nondiscriminatory services to the individual.

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0470

Denial, Revocation, Nonrenewal, or Suspension of Certification

(1) The Assistant Director may deny, revoke, refuse to renew or suspend a certificate when he or she determines that the issuance or continuation of the certificate would be inconsistent with the public interest. In determining the public interest, the Assistant Director shall consider any factors relevant to the public health, safety or conflict of interest.

(2) An applicant or holder of an ADSS certificate may be considered to be in violation of ORS Chapter 813 if the Assistant Director finds that the applicant or holder of an ADSS certificate has provided DUII diagnostic assessment and treatment services to a individual who was referred by a judge to the same applicant or holder of an ADSS certificate for DUII screening and referral services. The Assistant Director may deny, suspend, revoke or refuse to renew a certificate under this rule unless:

(a) The Assistant Director has determined that a lack of alternative agencies or organizations in the service area makes it necessary to allow the same agency or organization to perform both screening and referral and diagnostic assessment and treatment services in accordance with ORS 813.025(1); or

(b) An agency or organization has applied to and been authorized by the Assistant Director to operate a demonstration project which combines the screening and referral services and diagnostic assessment and treatment services in accordance with ORS 813.025(2).

(3) The Division may deny, suspend, revoke or refuse to renew a Certification where it finds that an applicant or holder of a Certification:

(a) Has failed repeatedly to apply the Division-approved screening instrument for appropriate referral decisions;

(b) Has failed to demonstrate competency in the areas of training specified in OAR 415-054-0440;

(c) Has failed to correspond appropriately with the court and treatment providers, or both;

(d) Has failed to declare in writing to the Division any potential or actual conflict of interest regarding relationships with any treatment provider;

(e) Has failed to remedy any confirmed conflict of interest within three months of written notification from the Division;

(f) The applicant, within the previous three years, has been convicted of:

(A) Any crime or violation under ORS Chapter 475, including but not limited to the Uniform Controlled Substances Act or under ORS 813.010, driving under the influence of intoxicants;

(B) A substantially similar crime or violation in any other state; or

(C) Any felony.

(g) The applicant has entered into, within the past three years, a diversion agreement under ORS 813.230 or section 7 of 1989 Oregon Laws Chapter 1075 or a diversion agreement under a substantially similar law in any other state;

(h) Subsequent to the time of issuance of any Certification and regardless of the current validity of that Certification, the person who was issued the Certification is convicted of any of the crimes or violations referred to in subsection (1)(b) or (1)(c) of this rule.

(i) Submits fraudulent or untrue information to the Division;

(j) Has a prior denial, suspension, revocation or refusal to renew a Certification;

(k) Has jeopardized or injured the health, safety or welfare of any individual;

(l) Does not meet the minimum requirement of serving an average of one individual per month over the course of one calendar year; or

(m) Has at any time been convicted of any of the crimes or violations referred to in subsection (3)(f)(A) through (3)(f)(C) of this rule.

(4) When a Certification is denied, suspended or revoked, or the Division refuses to renew it, notice of that action shall be sent by certified mail and shall include a statement that a contested case hearing to challenge the action may be requested, but that such request must be made within 15 days of the date of mailing of the letter.

Stat. Auth.: ORS 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0480

Variations

Requirements and standards for requesting and granting variations or exceptions are found in OAR 415-012-0090.

Stat. Auth.: 409.010, 409.050, 409.410

Stats. Implemented: ORS 813.260

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0490

Purpose

Purpose: These rules prescribe standards for the approval of Driving Under the Influence of Intoxicants Demonstration Projects that combine screening and referral with diagnostic assessment and treatment services in a single agency or organization.

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

Stats. Implemented: ORS 813.025

Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0500

Approval Process

(1) Eligible Provider: Only persons, agencies and organizations holding an unconditional letter of approval issued by the Assistant Director to provide screening and referral, and diagnostic assessment and treatment services at the time of their application under these rules may be approved for a DUII demonstration project.

(2) Submission of Request: Eligible providers may submit a request to the Assistant Director for approval to operate a DUII demonstration project.

(3) Required Content of Request: Requests for approval under these rules must contain information that addresses the following items:

(a) A clearly defined and significant problem exists in the provision of screening and referral, and diagnostic assessment and treatment services;

ADMINISTRATIVE RULES

(b) The problem cannot be resolved as long as the screening and referral, and diagnostic assessment and treatment functions are performed by separate agencies or organizations;

(c) There is relevant research or other data which shows that a particular method for combining the performance of these functions in a single agency is an effective and appropriate means of resolving the problem;

(d) The person or agency proposing to conduct a demonstration of the particular method has, and can maintain for the duration of the project:

(A) The appropriate clinical and managerial knowledge, skills and abilities required by administrative rule for ADSS and DUII treatment programs is met; and

(B) There is a means of evaluating the effectiveness of the project that is independent of the applicant and uses generally accepted research practices in comparing the program and post-program performances of project service recipients to those of either persons served prior to initiation of the project or persons served in a control group during the project. The evaluation must include the cost effectiveness of the project and any cost savings to individuals.

(e) There is no evidence that the applicant has failed to satisfactorily conduct or complete other programs or projects for private or public entities or that the applicant has been uncooperative in resolving problems identified by such entities;

(f) Documentation of the effect on other DUII treatment programs and whether referrals will be made to outside agencies or only internally within the program;

(g) Identify the geographic location to be served, the participating persons, agencies and organizations and their respective roles in the proposed project, the length of time proposed for the project and the expected outcomes;

(h) Include letters of endorsement from courts and relevant persons and agencies and written assurances of participation by the proposed service participants;

(i) Documentation that the request for approval has been reviewed and a recommendation made by the Community Mental Health Program (CMHP) director and the local alcoholism and drug planning committee;

(j) Include any additional information relevant to the application requested by the Division.

(4) Conditions for Approval: Approval of a DUII demonstration project is within the discretion of the Assistant Director. The Division shall review requests for approval for compliance with requirements and make appropriate notification to the requesting person or agency within 60 days of the date the request is received by the Assistant Director.

(5) Term of Approval: The Assistant Director's approval under these rules is for no longer than the period of time agreed to by the Assistant Director for the conduct of the DUII demonstration project or until the Assistant Director revokes approval for the project or its DUII Services, whichever occurs first.

Stat. Auth.: ORS 409.010, 409.050, 409.410, 813.025
Stats. Implemented: ORS 813.025
Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0510

General Requirements

(1) The approved demonstration project must comply with the requirements for screening and referral services in accordance with OAR 415-054-0400 through 415-054-0490 and diagnostic assessment and treatment services in accordance with OAR 309-032-1500 through 309-032-1565.

(2) The approved demonstration project must ensure that the effectiveness of the project is evaluated by the means proposed within the request for approval.

(3) The approved demonstration project must ensure that a written report the program evaluation is submitted to the Division within timelines approved by the Assistant Director.

Stat. Auth.: ORS 409.010, 409.050, 409.410, 813.025
Stats. Implemented: ORS 813.025
Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

415-054-0520

Revocation or Denial of Approval

(1) The Assistant Director shall deny, revoke or refuse to renew approval where it is found that there has been a substantial failure to comply with part or all of these rules or there has been substantial non-compliance with relevant federal or state law.

(2) Approval of an application for a demonstration project is within the discretion of the Assistant Director. The Division may deny, revoke or

refuse to renew approval where it finds that any of the conditions in these rules are not met.

(3) The Division shall refuse to renew approval if the written report of the evaluation of the program required under these rules fails to demonstrate the effectiveness of combining the diagnostic assessment and the treatment functions within a single agency.

(4) When a letter of approval to operate a demonstration project is denied, suspended or revoked or the Division refuses to renew it, notice of that action shall be sent by certified mail and shall include a statement that a contested case hearing to challenge the action may be requested, but that such request must be made within 21 days of the date of mailing of the notice.

Stat. Auth.: ORS 409.010, 409.050, 409.410, 813.025
Stats. Implemented: ORS 813.025
Hist.: ADS 4-2010(Temp), f. & cert. ef. 9-20-10 thru 3-9-11

.....
**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 19-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Repealed: 413-070-0067

Subject: OAR 413-070-0067 about the Department utilizing foster care placements as a temporary resource for children in the Department's care and custody is being repealed as the rule's relevant provisions have been moved to OAR 413-120-0520 and its other provisions more need not appear in administrative rules or no longer accurately reflect Department terminology, policy, or practice. This rule also is being repealed to make permanent the temporary suspension of this rule that was effective July 1, 2010.

Rules Coordinator: Annette Tesch—(503) 945-6067

.....
**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 32-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 461-110-0430, 461-115-0530, 461-115-0705, 461-135-0150, 461-135-0835, 461-135-0900, 461-135-1100, 461-135-1102, 461-135-1110, 461-135-1125, 461-140-0296, 461-145-0130, 461-145-0140, 461-145-0143, 461-145-0360, 461-145-0930, 461-150-0050, 461-155-0150, 461-155-0693, 461-160-0040, 461-160-0400, 461-160-0420, 461-160-0540, 461-160-0610, 461-160-0855, 461-165-0060, 461-165-0100, 461-165-0160, 461-165-0180, 461-165-0190, 461-170-0010, 461-170-0011, 461-175-0210, 461-175-0240, 461-175-0270, 461-175-0280, 461-175-0305, 461-180-0020, 461-180-0030, 461-180-0090, 461-180-0097, 461-180-0120, 461-190-0211, 461-193-0240, 461-193-1380

Rules Repealed: 461-115-0530(T), 461-115-0705(T), 461-135-0150(T), 461-135-0835(T), 461-135-0900(T), 461-135-1100(T), 461-135-1102(T), 461-135-1110(T), 461-135-1125(T), 461-145-0130(T), 461-145-0140(T), 461-145-0143(T), 461-150-0030, 461-155-0693(T), 461-170-0100, 461-170-0110, 461-180-0090(T), 461-193-0240(T)

Subject: OAR 461-110-0430 about which individuals make up a filing group (the individuals whose circumstances are considered in the eligibility determination process) in the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs is being amend-

ADMINISTRATIVE RULES

ed to restate when a separate filing group may be formed within a household consisting of only newly arriving refugees.

OAR 461-115-0530 about OHP certification periods is being amended to include policy about the Healthy KidsConnect (HKC) program certification period and to clarify that HKC program subsidy amounts are not reduced or eliminated during an HKC program certification period. A certification period is the period for which a client is certified eligible for a program. This rule also is being amended to make permanent the temporary rule changes made effective July 1, 2010.

OAR 461-115-0705 about the verification requirements for the Department's medical programs is being amended to indicate the verification requirements for the Extended Medical Assistance (EXT) program. These amendments also state the verification requirements for social security numbers, alien status, and pregnancy in the Breast and Cervical Cancer Medical Program (BCCM), Healthy KidsConnect (HKC), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), and Medical Coverage for Children in Substitute or Adoptive Care (SAC) programs. These amendments also state the income verification requirements for the HKC, MAA, MAF, OHP, and SAC programs. This rule is also being amended to specify the EXT, MAA, and MAF programs must verify the premium amount for cost-effective employer sponsored insurance. This rule also is being amended to make permanent the temporary rule changes made effective on May 28, 2010 and July 1, 2010.

OAR 461-135-0150 about the specific eligibility requirements in the Substitute and Adoptive Care (SAC) program is being amended in response to recent legislation (2010 Or. Laws ch. 73 (HB 3664)) to state the eligibility requirements for extending medical coverage for a child who had been in foster care immediately prior to reaching 18 years of age and who has not yet reached 21 years of age. This rule also is being amended to make permanent the temporary rule changes effective May 1, 2010.

OAR 461-135-0835 about the limits on claims against an estate the Department may make in the Breast and Cervical Cancer Medical (BCCM), General Assistance (GA), General Assistance Medical (GAM), Oregon Health Plan (OHP), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs is being amended to correct a drafting error made in an April 1, 2010 amendment to this rule. State law (ORS 411.708, 411.795, and 416.350) requires the Department to seek reimbursement for specific types of public assistance from the estate of a deceased individual who received public assistance. If the husband or wife of the recipient is still alive, the Department must wait until after the spouse dies and then seek reimbursement from the estate of the spouse of the recipient. This amendment deletes a mistaken reference to a "recipient's spouse" and replaces it with "recipient" to correct the rule and make it consistent with ORS 411.708, 411.795, and 416.350. This rule also is being amended to make the May 27, 2010 temporary changes to this rule permanent.

OAR 461-135-0900 about specific eligibility requirements in the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs is being amended in response to recent federal legislation — Department of Defense Appropriations Act, 2010 (Section 8120 of Pub. L. No. 111-118 (123 Stat. 3409)) — to remove the eight month limitation on the length of time that an Iraqi or Afghan alien who is a Refugee Case Services Project (RCSP) program client may receive New Arrival Employment Services (NAES) program services. The Department also is making these rule changes to make temporary rule changes made May 17, 2010 permanent.

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 that coverage under the Kaiser Transition Program is not included in the definition of private major medical health insurance. This rule is also being amended to make

permanent the temporary rule changes made April 21, 2010 and July 1, 2010.

OAR 461-135-1102 about when the Department classifies an applicant to the Oregon Health Plan - Adults (OHP-OPU) program to be a new applicant is being amended to restate the conditions under which the Department considers an individual not to be a new applicant for OHP-OPU program eligibility determinations.

OAR 461-135-1110 about when a student enrolled in higher education is eligible or ineligible for the Oregon Health Plan — Adults program (OHP-OPU, which provides coverage for adults who qualify under the 100 percent income standard) is being amended in response to a recent change in federal guidelines to revise the definition for the term "meets the requirements for a Pell grant". This rule also is being amended to make permanent the temporary rule changes made effective July 1, 2010.

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 of an "OHP Standard Reservation List Applicant". This rule also is being amended to make permanent the rule changes made temporarily effective on April 21, 2010.

OAR 461-140-0296 about the length of disqualification due to a disqualifying asset transfer (transfer of an asset for less than its fair market value to become eligible for program benefits) in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program (OSIP), and Oregon Supplemental Income Program Medical (OSIPM) programs is being amended to update the amount used to calculate the number of months of ineligibility due to a disqualifying transfer of assets. This amount is calculated by using the average monthly cost to a private patient of nursing facility services in Oregon. The rule also is being amended to state that for disqualifying transfers that occur on or after July 1, 2006, the date the disqualification begins regardless of whether the transfer of the asset is disclosed at application or is discovered after the client becomes a recipient of GA, GAM, OSIP, or OSIPM program benefits.

OAR 461-145-0130 about the treatment of earned income in the eligibility process is being amended to disregard the JOBS Plus earned income of TANF recipients when determining initial and ongoing eligibility for the Medical Assistance Assumed (MAA) and Refugee Medical (REFM) programs. This amendment allows JOBS Plus participants to continue to receive medical assistance as other TANF clients in accordance with ORS 411.892(9). This amendment makes permanent changes adopted by temporary rule on May 19, 2010.

OAR 461-145-0140 about how the Department treats tax credits received by a client when making eligibility and benefit level determinations is being amended to state an Earned Income Tax Credit is excluded from assets (income and resources). This rule also is being amended in response to recent federal legislation (The American Recovery and Reinvestment Act of 2009 (123 Stat. 309-312)) to state when the Department, while making eligibility and benefit level determinations for the client, excludes a Making Work Pay (MWP) tax credit received by a client from the client's assets and when a General Assistance (GA), General Assistance Medical (GAM), Healthy KidsConnect (HKC), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), Oregon Supplemental Income Program Medical (OSIPM), or Qualified Medicare Beneficiaries (QMB) program client who has received an MWP tax credit qualifies for a \$33 earned income exclusion per month. This rule also is being amended to make the temporary rule changes made effective April 22, 2010 permanent.

OAR 461-145-0143 about economic recovery payments is being amended to remove its statements about the \$33 earned income exclusion because this topic is now covered in OAR 461-145-0140, and there is potential confusion when the topic is covered in two

ADMINISTRATIVE RULES

rules. This rule also is being amended to make the temporary rule changes made effective July 1, 2010 permanent.

OAR 461-145-0360 about how the Department treats the value of motor vehicles when determining a client's eligibility and benefit level is being amended for the Qualified Medicare Beneficiary (QMB) and Oregon Supplemental Income Program Medical (OSIPM) programs to restate how the Department treats the value of motor vehicles. This rule also is being amended to remove a provision of the rule for which no remaining Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients meet the criteria and to remove unnecessary references to the OSIP program.

OAR 461-145-0930 about how the Department treats self-employment income when determining a client's countable income is being amended to state how the Healthy KidsConnect (HKC) and Oregon Health Plan (OHP) programs treat self-employment income.

OAR 461-150-0030 about how the Department used retrospective eligibility and budgeting in all programs except the Employment Related Day Care and Oregon Health Plan programs, OAR 461-170-0100 about when a filing group (the individuals from the household group whose circumstances are considered in the eligibility determination process) was subject to the requirements of the Monthly Reporting System (MRS), and OAR 461-170-0110 about when the Department considered a Monthly Change Report from a client complete are being repealed; and OAR 461-150-0050 about when the Department uses prospective eligibility and budgeting in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs, OAR 461-165-0100 about the date the Department issues (makes available) benefits to a client, OAR 461-170-0010 about the requirement that a client report changes in accordance with the reporting system to which the Department assigns the client, OAR 461-170-0011 about which changes in circumstances that a client must report and how the client must report the changes, OAR 461-175-0210 about the notice the Department sends to a client when a client has moved out of state or the client's whereabouts are unknown, OAR 461-175-0240 about the notice the Department sends to a client when a financial group (the individuals whose income and resources count in determining eligibility) receives lump-sum income that will make the financial group ineligible or cause a reduction in benefits, OAR 461-175-0270 about the notice the Department sends to a client when the Department reduces or closes benefits based on a client's changed circumstances, OAR 461-175-0280 about the notice the Department sends to a client when the Department reduces or closes benefits because the client in the Simplified Reporting System (SRS) fails to return the Interim Change Report or a client in the Employment Related Day Care program fails to return a reapplication form, OAR 461-175-0305 about the notice the Department sends to a client when the Department removes an individual from a benefit group (the individuals who receive benefits) or a need group (the individuals whose basic and special needs are used in determining eligibility and benefit levels), OAR 461-180-0020 about how the Department determines the effective date for an increase in benefits resulting from a client's changed income or income deductions for all Department programs except the ERDC program, OAR 461-180-0030 about how the Department determines the effective date for a reduction in benefits resulting from a client's changed income or income deductions for all clients except for those assigned to SRS or Transitional Benefit Alternative (TBA), and OAR 461-180-0120 about how the Department determines the effective date for removing an individual from a benefit group are being amended to remove references to the Monthly Reporting System (MRS) and retrospective eligibility and budgeting as the Department no longer assigns clients to MRS and does not utilize retrospective eligibility or budgeting for any Department clients.

OAR 461-155-0150 about the eligibility standards, payment rates, and copayments that apply to child care benefits under the Employ-

ment Related Day Care (ERDC), Job Opportunity and Basic Skills (JOBS), JOBS Plus, and Temporary Assistance for Needy Families (TANF) programs is being amended to restate the maximum number of total payable child care hours in the ERDC and TANF programs; state that certain provisions of this rule apply only to ERDC, JOBS, JOBS Plus, and TANF program child care benefits; state the 2007 federal poverty level standards used to determine certain client copayment amounts in the ERDC program; and state the special circumstances allowing a client to have the Department make child care payments beyond the otherwise allowable monthly rate. This rule also is being amended to reorganize its provisions to improve the rule's understandability and application.

OAR 461-155-0693 about Transportation Services Payments in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to expand the allowed payments to include reimbursement of mileage for some non-commercial transportation. This rule also is being amended to make permanent the temporary rule changes effective July 1, 2010.

OAR 461-160-0040 about when the Department deducts dependent care costs from a client's income when making eligibility and benefit level determinations and when the Department may pay for child care for a client is being amended to state that in the Employment Related Day Care (ERDC), Refugee Assistance (REF), and Temporary Assistance for Needy Families (TANF) programs the Department may pay the cost of dependent child care when the child care is necessary for the working client to perform his or her job duties. This rule also is being amended to remove language stating certain provisions of this rule apply to the Extended Medical Assistance (EXT) program.

OAR 461-160-0400 about how the Department treats a financial group's (the individuals whose income and resources count in determining benefits) countable income (the non-excluded income used to determine eligibility) and adjusted income (countable income less income deductions) when determining the group's Supplemental Nutrition Assistance Program (SNAP) program eligibility and benefit levels is being amended to restate which filing groups (the individuals whose circumstances are considered in the eligibility determination process) remain eligible for SNAP program benefits when the financial group's income is over the applicable income standard in compliance with federal law.

OAR 461-160-0420 about how to calculate a client's shelter cost in the Supplemental Nutrition Assistance Program is being amended to restate the amounts for the utility allowances, used to offset the utility costs clients incur. This rule also is being amended to restate when the unreimbursed costs of repairing a client's home substantially damaged by a natural disaster may be counted as a cost of housing.

OAR 461-160-0540 about how the Department determines financial eligibility for Qualified Medicare Beneficiaries (QMB) and Oregon Supplemental Income Program Medical (OSIPM), except Oregon Supplemental Income Program Medical - Employed Persons with Disabilities (OSIPM-EPD), program clients who live in the community, do not receive Supplemental Security Income (SSI) benefits, and do not receive Title XIX waived services is being amended to state how the Department determines financial eligibility for non-waivered services clients.

OAR 461-160-0610 about the payment a client in the Oregon Supplemental Income Program Medical (OSIPM), except Oregon Supplemental Income Program Medical — Employed Persons with Disabilities (OSIPM-EPD) program who receives long-term care services must make to remain eligible for the program is being amended to state a client with developmental disabilities receiving services through a support services waiver under OAR 411-340-0100 and 411-340-0130 is not required to make a payment for the waived services and to bring the rule into compliance with the state waiver regarding non-compliance with 42 USC 1915(c).

OAR 461-160-0855 about how the Department treats Qualified Partnership Policy (a type of a long term care insurance policy) pay-

ADMINISTRATIVE RULES

ments a client receives when determining countable resources for an applicant in the Oregon Supplemental Income Program Medical (OSIPM) program is being amended to state that these payments are not excluded from countable resources when the Qualified Partnership Policy was purchased in a state that did not elect to participate in reciprocity regarding these policies under Medicaid.

OAR 461-165-0060 about how the Department determines the minimum initial and ongoing month benefit levels in the Refugee Assistance (REF), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs is being amended to restate the minimum initial and ongoing SNAP program monthly benefit levels for the different types of SNAP program benefit groups (the individuals who receive benefits) in compliance with federal law.

OAR 461-165-0160 about how the Department makes payments to child care providers is being amended to state that in the Employment Related Day Care (ERDC) and Temporary Assistance for Needy Families (TANF) programs the Department may make a payment only to an eligible provider during a month for which child care is being provided to meet an unexpected need of the provider related to the care of the covered child.

OAR 461-165-0180 about how the Department determines if a child care provider is eligible to receive payments from the Department for child care provided on behalf of Department clients is being amended to require a child care provider and each subject individual connected to that provider to complete the Department's background check process and be approved by the Department for the provider to be eligible for payment or authorization for payment from the Department. This rule also is being amended to require a child care provider not required to be certified or registered with the Child Care Division (CCD) of the Employment Department to complete the Department's background check process and be approved by the Department to be eligible for payment or authorization for payment from the Department. This rule also is being amended to state the Department must withhold authorization for payment to a provider until all the Department required background checks are complete. The rule also is being amended to state that a child care provider not subject to certification or registration with the Oregon Employment Department, Child Care Division (CCD) must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if the provider begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.

OAR 461-165-0190 about the circumstances under which the Department may make payments for child care directly to an Employment Related Day Care (ERDC), Job Opportunity and Basic Skills (JOBS), or Temporary Assistance for Needy Families (TANF) program client is being amended to allow the Department to make payments for child care directly to the client only for short term (up to 30 consecutive days) child care when the Department notifies the client that the client's approved child care provider is no longer eligible for a child care payment from the Department.

OAR 461-180-0090 about effective dates for the initial month of medical benefits is being amended to state that except for children who qualify for Oregon Supplemental Income Program Medical (OSIPM) long term care services, the effective date of medical eligibility for clients transitioning from the Healthy KidsConnect (HKC) program to the Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), OSIPM or Medical Coverage for Children in Substitute or Adoptive Care (SAC) medical programs is the first of the month following the month an eligibility determination is made. This rule also is being amended to make permanent the temporary rule changes made effective July 1, 2010.

OAR 461-180-0097 about the effective date on which a premium payment for a client in the Oregon Health Plan - Adults (OHP-OPU)

program starts or ends is being amended to state the effective date that an OHP-OPU

program client is required to start paying the premium is the first of the month following the month the Department determines eligibility for a new client and the first month of the new certification period for a client found eligible at a redetermination.

OAR 461-190-0211 about the payments the Department provides to clients for support services (child care, housing, transportation, and other needs) to help a client successfully comply with the activities in the client's case plan is being amended to state the Department may pay the cost of dependent child care when the child care is necessary for the working client to perform his or her job duties. The amended rule places additional limits on paying for child care for training and continuing education.

OAR 461-193-0240 about the clients exempt from participating in New Arrival Employment Services (NAES) program activities is being amended in response to recent federal legislation — Department of Defense Appropriations Act, 2010 (Section 8120 of Pub. L. No. 111-118 (123 Stat. 3409)) — to remove the eight month limitation on the length of time that an Iraqi or Afghan alien who is a Refugee Case Services Project (RCSP) program client and was granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act was eligible for the NAES program. The Department also is making these rule changes to make temporary rule changes made May 17, 2010 permanent.

OAR 461-193-1380 about the payments the Department provides to New Arrival Employment Services (NAES) program clients for support services (child care, housing, transportation, and other needs) to help a client successfully comply with the activities in the client's case plan is being amended to state the Department may pay the cost of dependent child care when the child care is necessary for the working client to perform his or her job duties. The amended rule places additional limits on paying for child care for training and continuing education.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-110-0430

Filing Group; REF, REFM

In the REF and REFM programs:

(1) The *filing group* consists of only the individuals described in at least one of the following three subsections:

(a) A single adult who has no spouse (see OAR 461-001-0000) or dependent child (see OAR 461-001-0000) in the *household group* (see OAR 461-110-0210).

(b) A married couple who is in the same household group and has no dependent child.

(c) A TANF program filing group (see OAR 461-110-0330) that is ineligible for TANF program benefits.

(2) A separate REF and REFM program filing group may be formed within a household group consisting of only the newly arriving refugees, if all of the following requirements are met:

(a) The newly arrived refugee is rejoining a spouse (see OAR 461-001-0000) or a parent (see OAR 461-001-0000) of a common child in the household group who does not meet the REF program eligibility requirement under OAR 461-135-0900(4);

(b) The previously arrived spouse or parent of a common child is working and over TANF program income limits; and

(c) There is at least one adult in the new filing group.

(3) A separate REF and REFM program filing group may be formed within a household group consisting of only the newly arriving refugees, if the spouse of the refugee does not meet the requirements of OAR 461-135-0900(2).

Stat. Auth.: ORS 411.060, 411.070

Stats. Implemented: ORS 411.060, 411.070

Hist.: AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-115-0530

Certification Period; HKC, OHP

(1) For an OHP-OPU program applicant not currently receiving BCCM, EXT, MAA, MAF, OHP, OSIPM, REFM, SAC, or child welfare medical program benefits, the initial OHP program *certification period* (see

ADMINISTRATIVE RULES

OAR 461-001-0000) begins on the effective date for starting medical benefits (described in OAR 461-180-0090) and includes the following six calendar months. All other OHP-OPU certification periods are for six months.

(2) For an HKC, OHP-CHP, OHP-OPC, or OHP-OP6 program applicant not currently receiving BCCM, EXT, HKC, MAA, MAF, OHP, OSIPM, REFM, SAC, or child welfare medical program benefits, the initial certification period begins on the effective date for starting medical benefits (described in OAR 461-180-0090) and includes the following twelve calendar months. All other HKC, OHP-CHP, OHP-OPC, or OHP-OP6 program certification periods are for twelve months.

(3) A client's HKC or OHP program benefits end before the end of the certification period if the client no longer meets the program eligibility requirements or the program ends.

(4) To establish a new certification period, an HKC or OHP program benefit group (see OAR 461-110-0750) must complete a redetermination of eligibility and be found eligible.

(5) When an individual wishes to be added to an OHP program benefit group already certified for OHP program, the entire group must establish a new certification period. If, as a result of the new redetermination process, the new filing group (see OAR 461-110-0400) is ineligible, the original benefit group remains eligible for the remainder of its certification period.

(6) When an HKC program certification period is established, the HKC program subsidy may not be reduced or eliminated during the certification period.

(7) When an individual wishes to be added to an HKC program benefit group already certified for HKC program benefits, the entire benefit group must be redetermined.

(a) If as a result of the new redetermination process, the new HKC program countable (see OAR 461-001-0000) income of the filing group increases from less than 251 percent of the Federal Poverty Level (FPL) and is equal to or greater than 251 percent of the FPL, the original HKC program certification period and subsidy is not affected. The individual is added to the existing benefit group. The new benefit group remains eligible at the same subsidy level for the remainder of the original certification period.

(b) If as a result of the new redetermination process, the new HKC program countable income of the filing group decreases to less than 251 percent of the FPL, a new certification period is established for the new benefit group.

(8) If a member leaves an HKC or OHP program benefit group, that individual and other members of the benefit group remain eligible for the remainder of the certification period.

(9) If a current OHP program client moves into another current OHP program filing group, that client and the members of that filing group who are OHP program eligible are combined into one benefit group if the client is required to be in the current household's OHP program filing group. The certification period for the new benefit group ends the later of the date the current client's certification period or the filing group's period was set to end.

(10) If a current HKC program client moves into another current HKC program filing group, that client and the members of that filing group who are HKC program eligible are combined into one benefit group if the client is required to be in the current household's HKC program filing group. The certification period for the new benefit group ends the later of the date the current client's certification period or the filing group's period was set to end.

(11) A pregnant woman found eligible for the OHP OPP program is not assigned a certification period — she is eligible for the period described in OAR 461 135 0010.

Stat. Auth: ORS 409.050, 411.060, 411.404
Stats. Implemented: ORS 409.010, 411.060, 411.404, 414.065, 414.231
Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 5-2003, f. 2-26-03, cert. ef. 3-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 9-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 20-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-115-0705

Required Verification; BCCM, HKC, MAA, MAF, OHP, SAC

(1) This rule establishes verification requirements for the BCCM, EXT, HKC, MAA, MAF, OHP, and SAC programs in addition to the requirements of OAR 461-115-0610.

(2) Except as provided in section (3) of this rule, each client declaring U.S. citizenship must provide *acceptable documentation of citizenship and identity*. For purposes of this rule, acceptable documentation consists of any

of the documents permitted under section 1903(x) of the Social Security Act (42 U.S.C. 1396b).

(a) A new applicant must provide acceptable documentation as a condition of eligibility (see OAR 461-001-0000). Except for an applicant whose medical benefits previously were closed after March 31, 2009 for not providing acceptable documentation, an applicant's medical assistance may not be delayed for citizenship documentation while the eligibility decision is pending if all other medical assistance eligibility requirements have been met.

(b) A current recipient who has not already provided *acceptable documentation* must provide acceptable documentation as a condition of eligibility when requested by the Department.

(c) A client who already has provided *acceptable documentation* is not required to provide additional evidence during a subsequent application for benefits or redetermination of eligibility.

(3) Each of the following clients is exempt from the requirements of section (2) of this rule, a client who is:

(a) Assumed eligible under OAR 461-135-0010(5);

(b) Eligible for or receiving Medicare;

(c) Presumptively eligible for the BCCM program;

(d) Receiving Social Security Disability Income (SSDI); or

(e) Receiving Title IV-E benefits.

(4) At initial application and at any other time it affects the client, the following must be verified:

(a) The requirement in OAR 461-120-0210 to have or apply for a social security number.

(b) Alien status for an applicant who indicates he or she is not a U.S. citizen, and for a client who meets the alien status requirement under OAR 461-120-0125(4)(b) the client's alien status must be verified at each certification.

(5) When the pregnancy of a client is first reported, it must be verified by a medical practitioner, health department, clinic, or crisis pregnancy center or similar facility.

(6) In the HKC, MAA, MAF, OHP, and SAC programs, at initial application, recertification, and at any other time it affects the client, income received through the date of request (see OAR 461-115-0030) must be verified. If income cannot be verified, the Department accepts the client's statement.

(7) In the OHP-OPU program:

(a) The Department must verify the premium exemption allowed because a client is:

(A) A member of a federally recognized Indian tribe, band, or group;

(B) An Eskimo, Aleut, or other Alaska native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act; or

(C) An individual eligible for benefits through an Indian Health Program.

(b) A client enrolled full time in higher education must provide verification, at application and recertification, that the client meets the requirements of OAR 461 135 1110.

(8) In the EXT, MAA, MAF, OHP-OPC, and OHP-OP6 programs, the amount of the premium for cost-effective employer-sponsored health insurance must be verified.

(9) A client must provide verification for any eligibility requirement in sections (4) to (8) of this rule questioned by the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 414.025, 414.231, 414.428, 414.826, 414.831, 414.839

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 414.025, 414.231, 414.428, 414.826, 414.831, 414.839

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; 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 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 12-2006(Temp), f. & cert. ef. 9-1-06 thru 12-31-06; Suspended by SSP 13-2006(Temp), f. & cert. ef. 9-25-06 thru 12-31-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 10-2009(Temp), f. & cert. ef. 5-6-09 thru 9-28-09; 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 17-2010(Temp), f. & cert. ef. 5-28-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 19-2010(Temp), f. & cert. ef. 7-1-10 thru 11-24-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-0150

Specific Requirements; SAC

To be eligible for the SAC program, an individual must meet the requirements of one of the following sections:

(1) Live in substitute care covered by Title IV-E of the Social Security Act (42 U.S.C. 670 and following).

ADMINISTRATIVE RULES

(2) Be 20 years of age or younger and meet the requirements of one of the following subsections:

(a) Live in a foster care or private institutional setting for which a public agency of Oregon is assuming at least partial financial responsibility.

(b) Be 18 years of age or older, be eligible for federal financial participation under Title XIX (42 USC 1396-1) or Title XXI (42 USC 1397aa - 1397mm) of the Social Security Act, and have lived in a foster care setting for which a public agency of Oregon is assuming at least partial financial responsibility on the individual's eighteenth birthday.

(3) Live in an intermediate care facility, an intermediate care facility for people with mental retardation, or a licensed psychiatric hospital.

(4) Receive payments from the Department under OAR 461-145-0255.

(5) Be a child who is the subject of an adoption assistance agreement and is assumed eligible under OAR 461-135-0010.

Stat. Auth.: ORS 411.060, 411.404, 414.025, 414.706, 414.707, 2010 OL Ch. 73
Stats. Implemented: ORS 411.060, 411.404, 414.025, 414.706, 414.707, 2010 OL Ch. 73
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 12-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 10-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-0835

Limits on Estate Claims

(1) In the BCCM, GA, GAM, OHP, OSIP, OSIPM, and QMB programs:

(a) The Department has a priority claim against the property or any interest therein belonging to the estate of any deceased person as provided in ORS Chapters 411 and 416. The Estate Administration Unit of the Department (EAU) is authorized to present and file such claim against the estate. It will be treated as a preferred claim and filed in a like manner as the claims of other creditors.

(b) In determining the extent of the estate resources subject to the Department's claim, except as provided in subsection (c) of this section, the Department must disregard resources in an amount equal to the value of resources excluded in the most recent eligibility determination under OAR 461-160-0855, based on payments received under a qualified partnership policy (see OAR 461-001-0000). The disregard of resources specific to the estate recovery claim applies to Medicaid benefits received after the effective date of the Medicaid eligibility determination in which a qualified partnership policy was considered and approved. The amount of any Medicaid assistance incurred in a prior Medicaid eligibility period where *qualified partnership policy benefits* were not considered would not be subject to the estate resource disregard.

(c) There is no disregard of resources under subsection (b) of this section if the client, or the spouse of the client, at any time transferred the value of the qualified partnership policy excluded resource amount to another individual for less than fair market value prior to the death of the client or the client's surviving spouse, or exhausted the disregarded resource amount by purchasing things of value to the client or the client's surviving spouse while either was living.

(d) For a recipient who died prior to October 1, 2008:

(A) If there is a surviving spouse, the Department has a claim against the estate of the surviving spouse for public assistance paid to the surviving spouse.

(B) In addition, the Department has a claim against the estate of the surviving spouse for public assistance paid to the pre-deceased spouse, but only to the extent that the surviving spouse received property or other assets from the pre-deceased spouse through any of the following:

(i) Probate.

(ii) Operation of law.

(C) If estate recovery is deferred until the surviving spouse dies, the fair market value of the property subject to the Department's claim is determined based on the current value (see OAR 461-135-0832) of the property in the surviving spouse's estate.

(D) However, neither claim is enforceable until after the death of the surviving spouse (if any) and only when there is no surviving child under age 21 (see OAR 461-135-0832), no surviving blind child (see OAR 461-135-0832) of any age, and no surviving disabled child (see OAR 461-135-0832) of any age.

(e) For a recipient who died on or after October 1, 2008:

(A) If there is a surviving spouse, the Department has a claim against the estate of the surviving spouse for public assistance paid to the surviving spouse.

(B) In addition, the Department has a claim against the estate of the recipient's spouse for public assistance paid to the recipient, but only to the

extent that the recipient's spouse received property or other assets from the recipient through any of the following:

(i) Probate.

(ii) Operation of law.

(iii) An interspousal transfer, including one facilitated by a court order, which occurs:

(I) Before, on, or after October 1, 2008; and

(II) No earlier than 60 months prior to the first date of request (see OAR 461-135-0832) established from the applications of the recipient and the recipient's spouse, or at any time thereafter, whether approved, withdrawn, or denied, for the public assistance programs referenced in section (2) of this rule.

(C) If estate recovery is deferred until the recipient's spouse dies, the fair market value of the property subject to the Department's claim is determined based on the current value of the property in the estate of the recipient's spouse.

(D) However, neither claim is enforceable until after the death of the recipient's spouse (if any) and only when there is no surviving child under age 21, no surviving blind child of any age, and no surviving disabled child of any age.

(E) The October 1, 2010 amendment to paragraph (B) of this subsection applies to claims asserted on or after April 1, 2010.

(2) The amount of the claim is as follows:

(a) Any payments made at any age under the General Assistance provisions of ORS Chapter 411, categorized as GA, are recoverable from the estate of any deceased recipient or the estate of the recipient's spouse. In the GA and GAM programs, the amount of the claim will not exceed the total amount of cash and medical benefits paid. The claim will include benefits provided under the Home and Community-Based Care Waiver program. This applies to all General Assistance programs, even those that are no longer active.

(b) In the BCCM, OSIP AD, OSIP OAA, OSIPM AD, OSIPM OAA, and QMB programs, the amount of the claim includes all GA category benefits paid at any age and all Title XIX benefits provided after the recipient reached age 55, except any QMB program payment. If the recipient was permanently institutionalized (see OAR 461-135-0832), the claim includes the total amount of all GA category benefits and Title XIX benefits paid at any age. This applies to all Old Age Assistance and Aid to the Disabled recipients, including those served by Home and Community-Based Care Waiver programs. It also includes recipients covered by programs that are no longer active.

(c) In the OHP, OSIP AB, and OSIPM AB programs, the claim includes the total amount of GA category benefits paid at any age and all Title XIX benefits provided after the recipient reached age 55. If the recipient was permanently institutionalized, the claim includes the total amount of GA category and Title XIX benefits paid at any age. The claim includes benefits provided under the Home and Community-Based Care Waiver program.

(d) In the OSIP, OSIPM-AB, OSIPM AD, and OSIPM-OAA programs, the amount of the claim also includes the total amount of GA category and Title XIX benefits provided to recipients who were age 55 to 64 on the date the GA category and Title XIX benefits were provided if the benefits were provided after July 18, 1995. GA category and Title XIX benefits will be considered to have been provided to a recipient on the day of provision of medical services for which medical assistance payments are made.

(3) The priority for payment of claims against the estate will be as established under ORS 115.125.

(4) EAU may nominate a personal representative for an estate if the Department has a claim and it appears that no person with a higher preference, as established in ORS 113.085, is willing to be the representative.

(5) Property disposal will be in accordance with OAR 461-135-0838.

Stat. Auth.: ORS 410.070, 411.060 & 416.350
Stats. Implemented: ORS 410.070, 411.060, 411.708, 411.795, 416.310, 416.340, 416.350
Hist.: AFS 13-1991, f. & cert. ef. 7-1-91; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 16-2008, f. 7-1-08, cert. ef. 10-1-08; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 16-2010(Temp), f. & cert. ef. 5-27-10 thru 11-23-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-0900

Specific Requirements; REF, REFM

(1) In addition to the eligibility requirements in other rules in Chapter 461 of the Oregon Administrative Rules, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.

ADMINISTRATIVE RULES

(2) An individual must meet the alien status requirements of OAR 461-120-0120, except a child (see OAR 461-001-0000) born in the United States to an REF or REFM program client meets the alien status requirements for the REF and REFM programs as long as each parent (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the alien status requirements of OAR 461-120-0120.

(3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of higher education, unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered higher education.

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered higher education.

(4) Eligibility for REF and REFM program benefits is limited to the first eight months in the United States:

(a) For an individual who meets the alien status requirements of OAR 461-120-0120(1), (3), (4), or (5), the month that the individual enters the U.S. counts as the first month.

(b) For an individual who meets the alien status requirements of OAR 461-120-0120(2), (6), or (7), the month that the individual was granted the individual's status counts as the first month.

(c) For an individual who meets the alien status requirements of OAR 461-120-0120(8):

(A) If the individual enters the U.S. with the special immigrant status, the month that the individual enters the U.S. counts as the first month.

(B) If the individual is granted special immigrant status after they have already entered the U.S., then the month in which the special immigrant status was granted counts as the first month.

(d) Months in the United States are counted as whole months. There is no prorating of months.

(5) For an individual who meets the requirements of section (4) of this rule:

(a) When the individual resides in Clackamas, Multnomah, or Washington counties:

(A) The individual is not eligible to receive REF, TANF, or TANF-related employment services through the Department. To receive benefits, the individual is required to participate in the Refugee Case Service Project (RCSP) program. This individual is referred to their local resettlement agency to be enrolled in the RCSP program and receives all other Department services through the individual's local Department office.

(B) An individual who no longer meets the requirements of section (4) of this rule is no longer eligible to receive cash or case management services through the RCSP program. If this individual has been in the United States for 12 months or less, the individual is referred to the New Arrival Employment Services (NAES) program contractor for employment services.

(b) When the individual resides in counties other than Clackamas, Multnomah, and Washington:

(A) The RCSP program is not available. The individual is served at the individual's local Department office.

(B) For an individual who meets the eligibility requirements of the MAA, MAF, or TANF programs, the MAA, MAF, and TANF program benefits are prior resources.

(C) An individual is eligible for the REF and REFM programs if the individual

(i) Does not meet the eligibility requirements of at least one of the MAA, MAF, and TANF programs; and

(ii) Meets the financial and non-financial eligibility requirements for the REF and REFM programs.

(D) An REF program client may not participate in the Pre-TANF program.

Stat. Auth.: ORS 411.060 & 412.049

Stats. Implemented: ORS 411.060 & 412.049

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 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 33-1996(Temp), f. 9-26-96, cert. ef. 10-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 19-1997, f. & cert. ef.

10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 3-2008(Temp), f. & cert. ef. 1-30-08 thru 7-28-08; SSP 4-2008(Temp), f. & cert. ef. 2-22-08 thru 7-28-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 9-2009(Temp), f. & cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 13-2010(Temp), f. & cert. ef. 5-17-10 thru 11-13-10; SSP 32-2010, f. & cert. ef. 10-1-10

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 the OHP OPP program;

(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 the OHP-OPU program is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP program 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) Selection of a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the HPN client is exempted by OAR 410-141-0060.

(E) 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 the OHP-OPC, OHP-OPP, or OHP-OP6 programs;

(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;

ADMINISTRATIVE RULES

(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 the OHP program 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.

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; SSP 30-2010(Temp), f. & cert. ef. 8-25-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-1102

OHP-OPU; Effective Dates for the Program

(1) Effective July 1, 2004, the OHP-OPU program is closed to new applicants other than an *OHP Reservation List Applicant* permitted under OAR 461-135-1125. Except as provided in sections (2) to (3) of this rule, a new applicant is an individual with a date of request (see OAR 461-115-0030) after June 30, 2004. A new applicant cannot be found eligible for the OHP-OPU program.

(2) An individual is not a new applicant if the Department determines that the individual is continuously eligible for medical assistance as follows:

(a) The individual is eligible for and receiving benefits under the OHP-OPU program on June 30, 2004, or after that date pursuant to subsections (b) to (e) of this section, and the Department determines that the individual continues after that date to meet the eligibility requirements for the OHP-OPU program.

(b) The individual is eligible for and receiving benefits under the CAWEM program on June 30, 2004, and is eligible for the CAWEM program based on the OHP-OPU program, and the Department determines that the individual continues to meet the eligibility requirements for the OHP-OPU program except for citizenship or alien status requirements.

(c) The eligibility of the individual ends under the BCCM, CEC, CEM, EXT, GAM, HKC, MAA, MAF, OHP-CHP, OHP-OPC, OHP-OPP, OSIPM, REFM, or SAC program, or the related CAWEM program; or because the individual has left the custody of the Oregon Youth Authority (OYA); and at that time the Department determines that the individual meets the eligibility requirements for the OHP-OPU program.

(d) The individual is a child in the custody of the Department whose eligibility for Medicaid ends because of the child's age and at that time the Department determines that the individual meets the eligibility requirements for the OHP-OPU program.

(e) The Department determines that the individual was continuously eligible for the OHP-OPU program on or after June 30, 2004 under subsections (a) to (d) of this section.

(3) An individual who is not continuously eligible under section (2) of this rule is not a new applicant if the individual:

(a) Has eligibility end under the BCCM, CEC, CEM, EXT, GAM, HKC, MAA, MAF, OHP-CHP, OHP-OPP, OHP-OPU, OSIPM, REFM, or SAC program, or the related CAWEM program; because the individual has left the custody of the OYA; or is a child in the custody of the Department whose eligibility for Medicaid ends due to the child's age;

(b) Established a date of request prior to the eligibility ending date in subsection (a) of this section; and

(c) Meets the eligibility requirements for the OHP-OPU program or the related CAWEM program within 45 days of the date of request.

(4) Except as provided in section (2) of this rule, an individual who loses eligibility for a medical assistance program and applies or reapplies

for medical assistance is treated as a new applicant for purposes of the OHP-OPU program.

(5) The Department intends that effective July 1, 2004, all other rules related to application, certification, recertification, or eligibility for the OHP-OPU program be applied and construed to achieve the purpose of this rule and that in the event of any ambiguity this rule controls.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 414.712, 414.826, 414.831, 414.839, 420.014 & 420.054

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 414.712, 414.826, 414.831, 414.839, 420.014 & 420.054

Hist.: SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; 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 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 10-2010(Temp), f. & cert. ef. 4-21-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-1110

Eligible and Ineligible Students; OHP-OPU

(1) In the OHP-OPU program, an individual enrolled full time in higher education is ineligible to receive benefits, unless the requirements of one of the following subsections are met:

(a) The student:

(A) *Meets the income requirements for a Pell grant*;

(B) Is not currently covered by *private major medical health insurance* (see OAR 461-135-1100) or an HMO; and

(C) Has not been covered by *private major medical health insurance* or by an HMO for the six months immediately preceding the *date of application*.

(b) The student is in a program serving displaced workers under Section 236 of the Trade Act of 1974 (19 USC 2296).

(2) For the purposes of this rule:

(a) *Higher education* includes the following:

(A) Any public or private university, college or community college.

(B) Any post-secondary vocational or technical school that is eligible to accept Pell grants.

(b) *Full time* is defined by the school.

(c) *Meets the income requirements for a Pell grant* means:

(A) The student's Student Aid Report shows an "expected family contribution" less than \$4,618 for the 2009-2010 school year or less than \$5,274 for the 2010-2011 school year; or

(B) The student is eligible for a Pell grant and provides documentation of eligibility from the school's financial aid office.

(3) A student's enrollment status continues during school vacation and breaks. A student's *higher education* status ends when the student graduates, drops out (as verified by their disenrolling), reduces the student's credit or attendance hours below full-time status, is suspended or expelled, or does not intend to register for the next school term (excluding summer term).

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.083, 411.085, 411.087, 411.402, 411.404, 414.025

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.083, 411.085, 411.087, 411.402, 411.404, 414.025

Hist.: AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 13-2000, f. & cert. ef. 5-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 14-2002(Temp), f. & cert. ef. 10-30-02 thru 4-28-03; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 20-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-135-1125

Reservation Lists and Eligibility; OHP-OPU

In the OHP program:

(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, has been mailed an OHP 7210R Application form as a result of the random selection, and establishes a *date of request* (see OAR 461-115-0030) within 45 days from the date the Department mails the OHP 7210R Application form.

(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

ADMINISTRATIVE RULES

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 the OHP-OPU program or any other medical program administered by the Department. Individuals placed or refused placement on the *OHP Standard Reservation List* are not evaluated for DHS medical program eligibility.

(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 the OHP-OPU program are managed by the *OHP Standard Reservation List*.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 414.025, 414.706
Stats. Implemented: ORS 409.010, 409.050, 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; SSP 28-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-140-0296

Length of Disqualification Due to An Asset Transfer; GA, GAM, OSIP, OSIPM

(1) This rule applies to clients in the GA, GAM, OSIP, and OSIPM programs who live in a nonstandard living arrangement (see OAR 461-001-0000).

(2) A *financial group* containing a member disqualified due to the transfer of an asset is disqualified from receiving benefits. The length of a disqualification period resulting from the transfer is the number of months equal to the uncompensated value (see OAR 461-140-0250) for the transfer divided by the following dollar amount:

(a) If the *initial month* (see OAR 461-001-0000) is prior to October 1, 1998 — \$2,595.

(b) If the *initial month* is on or after October 1, 1998 and prior to October 1, 2000 — \$3,320.

(c) If the *initial month* is on or after October 1, 2000 and prior to October 1, 2002 — \$3,750.

(d) If the *initial month* is on or after October 1, 2002 and prior to October 1, 2004 — \$4,300.

(e) If the *initial month* is on or after October 1, 2004 and prior to October 1, 2006 — \$4,700.

(f) If the *initial month* is on or after October 1, 2006 and prior to October 1, 2008 — \$5,360.

(g) If the *initial month* is on or after October 1, 2008 and prior to October 1, 2010 — \$6,494.

(h) If the *initial month* is on or after October 1, 2010 — \$7,663.

(3) For transfers by a client and the spouse of a client that occurred before July 1, 2006:

(a) Add together the uncompensated value of all transfers made in one calendar month, and treat this total as one transfer.

(b) If the uncompensated value of the transfer is less than the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule, there is no disqualification.

(c) If there are multiple transfers in amounts equal to or greater than the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule, each disqualification period is calculated separately.

(d) The number of months resulting from the calculation in section (2) of this rule is rounded down to the next whole number.

(e) Except as provided in subsection (3)(f) of this rule, the first month of the disqualification is the month the asset was transferred.

(f) If disqualification periods calculated in accordance with this rule overlap, the periods are applied sequentially so that no two penalty periods overlap.

(g) If both spouses of a couple are in a nonstandard living arrangement and made the disqualifying transfer, part of the disqualification is apportioned to each of them, based on their percentage of ownership in the transferred asset. If one spouse is unable to serve the resulting disqualification period for any reason, the remaining disqualification applicable to both spouses must be served by the remaining spouse.

(4) For transfers by a client and the spouse of a client that occurred on or after July 1, 2006 and for income cap trusts under OAR 461-145-0540(9)(c) that accumulate funds in excess of the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule:

(a) If there are multiple transfers by the client and the spouse of the client, including any transfer less than the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule, the value of all transfers are added together before dividing by the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule. For an income cap trust, the calculation in section (2) of this rule is performed as soon as, but not before, funds have accumulated to at least the applicable dollar amount identified in subsections (2)(a) to (2)(h) of this rule.

(b) The quotient resulting from the calculation in section (2) of this rule is not rounded. The whole number of the quotient is the number of full months the financial group is disqualified. The remaining decimal or fraction of the quotient is used to calculate an additional partial month disqualification. This remaining decimal or fraction is converted to an additional number of days by multiplying the decimal or fraction by the number of days in the month following the last full month of the disqualification period. If this calculation results in a fraction of a day, the fraction of a day is rounded down.

(c) Notwithstanding when the Department learns of a disqualifying transfer, the first month of the disqualification is:

ADMINISTRATIVE RULES

(A) For a client who transfers an asset while he or she is already receiving Department-paid long-term care (see OAR 461-001-0000) or waived services (see OAR 461-001-0030) in a nonstandard living arrangement, the month following the month the asset was transferred, except that if disqualification periods calculated in accordance with this rule overlap, the periods are applied sequentially so that no two penalty periods overlap.

(B) For an applicant who transfers an asset prior to submitting an application and being determined eligible and for a client who transfers an asset while he or she is already receiving benefits in a standard living arrangement (see OAR 461-001-0000), the date of request (see OAR 461-115-0030) for long-term care or waived services as long as the applicant or client would otherwise be eligible but for this disqualification period. If the applicant or client is not otherwise eligible on the date of request, the disqualification begins the first date following the date of request that the applicant or client would be otherwise eligible but for the disqualification period.

(d) If both spouses of a couple are in a nonstandard living arrangement and made the disqualifying transfer, part of the disqualification is apportioned to each of them, based on their percentage of ownership in the transferred asset. If one spouse is unable to serve the resulting disqualification period, the remaining disqualification applicable to both spouses must be served by the remaining spouse.

(5) If an asset is owned by more than one person, by joint tenancy, tenancy in common, or similar arrangement, the share of the asset owned by the client is considered transferred when any action is taken either by the client or any other person that reduces or eliminates the client's control or ownership in the client's share of the asset.

(6) For an annuity that is a disqualifying transfer under section (11) of OAR 461-145-0022, the disqualification period is calculated based on the uncompensated value as calculated under OAR 461-140-0250, unless the only requirement that is not met is that the annuity pays beyond the actuarial life expectancy of the annuitant. If the annuity pays beyond the actuarial life expectancy of the annuitant, the disqualification is calculated according to section (7) of this rule.

(7) If a client or the spouse of a client purchases an annuity on or before December 31, 2005 and the annuity pays benefits beyond the actuarial life expectancy of the annuitant, as determined by the Period Life Table of the Office of the Chief Actuary of the Social Security Administration, a disqualification period is assessed for the value of the annuity beyond the actuarial life expectancy of the annuitant.

(8) A single transfer of an asset may cause a disqualification for both a medical assistance program under this rule and the SSI cash grant. The period of the disqualification is likely to be longer for SSI than for the medical assistance program, so a person may be eligible again for the medical assistance program while still disqualified from receiving SSI. The provisions of this rule are applied without regard to the related disqualification for SSI.

Stat. Auth.: ORS 411.060, 411.704, 411.706
Stats. Implemented: ORS 411.060, 411.704, 411.706
Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 26-2000, f. & cert. ef. 10-4-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 32-2010, f. & cert. ef. 10-1-10

461-145-0130

Earned Income; Treatment

(1) *Earned income* (see OAR 461-145-0120) is countable in determining eligibility for programs, subject to sections (2) to (8) of this rule.

(2) JOBS Plus income is earned income and is treated as follows:

(a) In the SNAP program:

(A) JOBS Plus income earned by a TANF-PLS client:

(i) Is counted in determining initial SNAP program eligibility.

(ii) Is excluded in determining ongoing eligibility.

(B) JOBS Plus wages received after the client's last month of work under a TANF-PLS JOBS Plus agreement are counted.

(b) In the TANF program:

(A) JOBS Plus income earned by an NCP-PLS (see OAR 461-101-0010(2)(c)) client is counted in determining initial TANF eligibility.

(B) When determining the need for a TANF supplement for a TANF-PLS client, the income is treated as follows:

(i) It is excluded in determining the countable income limit and in calculating the benefit equivalency standards.

(ii) It is counted in calculating the wage supplement.

(C) JOBS Plus wages received after the client's last month of work under a JOBS Plus agreement are counted.

(c) In the CAWEM, CEC, CEM, HKC, MAA, MAF, OHP, OSIPM, QMB, REFM, SAC programs:

(A) For JOBS Plus income earned by a TANF-PLS program client who is also in:

(i) The MAA or REFM program, the income is excluded when determining initial and ongoing program eligibility.

(ii) The MAF program, the income is counted when determining initial and ongoing program eligibility.

(B) JOBS Plus wages received after the client's last month of work under a TANF-PLS JOBS Plus agreement are counted.

(d) In all programs not covered under subsections (a) to (c) of this section, TANF-PLS income is counted as earned income.

(e) In all programs other than the TANF program, NCP-PLS income is counted as earned income.

(f) In all programs, client wages received under the Tribal TANF JOBS programs are counted as earned income.

(3) Welfare-to-Work work experience income is treated as follows:

(a) In the EXT, MAA, MAF, REF, REFM, and TANF programs, the income is earned income, and the first \$260 is excluded each month.

(b) In the OHP and SNAP programs, the income is earned income.

(4) In the ERDC and OHP programs, earned income of a child is excluded.

(5) In the EXT, MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) Earned income of the following children is excluded:

(A) Dependent children under the age of 19 years, and minor parents under the age of 18 years, who are full-time students in grade 12 or below (or the equivalent level of vocational training, in GED courses), or in home schooling approved by the local school district.

(B) Dependent children under the age of 18 years who are attending school part-time (as defined by the institution) and are not employed full-time.

(C) Dependent children too young to be in school.

(b) Income remaining after the month of receipt is a resource.

(c) In-kind earned income is excluded (see OAR 461-145-0280 and 461-145-0470).

(6) In the SNAP program:

(a) If a cafeteria plan (see OAR 461-001-0000) benefit that the employee cannot elect to receive as a cash payment is designated and used to pay for child care, medical care, or health insurance, the benefit is excluded unless it is reimbursed by the Department or allowed as an earned income deduction.

(b) The following types of income are excluded:

(A) The earned income of an individual under the age of 18 years who is under the parental control of another member of the household and is:

(i) Attending elementary or high school;

(ii) Attending GED classes recognized by the local school district;

(iii) Completing home-school elementary or high school classes recognized by the local school district; or

(iv) Too young to attend elementary school.

(B) In-kind earned income, except as provided in section (7) of this rule.

(C) Deductions from base pay for future educational costs under Pub. L. No. 99-576, 100 Stat. 3248 (1986), for clients on active military duty.

(D) Income remaining after the month of receipt is a resource.

(7) In the OHP and SNAP programs, earned in-kind income (see OAR 461-145-0280) is excluded unless it is an expenditure by a business entity that benefits a principal (see OAR 461-145-0088).

(8) In all programs except the EXT program, and for an OSIPM client in nonstandard living arrangement (see OAR 461-001-0000), the income of a temporary employee of the U.S. Census Bureau employed to assist in taking the census is excluded.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.400, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 414.231, 414.712, 414.826

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.400, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 414.231, 414.712, 414.826

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1990, f. & cert. ef. 3-2-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; 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 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 17-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 7-2000(Temp), f. 3-10-00, cert. ef. 3-10-00 thru 9-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 12-2001, 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; SSP 7-2003, f. & cert. ef. 4-1-03; SSP

ADMINISTRATIVE RULES

23-2003, f. & cert. ef. 10-1-03; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 31-2009(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 5-2010, f. & cert. ef. 4-1-10; SSP 14-2010(Temp), f. & cert. ef. 5-19-10 thru 11-15-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-145-0140

Earned Income Tax Credit (EITC) and Making Work Pay (MWP) Tax Credit

(1) There are federal and state earned income tax credit (EITC) programs for low-income families.

(a) An EITC may be received in one of two ways:

(A) As one annual payment received at the time of the normal income tax returns.

(B) As an advance in the employee's paycheck.

(b) In all programs, the EITC is excluded from *assets* (see OAR 461-001-0000).

(2) The American Recovery and Reinvestment Act (ARRA) of 2009 created the Making Work Pay (MWP) tax credit. This credit applies to tax years 2009 and 2010.

(a) An MWP tax credit may be received in one of two ways:

(A) As one annual payment received at the time of the normal income tax returns.

(B) As a monthly earned income exclusion.

(b) In all programs, an MWP tax credit received as a portion of an individual's federal tax return is excluded from *assets*.

(c) In the GA, GAM, HKC, MAA, MAF, OHP, OSIPM, and QMB programs, a client who receives the MWP tax credit as a monthly earned income exclusion qualifies for a \$33 earned income exclusion per month.

Stat. Auth.: ORS 411.060, 411.083, 411.404, 411.706, 411.816, 412.049 & 414.231

Stats. Implemented: ORS 411.060, 411.083, 411.404, 411.706, 411.816, 412.049 & 414.231

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; 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 11-2010(Temp), f. & cert. ef. 4-22-10 thru 10-19-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-145-0143

Economic Recovery Payment

The \$250 economic recovery payment authorized by the American Recovery and Reinvestment Act of 2009 is excluded income in the month of receipt and an excluded resource in the month of receipt and for the following nine months.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.826, 414.831

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.826, 414.831

Hist.: SSP 3-2009(Temp), f. & cert. ef. 3-3-09 thru 8-30-09; SSP 24-2009, f. & cert. ef. 8-31-09; SSP 25-2009(Temp), f. & cert. ef. 9-1-09 thru 2-28-10; 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 20-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-145-0360

Motor Vehicle

(1) The value of disability-related apparatus, optional equipment, or low mileage is not considered in determining the *fair market value* (see OAR 461-001-0000) of an automobile, truck, or van. The fair market value of an automobile, truck, or van is presumed to be the "average trade-in value" established in the National Automobile Dealers Association's (NADA) Used Car Guide. If the vehicle is not listed in the NADA Used Car Guide, the "average trade-in value" established in the Kelley Blue Book is used. If the vehicle is not listed in the NADA Used Car Guide and Kelley Blue Book, the "average trade-in value" established in a similar publication is used. A client may rebut the presumption with a statement from a car dealer, mechanic, or other reliable source. If the vehicle is not listed in the NADA Used Car Guide, Kelley Blue Book, and a similar publication, the estimate of the value by the client may be accepted unless it appears questionable, in which case additional evidence of the value is required.

(2) Some programs permit an exclusion for a portion of the *equity value* (see OAR 461-001-0000) for any licensed and unlicensed motor vehicles owned by the financial group:

(a) In the MAA, MAF, REF, REFM, SAC, SNAP, and TANF programs, this exclusion is up to \$10,000.

(b) In the GA and GAM programs, this exclusion is up to \$4,500.

(c) Any remaining equity in that vehicle and the total equity value of all other vehicles is counted as a resource.

(3) In the EA, ERDC, and OHP programs, all motor vehicles are excluded.

(4) In the OSIPM and QMB programs:

(a) The total value of a vehicle selected by the financial group is excluded if it is used for transportation of the client or a member of the client's household.

(b) The total equity value of any vehicle not excluded under subsection (a) of this section and all other vehicles is counted as a resource.

(5) In the OSIP-EPD and OSIPM-EPD programs, if a vehicle was purchased as an employment and independence expense (see OAR 461-001-0035) or with moneys from an approved account (see OAR 461-001-0035), the total value of the vehicle is excluded.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.700, 411.816, 414.042, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; 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 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 32-2010, f. & cert. ef. 10-1-10

461-145-0930

Self-Employment; Determination of Countable Income

(1) The Department initially determines gross sales and receipts minus any returns and allowances (before excluding or deducting any costs). This rule explains how different programs exclude and deduct costs from self-employment gross sales and receipts.

(2) In the ERDC program, if a client claims an excludable cost permitted under OAR 461-145-0920, at least 50 percent of gross self-employment income is excluded. The maximum exclusion is the total excludable cost under OAR 461-145-0920.

(3) In the GA, MAF, OSIP, OSIPM, and QMB programs, all costs permitted under OAR 461-145-0920 are excluded.

(4) In the MAA and TANF programs:

(a) For a client participating in the microenterprise component of the JOBS program, costs are excluded according to OAR 461-145-0920 and general accounting principles, as applied by a certified public accountant, bookkeeping firm, or other entity approved by the Department.

(b) For all other clients, no costs are subtracted (excluded).

(5) In the HKC and OHP programs, during each month there is self-employment income, 50 percent of gross self-employment income is excluded. If a client is not eligible under the 50 percent exclusion, total excludable costs as allowed under OAR 461-145-0920 are used, not to exceed the gross self-employment income for the month that the exclusion is taken.

(6) In the REF program, no costs are excluded.

(7) In the SNAP program, if there are any costs permitted under OAR 461-145-0920, there is a deduction of 50 percent of gross self-employment income.

Stat. Auth.: ORS 409.050, 411.060, 411.083, 411.404, 411.706, 411.816, 412.006, 412.009, 412.049, 414.231, 414.826, 414.831

Stats. Implemented: ORS 409.050, 411.060, 411.083, 411.404, 411.706, 411.816, 412.006, 412.009, 412.049, 414.231, 414.826, 414.831

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 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 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-150-0050

Prospective Eligibility and Budgeting; GA, GAM, OSIP, OSIPM, QMB

In the GA, GAM, OSIP, OSIPM, and QMB programs, the Department uses prospective *eligibility* (see OAR 461-001-0000) and budgeting (see OAR 461-001-0000) as follows:

(1) In the GA, GAM, OSIP (except OSIP-IC), OSIPM (except OSIPM-IC), and QMB programs:

(a) For the *initial month* (see OAR 461-001-0000), the Department uses prospective eligibility and budgeting. Money received from a non-recurring source before the date of application is excluded. If any money remains after the date of application, it is counted as a resource.

(b) For each ongoing month (see OAR 461-001-0000) the Department uses prospective eligibility and budgeting.

(2) In the OSIP-IC and OSIPM-IC programs, the budget month (see OAR 461-001-0000) is the initial month of eligibility.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 10-

ADMINISTRATIVE RULES

2003(Temp) f. & cert. ef. 5-1-03 thru 9-30-03; SSP 26-2003, f. & cert. ef. 10-1-03; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-155-0150

Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

(1) The following definitions apply to the rules governing child care rates:

- (a) Infant: A child aged newborn to 1 year.
- (b) Toddler: A child aged 1 year to 3 years.
- (c) Preschool: A child aged 3 years to 6 years.
- (d) School: A child aged 6 years or older.

(e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral or mental disability. The need for a higher level of care must be determined by the provider and the disability must be verified by one of the following:

(A) A physician, nurse practitioner, licensed or certified psychologist or clinical social worker.

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.

(C) Eligibility for SSI.

(2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:

(a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.

(b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

(c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Child Care Division.

(d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Child Care Division as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.

(e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Child Care Division Certification rules (see OAR 414-300-0000).

(f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:

(A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in paragraph (2)(b) of this rule.

(B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.

(C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (2)(b), (f), or (g) of this rule.

(h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Child Care Division.

(3) The following provisions apply to child care payments:

(a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.

(b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate.

(c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more

hours of care in the month and customarily bill all families at a part-time monthly rate.

(d) Unless required by the circumstances of the client or child, the Department will not pay for care at a monthly rate to more than one provider for the same child for the same month.

(e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.

(f) The Department will pay for up to five days each month the child is absent if:

(A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care;

(B) The absent child's place is not filled by another child; and

(C) It is the provider's policy to bill all families for absent days.

(g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.

(4) The following are the child care rates, the rates are based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly): [Table not included. See ED. NOTE.]

(5) This section establishes the ERDC eligibility standard and the client's copayment (copay).

(a) The ERDC eligibility standard is met for need groups (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the *need group* is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180(5). The eligibility standard for a need group size of eight applies to any need group larger than eight.

(b) The minimum monthly ERDC copay is \$25.

(c) For *filing groups* (see OAR 461-110-0310) whose countable income is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly countable income, whichever is greater.

(d) For filing groups whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:

(A) Determine *filing group's countable income* as a percent of FPL (rounding to the nearest whole number percentage), subtract 50, and multiply this difference by 0.12.

(B) Add 1.5 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income to determine the copay amount.

(e) The 2007 federal poverty level used to determine copay amounts under subsections (c) and (d) of this section is set at the following amounts: [Table not included. See ED. NOTE.]

(6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:

(a) The monthly rate provided in section (4) of this rule.

(b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.

(7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:

(a) The amount billed by the provider or providers.

(b) The monthly rate established in this rule for 215 hours of care.

(8) The number of payable billed hours of care for a child is limited as follows:

(a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed:

(A) 125 percent of the number of hours necessary for the client to perform the duties of his or her job, or to participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client; or

(B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.

(b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.

(c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent

ADMINISTRATIVE RULES

of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.

(9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:

(a) The amount billed by the provider or providers; or

(b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.

(10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training. This is limited to the following situations:

(a) The commute time to and from work exceeds two hours per day.

(b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.

(c) The caretaker works a split shift and it is not feasible to care for the child between shifts.

(d) The caretaker consistently works more than 40 hours per week.

(e) Weekend work or other nonstandard work hours require care by more than one provider, and the total allowable hours billed by both providers exceeds the maximum limit.

(f) The caretaker needs child care for both full-time work and participation in Department assigned activities.

(11) The payment available for care of a child who meets the special needs criteria described in subsection (1)(e) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:

(a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age; and

(b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 411.060, 411.070 & 412.049

Stats. Implemented: ORS 411.060, 411.070 & 412.049

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 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 14-1992, f. & cert. ef. 6-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 10-1993, f. & cert. ef. 6-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1994, f. 4-29-94, cert. ef. 5-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 23-1995, f. 4-20-95, cert. ef. 10-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 4-2000(Temp), f. 2-29-00, cert. ef. 3-1-00 thru 8-25-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 2-2003(Temp); f. & cert. ef. 2-7-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 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 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 4-2009(Temp), f. 3-11-09, cert. ef. 4-1-09 thru 9-28-09; SSP 27-2009, f. & cert. ef. 9-29-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-155-0693

Special Need; Transportation Services Payment; OSIPM

In the OSIPM program:

(1) The following individuals may be eligible for a transportation services payment:

(a) A client who receives SSI as his or her only income; or

(b) A client who the Department determines meets the requirements of OAR 461-125-0370(1)(c) and has adjusted income less than the SSI standard.

(2) Services eligible for payment under this rule are for transportation to non-medical and non-waivered activities and resources approved by the Department. Examples of such transportation services include, but are not limited to: reimbursement for non-commercial transportation not available through natural supports (limited to mileage only at the full United States General Services Administration mileage reimbursement rate); transporta-

tion provided by common carriers, taxicab, or bus; and assistance with purchase of a pass for public transportation.

(3) The following items are not eligible for payment under this rule: purchase of a vehicle; vehicle maintenance or repair; compensation for non-commercial transportation providers (payment to non-commercial transportation providers is limited to mileage only); and transportation services that may be obtained through other means, such as the State Medicaid Plan, waiver, or other public or private resources available to the individual, including natural supports.

(4) Payment for services authorized by this rule may not exceed \$25 per month.

(5) Service costs must be verified annually or when questionable.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706

Hist.: SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 22-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0040

Dependent Care Costs; Deduction and Coverage

(1) In the MAF program, the cost of child care for a *dependent child* (see OAR 461-001-0000) may be deducted from the income of a client in accordance with the following:

(a) The dependent child must live with the filing group;

(b) The provider of child care may not be in the filing group;

(c) The provider of child care may not be the parent (see OAR 461-001-0000) of the dependent child; and

(d) The amount of the deduction is determined as set out in OAR 461-160-0190.

(2) In the SNAP program, dependent care is deductible (see OAR 461-160-0430) when all of the following are true:

(a) The dependent is a member of the filing group and is in the care, control, and custody of an individual in the group.

(b) The dependent care provider:

(A) Is not in the filing group; and

(B) Is not the *parent* of the dependent.

(c) The dependent care is necessary because the client is working, commuting, on a meal break, in training, participating in pre-employment education, or participating in an OFSET case plan (see OAR 461-001-0020).

(3) In the ERDC, REF, and TANF programs, the cost of dependent child care may be paid for by the Department (is covered) only if dependent child care is necessary for the working client to perform his or her job duties. For a client working under a JOBS Plus agreement, child care is covered during the time the client is engaged in work or in job search if the employer pays the client during that time.

(4) In the ERDC, JOBS, REF, and TANF programs, the cost of dependent child care is not covered by the Department when free care is available, such as during school hours for school-age children.

(5) Child care is not covered in the ERDC, REF, and TANF programs if the nature of the work of the caretaker does not make it necessary for a person other than the caretaker (see OAR 461-001-0000) to provide the care. Child care is not covered during a period of time when the caretaker:

(a) Works at home and the nature of the work allows the caretaker to provide the care without significantly affecting the work;

(b) Provides child care in a residence; or

(c) Works for a provider of child care in a residence that is not certified under OAR 414-350-0000 to 414-350-0400.

(6) In the ERDC program, child care is not covered during a period of time when the caretaker is self-employed (see OAR 461-145-0910).

(7) In the JOBS and REF programs, the cost of child care may be covered while the care is necessary to enable the client to participate in a case plan (see OAR 461-190-0211).

(8) In the ERDC, JOBS, JOBS Plus, REF, and TANF programs, the cost of dependent child care may be paid for (is covered) by the Department, only if all the following are true:

(a) The dependent child;

(A) In the ERDC program, is a member of the benefit group (see OAR 461-110-0750) and is in the care, control, and custody of an individual in the group.

(B) In the JOBS, JOBS Plus, REF, and TANF programs, lives with the filing group.

(b) The provider of child care is not in the filing group.

(c) The provider of child care is not the parent of the dependent.

(9) Coverage of the cost of dependent care is subject to the requirements in Chapter 461 of the Oregon Administrative Rules, including OAR

ADMINISTRATIVE RULES

461-120-0510(4), 461-135-0400, 461-155-0150, 461-160-0193, 461-165-0180, and 461-190-0211.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.700, 411.816, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.700, 411.816, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 4-2009(Temp), f. 3-11-09, cert. ef. 4-1-09 thru 9-28-09; SSP 27-2009, f. & cert. ef. 9-29-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0400

Use of Income to Determine Eligibility and Benefits; SNAP

In the SNAP program, the countable income (see OAR 461-140-0010) and adjusted income (see OAR 461-001-0000) of the financial group (see OAR 461-110-0530) are used to determine eligibility for SNAP benefits and the benefit level in three steps:

(1) Step one: The countable income of the financial group is compared to the need group's countable income limit in OAR 461-155-0190. If the income equals or exceeds the limit, the need group (see OAR 461-110-0630) is ineligible for SNAP benefits. A financial group that is categorically eligible (see OAR 461-135-0505) for SNAP benefits or that includes a client who is elderly (see OAR 461-001-0015) or has a disability (see OAR 461-001-0015) need not pass this step.

(2) Step two: If the need group is not ineligible under step one, the adjusted income of the financial group is compared to the need group's adjusted income limit (see OAR 461 155 0190). If the income equals or exceeds the limit, the filing group — except one that is categorically eligible for SNAP benefits or includes an individual who is elderly (see OAR 461-001-0015) or an individual with a disability (see OAR 461-001-0015) — is ineligible for SNAP benefits. If the adjusted income is less than the limit, the need group meets the income standard for the SNAP program.

(3) Step three: The benefit level for an eligible need group is determined as follows — adjusted income is multiplied by 30 percent, and the product is rounded to the next higher dollar. The result is subtracted from the need group's payment standard (see OAR 461-155-0190). The remainder is the benefit amount.

Stat. Auth.: ORS 411.816
Stats. Implemented: ORS 411.816
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0420

Shelter Cost; SNAP

(1) This rule explains how to calculate the client's shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the client's cost of housing plus an allowance for utilities, if the client incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.

(2) Cost of housing.

(a) The following comprise the cost of housing if they are incurred with respect to the client's current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the shelter of the *financial group* (see OAR 461-110-0530), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.

(B) Property taxes, state and local assessments, and property insurance on the structure.

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the need group (see OAR 461-110-0630) is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The *financial group* has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing. If the filing group (see OAR 461-110-0370) shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by a person outside the filing group cannot be ascertained, the cost is apportioned among the people contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.

(4) Cost for utilities.

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.

(c) If a homeless need group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:

(A) Allowance with heating or cooling. A full standard utility allowance of \$397 is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A financial group who receives an energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A).

(B) Allowance without heating or cooling.

(i) A limited standard utility allowance of \$283 is used if the household group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.

(ii) An individual standard utility allowance of \$57 is used if the household is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.

(iii) A telephone standard utility allowance of \$50 is used if the household is not billed for heating or cooling costs but is billed for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

(5) Housing costs for a home not occupied by the household. Housing and utility costs with respect to a home not currently occupied by the household may be considered in calculating the shelter cost if:

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;

(b) The financial group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 21-1998(Temp), f. 10-15-98 & cert. ef. 11-1-98 thru 12-31-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0540

Determining Financial Eligibility and Benefits; QMB and OSIPM (except OSIPM-EPD) Living in the Community

(1) This rule is used to determine financial eligibility for QMB program clients and OSIPM (except OSIPM-EPD) program clients who:

(a) Live in the community;

(b) Do not receive SSI; and

(c) Do not receive Title XIX waived services.

(2) In the OSIPM program, to determine eligibility for non-waivered service clients residing in a 24-hour mental health residential care setting,

ADMINISTRATIVE RULES

such as an adult foster home, residential treatment home, residential treatment facility, or a secure treatment facility, the amount of the service payment is added to the adjusted income standard defined in 461.155.0250(3). The sum of the service payment and the OSIPM program adjusted income standard must be greater than the client's adjusted income. If the sum of the service payment and the OSIPM program standard is less than the adjusted income, the client is not eligible. For all other OSIPM program clients, they are eligible if their adjusted income is less than the OSIPM program standard.

(3) In the QMB-BAS program, a client is eligible if his or her adjusted income is equal to or less than the QMB program adjusted income standard.

(4) In the QMB-SMB program, a client is eligible if his or her adjusted income is less than the adjusted income standard.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 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 10-2002, f. & cert. ef. 7-1-02; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0610

Client Liability; OSIPM (except OSIPM-EPD)

(1) A client in the OSIPM (except OSIPM-EPD) program who receives *long-term care* (see OAR 461-001-0000) services must, in order to remain eligible, make the payment required by this rule, except as provided in sections (2) to (6) of this rule. The client must apply his or her adjusted income to the cost of the care or service. This amount is the client liability. If the client's adjusted income exceeds the cost of care or service, the client must pay the full cost of care but has no additional liability.

(2) A client who receives SSI, or is deemed to receive SSI under section 1619(b) of the Social Security Act (42 U.S.C. § 1382h(b)), is eligible for OSIPM program benefits without having to make a payment.

(3) The IC service payment of a client in the OSIPM-IC program is reduced by the amount of his or her liability.

(4) The following clients, if they receive the services described in section (5) of this rule, are exempt from payments required by this rule:

(a) A disabled adult child under OAR 461-135-0830.

(b) A widow or widower under OAR 461-135-0820.

(c) A Pickle amendment client under OAR 461-135-0780.

(d) An individual who receives services for a developmental disability under a support services waiver under OAR 411-340-0100 and 411-340-0130.

(5) A client identified in section (4) of this rule is exempt from payments required by this rule if the client receives:

(a) *Waivered services* (see OAR 461-001-0030); or

(b) Mental health services and lives in a mental health residential treatment facility. For purposes of this rule, only the following types of treatment centers qualify as a mental health residential treatment facility:

(A) A mental health adult foster home.

(B) A mental health residential treatment home.

(C) A mental health residential treatment facility.

(D) A mental health secure residential treatment facility.

(6) In the initial month of placement, a client may be exempt from payments required under this rule if the Department determines that the client's income has been exhausted prior to placement. If any income remains, the client must contribute to the cost of care or service.

(7) A client residing in an acute care hospital is exempt from payments required by this rule while residing in the acute care hospital. If a service benefit was received prior to admission to the acute care hospital, payment must be made for that service.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 9-2005(Temp), f. & cert. ef. 7-6-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-160-0855

Excluded Resources for Payments Received Under a Qualified Partnership Policy; OSIPM

In the OSIPM program:

(1) When a client in a non-standard living arrangement (see OAR 461-001-0000) applies for medical benefits, the Department excludes as a

resource an amount equal to the insurance payments received under a Qualified Partnership Policy (see OAR 461-001-0000) as of the initial month (see OAR 461-001-0000) of eligibility, unless the Qualified Partnership Policy was purchased in a state that has elected not to participate in reciprocity.

(2) The exclusion in section (1) of this rule:

(a) Does not apply when home equity exceeds the limit in OAR 461-145-0220(2)(a); and

(b) Applies to all other resources (not covered by subsection (a) of this section), notwithstanding other rules in this chapter of rules that designate the resources as countable.

(3) For the amount of resources excluded under this rule, the Department will not establish a claim against the deceased person's estate in accordance with OAR 461-135-0835.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.708, 414.025

Stats Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.708, 414.025

Hist.: SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 32-2010, f. & cert. ef. 10-1-10

461-165-0060

Minimum Benefit Amount; REF, SNAP, TANF

(1) In the SNAP program:

(a) A *benefit group* (see OAR 461-110-0750) is not eligible for benefits in the initial month (see OAR 461-001-0000) if the allotment is less than \$10.

(b) In an *ongoing month* (see OAR 461-001-0000), benefits are issued as follows:

(A) An eligible one- or two-person benefit group in a categorically eligible (see OAR 461-135-0505) filing group (see OAR 461-110-0370) receives a minimum monthly allotment of eight percent of the TFP for one person as determined annually by FNS.

(B) An eligible benefit group of three or more persons receives the calculated benefit except that a group whose calculated benefit is \$1, \$3, or \$5 receives instead an allotment of \$2, \$4, or \$6 respectively. A benefit group in a categorically eligible filing group may be eligible for zero benefits (\$0) for the certification period (see OAR 461-001-0000).

(2) In the REF and TANF programs, except as provided in section (3) of this rule, benefits are not issued if the monthly benefit is less than \$10. Individuals who do not receive a cash payment because the monthly benefit is less than \$10 may be eligible for medical benefits.

(3) The \$10 requirement in section (2) of this rule does not apply to any of the following:

(a) Special payments, such as one-time special needs, emergency assistance, supplements, or a benefit reduced from \$10 or more to under \$10 due to the recovery of an overpayment.

(b) Dual payee payments made in money management cases if the monthly benefit amount is \$10 or more.

(c) Wage supplements issued to JOBS Plus participants.

Stat. Auth.: ORS 411.060, 411.816, 412.049

Stats. Implemented: ORS 411.060, 411.816, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 19-2004(Temp), f. 7-30-04, cert. ef. 8-1-04 thru 9-30-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 24-2008(Temp), f. & cert. ef. 11-6-08 thru 5-5-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-165-0100

Issuance Date of Benefit

(1) For all programs except the EA and SNAP programs:

(a) An authorized cash payment check is dated on the first day of the payment period or as soon as practicable thereafter.

(b) Checks and medical cards are mailed so they can be delivered to the client on the first day of each month except in the following cases:

(A) Initial month benefits for cases that are new, reopened, or restored.

(B) Cases with no special needs or service coding.

(C) If the first day of the month falls on Sunday or a holiday, the check is mailed in time for the client to receive it on Saturday or the mail day preceding the holiday.

(D) Checks redirected to the branch office may be released during the last workday preceding a weekend or holiday.

(c) Benefits issued by EBT will be available on the first day of each month, except for the following:

(A) Initial month benefits for cases that are new, reopened, or restored.

(B) Benefits held by the branch office.

ADMINISTRATIVE RULES

(2) EA clients must receive their checks, either direct or vendor, in time to meet their emergent needs.

(3) SNAP benefits are available as follows:

(a) SNAP benefits issued by EBT are available in the EBT account on the day of the month corresponding to the last digit of the client's case number except for the following:

(A) The benefits for the initial month of eligibility for a new or reopened case.

(B) The benefits for the seventh month of the certification period for a case in the semi-annual reporting system.

(b) SNAP benefits issued through the SNAP cash-out are available as follows:

(A) Benefits accessed through an EBT account are available on the first day of the month.

(B) Checks are mailed on the first day of the month.

(C) Direct-deposit funds are available on the third working day of the month.

(4) For SNAP changes that could not be made in time to adjust the monthly allotment, a supplement is issued within 10 days of the date the change was reported.

(5) In the OSIPM program, a medical ID card is mailed on the first of each month to clients receiving Title XIX waived services who contribute to their services by paying their excess income into a maintenance trust and agency account. The client's medical card is not held until the payment is received. If payment is not received before the end of the payment month, the Department considers the QMB program for the following month.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-165-0160

Direct Provider Payments; General Information

(1) The Department makes payments on behalf of eligible clients to the providers they select to care for their children. The payments are made directly to the provider unless made directly to the client in accordance with OAR 461-165-0190. To be eligible for payment, a provider must:

(a) Charge Department clients at a rate no higher than the rate charged other customers;

(b) Provide the Department his or her social security number (SSN) or IRS identification number; and

(c) Meet the requirements of OAR 461-165-0180.

(2) Payments to a client's provider are subject to the following limitations:

(a) A payment is made only for child care already provided;

(b) Payment is made for the amount charged to the client but may not exceed the rate authorized in OAR 461-155-0150;

(c) In the ERDC program, no payment will be authorized unless the client has designated a primary provider;

(d) No payment will be made for less than one dollar.

(3) In the ERDC and TANF programs, the Department may issue a payment to an eligible provider during a month for which child care is being provided to meet an unexpected need of the provider related to the care of a covered child. The payment may be made if, without the payment, continued care by the same provider would be jeopardized and the client could not immediately obtain child care from another provider.

Stat. Auth.: ORS 411.060, 411.122

Stats. Implemented: ORS 411.060, 411.122

Hist.: AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 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 2-1994, f. & cert. ef. 2-1-94; 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 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 22-2000(Temp) f. 9-27-00, cert. ef. 9-27-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 32-2010, f. & cert. ef. 10-1-10

461-165-0180

Eligibility of Child Care Providers

(1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless:

(a) The provider previously was denied and subsequently was not determined to be eligible; or

(b) The Department determines, following a preliminary or final fitness determination (see OAR 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other subject individual (see OAR 407-007-0210(21)(a)(G)) is not eligible for payment.

(2) Ineligibility for payment may result from any of the following:

(a) A finding of "denied". A provider may be denied under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as described in OAR 407-007-0210, the Department finds substantial risk to the health or safety of a child in the care of the provider, the provider must be denied and is ineligible for payment. A provider who has been denied has the right to a hearing under OAR 407-007-0330.

(b) A finding of "failed". A provider may be failed if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet the eligibility requirements of this rule. A provider with a status of "failed" may reapply at any time by providing the required documents and information to the Department for review.

(c) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.

(3) The provider must submit a completed Department Listing Form (DHS 7494) to the Department. The provider and each individual identified under section (4) of this rule is considered a subject individual and must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider must fully disclose all requested information as part of the records check.

(4) A subject individual is identified as follows:

(a) The site director of an exempt child care facility and each employee of the facility who may have unsupervised access to a child in care.

(b) The child care provider and each individual the provider uses to supervise a child in his or her absence.

(c) In the case of a provider who provides care for a child in the provider's home:

(A) Each individual 16 years of age or older who lives in the provider's home; and

(B) Each individual who frequently visits the home of the provider during the hours care is provided and may have unsupervised access to a child in care.

(5) To receive payment or authorization for payment, the provider must meet the requirements of either subsection (a) or (b) of this section:

(a) Currently be certified or registered with the Child Care Division (CCD) of the Employment Department under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 unless legally exempt, and be in compliance with the applicable rules.

(b) If legally exempt from being certified or registered with the CCD, complete the Department's background check process and be approved by the Department.

(6) Each subject individual must:

(a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250. The Department must withhold authorization for payment to a provider until the background check process is complete and the Department approves the provider.

(b) Provide, in a manner specified by the Department, information required to conduct CH and CPS records checks or determine whether the provider meets health and safety requirements.

(c) Have a history of behavior that indicates no substantial risk to the health or safety of a child in the care of the provider.

(7) Each provider must:

(a) Obtain written approval from their certifier or certifier's supervisor if the provider is also certified as a foster parent.

(b) Be 18 years of age or older and in such physical or mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a child in care.

(c) Not be in the same filing group as the child cared for and cannot be the parent (see OAR 461-001-0000) of the child.

(d) Allow the Department to inspect the site of care while child care is provided.

(e) Keep daily attendance records showing the arrival and departure times for each child in care and billing records for each child receiving child care benefits from the Department. The provider must keep the records for a minimum of 12 months and provide the records to the Department upon request.

ADMINISTRATIVE RULES

(f) Be the individual or facility listed as providing the child care. The provider must notify the Department before using someone else to supervise a child on a temporary basis.

(g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.

(h) Report to the Department within 10 days of occurrence:

(A) Any arrest or involvement with CPS or any other agency providing child protective services of the child care provider, household member, or facility member.

(B) Any change to his or her name or address including where care is provided, and the addition of any individual or employee to the household or facility.

(i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.

(j) Supervise each child in care at all times.

(k) Prevent any individual who behaves in a manner that may harm children from having access to a child in the care of the provider.

(l) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times.

(m) Inform a parent of the need to obtain immunizations for a child.

(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases.

(o) Ensure that the facility where care is provided meets all of the following standards, unless the care is provided in the home of the child, except that a provider who provides care in the home of the child must meet only the requirements of paragraph (A) of this subsection:

(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The facility has safe drinking water.

(C) The facility has a working smoke detector on each floor level and in any area where a child naps.

(D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child.

(E) Any firearm, ammunition, and other dangerous item such as any medicine, drug, cleaning supply, paint, plastic bag, and poisonous and toxic material is kept in a secure place out of a child's reach.

(F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.

(G) The facility has a telephone in operating condition.

(p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility. This requirement does not apply to a provider registered or licensed by CCD.

(q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.

(8) A child care provider not subject to certification or registration with the Oregon Employment Department, Child Care Division (CCD) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250, must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if he or she:

(a) Receives funds from the Department; and

(b) Begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.

Stat. Auth.: ORS 181.537, 409.050, 409.610, 411.060, 411.070, 411.122, 657A.340, 657A.450

Stats. Implemented: ORS 181.537, 409.050, 409.610, 411.060, 411.070, 411.122, 657A.340, 657A.450

Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 17-1994(Temp), f. & cert. ef. 8-15-94; 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 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 14-1999, f. & cert. ef. 11-1-99; 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 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 13-2004, f. 4-29-04, cert. ef. 5-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2005(Temp), f. & cert. ef. 4-25-05 thru 9-30-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-165-0190

Child Care Payments Paid Directly to a Client

The Department may make payments for child care in the ERDC, JOBS, and TANF programs directly to the client instead of to the provider of child care only as follows:

(1) For short-term child care for up to 30 consecutive days while the client seeks a provider that is eligible for child care payment from the Department under OAR 461-165-0180, after the Department notified the client that the provider of choice is no longer eligible for child care payments from the Department under OAR 461-165-0180.

(2) The 30-day period starts the day after the effective date of the notice provided under section (1) of this rule.

Stat. Auth.: ORS 411.060, 411.070, 411.122

Stats. Implemented: ORS 411.060, 411.070, 411.122

Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 32-2010, f. & cert. ef. 10-1-10

461-170-0010

Reporting Changes — Overview

A client is required to report a change in circumstances in accordance with the reporting system in which the client participates, OAR 461-170-0011; and

(1) For each program in which a client participates, the Department determines the appropriate reporting system. The Department's reporting systems are Change Reporting System (CRS), Simplified Reporting System (SRS), and Transitional Benefit Alternative (TBA). In addition to any required report form, when a client is required by this division of rules to report a change in circumstances, the report may be made by telephone, office visit, report form, or other written notice. The report must be made as follows:

(a) A client using CRS must report a change according to OAR 461-170-0011.

(b) A client using SRS must report a change according to OAR 461-170-0011 and 461-170-0102. An Interim Change Report form is processed according to OAR 461-170-0011 and 461-170-0101 to 461-170-0104.

(c) A client using TBA is not required to report any change.

(2) A change is considered reported effective the date a client, authorized representative, or ineligible student reports the information to a *branch office* (see OAR 461-001-0000).

(3) A change reported by a client, authorized representative, or ineligible student for one program is considered reported for all programs in which that client participates.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1992(Temp), f. & cert. ef. 5-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-194, f. & cert. ef. 9-1-94; 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 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; CWP 37-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-170-0011

Changes That Must Be Reported

(1) A change in employment status is considered to occur as follows:

(a) For a new job, the change occurs the first day of the new job.

(b) For a job separation, the change occurs on the last day of employment.

(2) A change in source of income is considered to occur as follows:

(a) For earned income, the change occurs upon the receipt by the client of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.

(b) For unearned income, the change occurs the day the client receives the new or changed payment.

(3) A client must report, orally or in writing, the following changes:

(a) In the BCCM program, a client must report either of the following changes within 10 days of occurrence:

(A) A change in health care coverage.

(B) A change in residence.

(b) In the ERDC program:

(A) A client not participating in SRS in the SNAP program must report the following changes within 10 days of occurrence:

(i) A change in child care provider.

(ii) A change in employment status.

(iii) A change in mailing address or residence.

ADMINISTRATIVE RULES

(iv) A change in membership of the filing group (see OAR 461-110-0350).

(v) A change in source of income expected to continue.

(B) A client participating in SRS in the SNAP program must report the following changes by the tenth day of the month following the month of occurrence:

(i) A change in child care provider.

(ii) Loss of employment.

(iii) Monthly income exceeding the SNAP countable income limit.

(iv) A parent (see OAR 461-001-0000) of a child or unborn or the spouse of the caretaker moves into the residence.

(C) The ERDC case may continue to follow the reporting requirements in paragraph (3)(b)(B) of this rule without a companion SNAP case in SRS when:

(i) The ERDC case was certified in the fifth or sixth month of the SNAP certification period (see OAR 461-001-0000); and

(ii) The SNAP companion case automatically closes because the Interim Change Report (see OAR 461-170-0010) was not received.

(c) In the EXT program, a client must report any of the following changes within 10 days of occurrence:

(A) A change in health care coverage.

(B) A change in name.

(C) A change in pregnancy status of any member of the filing group (see OAR 461-110-0330).

(D) A change in residence.

(E) A member in filing group is no longer a dependent child (see OAR 461-001-0000).

(d) In the SNAP program:

(A) A client assigned to CRS must report any of the following changes within 10 days of occurrence:

(i) A change in earned income of more than \$100.

(ii) A change in unearned income of more than \$50.

(iii) A change in source of income.

(iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.

(v) A change in residence and the shelter costs in the new residence.

(vi) A change in the legal obligation to pay child support.

(vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.

(viii) Acquisition or change in ownership of a non-excluded vehicle.

(B) A client assigned to SRS must report monthly income exceeding the SNAP countable income limit by the tenth day of the month following the month of occurrence.

(C) A client assigned to TBA is not required to report any changes.

(e) In the GA, GAM, OSIP, OSIPM, and QMB programs a client must report all changes that may affect eligibility within 10 days of occurrence, including any of the following changes:

(A) A change in employment status.

(B) A change in health care coverage.

(C) A change in membership of the household group (see OAR 461-110-0210).

(D) A change in marital status.

(E) A change in residence.

(F) A change in resources.

(G) A change in source or amount of income.

(f) In the MAA, MAF, REF, SAC, SFPSS, and TANF programs, clients assigned to CRS must report any of the following changes within 10 days of occurrence:

(A) Acquisition or change in ownership of a non-excluded vehicle.

(B) A change in earned income more than \$100.

(C) A change in employment status.

(D) A change in membership of the household group (see OAR 461-110-0210).

(E) A change in mailing address or residence.

(F) A change in pregnancy status of any member of the filing group.

(G) A change in source of income.

(H) A change in unearned income more than \$50.

(I) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.

(J) Sale or receipt of a resource that causes total resources to exceed program resource limits.

(g) In the HKC and OHP programs, a client must report any of the following changes within 10 days of occurrence:

(A) A change in availability of employer-sponsored health insurance.

(B) A change in health care coverage.

(C) A change in mailing address or residence.

(D) A change in name.

(E) A change in pregnancy status of any member of the filing group (see OAR 461-110-0400).

(h) In the REFM program, clients must report the following changes within 10 days of occurrence:

(A) A change in membership of the household group (see OAR 461-110-0210).

(B) A change in residence.

Stat. Auth.: ORS 411.060, 411.070, 411.105, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831

Stats. Implemented: ORS 411.060, 411.070, 411.105, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1992, f. & cert. ef. 5-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 24-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; Renumbered from 461-170-0015, 461-170-0020, 461-170-0025, 461-170-0030, 461-170-0035 by SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 7-2010(Temp), f. & cert. ef. 4-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-175-0210

Notice Situation; Client Moved or Whereabouts Unknown

(1) To end benefits if a client has moved out of state, the Department sends the following decision notice (see OAR 461-001-0000):

(a) In the ERDC, EXT, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, QMB, REF, REFM, SAC, and TANF programs:

(A) The Department sends a timely continuing benefit decision notice (see OAR 461-001-0000) to clients who have moved out of state.

(B) The Department sends a basic decision notice (see OAR 461-001-0000) if the client becomes eligible for benefits in another state.

(b) In the SNAP program, no decision notice is required if the Department determines that the benefit group (see OAR 461-110-0750) has moved out of Oregon.

(2) If Department mail or benefits have been returned with no forwarding address, the Department gives the client the benefits if the client's whereabouts become known during the period covered by the returned benefits. See OAR 461-165-0130 for when SNAP benefits can be sent out of state. If the client's whereabouts are unknown, the Department ends benefits by sending the following decision notice to their last known address:

(a) In all programs except the SNAP program, a basic decision notice.

(b) In the SNAP program, no decision notice is required.

Stat. Auth.: ORS 411.060, 411.095, 411.816

Stats. Implemented: ORS 411.060, 411.095, 411.816

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 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 32-2010, f. & cert. ef. 10-1-10

461-175-0240

Notice Situation; Lump-Sum

(1) If a *financial group* (see OAR 461-110-0530) receives lump-sum income that will make the financial group ineligible or cause a reduction in benefits:

(a) The Department will deny benefits to an applicant and send a basic decision notice (see OAR 461-001-0000).

(b) If a *benefit group* (see OAR 461-110-0750) is receiving benefits, the Department will stop or reduce them and:

(A) If the action is based on changes reported on the Interim Change Report form, send a continuing benefit decision notice (see OAR 461-001-0000).

(B) If the action is not based on changes reported on the Interim Change Report form, send a timely continuing benefit decision notice (see OAR 461-001-0000).

(2) In the GA program, the decision notice described in section (1) of this rule includes:

(a) The amount of the countable lump-sum income.

(b) The calculation of this income on a monthly basis.

ADMINISTRATIVE RULES

(c) The length of time that the benefit group is ineligible because of receipt of lump-sum income and the amount that will be included as countable income in the first month of eligibility.

Stat. Auth.: ORS 411.060, 411.095, 411.816
Stats. Implemented: ORS 411.060, 411.095, 411.816
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 24-2001, f. & cert. ef. 11-1-01; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-175-0270

Notice Situation; SRS or TBA

(1) When the Department takes action on information reported on the Interim Change Report form, the Department sends a continuing benefit decision notice (see OAR 461-001-0000) for clients in the ERDC, MAA, MAF, OSIP, OSIPM, QMB, REF, REFM, SNAP, and TANF programs. The notice includes the amount of income used to determine the benefits or ineligibility.

(2) For all changes not reported on the Interim Change Report form, which result in a closure or reduction in benefits, the Department sends a timely continuing benefit decision notice.

(3) When the Department changes the reporting system from one reporting system to another reporting system, the Department provides a continuing benefit decision notice if the change occurs at a time other than at the start of a certification period (see OAR 461-001-0000).

Stat. Auth.: ORS 411.060, 411.070, 411.095, 411.111, 411.404, 411.816, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.095, 411.111, 411.404, 411.816, 412.049
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 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 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-175-0280

Notice Situation; Failure to Submit Report for SRS or ERDC Reapplication

(1) In the ERDC program, the Department sends a continuing benefit decision notice (see OAR 461-001-0000):

(a) To close benefits when the benefit group (see OAR 461-110-0750) fails to return the reapplication form. The case is closed on the last day of the last month of the certification period (see OAR 461-001-0000); and

(b) When the Interim Change Report is not returned in a timely manner (see section (2) of this rule).

(2) In the ERDC and SNAP programs, the Department sends a continuing benefit decision notice when a benefit group in Simplified Reporting System (SRS) fails to return the Interim Change Report by the 10th day of the sixth month of the certification period. The notice informs the *benefit group* that:

(a) The report was not received by the Department by the 10th day of the sixth month in the certification period.

(b) The benefit group has until the end of the sixth month of the certification period to provide the report to receive benefits for the seventh month of the certification period.

(c) If the report is not received by the Department by the last day of the sixth month of the certification period, SNAP program benefits will be suspended and ERDC program benefits will be closed effective the last day of the sixth month.

(d) The SNAP program case will remain in suspended status for a month and then be closed.

Stat. Auth.: ORS 411.060, 411.095, 411.816
Stats. Implemented: ORS 411.060, 411.095, 411.816
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 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-175-0305

Notice Situation; Removing an Individual From a Benefit Group (EXT, SNAP, MAA, MAF, OHP, REF, REFM, SAC, TANF) or Need Group (ERDC)

(1) To remove an individual from a *benefit group* (see OAR 461-110-0750), the following notices are used:

(a) A continuing benefit decision notice (see OAR 461-001-0000) is used when the removal is based on information reported on the Interim Change Report form.

(b) A timely continuing benefit decision notice (see OAR 461-001-0000) is used when the removal is not based on the Interim Change Report form.

(2) In the ERDC program, the Department sends a timely continuing benefit decision notice to remove an individual from the need group (see OAR 461-110-0630).

(3) In the EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, if a child is removed from the benefit group as a result of a court order or a voluntary placement in foster care by the child's caretaker relative (see OAR 461-001-0000), a basic decision notice (see OAR 461-001-0000) is used.

Stat. Auth.: ORS 411.060, 411.095, 411.404, 411.816, 412.049
Stats. Implemented: ORS 411.060, 411.095, 411.404, 411.816, 412.049
Hist.: AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-180-0020

Effective Dates; Changes in Income or Deductions that Cause Increases

For all programs in Chapter 461, except the ERDC program, this rule is used to determine the effective date when a change in income or income deductions causes an increase in benefits. For all changes, the effective date is one of the following:

(1) In the EXT, GA, MAA, MAF, SAC, SFPSS, and TANF programs, the effective date for an anticipated change reported before the payment month is the first of the payment month in which it will occur. If the change is not reported until the month it occurs or later, the effective date is the first of the month following the month in which the change was reported.

(2) In the SNAP program:

(a) The effective date when verification is not requested is the first of the month following the date the change was reported.

(b) The effective date if verification is requested is:

(A) The first of the month following the date the change was reported if verification is received no later than the due date for the verification.

(B) The first of the month following the date the verification is received by the Department, if received after the verification due date.

(3) In the OSIP program, the effective date for an anticipated change is:

(a) The first of the month in which the change occurs if the change is reported by the 10th day of the month following the month the change occurred; or

(b) 10 days before the change is reported, if it is reported after the 10th day of the month following the month the change occurred.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; 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 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-180-0030

Effective Dates; Changes in Income or Income Deductions that Cause Reductions

For all cases except those assigned to the SRS or TBA reporting systems, this rule is used to determine the effective date when changes in income or income deductions cause a decrease in benefits. The effective date for reducing benefits is the first day of the month following the month in which the notice period (see OAR 461-175-0050) ends.

Stat. Auth.: ORS 411.060, 411.404, 411.816, 412.014, 412.049
Stats. Implemented: ORS 411.060, 411.404, 411.816, 412.014, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10

461-180-0090

Effective Dates; Initial Month Medical Benefits

The effective date for starting medical benefits for an eligible client is as follows:

(1) In the CEC and CEM programs, it is the first of the month following the month that eligibility for Child Welfare medical, EXT, MAA, MAF, OHP, OHP-CHP, OSIPM, or SAC program benefits ends.

(2) In the EXT program, it is the first of the month following the month that MAA or MAF program eligibility ends.

ADMINISTRATIVE RULES

(3) In the GAM, MAA, MAF, OHP, OSIPM, QMB-DW, REFM, and SAC programs:

(a) Except as provided for in subsections (b) and (c) of this section:

(A) If the client meets all eligibility requirements on the date of request (see OAR 461-115-0030), it is the date of request. An OSIPM program client who is assumed eligible under OAR 461-135-0010(7) meets "all eligibility requirements" for the purposes of this section as follows:

(i) Effective the first day of the month of the initial SSI payment if the client is age 21 or older.

(ii) Effective the first day of the month prior to the month of the initial SSI payment if the client is under the age of 21.

(B) If the client does not meet all eligibility requirements on the date of request, it is the first day following the date of request that all eligibility requirements are met.

(b) If the client does not complete the application within the time period described in OAR 461-115-0190 (including the authorized extension), the determination of an effective date requires a new date of request.

(c) Except for OSIPM long-term care services eligibility, if an HKC program client meets all eligibility requirements for the MAA, MAF, OHP, OSIPM, or SAC program, it is the first of the month following the month in which the Department makes the eligibility determination.

(4) In the HKC program, the Office of Private Health Partnerships (OPHP) determines the effective date for enrolling an eligible child in one of the HKC program categories of coverage.

(5) In the QMB-BAS program, it is the first of the month after the benefit group (see OAR 461-110-0750) has been determined to meet all QMB-BAS program eligibility criteria and the Department receives the required verification.

(6) In the QMB-SMB and QMB-SMF programs, it is --

(a) The first of the month in which the benefit group meets all program eligibility criteria and the Department receives the required verification; or

(b) The first of the month in which the Low Income Subsidy (LIS) information is received by the Social Security Administration (SSA), if the SMB or SMF program application was generated by the electronic transmission of LIS data from the SSA and the benefit group meets all program eligibility criteria.

(7) Retroactive eligibility is authorized under certain circumstances in some medical programs (see paragraph (3)(a)(A) of this rule, OAR 461-135-0875, and 461-180-0140).

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831, 414.839

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 5-2003, f. 2-26-03, cert. ef. 3-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; 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 1-2010(Temp), f. & cert. ef. 1-26-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 20-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-180-0097

Effective Dates; OHP Premium

(1) Each client in the OHP-OPU program is required to pay a premium if not exempted by OAR 461-135-1120.

(2) The effective date for starting the premium is --

(a) For a new OHP-OPU program client, the first of the month following the month the eligibility determination is made.

(b) For a client found eligible at a redetermination of eligibility, the first month of the new certification period (see OAR 461-001-0000).

(3) The effective date for ending the OHP premium is the first of the month in which the client becomes:

(a) Exempt from paying a premium; or

(b) Eligible under another medical assistance program.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.431, 411.598, 414.033, 414.065

Stats. Implemented: ORS 409.050, 411.060, 411.404, 411.431, 411.598, 414.033, 414.065

Hist.: AFS 36-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 32-2010, f. & cert. ef. 10-1-10

461-180-0120

Effective Dates; Removing an Individual

The effective date for removing an individual from a benefit group (see OAR 461-110-0750) is one of the following:

(1) If the individual has left the benefit group in the current budget month because he or she is ineligible, is disqualified, or has left the household, the effective date is:

(a) The first of the month after the notice period (see OAR 461-175-0050) ends, if the change will reduce benefits.

(b) The last day of the month in which the notice period ends, if the change will end benefits.

(2) If the individual is reasonably expected to leave the household next month, the effective date is the later of the following:

(a) The first of the month following the month in which the individual leaves the household group (see OAR 461-110-0210), if the change will reduce benefits.

(b) The end of the month in which the individual is expected to leave the household group, if the change will end benefits.

(3) In the OHP program, if the individual is receiving benefits from a program that is ending, the effective date is the day on which the program ends.

(4) When an individual in a benefit group of more than one individual dies, the effective date of the closure or reduction in benefits is one of the following:

(a) In the ERDC, REF, SNAP, and TANF programs, the last day of the month in which the 10-day notice period ends.

(b) For all programs not covered by subsection (a) of this section, the date of the individual's death.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826

Stats. Implemented: ORS 409.050, 411.060, 411.070, 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 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 13-1993(Temp), f. & cert. ef. 7-1-93; AFS 21-1993, f. & cert. ef. 10-12-93; AFS 2-1994, f. & cert. ef. 2-1-94; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-190-0211

Standards for Support Service Payments

(1) The Department helps an individual comply with the individual's case plan (see OAR 461-001-0025) by providing payments for child care, housing, transportation, and other needs to make participation in required activities (see OAR 461-001-0025) successful. These payments are provided for costs directly related to participation in activities, for costs necessary to obtain and retain a job, and for enhancing wages and benefits. In approving JOBS support service payments, the Department must consider lower cost alternatives. It is not the intent of the Department or of this rule to supplant Department funding with other funding that is available in the community. It is the Department's expectation that case managers and clients will work collaboratively to seek resources that are reasonably available to the client in order to participate in activities.

(2) Support service payments must be authorized in advance and are subject to the limitations of this rule. The following standards apply to support service payments.

(3) Subject to the limitations of state funding, payments for support services (see OAR 461-001-0025) will be made available to an individual if all of the following requirements are met:

(a) The individual is one of the following:

(A) A TANF applicant or recipient.

(B) A client in the Pre-TANF, Post-TANF, or SFPSS programs.

(C) A minor parent (see OAR 461-001-0000) who has returned to the minor's parent's home in the last 40 days, if the move caused the client to become ineligible for TANF.

(D) A TANF client participating in diagnosis, counseling, or treatment programs for substance abuse or mental health.

(E) A non-citizen who is ineligible for TANF, who is legally able to work in the United States, and who has a child receiving TANF.

(F) An individual disqualified from the TANF program for failure to comply with the child-support related requirements of OAR 461-120-0340 and 461 120-0345.

(G) An individual eligible for transition benefits and services under OAR 461 190 0241.

(H) An individual currently receiving TA-DVS benefits.

(I) A non-custodial parent of a child receiving TANF benefits, if both are residents of Oregon.

(J) A recipient of supplemental security income (SSI) who is a volunteer (see OAR 461-130-0310) in an employment program.

(K) A caretaker relative (see OAR 461-001-0000) who is non-needy and is a volunteer in an employment program.

ADMINISTRATIVE RULES

(b) The individual has agreed to participate in a JOBS activity or other approved activities as specified in the individual's case plan.

(4) For an individual who is eligible for a support service under paragraphs (3)(a)(J) and (3)(a)(K) of this rule, the Department will consider that individual's income and resources towards the need.

(5) Denials and Reductions. The Department may reduce, close, or deny in whole or in part an individual's request for a support service payment in the following circumstances:

(a) If the individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the client to comply with his or her case plan.

(b) If the purpose for the payment is not related to the individual's case plan.

(c) If the client disagrees with a support service payment offered or made by the Department as outlined in the client's case plan.

(6) Required Verification.

(a) The Department may require the individual to provide verification of a need for the support service prior to approval and issuance of payment if verification is reasonably available.

(b) The Department may require the individual to provide verification of costs associated with a support service if verification is reasonably available.

(7) Child Care. Payments for child care are authorized, as limited by OAR 461 160 0040, if necessary to enable the individual to participate in JOBS program activities or other approved activities specified in the individual's case plan. If authorized, payment for child care will be made for:

(a) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150, except that the cost of child care may be paid up to the monthly maximum when children are in care less than 158 hours per month; and

(A) Appropriate care is not accessible to the individual at the hourly rate; or

(B) The individual is a teen parent using on-site care while attending education activities.

(b) The minimum hours necessary, including meal and commute time, for the individual to participate in JOBS or other approved activities or to obtain and perform employment duties.

(8) Child care payments may be provided when individuals are not participating in activities of the JOBS program or other approved activities if necessary for them to retain their provider. Only the minimum amount necessary to maintain the child care slot with the provider may be covered as established in OAR 461-155-0150. Not more than 30 days between scheduled JOBS or other approved activities may be covered.

(9) Housing and Utilities. In addition to payments for basic living expenses provided in OAR 461-135-0475, payments may be provided to secure or maintain housing and utilities in the following situations:

(a) To prevent an eviction or utility shut-off, secure housing in order to find or maintain employment, or participate in activities listed in the individual's case plan. Payment is available when all the following are true:

(A) The individual cannot make a shelter or utility payment due to lack of assets.

(B) The lack of assets did not result from a JOBS or Child Support disqualification, a reduction due to an IPV recovery, overpayment recovery (other than administrative error), or failure by the individual to pay shelter or utility expenses when funds were reasonably available.

(C) The individual's case plan addresses how subsequent shelter or utility payments will be made.

(b) The shelter need results from domestic violence (see OAR 461-001-0000) and all the following are true:

(A) The individual is not eligible for the TA-DVS program.

(B) The individual will be able to pay all subsequent shelter costs, either through the individual's own resources or through other resources available in the community.

(C) The individual's case plan addresses how subsequent shelter costs will be paid.

(c) For clients who are in the Pre-TANF program or are applying for a payment under section (6) of this rule, the Department will make payments if the client meets the eligibility criteria in section (9) of this rule. A client who receives a TANF grant is expected to meet the housing and utility expenses out of the money received each month in the TANF grant. Therefore, for clients who receive a TANF grant, the Department may make payments on a case-by-case basis as appropriate if the client otherwise meets the support service payment eligibility criteria of this section.

(10) Transportation. The Department will provide payments for transportation costs incurred in travel to and from JOBS or other approved activities. Payment is made only for the cost of public transportation or the cost of vehicle insurance, repairs, and fuel for a personally owned vehicle. The Department will not authorize payment for repair of a vehicle owned by an individual who is not in the TANF filing group (see OAR 461-110-0330). Payments are subject to the following considerations:

(a) Payments for public transportation are given priority over payments for a privately owned vehicle.

(b) Payment for a privately owned vehicle is provided if the client or driver has a valid license and either of the following is true:

(A) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.

(B) Public transportation is available but is more costly than the cost of car repair or fuel.

(11) Other Payments. The Department will provide payments for other items that are directly related to participation in JOBS or other approved activities. Payments under this section may be authorized for:

(a) Reasonable accommodation of a client's disability (see OAR 461-001-0000).

(b) Costs necessary in obtaining and retaining a job or enhancing wages and benefits, such as:

(A) Clothing and grooming for participation in JOBS activities or job interviews.

(B) Moving expenses necessary to accept employment elsewhere.

(C) Books and supplies for education needs, subject to the limitations provided in OAR 461-190-0199.

(D) Tools, bonding, and licensing required to accept or retain employment.

(c) Tuition for vocational training (see OAR 461-001-0025) only:

(A) After the client has been approved for vocational training;

(B) When no other funding is available;

(C) To the extent that Department funding designated for this purpose is available; and

(D) When the training is necessary for a job leading to a higher wage and high demand occupation, as defined by the Workforce Investment Act (WIA).

(12) Students Receiving Financial Aid. Authorization for payments for students in vocational training who receive financial aid is subject to the following conditions:

(a) A student whose financial aid consists solely of student loans is not required to use any of that financial aid for support services.

(b) Support service payments are not authorized for services specifically covered by federal or state financial aid other than student loans.

(c) Students whose financial aid consists of a combination of loans and grants may be required to pay for support services from any grant money remaining after payment of tuition, fees solely related to the institution where the individual attends, books, and supplies (applying first the loan and then any grants) if the financial aid award letter specifically permits this use of funds.

Stat. Auth.: ORS 411.060, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

Stat. Implemented: ORS 411.060, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1992, 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 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; 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 32-2010, f. & cert. ef. 10-1-10

461-193-0240

Exemption From Participating; New Arrival Employment Services (NAES)

(1) Participation in the NAES program is limited to RCSP program adult clients and refugees who would be eligible for the RCSP program, but have been in the U.S. for more than eight months and less than 13 months.

(2) An adult client is exempt from participation in or disqualification from the NAES program when the requirements of one of the following subsections are met:

(a) In the ninth month of pregnancy or when experiencing medical complications due to pregnancy that prevent participation in the NAES program.

(b) During the first six months after giving birth, except that the client may be required to participate in parenting classes or family stability activities.

ADMINISTRATIVE RULES

(c) Under 20 years of age during the first 16 weeks after giving birth, except that the client may be required to participate in suitable activities with a preference for educational activities, parenting classes, and family stability activities.

(d) A parent providing care for a family member who lives in the home and has a disability (see OAR 461-001-0000).

(e) Sixty-five years of age or older.

(f) Receiving supplemental security income (SSI) from the Social Security Administration.

(g) Participation likely would cause undue hardship or is contrary to the best interest of a child or needy caretaker relative.

(h) Volunteering, except that a client may not be disqualified for conduct that occurred while a volunteer. Volunteering, as used in the NAES program rules, means that a client who is otherwise exempt from participating in the NAES program chooses to participate in an employment program nevertheless.

(i) A medical condition documented by a licensed medical professional.

(3) An adult client is exempt from disqualification from the NAES program when participating more than 10 hours per week during the seventh and eighth months of pregnancy.

Stat. Auth.: ORS 411.060, 411.116, 412.006

Stats. Implemented: ORS 411.060, 411.116, 412.006

Hist.: AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 8-1995(Temp), f. 3-30-95, cert. ef. 4-1-95; AFS 37-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 13-2010(Temp), f. & cert. ef. 5-17-10 thru 11-13-10; SSP 32-2010, f. & cert. ef. 10-1-10

461-193-1380

Standards for NAES Support Service Payments

In the NAES program:

(1) The Department helps an individual comply with the individual's case plan (see OAR 461-001-0025) by providing payments for child care, housing, transportation, and other needs to make participation in required activities (see OAR 461-001-0025) successful. These payments are provided for costs directly related to participation in activities, for costs necessary to obtain and retain a job, and for enhancing wages and benefits.

(a) In approving NAES support service payments, the Department must consider lower-cost alternatives.

(b) It is not the intent of the Department or of this rule to use Department funding when other funding is available in the community. It is the Department's expectation that case managers and clients work collaboratively to seek resources that reasonably are available to the client to facilitate participation in required activities.

(c) An NAES program client is not eligible to receive any support service payment, except for child care or transportation, during his or her first 30 days in the United States.

(2) An NAES program support service payment must be authorized in advance and is subject to the limitations of this rule.

(3) Subject to the limitations of state funding and this rule, an NAES program support services (see OAR 461-001-0025) payment is made available to an individual if all of the following requirements are met:

(a) The individual is an NAES participant.

(b) The individual has agreed to participate in a NAES activity or other approved activities as specified in the individual's case plan.

(4) Denials and Reductions. The Department may reduce, close, or deny in whole or in part an individual's request for an NAES support service payment in each of the following circumstances:

(a) If the individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the client to comply with his or her case plan.

(b) If the purpose for the payment is not related to the individual's case plan.

(c) If the client disagrees with a support service payment offered or made by the Department as outlined in the client's case plan.

(5) Required Verification.

(a) The Department may require the individual to provide verification of a need for the support service prior to approval and issuance of payment if verification is reasonably available.

(b) The Department may require the individual to provide verification of costs associated with a support service if verification is reasonably available.

(6) Child Care. Payments for child care are authorized, as limited by OAR 461 160 0040, if necessary to enable the individual to participate in NAES program activities or other approved activities specified in the individual's case plan. If authorized, payment for child care will be made for:

(a) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150, except that the cost of child care may be paid up to the monthly maximum when a child is in care less than 158 hours per month; and

(A) Appropriate care is not accessible to the individual at the hourly rate; or

(B) The individual is a teen parent using on-site care while attending education activities.

(b) The minimum hours necessary, including meal and commute time, for the individual to participate in NAES program activities, other approved activities, or to obtain and perform employment duties.

(7) Child care payments may be provided when an individual is not participating in NAES program activities or other approved activities if payment is necessary for the client to retain his or her child care provider. Only the minimum amount necessary to maintain the child care slot with the provider may be covered as established in OAR 461-155-0150. Not more than 30 days between scheduled NAES program activities or other approved activities may be covered.

(8) Unless good cause (see OAR 461-193-0890) has been determined, an NAES program client must attend an NAES program child care orientation to receive on-going child care payments.

(9) Housing and Utilities. In addition to a payment for basic living expenses under OAR 461-135-0475, a payment may be provided to an NAES program participant to secure or maintain housing and utilities in the following situations:

(a) To prevent an eviction or utility shut-off, secure housing to find or maintain employment, or participate in activities listed in the individual's case plan. Payment is available when all of the following requirements are met:

(A) The individual cannot make a shelter or utility payment due to a lack of assets.

(B) The lack of assets did not result from an NAES program or Child Support disqualification, a reduction due to an IPV recovery, overpayment recovery (other than administrative error), or failure by the individual to pay shelter or utility expenses when funds were reasonably available.

(C) The individual's case plan addresses how subsequent shelter or utility payments are to be made.

(b) The shelter need results from domestic violence (see OAR 461-001-0000) and all of the following requirements are met:

(A) The individual is not eligible for the TA-DVS program.

(B) The individual is able to pay all subsequent shelter costs, either through the individual's own resources or through other resources available in the community.

(C) The individual's case plan addresses how subsequent shelter costs are to be paid.

(c) An NAES program client who receives a cash grant through the RCSP program is expected to meet the housing and utility expenses out of the amount received each month in the cash grant. A NAES program client who receives an RCSP program cash grant may receive a housing and utility support services payment on a case-by-case basis, if the client otherwise meets the support service payment eligibility criteria of this section.

(10) Transportation. The Department provides support services payments for transportation costs incurred in travel to and from NAES program activities or other approved activities. Payment is made only for the cost of public transportation or the cost of vehicle insurance, repairs, and fuel for a personally owned vehicle. The Department may not authorize payment for repair of a vehicle owned by an individual who is not in the filing group (see OAR 461-110-0330). A transportation support service payment is subject to the following considerations:

(a) A payment for public transportation is given priority over a payment for a privately owned vehicle.

(b) A payment for a privately owned vehicle is provided if the client or driver has a valid license and one of the following requirements is met:

(A) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available; or

(B) Public transportation is available but is more costly than the cost of car repair or fuel.

(11) Unless good cause has been determined, an NAES program client must attend an NAES program mass transit training to receive on-going transportation payments.

(12) Other Payments. The Department provides support services payments for other items directly related to participation in NAES program activities. A payment under this section may be authorized for:

ADMINISTRATIVE RULES

(a) Reasonable accommodation of a client's disability (see OAR 461-001-0000).

(b) Costs necessary in obtaining and retaining a job or enhancing wages and benefits, such as:

(A) Clothing and grooming for participation in NAES program activities or job interviews.

(B) Moving expenses necessary to accept employment elsewhere.

(C) Tools, bonding, and licensing required to accept or retain employment.

(c) Tuition for vocational training (see OAR 461-001-0025) through the NAES program only:

(A) After the client has been approved for vocational training;

(B) When no other funding is available;

(C) To the extent that Department funding designated for this purpose is available; and

(D) When the training is necessary for a job leading to a higher wage and high demand occupation, as defined by the Workforce Investment Act (WIA).

Stat. Auth.: ORS 411.060, 411.116, 411.135, 412.006, 412.049, 414.025
Stats. Implemented: ORS 411.060, 411.070, 411.116, 411.135, 412.006, 412.049, 414.025
Hist.: AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 16-2000(Temp), f. 6-28-00, cert. ef. 7-1-00 thru 9-30-00; AFS 24-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 32-2010, f. & cert. ef. 10-1-10

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 33-2010(Temp)

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10 thru 3-30-11

Notice Publication Date:

Rules Amended: 461-155-0688, 461-155-0693

Subject: OAR 461-155-0688 about prescription drug co-pay coverage in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to restate which OSIPM program clients receiving Supplemental Security Income (SSI) payments are eligible for the co-pay coverage.

OAR 461-155-0693 about transportation services payments in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to restate which OSIPM program clients receiving Supplemental Security Income (SSI) payments are eligible for the payments.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-155-0688

Prescription Drug Co-pay Coverage

In the OSIPM program for a client who is receiving SSI:

(1) The Department will provide a payment for all Medicare Part D or Veteran's Administration Health Care prescription co-pays if a client's co-pays exceed \$10 per month.

(2) Payment for Medicare Part D co-pays is limited to the current Low-Income Subsidy (LIS) program amounts for a fully dual eligible individual under 100 percent of the Federal Poverty Limit.

(3) If the payment exceeds \$30 per month, it must be approved by Seniors and People with Disabilities Division central office staff.

Stat. Auth.: ORS 411.060, 411.083, 411.706
Stats. Implemented: ORS 411.060, 411.083, 411.704, 411.706
Hist.: SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 33-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11

461-155-0693

Special Need; Transportation Services Payment; OSIPM

In the OSIPM program:

(1) The following individuals may be eligible for a transportation services payment:

(a) A client who receives SSI; or

(b) A client who the Department determines meets the requirements of OAR 461-125-0370(1)(c) and has adjusted income less than the SSI standard.

(2) Services eligible for payment under this rule are for transportation to non-medical and non-waivered activities and resources approved by the Department. Examples of such transportation services include, but are not limited to: reimbursement for non-commercial transportation not available through natural supports (limited to mileage only at the full United States General Services Administration mileage reimbursement rate); transporta-

tion provided by common carriers, taxicab, or bus; and assistance with purchase of a pass for public transportation.

(3) The following items are not eligible for payment under this rule: purchase of a vehicle; vehicle maintenance or repair; compensation for non-commercial transportation providers (payment to non-commercial transportation providers is limited to mileage only); and transportation services that may be obtained through other means, such as the State Medicaid Plan, waiver, or other public or private resources available to the individual, including natural supports.

(4) Payment for services authorized by this rule may not exceed \$25 per month.

(5) Service costs must be verified annually or when questionable.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.706
Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706
Hist.: SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 22-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 33-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 34-2010(Temp)

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10 thru 3-30-11

Notice Publication Date:

Rules Amended: 461-135-0400

Subject: OAR 461-135-0400 about the specific eligibility requirements for child care payments and the Employment Related Day Care (ERDC) program is being amended as part of the implementation of budget cuts at the Department. The amended rule adds to the requirements for new applicants to this program with a requirement that new applicants must have received benefits in the REF (Refugee), SFPSS (State Family Pre-SSI), or TANF (Temporary Assistance to Needy Families) programs within at least one of the prior three months. Applicants denied solely on this basis will be placed on a reservation list.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0400

Specific Requirements; ERDC

(1) The Department makes payments for child care, including care covered by the ERDC program, subject to the provisions of division 165 of this chapter of rules.

(2) To be eligible for ERDC, a *filing group* (see OAR 461-110-0350) must meet the requirements of all of the following subsections:

(a) At least one caretaker (see OAR 461-001-0000) must receive income from employment (other than self-employment, see OAR 461-145-0910), including employment through a work study program.

(b) The *filing group* must include a child who needs child care.

(c) The *filing group* must have an allowable child care need as described in OAR 461-160-0040. If there are two adults required to be in the filing group, and one of the adults is unemployed or self-employed, the unemployed or self-employed adult is considered available to provide child care, making the filing group ineligible, except in the following situations:

(A) The unemployed adult is physically or mentally unable to provide adequate child care.

(B) The unemployed adult is unavailable to provide child care while participating in the requirements of a case plan (see OAR 461-001-0025) other than requirements associated with post-secondary education.

(d) The *filing group* must use a child care provider who meets the requirements in OAR 461-165-0160 and 461-165-0180.

(e) The child needing child care must meet the citizenship or alien status requirements of OAR 461-120-0110.

(3) A *filing group* is not eligible for a child care payment for more than six calendar months if the filing group is unwilling to obtain a Certificate of Immunization Status for the child.

(4) The child care must be necessary to enable the caretaker to remain employed (other than self-employed).

(5) A *filing group* is not eligible for child care when the caretaker or parent in the filing group receives a grant for child care from the Oregon Student Assistance Commission for any month the grant is intended to cover, regardless of when the grant is received.

ADMINISTRATIVE RULES

(6) To be eligible for ERDC program benefits, a new applicant with an effective date of October 1, 2010 or later under OAR 461-180-0070 must meet all of the requirements of sections (1) to (5) of this rule, and:

(a) At least one member of the ERDC program filing group must have received a partial or full month of REF, SFPSS, or TANF program cash benefits from the State of Oregon in at least one of the preceding three months; and

(b) No member of the ERDC program filing group may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.

(7) An applicant re-applying for ERDC benefits who had a break in ERDC program benefits of 30 days or more at the time of re-application is considered a new applicant and must meet the requirements of sections (1) to (6) of this rule.

(8) The Department will place each applicant (including applicants under section (7) of this rule) who is sent a decision notice (see OAR 461-001-0000) of ineligibility for the ERDC program on a Child Care Reservation List.

(9) An applicant selected from the Child Care Reservation List must then submit an application for child care benefits to the Department. The applicant has 30 days from the date on the selection letter sent by the Department for the Department to receive the application for child care benefits. If an applicant does not apply within the 30 days, the applicant is removed from the reservation list and must re-apply for the ERDC program to be placed back on the reservation list with a new reservation number.

(10) An applicant with a valid and selected reservation number from the Child Care Reservation List found eligible for ERDC program benefits remains eligible until one of the circumstances in the following subsections occurs:

(a) The client has a break in ERDC program benefits of 30 days or more; or

(b) The client no longer meets the ERDC program eligibility requirements, excluding the requirement to have received REF, SFPSS, or TANF program cash benefits from the State of Oregon in the preceding three months.

Stat. Auth.: ORS 409.050, 411.060, 411.070
Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.010, 411.060, 411.070, 411.122, 411.141, 418.485, 2009 OL ch. 827
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 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 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 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 4-2009(Temp), f. 3-11-09, cert. ef. 4-1-09 thru 9-28-09; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 27-2009, f. & cert. ef. 9-29-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 34-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11

.....

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 35-2010(Temp)

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10 thru 3-30-11

Notice Publication Date:

Rules Amended: 461-135-1100, 461-135-1125

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 extend changes made by temporary rule on July 15, 2010, August 16, 2010, and August 25, 2010 because the underlying rule was amended by other permanent changes effective October 1, 2010. These amendments remove the eligibility requirement that an OHP Adults (OHP-OPU) program client select a medical, dental, and mental health managed health care plan (MHCP) or primary care case manager (PCCM), unless exempted under other Department rules; 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) and state when the Department may use Express Lane Eligibility (ELE) for a child;

and provide that for OHP-CHP the child no longer must select a managed care plan for medical or dental as an eligibility requirement.

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 extend changes made by temporary rule on August 16, 2010 because the underlying rule was amended by other permanent changes effective October 1, 2010. These amendments restate the definition for “OHP Standard Reservation List Applicant,” and state how the Department responds to an individual requesting and being granted placement on the OHP Standard Reservation List, that the Department must review applications for eligibility under all medical assistance programs, and how new OHP-OPU applicants are managed.

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 the OHP OPP program;

(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 the OHP-OPU program is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP program 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 the OHP-OPC, OHP-OPP, or OHP-OP6 programs;

(b) Meet budgeting requirements of OAR 461-160-0700;

ADMINISTRATIVE RULES

(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 the OHP program 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 HKC, OHP-CHP, and OHP-OPC 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; SSP 30-2010(Temp), f. & cert. ef. 8-25-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 35-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11

461-135-1125

Reservation Lists and Eligibility; OHP-OPU

In the OHP program:

(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 the OHP-OPU program 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 the OHP-OPU program are managed by the OHP Standard Reservation List.

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.404, 414.025, 414.706

Stats. Implemented: ORS 409.010, 409.050, 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; SSP 28-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 35-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11

ADMINISTRATIVE RULES

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 36-2010(Temp)

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-13-10 thru 4-11-11

Notice Publication Date:

Rules Adopted: 461-155-0528

Subject: OAR 461-155-0528 about special need emergency assistance payments for clients in the Oregon Supplemental Income Program Medical (OSIPM) program is being adopted to provide special need emergency assistance payments to certain OSIPM program clients who experience unexpected costs, or loss of income or resources.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-155-0528

Special Need; Emergency Assistance

In the OSIPM program:

(1) The Department provides an emergency assistance payment for a client if the client meets the requirements of all of the following subsections:

(a) The client must:

(A) Receive SSI as his or her only income; or

(B) Have an adjusted income (see OAR 461-001-0000) less than the SSI standard, and the Department has determined the client meets the eligibility requirements under OAR 461-125-0370(1)(c).

(b) The client does not reside in a community-based care facility (as defined in OAR 461-155-0630(1)) or nursing facility;

(c) The client experiences an unexpected cost or loss of income or resources (not including garnishments or other withholdings authorized by Section 207 of the Social Security Act) resulting from circumstances beyond the client's control; and

(d) The client lacks sufficient income for basic needs such as food, housing, and shelter.

(2) The Department makes emergency assistance payments in accordance with the following subsections:

(a) The Department may authorize an emergency assistance payment for a client only once in any 12-month period;

(b) An emergency assistance payment is limited to the lesser of the following amounts:

(A) The unexpected cost or loss of income or resources; or

(B) \$150.

(c) The Department must pay the total emergency assistance payment to the client over a two-month period.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706

Hist.: SSP 36-2010(Temp), f. & cert. ef. 10-13-10 thru 4-11-11

.....

Department of Human Services, Division of Medical Assistance Programs Chapter 410

Rule Caption: Ensure public safety and medical appropriateness requirements for speech augmentation systems and devices and durable medical equipment are discerned within rule.

Adm. Order No.: DMAP 26-2010(Temp)

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 10-1-10 thru 3-25-11

Notice Publication Date:

Rules Amended: 410-122-0080, 410-122-0180, 410-129-0220

Subject: The DMEPOS and Speech-language pathology, Audiology and Hearing Aid Services Programs administrative rules govern Division payments for services and supplies to certain clients. The Division temporarily amended the rules listed above to provide clarity of coverage, ensure client safety, and ensure medically appropriate devices are provided.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-122-0080

Conditions of Coverage, Limitations, Restrictions and Exclusions

(1) The Division of Medical Assistance Programs (Division) may pay for durable medical equipment, prosthetics, orthotics and medical supplies

(DMEPOS) when the item meets all the criteria in this rule, including all of the following conditions. The item:

(a) Has been approved for marketing and registered or listed as a medical device by the Food and Drug Administration (FDA) and is otherwise generally considered to be safe and effective for the purpose intended. In the event of delay in FDA approval and registration, the Division will review purchase options on a case by case basis;

(b) Is reasonable and medically appropriate for the individual client;

(c) Is primarily and customarily used to serve a medical purpose;

(d) Is generally not useful to a person in the absence of illness or injury;

(e) Is appropriate for use in a client's home;

(f) Specifically, for durable medical equipment, can withstand repeated use; i.e., could normally be rented, and used by successive clients;

(g) Meets the coverage criteria as specified in this division and subject to service limitations of the Division rules;

(h) Is requested in relation to a diagnosis and treatment pair that is above the funding line on the Oregon Health Services Commission's Prioritized List of Health Services (Prioritized List of Health Services or List) found in OAR 410-141-0520, consistent with treatment guidelines for the Prioritized List of Health Services, and not otherwise excluded under OAR 410-141-0500; and

(i) Is included in the Oregon Health Plan (OHP) client's benefit package of covered services.

(2) Conditions for Medicare-Medicaid Services:

(a) If Medicare is the primary payer and Medicare denies payment, an appeal to Medicare must be filed timely prior to submitting the claim to the Division for payment. If Medicare denies payment based on failure to submit a timely appeal, the Division may reduce any amount the Division determines could have been paid by Medicare;

(b) If Medicare denies payment on appeal, the Division will apply DMEPOS coverage criteria in this rule to determine whether the item or service is covered under the OHP.

(3) The Division will not cover DMEPOS items when the item or the use of the item is:

(a) Not primarily medical in nature;

(b) For personal comfort or convenience of client or caregiver;

(c) A self-help device;

(d) Not therapeutic or diagnostic in nature;

(e) Used for precautionary reasons (e.g., pressure-reducing support surface for prevention of decubitus ulcers);

(f) Inappropriate for client use in the home (e.g., institutional equipment like an oscillating bed);

(g) For a purpose where the medical effectiveness is not supported by evidence-based clinical practice guidelines; or

(h) Reimbursed as part of the all-inclusive rate in a nursing facility, or as part of a home and community based care waiver service, or by any other public, community or third party resource.

(4) In addition to the particular requirements in this rule, particular coverage criteria, limitations and restrictions for durable medical equipment, prosthetics, orthotics and supplies are specified in the appropriate rule. To the extent that codes are identified in these rules or in fee schedules, the codes are provided as a mechanism to facilitate payment for covered items and supplies consistent with OAR 410-122-0186, but codes do not determine coverage. If prior authorization is required, the request must document that prior authorization was obtained in compliance with the rules in this division.

(5) DMEPOS providers must have documentation on file that supports coverage criteria are met.

(6) Billing records must demonstrate that the provider has not exceeded any limitations and restrictions in rule. The Division may require additional claim information from the provider consistent with program integrity review processes.

(7) Documentation described in (4), (5) and (6) above must be made available to the Division on request.

(8) To identify non-covered items at a code level, providers can refer to the Division fee schedule, subject to the limitation that fee schedules and codes do not determine coverage, and are solely provided as a mechanism to facilitate payment for covered services and supplies consistent with OAR 410-122-0186. If an item or supply is not covered for an OHP client in accordance with these rules, there is no basis for payment regardless of whether there is a code for the item or supply on the fee schedule.

(9) Some benefit packages do not cover equipment and supplies (see OAR 410-120-1210 Medical Assistance Benefit Packages and Delivery System).

ADMINISTRATIVE RULES

DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 26-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11

(10) Buy-ups are prohibited. Advanced Beneficiary Notices (ABN) constitutes a buy-up and are prohibited. Refer to the Division General Rules (chapter 410, division 120) for specific language on buy-ups.

(11) Equipment purchased by the Division for a client is the property of the client.

(12) Rental charges, starting with the initial date of service, regardless of payer, apply to the purchase price.

(13) A provider who supplies rented equipment is to continue furnishing the same item throughout the entire rental period, except under documented reasonable circumstances.

(14) Before renting, providers should consider purchase for long-term requirements.

(15) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a home health plan of care and covered home health care services.

(16) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a hospice plan of care where the supplies are included as part of the written plan of care and for which payment may otherwise be made by Medicare, the Division or other carrier.

(17) Separate payment will not be made to DMEPOS providers for equipment and medical supplies provided to a client in their home when the cost of such items is already included in the capitated (per diem) rate paid to a facility or organization.

(18) Non-contiguous out-of-state DMEPOS providers may seek Medicaid payment only under the following circumstances:

(a) Medicare/Medicaid clients:

(A) For Medicare covered services and then only Medicaid payment of a client's Medicare cost sharing expenses for DMEPOS services when all of the following criteria are met:

(i) Client is a qualified Medicare beneficiary;

(ii) Service is covered by Medicare;

(iii) Medicare has paid on the specific code. Prior authorization is not required;

(B) Services not covered by Medicare:

(i) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(ii) Some examples of services not reimbursable to a non-contiguous out of-state provider are incontinence supplies, grab bars, etc. This list is not all-inclusive;

(iii) Services billed must be covered under the OHP;

(iv) Services provided and billed to the Division must be in accordance with all applicable Division rules;

(b) Medicaid-only clients:

(A) For a specific Oregon Medicaid client who is temporarily outside Oregon or the contiguous borders of Oregon and only when the prescribing practitioner has documented that a delay in service may cause client harm;

(B) For foster care or subsidized adoption children placed out of state;

(C) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(D) Services billed must be covered under the OHP;

(E) Services provided and billed to the Division must be in accordance with all applicable Division rules.

(19) The items listed in Table 122-0080 generally do not meet the requirements under DMEPOS rules for purchase, rent or repair of equipment or items. A request for equipment or an item on this list will not be granted until all criteria in this rule are met.

(20) See General Rules OAR 410-120-1200 Excluded Services and Limitations for more information on general scope of coverage and limitations.

(21) **Table 122-0080, Exclusions.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 409.010, 409.050, 409.110, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 3-1982, f. 1-20-82, cf. 2-1-82; AFS 6-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 24-1990(Temp), f. & cert. ef. 7-27-90; HR 6-1991, f. & cert. ef. 1-18-91, Renumbered from 461-024-0020; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993 f. & cert. ef. 4-1-93; HR 26-1994, f. & cert. ef. 7-1-94; HR 17-1996, f. & cert. ef. 8-1-96; HR 7-1997, f. 2-28-97, cert. ef. 3-1-97; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 46-2004, f. 7-22-04, cert. ef. 8-1-04; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 25-2006, f. 6-14-06, cert. ef. 7-1-06; OMAP 47-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 12-2007, f. 6-29-07, cert. ef. 7-1-07; DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 15-2009, f. 6-12-09, cert. ef. 7-1-09;

410-122-0180

Healthcare Common Procedure Coding System Level II Coding

(1) The Healthcare Common Procedure Coding System (HCPCS) level II is a comprehensive and standardized system that classifies similar products that are medical in nature into categories for the purpose of efficient claims processing. For each alphanumeric HCPCS code, there is descriptive terminology that identifies a category of like items. These codes are used primarily for billing purposes. The Centers for Medicare and Medicaid Services (CMS) maintain and distribute HCPCS Level II Codes.

(2) HCPCS is a system for identifying items and services. It is not a methodology or system for making coverage or payment determinations. The existence of a code does not, of itself, determine coverage or non-coverage for an item or service. While these codes are used for billing purposes, decisions regarding the addition, deletion, or revision of HCPCS codes are made independently of the process for making coverage and payment determinations for medical services. Items billed that do not have a HCPCS code will be reviewed by the Division of Medical Assistance Programs (Division) on a case by case basis to ensure rule 410-122-0080 is appropriately applied to item billed.

(3) The Division uses the HCPCS Level II Code Set to ensure that claims are processed in an orderly and consistent manner.

(4) When requesting authorization and submitting claims, DMEPOS providers must use these codes to identify the items they are billing. The descriptor that is assigned to a code represents the definition of the items and services that can be billed using that code.

(5) This rule division may not contain all code updates needed to report medical services and supplies.

(6) For the most up-to-date information on code additions, changes, or deletions, refer to the fee schedule posted on the Division Web site.

(7) The Division fee schedule lists all of the current HCPCS codes in an alphanumeric index.

(8) Newly established temporary codes and effective dates for their use are also posted on the Division Web site at <http://www.oregon.gov/DHS/healthplan/data_pubs/feeschedule/main.shtml>.

(9) CMS updates permanent national codes annually on January 1st.

(10) CMS may add, change, or delete temporary national codes on a quarterly basis.

(11) The Medicare Pricing, Data Analysis and Coding (PDAC) contractor is responsible for assisting DMEPOS providers and manufacturers in determining which HCPCS code should be used to describe DMEPOS items.

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

Stat. Auth.: ORS 409.010, 409.050, 409.110, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 6-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 7-1990, f. 3-30-89, cert. ef. 4-1-89, Renumbered from 461-024-0200; HR 13-1991, f. & cert. ef. 3-1-91, Renumbered from 410-122-0100; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993 f. & cert. ef. 4-1-93; HR 10-1994, f. & cert. ef. 2-15-94; HR 26-1994, f. & cert. ef. 7-1-94; HR 41-1994, f. 12-30-94, cert. ef. 1-1-95; HR 17-1996, f. & cert. ef. 8-1-96; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 12-1999(Temp), f. & cert. ef. 4-1-99 thru 9-1-99; OMAP 26-1999, f. & cert. ef. 6-4-99; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 54-2001(Temp), f. 10-31-01, cert. ef. 11-1-01 thru 4-15-02; OMAP 63-2001, f. 12-28-01, cert. ef. 1-1-02; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 21-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 25-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 15-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 26-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11

410-129-0220

Augmentative Communications System or Device

(1) Augmentative Communications System or Device and the necessary attachment equipment to bed or wheelchair are a covered benefit of the Division of Medical Assistance Programs (Division).

(2) The requested system or device must be approved, registered or listed as a medical device with the Federal Drug Administration.

(3) Criteria for coverage: Providers must meet each of the following components and submit documentation to the Division with the prior authorization request for review:

(a) A physician's statement of diagnosis and medical prognosis (not a prescription for an augmentative device) including the necessity to communicate medical needs must be submitted;

(b) The client must have reliable cognitive ability and a consistent motor response to communicate that can be measured by standardized or observational tools:

(A) Object permanence — ability to remember objects and realize they exist when they are not seen; and

ADMINISTRATIVE RULES

(B) Means end — ability to anticipate events independent of those currently in progress — the ability to associate certain behaviors with actions that will follow;

(c) The client must be assessed by a Speech Pathologist and when appropriate an Occupational Therapist and/or Physical Therapist. The evaluation report(s) must include:

(A) A completed DMAP 3047 form: Augmentative Communication Device Selection Report Summary (page 1) and required elements of the Formal Augmentative/Alternative Communication Evaluation (page 2). Attach additional pages required to complete information requested;

(B) An explanation of why this particular device is best suited for this client and why the device is the lowest level that will meet basic functional communication needs;

(C) Evidence of a documented trial of the selected device and a report on the client's success in using this device; and

(D) A therapy treatment plan with the identification of the individual responsible to program the device, monitor and reevaluate on a periodic basis;

(d) Providers send requests for augmentative communications systems or devices to the Division; and

(e) The manufacturer's MSRP and the vendor's acquisition cost quotations for the device must accompany each request including where the device is to be shipped.

(4) The Division shall reimburse for the lowest level of service that meets the medical need.

Stat. Auth.: ORS 409.010, 409.040 & 409.050

Stats. Implemented: ORS 414.025 & 414.065

Hist.: HR 40-1990(Temp), f. & cert. ef. 11-15-90; HR 5-1991, f. 1-18-91, cert. ef. 2-1-91; HR 11-1992, f. & cert. ef. 4-1-92; HR 36-1994, f. 12-30-94, cert. ef. 1-1-95; OMAP 36-1999, f. & cert. ef. 10-1-99; OMAP 38-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 59-2003, f. 9-5-03, cert. ef. 10-1-03; DMAP 26-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11

Rule Caption: October 2010 technical changes to the January 1, 2010–December 31, 2011 Health Services Commission's Prioritized List of Health Services.

Adm. Order No.: DMAP 27-2010(Temp)

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 10-1-10 thru 3-25-11

Notice Publication Date:

Rules Amended: 410-141-0520

Subject: The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. The Division will temporarily amend 410-141-0520 Health Services Commission's Prioritized List of Health Services to reference the January 1, 2009 – December 31, 2011, Prioritized List of Health Services including interim modifications and technical changes made for 2009 national code set and effective October 1, 2010.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-141-0520

Prioritized List of Health Services

(1) The Prioritized List of Health Services (Prioritized List) is the Oregon Health Services Commission's (HSC) listing of physical health services with "expanded definitions" of preventive services and the HSC's practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HSC. The HSC maintains the most current list on the HSC website: www.oregon.gov/DHS/healthplan/priorlist/main, or, for a hardcopy contact the Office for Oregon Health Policy and Research. This rule incorporates by reference the CMS approved biennial January 1, 2009–December 31, 2011 Prioritized List, including interim modifications and technical revisions made for the 2009 national code set and effective October 1, 2010 that includes expanded definitions, practice guidelines and condition treatment pairs funded through line 502.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO). These codes are identified on their own Mental Health (MH) section of the appropriate lines on the Prioritized List of Health Services.

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Office of Addictions and Mental Health and approval to bill Medicaid for CD services.

Stat. Auth.: ORS 192.527, 192.528, 409.050 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.010, 414.065 & 414.727

Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. 4-27-00, cert. ef. 4-27-00 thru 3-15-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-00; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; 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 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10; DMAP 36-2009(Temp), f. 12-10-09, f. 1-1-10 thru 3-29-10; DMAP 1-2010(Temp), f. & cert. ef. 1-15-10 thru 3-29-10; DMAP 3-2010, f. 3-5-10, cert. ef. 3-17-10; DMAP 5-2010(Temp), f. 3-26-10, cert. ef. 4-1-10 thru 9-1-10; DMAP 10-2010, f. & cert. ef. 4-26-10; DMAP 27-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11

Rule Caption: Ensure public safety and medical appropriateness requirements for speech augmentation systems and devices and durable medical equipment are discerned within rule.

Adm. Order No.: DMAP 28-2010(Temp)

Filed with Sec. of State: 10-7-2010

Certified to be Effective: 10-7-10 thru 3-25-11

Notice Publication Date:

Rules Amended: 410-122-0080

Rules Suspended: 410-122-0080(T)

Subject: The 410-122-0800(T) was filed 10/1/10 in error. This filing corrects the errors. The DMEPOS administrative rules govern Division payments for services and supplies to certain clients, The Division temporarily amended the rules listed above to provide clarity of coverage, ensure client safety, and ensure medically appropriate devices are provided.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-122-0080

Conditions of Coverage, Limitations, Restrictions and Exclusions

(1) The Division of Medical Assistance Programs (Division) may pay for durable medical equipment, prosthetics, orthotics and medical supplies (DMEPOS) when the item meets all the criteria in this rule, including all of the following conditions. The item:

- Has been approved for marketing and registered or listed as a medical device by the Food and Drug Administration (FDA) and is otherwise generally considered to be safe and effective for the purpose intended;
- Is reasonable and medically appropriate for the individual client;
- Is primarily and customarily used to serve a medical purpose;
- Is generally not useful to a person in the absence of illness or injury;

- Is appropriate for use in a client's home;
- Specifically, for durable medical equipment, can withstand repeated use; i.e., could normally be rented, and used by successive clients;
- Meets the coverage criteria as specified in this division and subject to service limitations of the Division rules;

(h) Is requested in relation to a diagnosis and treatment pair that is above the funding line on the Oregon Health Services Commission's Prioritized List of Health Services (Prioritized List of Health Services or List) found in OAR 410-141-0520, consistent with treatment guidelines for the Prioritized List of Health Services, and not otherwise excluded under OAR 410-141-0500; and

(i) Is included in the Oregon Health Plan (OHP) client's benefit package of covered services.

(2) Conditions for Medicare-Medicaid Services:

(a) If Medicare is the primary payer and Medicare denies payment, an appeal to Medicare must be filed timely prior to submitting the claim to the Division for payment. If Medicare denies payment based on failure to sub-

ADMINISTRATIVE RULES

mit a timely appeal, the Division may reduce any amount the Division determines could have been paid by Medicare;

(b) If Medicare denies payment on appeal, the Division will apply DMEPOS coverage criteria in this rule to determine whether the item or service is covered under the OHP.

(3) The Division will not cover DMEPOS items when the item or the use of the item is:

- (a) Not primarily medical in nature;
- (b) For personal comfort or convenience of client or caregiver;
- (c) A self-help device;
- (d) Not therapeutic or diagnostic in nature;
- (e) Used for precautionary reasons (e.g., pressure-reducing support surface for prevention of decubitus ulcers);

(f) Inappropriate for client use in the home (e.g., institutional equipment like an oscillating bed);

(g) For a purpose where the medical effectiveness is not supported by evidence-based clinical practice guidelines; or

(h) Reimbursed as part of the all-inclusive rate in a nursing facility, or as part of a home and community based care waiver service, or by any other public, community or third party resource.

(4) In addition to the particular requirements in this rule, particular coverage criteria, limitations and restrictions for durable medical equipment, prosthetics, orthotics and supplies are specified in the appropriate rule. To the extent that codes are identified in these rules or in fee schedules, the codes are provided as a mechanism to facilitate payment for covered items and supplies consistent with OAR 410-122-0186, but codes do not determine coverage. If prior authorization is required, the request must document that prior authorization was obtained in compliance with the rules in this division.

(5) DMEPOS providers must have documentation on file that supports coverage criteria are met.

(6) Billing records must demonstrate that the provider has not exceeded any limitations and restrictions in rule. The Division may require additional claim information from the provider consistent with program integrity review processes.

(7) Documentation described in (4), (5) and (6) above must be made available to the Division on request.

(8) To identify non-covered items at a code level, providers can refer to the Division fee schedule, subject to the limitation that fee schedules and codes do not determine coverage, and are solely provided as a mechanism to facilitate payment for covered services and supplies consistent with OAR 410-122-0186. If an item or supply is not covered for an OHP client in accordance with these rules, there is no basis for payment regardless of whether there is a code for the item or supply on the fee schedule.

(9) Some benefit packages do not cover equipment and supplies (see OAR 410-120-1210 Medical Assistance Benefit Packages and Delivery System).

(10) Buy-ups are prohibited. Advanced Beneficiary Notices (ABN) constitutes a buy-up and is prohibited. Refer to the Division General Rules (chapter 410, division 120) for specific language on buy-ups.

(11) Equipment purchased by the Division for a client is the property of the client.

(12) Rental charges, starting with the initial date of service, regardless of payer, apply to the purchase price.

(13) A provider who supplies rented equipment is to continue furnishing the same item throughout the entire rental period, except under documented reasonable circumstances.

(14) Before renting, providers should consider purchase for long-term requirements.

(15) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a home health plan of care and covered home health care services.

(16) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a hospice plan of care where the supplies are included as part of the written plan of care and for which payment may otherwise be made by Medicare, the Division or other carrier.

(17) Separate payment will not be made to DMEPOS providers for equipment and medical supplies provided to a client in their home when the cost of such items is already included in the capitated (per diem) rate paid to a facility or organization.

(18) Non-contiguous out-of-state DMEPOS providers may seek Medicaid payment only under the following circumstances:

- (a) Medicare/Medicaid clients:

(A) For Medicare covered services and then only Medicaid payment of a client's Medicare cost sharing expenses for DMEPOS services when all of the following criteria are met:

- (i) Client is a qualified Medicare beneficiary;
- (ii) Service is covered by Medicare;
- (iii) Medicare has paid on the specific code. Prior authorization is not required;

(B) Services not covered by Medicare:

(i) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(ii) Some examples of services not reimbursable to a non-contiguous out-of-state provider are incontinence supplies, grab bars, etc. This list is not all-inclusive;

(iii) Services billed must be covered under the OHP;

(iv) Services provided and billed to the Division must be in accordance with all applicable Division rules;

(b) Medicaid-only clients:

(A) For a specific Oregon Medicaid client who is temporarily outside Oregon or the contiguous borders of Oregon and only when the prescribing practitioner has documented that a delay in service may cause client harm;

(B) For foster care or subsidized adoption children placed out of state;

(C) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(D) Services billed must be covered under the OHP;

(E) Services provided and billed to the Division must be in accordance with all applicable DMAP rules.

(19) Effective on or after October 1, 2010, the items listed in Table 122-0080 generally do not meet the requirements under DMEPOS rules for purchase, rent or repair of equipment or items. A request for equipment or an item on this list will not be granted.

(20) See General Rules OAR 410-120-1200 Excluded Services and Limitations for more information on general scope of coverage and limitations.

(21) **Table 122-0080, Exclusions.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 409.010, 409.050, 409.110, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 3-1982, f. 1-20-82, ef. 2-1-82; AFS 6-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 24-1990(Temp), f. & cert. ef. 7-27-90; HR 6-1991, f. & cert. ef. 1-18-91, Renumbered from 461-024-0020; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993 f. & cert. ef. 4-1-93; HR 26-1994, f. & cert. ef. 7-1-94; HR 17-1996, f. & cert. ef. 8-1-96; HR 7-1997, f. 2-28-97, cert. ef. 3-1-97; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 46-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 25-2006, f. 6-14-06, cert. ef. 7-1-06; OMAP 47-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 12-2007, f. 6-29-07, cert. ef. 7-1-07; DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 15-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 26-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 28-2010(Temp), f. & cert. ef. 10-7-10 thru 3-25-11

Rule Caption: Additional filing (retroactive to 10/1/10) to ensure that public safety and medical appropriateness requirements for durable medical equipment are discerned within rule.

Adm. Order No.: DMAP 29-2010(Temp)

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-13-10 thru 3-25-11

Notice Publication Date:

Rules Amended: 410-122-0080

Rules Suspended: 410-122-0080(T)

Subject: The Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) administrative rules govern Division payments for services and supplies to certain clients.

The Division temporarily amended OAR 410-122-0080 (T), effective 10/1/10, to provide additional clarity of coverage, ensure client safety, and ensure medically appropriate devices are provided. This temporary rule is re-filed to update section (1) (a) and section (19) effective retroactively to 10/1/10.

Rules Coordinator: Darlene Nelson—(503) 945-6927

ADMINISTRATIVE RULES

410-122-0080

Conditions of Coverage, Limitations, Restrictions and Exclusions

(1) The Division of Medical Assistance Programs (Division) may pay for durable medical equipment, prosthetics, orthotics and medical supplies (DMEPOS) when the item meets all the criteria in this rule, including all of the following conditions. The item:

(a) Has been approved for marketing and registered or listed as a medical device by the Food and Drug Administration (FDA) and is otherwise generally considered to be safe and effective for the purpose intended. In the event of delay in FDA approval and registration, the Division will review purchase options on a case by case basis;

(b) Is reasonable and medically appropriate for the individual client;

(c) Is primarily and customarily used to serve a medical purpose;

(d) Is generally not useful to a person in the absence of illness or injury;

(e) Is appropriate for use in a client's home;

(f) Specifically, for durable medical equipment, can withstand repeated use; i.e., could normally be rented, and used by successive clients;

(g) Meets the coverage criteria as specified in this division and subject to service limitations of the Division rules;

(h) Is requested in relation to a diagnosis and treatment pair that is above the funding line on the Oregon Health Services Commission's Prioritized List of Health Services (Prioritized List of Health Services or List) found in OAR 410-141-0520, consistent with treatment guidelines for the Prioritized List of Health Services, and not otherwise excluded under OAR 410-141-0500; and

(i) Is included in the Oregon Health Plan (OHP) client's benefit package of covered services.

(2) Conditions for Medicare-Medicaid Services:

(a) If Medicare is the primary payer and Medicare denies payment, an appeal to Medicare must be filed timely prior to submitting the claim to the Division for payment. If Medicare denies payment based on failure to submit a timely appeal, the Division may reduce any amount the Division determines could have been paid by Medicare;

(b) If Medicare denies payment on appeal, the Division will apply DMEPOS coverage criteria in this rule to determine whether the item or service is covered under the OHP.

(3) The Division will not cover DMEPOS items when the item or the use of the item is:

(a) Not primarily medical in nature;

(b) For personal comfort or convenience of client or caregiver;

(c) A self-help device;

(d) Not therapeutic or diagnostic in nature;

(e) Used for precautionary reasons (e.g., pressure-reducing support surface for prevention of decubitus ulcers);

(f) Inappropriate for client use in the home (e.g., institutional equipment like an oscillating bed);

(g) For a purpose where the medical effectiveness is not supported by evidence-based clinical practice guidelines; or

(h) Reimbursed as part of the all-inclusive rate in a nursing facility, or as part of a home and community based care waiver service, or by any other public, community or third party resource.

(4) In addition to the particular requirements in this rule, particular coverage criteria, limitations and restrictions for durable medical equipment, prosthetics, orthotics and supplies are specified in the appropriate rule. To the extent that codes are identified in these rules or in fee schedules, the codes are provided as a mechanism to facilitate payment for covered items and supplies consistent with OAR 410-122-0186, but codes do not determine coverage. If prior authorization is required, the request must document that prior authorization was obtained in compliance with the rules in this division.

(5) DMEPOS providers must have documentation on file that supports coverage criteria are met.

(6) Billing records must demonstrate that the provider has not exceeded any limitations and restrictions in rule. The Division may require additional claim information from the provider consistent with program integrity review processes.

(7) Documentation described in (4), (5) and (6) above must be made available to the Division on request.

(8) To identify non-covered items at a code level, providers can refer to the Division fee schedule, subject to the limitation that fee schedules and codes do not determine coverage, and are solely provided as a mechanism to facilitate payment for covered services and supplies consistent with OAR 410-122-0186. If an item or supply is not covered for an OHP client in

accordance with these rules, there is no basis for payment regardless of whether there is a code for the item or supply on the fee schedule.

(9) Some benefit packages do not cover equipment and supplies (see OAR 410-120-1210 Medical Assistance Benefit Packages and Delivery System).

(10) Buy-ups are prohibited. Advanced Beneficiary Notices (ABN) constitutes a buy-up and are prohibited. Refer to the Division General Rules (chapter 410, division 120) for specific language on buy-ups.

(11) Equipment purchased by the Division for a client is the property of the client.

(12) Rental charges, starting with the initial date of service, regardless of payer, apply to the purchase price.

(13) A provider who supplies rented equipment is to continue furnishing the same item throughout the entire rental period, except under documented reasonable circumstances.

(14) Before renting, providers should consider purchase for long-term requirements.

(15) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a home health plan of care and covered home health care services.

(16) The Division will not pay DMEPOS providers for medical supplies separately while a client is under a hospice plan of care where the supplies are included as part of the written plan of care and for which payment may otherwise be made by Medicare, the Division or other carrier.

(17) Separate payment will not be made to DMEPOS providers for equipment and medical supplies provided to a client in their home when the cost of such items is already included in the capitated (per diem) rate paid to a facility or organization.

(18) Non-contiguous out-of-state DMEPOS providers may seek Medicaid payment only under the following circumstances:

(a) Medicare/Medicaid clients:

(A) For Medicare covered services and then only Medicaid payment of a client's Medicare cost sharing expenses for DMEPOS services when all of the following criteria are met:

(i) Client is a qualified Medicare beneficiary;

(ii) Service is covered by Medicare;

(iii) Medicare has paid on the specific code. Prior authorization is not required;

(B) Services not covered by Medicare:

(i) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(ii) Some examples of services not reimbursable to a non-contiguous out-of-state provider are incontinence supplies, grab bars, etc. This list is not all-inclusive;

(iii) Services billed must be covered under the OHP;

(iv) Services provided and billed to the Division must be in accordance with all applicable Division rules;

(b) Medicaid-only clients:

(A) For a specific Oregon Medicaid client who is temporarily outside Oregon or the contiguous borders of Oregon and only when the prescribing practitioner has documented that a delay in service may cause client harm;

(B) For foster care or subsidized adoption children placed out of state;

(C) Only when the service or item is not available in the State of Oregon and this is clearly substantiated by supporting documentation from the prescribing practitioner and maintained in the DMEPOS provider's records;

(D) Services billed must be covered under the OHP;

(E) Services provided and billed to the Division must be in accordance with all applicable Division rules.

(19) The items listed in Table 122-0080 generally do not meet the requirements under DMEPOS rules for purchase, rent or repair of equipment or items. Effective on or after October 1, 2010, a request for equipment or an item on this list will not be granted.

(20) See General Rules OAR 410-120-1200 Excluded Services and Limitations for more information on general scope of coverage and limitations.

(21) **Table 122-0080, Exclusions.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 409.010, 409.050, 409.110, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 3-1982, f. 1-20-82, ef. 2-1-82; AFS 6-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; HR 24-1990(Temp), f. & cert. ef. 7-27-90; HR 6-1991, f. & cert. ef. 1-18-91, Renumbered from 461-024-0020; HR 10-1992, f. & cert. ef. 4-1-92; HR 9-1993 f. & cert. ef. 4-1-93; HR 26-1994, f. & cert. ef. 7-1-94; HR 17-1996, f. & cert. ef. 8-1-96; HR 7-1997, f. 2-28-97, cert. ef. 3-1-97; OMAP 11-1998, f. & cert. ef. 4-1-98; OMAP 13-1999, f. & cert. ef. 4-1-99; OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f.

ADMINISTRATIVE RULES

9-24-01, cert. ef. 10-1-01; OMAP 47-2002, f. & cert. ef. 10-1-02; OMAP 25-2004, f. & cert. ef. 4-1-04; OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 46-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 25-2006, f. 6-14-06, cert. ef. 7-1-06; OMAP 47-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 12-2007, f. 6-29-07, cert. ef. 7-1-07; DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 15-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 13-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 26-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 28-2010(Temp), f. & cert. ef. 10-7-10 thru 3-25-11; DMAP 29-2010(Temp), f. & cert. ef. 10-13-10 thru 3-25-11

Hist.: HD 5-1996(Temp), f. & cert. ef. 9-30-96; HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

.....
**Department of Human Services,
Public Health Division
Chapter 333**

Rule Caption: Remove Lead-Based Paint Permit provisions from OAR 333-069.

Adm. Order No.: PH 22-2010(Temp)

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 9-24-10 thru 3-22-11

Notice Publication Date:

Rules Amended: 333-069-0005, 333-069-0015, 333-069-0020, 333-069-0040, 333-069-0050, 333-069-0060, 333-069-0085, 333-069-0090

Subject: The Department of Human Services, Public Health Division is temporarily amending Oregon Administrative Rules in chapter 333, division 69. The amendments to OAR 333-069 remove the lead-based paint permit requirements from these rules. These amendments are necessary because the existing rules duplicate and are in conflict with many of the provisions of new Renovation, Repair and Painting rules implemented by OAR 333-070, which are more detailed and specific in their requirements and are consistent with EPA requirements.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-069-0005

Authority, Purpose, Scope

(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 431.920.

(2) Purpose:

(a) The purpose of these rules is to address Oregon's need for a qualified and properly trained workforce to perform inspection, risk assessment and removal of hazards associated with lead-based paint, to safeguard the environment and protect human health, and the health of building occupants, especially for high-risk groups (children under six years of age), from lead-based paint hazards.

(b) These rules prescribe the requirements for certification of individuals and legally registered Firms engaged in lead-based paint activities in target housing and child occupied facilities.

(c) These rules will establish work practice standards for the performance of lead-based paint inspection, risk assessment, and abatement activities for individuals and Firms and will require that all lead-based paint activities be performed only by certified individuals and Firms.

(3) Scope:

(a) These rules apply to all individuals and Firms who are engaged in lead-based paint activities as defined in OAR 333-069-0015(38), except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(b) These rules establish the requirement that lead-based paint activities be performed only by certified individuals and legally registered Firms.

(c) These rules prescribe the requirements for, and the manner of, certifying competency of applicants for certification of Lead-Based Paint Inspector, Risk Assessor, Supervisor, Project Designer, and Worker, and of legally registered Firms employing such individuals.

(d) These rules prescribe work practice standards for the removal or mitigation of lead-based paint hazards and for the performance of lead-based paint inspection and risk assessment, and those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the Department may deny, suspend, or revoke certification.

(e) These rules establish fees to the extent necessary to defray costs of those activities prescribed herein.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

333-069-0015

Definitions

As used in these rules unless otherwise required by context:

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards including, but not limited to:

(a) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and

(b) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures,

(c) Specifically, abatement includes, but is not limited to:

(A) Projects for which there is a written contract or other documentation, which provides that an individual or Firm will be conducting activities in or to a residential dwelling or child-occupied facility that results in permanent elimination of lead-based paint hazards or designed to permanently eliminate lead-based paint hazards and described in subsections (1)(a) and (1)(b) above.

(B) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified and licensed Firms or individuals, unless such projects are covered under subsection (1)(d) of this definition.

(C) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by Firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless such projects are covered under subsection (1)(d) of this section.

(D) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(d) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited Training Program" means a training program provisionally accredited or accredited by the Department, either directly or through a reciprocity agreement with other jurisdictions, to provide training for individuals engaged in lead-based paint activities.

(3) "Administrator" means the Assistant Director for the Public Health Division of the Department of Human Services.

(4) "Arithmetic mean" means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

(5) "Certified" means successful completion of a training program accredited by the Department, passage of a certification examination administered by the Department and satisfaction of any other requirements for the appropriate discipline, and submittal and approval of the appropriate application by the Department for inspection, risk assessment or abatement activities in target housing and child occupied facilities.

(6) "Certified Firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which the Department has issued a certificate under these rules.

(7) "Chewable surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

(8) "Child-occupied facility" means a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under six years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visit lasts at least six 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.

(9) "Clearance examination standards" means a maximum of 40 micrograms of lead in dust per square foot on floors, 250 micrograms of

ADMINISTRATIVE RULES

lead in dust per square foot on interior window sills, and 400 micrograms of lead in dust on window troughs.

(10) "Common area" means a portion of a building that is generally accessible to all occupants that may include, but that is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

(11) "Common area group" means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to hallways, stairwells, and laundry rooms.

(12) "Component" means an architectural element of a dwelling unit or common area identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

(13) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

(14) "Contact hour" means 60 minutes of lead-based paint related training which may include a break of not more than ten minutes.

(15) "Containment" means a process or arrangement of materials to protect workers and the environment by controlling exposure to the lead-contaminated dust and debris created during an abatement.

(16) "Course completion date" means the final date of classroom instruction and/or student examination of an accredited lead-based paint training course.

(17) "Course completion certificate" means documentation issued by an accredited training provider to an individual as proof of successful completion of a Department-accredited lead-based paint training course.

(18) "Critical barrier" means a containment structure that allows for the passage of persons or materials.

(19) "Demonstration testing" means the observation and scoring of a student's job task and equipment use skills taught during a course or continuing education instruction.

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

(21) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(22) "Discipline" means a specific type or category of lead-based paint activity.

(23) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

(24) "Documented methodologies" are written methods or protocols used to sample for the presence of lead in paint, dust, and soil as recommended in U.S. Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", revised, October, 1997; "Agency Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil", September, 1995; and "EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling", March 1995.

(25) "Dripline" means the area within 3 feet surrounding the perimeter of a building.

(26) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility 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 window sills based on wipe samples.

(27) "Emergency" means a situation in which failure to act promptly would likely result in immediate harm to persons or property.

(28) "Emergency renovation operations" means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

(29) "Firm" means a sole proprietorship, corporation, association, firm, partnership, or joint stock company.

(30) "Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

(31) "Hands-on training" means training during which students practice skills that they will be expected to perform at the worksite.

(32) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

(33) "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing, explaining the results of the investigation.

(34) "Inspector" means an individual who is certified by the Department and licensed by the Construction Contractors Board, except where exempt by these rules, to conduct in target housing and child occupied facilities a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing; and conduct clearance procedures in accordance with OAR 333-069-0070. An Inspector may also collect dust and soil samples and perform clearance testing. An Inspector may cite the applicable standard for the medium being sampled, but may not evaluate the results or assess risk.

(35) "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

(36) "Job tasks" mean the specific activities performed in the context of work.

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

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

(39) "Lead-based paint hazard" means hazardous lead-based paint, dust-leads hazard or soil-lead hazard as identified in these rules.

(40) "Lead hazard standard" means the amount of lead the Department considers to be a hazard in target housing or child-occupied facilities. The standards are: greater than 40 micrograms of lead in dust per square foot on interior window sills, or 400 parts per million of lead in bare soil in children's play areas, or 1200 parts per million of lead on average in bare soil in the rest of the yard (not including play areas).

(41) "Licensed" means a person who has been certified by the Department in one or more disciplines and has completed the requirements of the Construction Contractors Board.

(42) "Loading" means the quantity of specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

(43) "Multi-family housing" means a housing property consisting of more than four dwelling units.

(44) "Notice of Noncompliance" is a description, in writing, of activities conducted in violation of these rules observed or documented by the Department, and of requirements for corrective action.

(45) "Paint in poor condition" means more than 10 square feet of deteriorated paint on exterior components with large surface areas; or more than 2 square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

(46) "Paint-lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in these rules.

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(47) "Paint stabilization" means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

(48) "Pamphlet" means the EPA pamphlet entitled "Protect Your Family from Lead in Your Home". This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information). Single copies of this pamphlet may be obtained from the Department of Human Services, Lead-Based Paint Program, PO Box 14450, Portland, OR 97293, or electronically at <http://www.epa.gov/lead>.

ADMINISTRATIVE RULES

(49) "Permanent" means having an expected design life of 20 years.

(50) "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

(51) "Person" means an individual.

(52) "Play area" means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

(53) "Preliminary clearance" means clearance of interior living areas according to which an Inspector or Risk Assessor determines that residual lead levels (as determined by laboratory analysis) do not exceed clearance levels.

(54) "Project Designer" means an individual who is certified by the Department and licensed by the Construction Contractors Board to interpret lead inspection or risk assessment reports and to develop plans, specifications, and project procedures for lead abatement projects in target housing and child occupied facilities, including occupant notification and protection, clean-up and clearance, and abatement reports.

(55) "Public Agency" means an entity that functions as part of a governmental body or organization at the local, state, or federal level.

(56) "Refresher training course" means a minimum seven hour training program accredited by the Department to update an individual's knowledge and skills so that he/she can effectively and safely continue to practice in the field.

(57) "Renovation" the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by these rules. The term renovation includes (but is not limited to): the removal or modification of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust); the removal of large structures (e.g., walls, ceiling, large surface replastering, major re-plumbing); and window replacement.

(58) "Renovator" means any person who performs for compensation a renovation.

(59) "Residential building" means a building containing one or more residential dwellings.

(60) "Residential dwelling" means:

(a) A detached single family dwelling unit, including attached structures such as porches and stoops; or

(b) A single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be occupied, in whole or in part, as the home or residence of one or more persons.

(61) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and the provision of a report by the individual or the Firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

(62) "Risk Assessor" means an individual who is certified by the Department and licensed by the Construction Contractors Board, unless where exempt by the rules, to conduct in target housing and child occupied facilities on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and to provide a report explaining the results of the investigation and options for reducing lead-based paint hazards; and who may conduct a lead-hazard screen, in accordance with OAR 333-069-0070.

(63) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

(64) "Sample quality control" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or film samples. Sample quality control also includes provisions for representative sampling and control samples.

(65) "Scope of work" means a written description of all of the abatement activities to be conducted at a specific abatement project site.

(66) "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (mg/g) in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

(67) "Soil sample" means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method. ASTM standards can be obtained from ASTM International, PO Box C700, West Conshohocken, PA, 19428-2929, via phone at (610) 832-9525, or electronically at www.astm.org

(68) "Supervisor" means an individual who is certified by the Department and licensed by the Construction Contractors Board to either conduct or oversee and direct the work-site conduct of lead-based paint abatement and clearance activities in target housing and child occupied facilities, and to prepare occupant protection plans and abatement reports in accordance with OAR 333-069-0070.

(69) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children under six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

(70) "These rules" means OAR 333-069-0005 through 333-069-0090.

(71) "Weighted arithmetic mean" means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example the weighted arithmetic mean of a single surface sample containing 60 $\mu\text{g}/\text{ft}^2$, a composite sample (three subsamples) containing 100 $\mu\text{g}/\text{ft}^2$, and a composite sample (4 subsamples) containing 110 mg/ft^2 is 100 $\mu\text{g}/\text{ft}^2$. This result is based on the equation $[(60 + (3 * 100) + (4 * 110)) / (1 + 3 + 4)]$.

(72) "Window trough" means for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well".

(73) "Wipe sample" means a sample collected by wiping a representative surface of known area, as determined by ASTM E 1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques, or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust." ASTM standards can be obtained from ASTM International, PO Box C700, West Conshohocken, PA, 19428-2929, via phone at (610) 832-9525, or electronically at www.astm.org

(74) "Worker" means an individual who is certified by the Department and licensed by the Construction Contractors Board to conduct lead-based paint abatement activities in target housing and child occupied facilities in accordance with OAR 333-069-0070.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 5-1996(Temp), f. & cert. ef. 9-30-96; HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; OHD 11-2000, f. & cert. ef. 12-8-00; OHD 4-2001(Temp), f. & cert. ef. 4-10-01 thru 10-5-01; OHD 25-2001, f. & cert. ef. 11-15-01; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

333-069-0020

Certification Required

(1) No person, Firm, or public agency shall offer to perform or perform lead-based paint inspection, risk assessment, or abatement activities in target housing or child occupied facilities without first receiving certification from the Department and a license from the Construction Contractors Board (CCB), except if such a person, Firm, or public agency is exempt from CCB licensing requirements.

(2) All certificates to perform lead-based paint activities shall expire on June 30, and are renewable upon meeting all of the requirements as determined by the Department.

(3) Certified persons or Firms conducting lead-based paint activities shall comply with the work practice standards for performing lead-based paint activities as prescribed in these rules.

ADMINISTRATIVE RULES

(4) It shall be considered a violation of these rules and the Construction Contractors Board regulations for any person to conduct any of the lead-based paint activities described in these rules unless the individual has received certification from the Department and licensure from the Construction Contractors Board, except if such a person, is exempt from CCB licensing requirements.

(5) Applicants for inspector, risk assessor, project designer and supervisor shall pass with a score of 70 or more on a certification examination administered by the Department for each discipline for which certification is desired.

(6) Individuals may take the certification examination no more than three times within six months of the course completion date of the accredited lead-based paint training course.

(7) If an individual applicant does not complete all certification requirements (including passing the certification examination for required disciplines) within six months of the course completion date of the accredited lead-based paint training course, the individual shall successfully complete the appropriate accredited standard or refresher training course before reapplying for certification.

(8) A certificate for an individual will be issued by the Department in the form of an identification card and a numbered certificate. This card will identify each discipline for which a person is certified and must be available on demand for inspection at all times while conducting inspection, risk assessment, or abatement activities.

(9) A numbered certificate for a certified Firm will be issued by the Department.

(10) A public agency whose employees perform 'in house' lead-based paint services need not be certified, but shall furnish the Department with a letter of compliance certifying the following:

(a) The agency will use only certified individuals of the appropriate discipline to conduct lead-based paint activities as described in these rules, and;

(b) The agency will follow the standards for conducting lead-based paint activities as prescribed in these rules, and;

(c) The agency will maintain records of all such activities per these rules.

(d) The letter of compliance will be signed by an individual authorized to sign on the agency's behalf.

(e) Any public agency determined by the Department to be in violation of this exemption shall be subject to the certification requirements of a non-exempt Firm.

(11) A firm or public agency that contracts with a certified Firm or public agency to provide lead-based paint activities on its behalf need not be certified.

(a) The contracting firm or public agency shall submit to the Department a letter of compliance stating the following:

(A) The firm or agency will use only certified Firms and certified individuals of the appropriate discipline to conduct lead-based paint activities as described in these rules, and;

(B) The firm or agency will ensure that the standards for conducting lead-based paint activities as prescribed in these rules will be followed, and;

(C) The firm or agency will maintain records of all such activities per these rules.

(D) The letter of compliance will be signed by an individual authorized to sign on the firm or the agency's behalf.

(b) The contracting firm shall submit to the Department, upon request, a copy of the contract agreement between the contracting firm and the certified Firm or Firms.

(12) Employees or agents of regulatory agencies are exempt from these rules if:

(a) Those employees or agents are acting in a regulatory capacity;

(b) They are carrying out activities within the scope of the agency's regulatory authority; and

(c) They have been trained in a manner consistent with the public and environmental health objectives of these rules.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 5-1996(Temp), f. & cert. ef. 9-30-96; HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

333-069-0040

Application Requirements

(1) No person, firm or public agency shall conduct lead-based paint activities without first applying to the Department for and receiving certification to conduct such activities.

(2) Applications for certification shall be accompanied with a check or money order made out to the 'Department of Human Services' in the amount as described in OAR 333-069-0090.

(3) Applications for a person shall be submitted on forms prescribed by the Department and shall be accompanied, as appropriate, by:

(a) Documentation of applicant's training, experience, and education including:

(A) Lead-based paint training course completion diploma issued by a Department-accredited training provider.

(B) Documentation of experience must include name and address of employer, name and telephone number of supervisor; or indicate if self-employed. Documentation must also include employment dates, description of specific duties performed, estimated percentage of time associated with conducting inspections and assessing health, safety or environmental hazards. This documentation must be signed by supervisor or employer verifying, under penalty of perjury, that the information is true and correct. A self-employed individual must submit a notarized affidavit attesting to the work experience claimed for the purposes of application.

(C) Evidence of completion of educational requirements under OAR 333-069-0030, such as a transcript or diploma, if applicable.

(b) Two current, passport size photos.

(c) Applicant's name, printed or typed, date, and signature, verifying, under penalty of perjury, that all information submitted is true and correct.

(4) Applications for certification shall be submitted on forms prescribed by the Department. Application materials can be obtained by mail from the Department of Human Services, Lead-Based Paint Program, PO Box 14450, Portland, OR 97293, or electronically at <http://www.dhs.state.or.us/publichealth/leadpaint/index.cfm>

(5) Applications for certification of a Firm shall be accompanied by a letter of compliance certifying the following:

(a) The Firm will employ only certified employees of the appropriate discipline to conduct lead-based paint activities as prescribed in these rules.

(b) The Firm will follow the standards for conducting lead-based paint activities as prescribed in these rules.

(c) The Firm shall maintain all records pursuant to these rules.

(d) The letter of compliance shall be signed by an officer of the Firm, or an individual authorized to sign on the Firm's behalf.

(6) Certified individuals and Firms shall notify the Department within 30 calendar days of a change of address.

(7) For the purposes of application, photocopies of original documents are acceptable.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 5-1996(Temp), f. & cert. ef. 9-30-96; HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; Administrative correction 8-25-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

333-069-0050

Renewal and Recertification

(1) To maintain certification in a particular discipline, application for renewal shall be made annually to the Department. Applicants shall submit completed application forms available from the Department, and shall pay the appropriate fee per OAR 333-069-0090. Applicants for certification shall also submit two current passport-size photos.

(2) Recertification is required for individuals by June 30, no more than three years after the issue date of an original certification or recertification, whichever is most recent. To obtain recertification, an individual shall fulfill the following:

(a) Submit to the Department an application for recertification that shall include two current passport-size photos and the appropriate fee per OAR 333-069-0090.

(b) Submit to the Department a copy of the course completion certificate from an accredited lead-based paint refresher training course in the appropriate discipline.

(c) Pass a qualifying examination (if applicable) administered by the Department.

(3) An individual whose certification has been expired for more than six months must complete a standard or refresher course in that discipline and pass a qualifying examination administered by the Department before the certification may be renewed. An individual whose certification has been expired for more than one year shall successfully complete a standard course in that discipline and pass a qualifying examination administered by the Department before the certification may be renewed.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 5-1996(Temp), f. & cert. ef. 9-30-96; HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

ADMINISTRATIVE RULES

333-069-0060

Certification Procedures

(1) The Department shall inform the applicant, in writing, when his/her application is granted, denied or incomplete and of the additional information and/or documentation that is required to complete the application.

(a) If granted, a certificate shall be mailed to the applicant and the effective date shall be the issuance date of certification or renewal.

(b) A unique certification number will be assigned to each certificate holder.

(c) If an application is denied, the Department shall state, in writing, the reasons for denial.

(d) An application may be withdrawn at any time by written request to the Department.

(2) The Department may take into consideration various factors in determining whether to grant or deny certification including, but not limited to:

- (a) Failure to satisfy eligibility requirements for certification;
 - (b) Failure to satisfy training requirements;
 - (c) Failure to provide required documentation or information requested by the Department;
 - (d) History of citations or violations of existing regulations or standards;
 - (e) History of revocation of a certificate;
 - (f) Making false or misleading statements in the application.
- (3) Certification shall be non-transferable.
- (4) All certifications shall expire on June 30.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

333-069-0085

Schedule of Penalties

The Department may assess penalties, not to exceed the actions or amount shown in the following guidelines:

(1) A Level One violation includes, but is not limited to, the following violations:

(a) Offering to perform or performing lead-based paint activities without Department certification and CCB licensing, unless specifically exempted by these rules.

(b) Clearance-sampling inconsistencies including, but not limited to, the following:

- (A) Failure to conduct clearance testing;
- (B) Allowing rehabilitation before clearance has been achieved;
- (C) Allowing rehabilitation when lead hazard levels exceed the standard;

(c) The collection of samples as described in these rules by a non-certified individual or Firm;

(d) Obtaining certification via fraud or duplication of certification documents;

(e) Conducting lead-based paint activities with a revoked, suspended or expired certification;

(f) Employing uncertified individuals to conduct lead-based paint activities;

(g) Failure to comply with a consent agreement or an administrative order;

(h) Falsification of results of lead-hazard sampling;

(i) Failure to provide notification prior to the conduct of renovation activities;

(j) Use of prohibited abatement methods.

(2) A Level Two violation includes, but is not limited to, the following violations:

(a) Failure to comply with prescribed work practice standards;

(b) Improper collection or handling of samples or sampling information collected for an inspection, risk assessment, clearance, or lead-hazard screen;

(c) Failure to use an NLLAP laboratory for analysis of samples referred to in subsection (b) of this section;

(d) Incomplete, missing or late reports;

(e) Failure to provide Notice of Abatement, or notice given in a manner that obstructs proper oversight;

(f) Failure to provide client with report of lead-based paint activity in a timely manner, as specified for in these rules;

(g) Failure to maintain or to provide for Department inspection lead-based paint activities reports and documents;

(h) Performance by a certified individual of lead-based paint activity outside of the scope of that individual's certification;

(3) A Level Three violation includes, but is not limited to, the following violations:

(a) Conducting lead-based paint activities without a valid certification badge;

(b) Conducting 'in-house' lead-based paint activities by a public agency without having submitted a letter of compliance to the Department;

(c) Conducting lead-based paint activities that have been contracted for by a non-certified Firm or agency, without the Firm or agency having submitted a letter of compliance to the Department;

(d) Conducting lead-based paint abatement without an occupant protection plan;

(4) The penalties for Levels One, Two and Three as described in this section, will be assessed according to the following schedule:

(a) Level One:

(A) First offense: a Notice of Noncompliance and up to \$1,000.

(B) Second offense: a Notice of Noncompliance, a fine of up to \$3,000, and suspension of certification for up to 90 days.

(C) Third offense: a Notice of Noncompliance, a fine of up to \$5,000, and either suspension of certification for up to 180 days or revocation of certification.

(b) Level Two:

(A) First offense: A Notice of Noncompliance and a fine of up to \$500.

(B) Second offense: Notice of Noncompliance and a fine of up to \$2,000.

(C) Third offense: Notice of Noncompliance, a fine of up to \$5,000, and suspension of certification for up to 30 days.

(c) Level Three:

(A) First offense: A Notice of Noncompliance.

(B) Second offense: A Notice of Noncompliance and/or a Letter of Warning from the Construction Contractors Board.

(C) A Notice of Noncompliance and/or a Letter of Warning from the Construction Contractors Board and a fine of up to \$100.

(5) Violations that are not specifically addressed in sections (1) through (4) of this rule, such as in the case of serial violations of different Levels, shall be assessed appropriate penalties by the Department in accordance with the hazard to public health produced by the activity and the compliance history of the violator.

(6) Removal of Signage. It shall be a violation to remove a sign posted by the Department to warn the public of lead hazards, and such action shall be punishable by a fine of \$100 per day.

(7) The Department may revoke, suspend, or refuse to issue or reissue the certification of any individual or Firm who fails to pay on demand a civil penalty that has become due and payable.

(8) Procedures, including a hearing, pursuant to the assessment of a civil penalty shall be conducted according to OAR 812-005-0110(1) and (2).

Stat. Auth.: ORS 431.920, 701.992

Stats. Implemented: ORS 431.920, 701.992

Hist.: PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

333-069-0090

Fees

The following fees are established:

(1) Firms shall pay a non-refundable certification application, renewal or recertification fee of \$85 for a one year certification.

(2) Inspectors, Risk Assessors, Supervisors, and Project Designers shall pay a non-refundable certification, renewal or recertification fee of \$85 for a one year certification.

(3) Workers shall pay a non-refundable certification, renewal or recertification fee of \$50 for a one-year certification.

(4) The fee for applications for certification received by the Department between April 1 and June 30 shall be as follows: Worker, \$25; all other disciplines, \$45.

(5) The application fee for a Permit for painting shall be \$5.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

Hist.: HD 6-1997, f. 4-25-97, cert. ef. 5-1-97; OHD 12-1998, f. & cert. ef. 10-27-98; PH 8-2003, f. & cert. ef. 6-20-03; PH 22-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

Rule Caption: Remove opt-out provision related to renovation, repair and painting activities involving lead-based paint.

Adm. Order No.: PH 23-2010(Temp)

Filed with Sec. of State: 9-24-2010

ADMINISTRATIVE RULES

Certified to be Effective: 9-24-10 thru 3-22-11

Notice Publication Date:

Rules Amended: 333-070-0075

Subject: The Department of Human Services, Public Health Division is temporarily amending Oregon Administrative Rule 333-070-0075 related to renovation, repair and painting activities involving lead-based paint. The amendment to OAR 333-070-0075 removes the opt-out provision from the rule to make Oregon rules consistent with recent changes in 40 CFR 745.82. The changes to 40 CFR 745.82 eliminated the opt-out provision, effective July, 6, 2010. The provision allowed people who lived in target housing to opt-out of the requirements of the USEPA Renovation, Repair and Painting (RRP) rules if they provided a signed statement that no children under the age of six or pregnant women lived in the residence. The EPA has eliminated the so-called opt-out provision because improper renovations in older homes can create lead hazards resulting in harmful health effects for residents and visitors in these homes, regardless of age. The result will better protect children and adult occupants during and after renovation, repair and painting projects.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-070-0075

Authority, Purpose, Applicability

(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 431.920.

(2) Purpose:

(a) The purpose of these rules is to address Oregon's need for a qualified and properly trained workforce to perform renovation, repair and painting of target housing and child-occupied facilities, and to safeguard the environment and protect the health of building occupants from lead-based paint hazards.

(b) These rules prescribe the requirements for certification of individuals and certified renovation firms who perform for compensation renovation, repair and painting in target housing and child occupied facilities.

(c) These rules will establish work practice standards for the performance of renovation, repair and painting activities for individuals and certified renovation firms and will require that activities be performed only by certified renovators and certified renovation firms.

(d) These rules prescribe the requirements to ensure that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin.

(3) Applicability:

(a) These rules apply to all individuals and certified renovation firms who perform for compensation renovation, repair and painting activities in target housing and child-occupied facilities as defined in OAR 333-070-0085, except for the following:

(A) Renovations in target housing or child-occupied facilities in which a written determination from a State of Oregon certified lead inspector or risk assessor 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, where the firm performing the renovation has obtained a copy of the determination.

(B) Renovations in target housing or child-occupied facilities in which a certified renovator tests each component affected by the renovation using an EPA recognized test kit as defined in OAR 333-070-0085. The renovator must follow the kit manufacturer's instructions. This determines that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5 percent by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only on of the individual components, unless the individual components appear to have been repainted or refinished separately.

(b) The information distribution requirements in OAR 333-070-0095 do not apply to emergency renovation operations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in OAR 333-070-0105 to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of OAR 333-070-0090, which must be performed by certified renovators or individuals trained in accordance with OAR 333-070-0100, the cleaning verification requirements of OAR 333-070-0090, which must be performed by certified renovators, and the recordkeeping requirements of OAR 333-070-0115.

Once the immediate emergency is over, lead safe work practices and all the requirements of these rules shall be in effect.

(c) These rules:

(A) Require that renovation, repair and painting activities must be performed by certified renovators working for certified renovation firms.

(B) Prescribe the requirements for, and the manner of, certifying competency of applicants for certification as a certified renovator and of the certified renovation firms employing such individuals.

(C) Determine the work practice standards for renovation, repair and painting activities, and those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the Department may deny, suspend, or revoke certification.

(D) Establish the fees to the extent necessary to defray costs of those activities prescribed herein.

(d) A certified renovation firm who is licensed by the Construction Contractors Board (CCB) is not required to be certified by the Department under these rules, but is subject to the work practice standards in these rules as required by CCB.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920 & 431.922

Hist.: PH 8-2010, f. & cert. ef. 4-26-10; PH 23-2010(Temp), f. & cert. ef. 9-24-10 thru 3-22-11

Rule Caption: Clarifying school immunization rules, changes to Primary Review Summary, and pharmacist reporting to ALERT IIS.

Adm. Order No.: PH 24-2010

Filed with Sec. of State: 9-30-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 333-049-0050, 333-050-0010, 333-050-0020, 333-050-0030, 333-050-0040, 333-050-0050, 333-050-0060, 333-050-0070, 333-050-0080, 333-050-0090, 333-050-0095, 333-050-0110, 333-050-0120, 333-050-0130, 333-050-0140

Subject: The Department of Human Services, Public Health Division is permanently amending administrative rules in chapter 333, divisions 49 and 50 relating to the ALERT Immunization Information System and School Immunization Law.

Major changes proposed by these amendments include: requiring pharmacists to report immunizations given to the Oregon ALERT Immunization Information System; modifying the Primary Review Summary report that schools and children's facilities complete annually; adding clarification about exclusion from certain sites; and clarifying acceptable documentation of immunization dates for children's facilities, schools, colleges, and community colleges. Wording changes have been made and text has been moved to clarify these rules.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-049-0050

Reporting to the Immunization Registry

(1) Any provider who participates in the registry and who administers immunizations identified by the manager shall report such immunization to the registry within 14 calendar days of such immunization.

(2) Beginning January 1, 2011, any pharmacist who immunizes must report all immunizations administered to the registry.

(3) Reports shall be submitted to the registry in a manner and on such forms as required by the manager. Such forms shall be provided by the manager.

(4) Any authorized user may report immunizations, and other such information, permitted under ORS 433.090(3) and (5), as prescribed by the manager, to the registry without the consent of the client or the parent or guardian of the client. Reporting this information without the consent mentioned above shall not subject a person to liability or civil action.

Stat. Auth.: ORS 433.096, ORS 689.645

Stats. Implemented: ORS 433.096, ORS 689.645

Hist.: HD 6-1996(Temp), f. & cert. ef. 11-26-96; HD 4-1997, f. & cert. ef. 2-24-97; OHD 13-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0120; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0010

Definitions Used in the Immunization Rules

As used in OAR 333-050-0010 through 333-050-0140:

ADMINISTRATIVE RULES

(1) "Certificate of Immunization Status" means a form provided or approved by the Public Health Division on which to enter the child's immunization record or exemption.

(2) "Certificate of Immunization Status Addendum" means a form provided or approved by the Public Health Division on which to enter the child's immunizations received after the initial series of Diphtheria/Tetanus containing vaccine, Polio and Measles/Mumps/Rubella vaccines.

(3) "Complete" means a category assigned to any child whose record indicates that the child is fully immunized or has an immunity exemption as specified by OAR 333-050-0050(2) or (7).

(4) "Contraindication" means either a child or a household member's physical condition or disease that renders a particular vaccine improper or undesirable in accordance with the current recommendations of the Advisory Committee on Immunization Practices, Department of Health and Human Services, Centers for Disease Control and Prevention, and the American Academy of Pediatrics.

(5) "County Immunization Status Report" means a report submitted by the local health department (or school or facility if there is no local health department) to the Public Health Division to report annually the number of children as specified, in the area served, and the number susceptible to the vaccine preventable diseases covered by these rules.

(6) "Evidence of Immunization" means an appropriately signed and dated statement indicating at least the month and year each dose of each vaccine was received.

(7) "Exclude" or "Exclusion" means not being allowed to attend a school or facility pursuant to an Exclusion Order from the local health department based on non-compliance with the requirements of ORS 433.267(1), and these rules.

(8) "Exclusion Order for Incomplete Immunization or Insufficient Information" means a form provided or approved by the Public Health Division for local health department and Public Health Division use in excluding a child who, based on the child's record, is in non-compliance with the vaccine requirements of OAR 333-050-0050(2) or who has insufficient information on his or her record to determine whether the child is in compliance. Forms submitted for approval must contain the substantive content of the Public Health Division form.

(9) "Exclusion Order for No Record" means a form provided or approved by the Public Health Division for local health department, Public Health Division and school or facility use in excluding a child with no record. Forms submitted for approval must contain the substantive content of the Public Health Division form.

(10) "Exempted Children's Facilities" are those that:

(a) Are primarily for supervised training in a specific subject, including, but not limited to, dancing, drama, or music;

(b) Are primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group;

(c) Are operated at a facility where children may only attend on a limited basis not exceeding four different days per year; or

(d) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care.

(11) "Health Care Practitioner" means a practitioner of the healing arts who has within the scope of the practitioner's license, the authority to order immunizations, to include: M.D., D.O., licensed nurse practitioners with prescription writing privileges, and licensed physicians' assistants with prescription writing privileges who are working under the sponsorship of an M.D., D.O., or a registered nurse working under the direction of an M.D. or a D.O.

(12) "Immunity Exemption" means a written statement signed by a physician or an authorized representative of the local health department that the child should be exempted from receiving specified immunizations due to a disease history based on a health care practitioner's diagnosis or the results of an immune titer.

(13) "Incomplete" means a category assigned to any child whose record indicates, on or after the date the Primary Review Summary form is due at the local health department, that the child:

(a) Is not fully immunized as required in OAR 333-050-0050(2); and

(b) Does not have an exemption for a vaccine for which the child is not fully immunized.

(14) "Insufficient" means a category assigned to any child whose record does not have enough information to make a proper determination about the child's immunization status, including unsigned records, vaccine dates before day of birth, dates out of sequence, missing doses in the middle of a vaccine series, more than two doses of a vaccine series given in the same month, and dates before vaccine licensure. This category does not apply to signed but undated records.

(15) "Local Health Department" means the District or County Board of Health, Public Health Officer, Public Health Administrator or Health Department having jurisdiction within the area.

(16) "Medical Exemption" means a written statement signed by a physician or an authorized representative of the local health department that the child should be exempted from receiving specified immunizations based on a medical diagnosis resulting from a specific medical contraindication.

(17) "New Enterer" means a child who meets one of the following criteria:

(a) Infants or preschoolers attending an Oregon facility;

(b) Infants or preschoolers attending a drop-in facility on five or more different days within one year;

(c) Children initially attending a school at the entry level (kindergarten or the first grade, whichever is the entry level);

(d) Children from a home-school setting initially attending a school or facility at any grade (preschool through 12th grade); or

(e) Children initially attending a school or facility after entering the United States from a foreign country at any grade (preschool through 12th grade).

(18) "Non-Compliance" means failure to comply with any requirement of ORS 433.267(1) or these rules.

(19) "Post-Secondary Education Institution" means:

(a) A state institution of higher education under the jurisdiction of the State Board of Higher Education;

(b) A community college operated under ORS chapter 341;

(c) A school or division of Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, private institution of higher education, where:

(A) Oregon-based, generally accredited includes any post-secondary institution described in OAR 583-030-0005(2) or classified as exempt under ORS 348.604; and

(B) Private institution refers to any non-public post-secondary education institution.

(20) "Primary Review Summary" means a form provided or approved by the Public Health Division to schools and facilities for enclosure with records forwarded to the local health department for secondary review and follow up. Forms submitted for approval must contain the substantive content of the Public Health Division form.

(21) "Primary Review Table" means a document provided by the Public Health Division for the judgment of compliance or non-compliance with the required immunizations.

(22) "Public Health Division" means the Department of Human Services, Public Health Division.

(23) "Record" means a statement relating to compliance with the requirements of ORS 433.267(1)(a) through (c) and these rules.

(24) "Religion" means any system of beliefs, practices or ethical values.

(25) "Religious Exemption" means a statement signed by a parent that the child has not been immunized as prescribed by OAR 333-050-0050(2), because the child is being reared as an adherent to a religion, the teachings of which are opposed to such immunization.

(26) "Restrictable Disease" means a communicable disease for which the local health department or administrator has the authority to exclude a child as described in OAR 333-019-0010 through 333-019-0014.

(27) "School Year" means an academic year as adopted by the school or school district (usually September through June).

(28) "Susceptible" means being at risk of contracting one of the diseases covered by these rules, by virtue of being in one or more of the following categories:

(a) Not being complete on the immunizations required by these rules;

(b) Possessing a medical exemption from any of the vaccines required by these rules due to a specific medical diagnosis based on a specific medical contraindication; or

(c) Possessing a religious exemption for any of the vaccines required by these rules.

(29) "These Rules" means OAR 333-050-0010 through 333-050-0140.

(30) "Transferring Child" means a child moving from:

(a) One facility to another facility, only when records are requested in advance of attendance from a previous facility;

(b) One school in this state to another school in this state when the move is not the result of a normal progression of grade level; or

(c) A school in another state to a school in this state.

ADMINISTRATIVE RULES

(31) "Up-to-Date" means not complete, currently on schedule and not subject to exclusion, based on the immunization schedule for spacing doses, as prescribed in OAR 333-050-0120.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 15-1986, f. & ef. 7-15-86; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0021; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0020

Purpose and Intent

(1) The purpose of these rules is to implement ORS 433.235 through 433.284, which require evidence of immunization or a medical, immunity, or religious exemption for each child as a condition of attendance in any school or facility, and which require exclusion from school or facility attendance until such requirements are met.

(2) The intent of the school and facility immunization statutes and these rules is to require that:

(a) A new enterer provide a signed and dated Certificate of Immunization Status form documenting either: evidence of immunization or a religious, and/or medical or immunity exemption. If age appropriate, required for the child's grade level, and the child has not claimed an exemption, a minimum of one dose each of the following vaccines must be received prior to attendance: Polio, Measles, Mumps, Rubella, Hepatitis B, Hepatitis A, Varicella, Haemophilus influenzae Type b vaccine and Diphtheria/Tetanus/Pertussis containing vaccine. (See Primary Review Table); [Table not included. See ED. NOTE.]

(b) A transferring child provide evidence of immunization or an exemption:

(A) Within 30 days of initial attendance if records will be requested from a school in the United States;

(B) Prior to initial attendance, as specified in OAR 333-050-0020(2)(a), if records will not be requested from a school in the United States;

(C) Prior to initial attendance, as specified in OAR 333-050-0020(2)(a), if the child is transferring from one facility to another;

(c) A child currently attending not be allowed to continue in attendance without complete or up-to-date evidence of immunization, or an exemption.

(3) All children's facilities are required to comply with these rules, including but not limited to certified child care centers, certified family child care homes, child care centers exempt from certification, Head Start programs, preschools and Early Intervention/Early Childhood Special Education child care programs.

(4) The only exception is for family child care homes, either registered or exempt from registration, providing child care, six weeks of age to kindergarten entry, in a residential or nonresidential setting. These programs are exempt from all requirements except an up-to-date Certificate of Immunization Status form on each child in attendance.

(5) All schools are required to comply with these rules, including but not limited to public schools, private schools, charter schools, and alternative education programs. Any program that provides educational instruction designed to lead to a high school diploma or transfer into a regular high school program must also comply with these rules.

(6) Nothing prohibits a school, children's facility, or post-secondary educational institution from adopting additional or more stringent requirements than the statutes or rules as long as:

(a) Medical, immunity, and religious exemptions are included;

(b) The requirements are in compliance with the recommendations of the Advisory Committee on Immunization Practices, Department of Health and Human Services, Centers for Disease Control and Prevention; and

(c) Public schools are required to allow transferring students at least 30 days to provide an immunization record.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0025; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 1-2008(Temp), f. & cert. ef. 1-8-08 thru 6-30-08; PH 6-2008, f. & cert. ef. 3-17-08; PH 16-2008(Temp), f. & cert. ef. 10-27-

08 thru 4-20-09; Administrative correction 5-20-09; PH 13-2009(Temp), f. 12-17-09, cert. ef. 12-21-09 thru 6-18-10; Administrative correction 7-27-10; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0030

Visitors, Part-Time Students, and Residents

(1) Any child visiting or attending a school or facility on five or more different days in a given school year or residing on the premises of a school or facility regardless of whether the child attends classes or receives child care, at any age or grade through grade 12, shall be subject to the requirements of either a new enterer or transferring child as appropriate. Such residents and visitors for the purposes of these rules are in attendance.

(2) Home-schooled, private, or special education students or students in other non-traditional educational settings are subject to these rules if they:

(a) Meet with an instructor in a school building for any amount of time on a regular or irregular basis, but at least five times per school year; or

(b) Participate in sports or other activities through a school-sponsored program at least five times per school year.

(3) Students in residential, correctional, or treatment programs that receive educational instruction are subject to these rules.

(4) For facilities providing drop-in child care, a child may attend on up to four different days without a Certificate of Immunization Status on file. Before allowing attendance on the fifth visit, a Certificate of Immunization Status must be provided showing at least one dose of each required vaccine or an appropriately signed exemption.

Stat. Auth.: 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0026; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0040

Statements (Records) Required

(1) The statement initially documenting evidence of immunization or exemption under ORS 433.267(1)(a) through (c) must be on a Certificate of Immunization Status form and include one or more of the following:

(a) Evidence of immunization signed by the parent, health care practitioner or an authorized representative of the local health department;

(b) A written statement of medical exemption signed by a physician and an authorized representative of the local health department;

(c) A written statement of immunity exemption signed by an authorized representative of the local health department;

(d) A written statement of religious exemption signed by the parent; or

(e) A written statement of disease history (immunity exemption) for varicella signed by a parent, physician or authorized representative of the local health department.

(2) Evidence of immunization shall include at least the month and year of each dose of each vaccine received and must be appropriately signed and dated to indicate verification by the signer. Pre-signed Certificate of Immunization Status forms without vaccine dates are not allowed. If a Certificate of Immunization Status form is signed but not dated, the person who receives the form at the school or facility may date the form with the date it was received.

(3) The statement documenting evidence of updated immunizations under ORS 433.267(1)(a) through (c) may be on the initial Certificate of Immunization Status form or a Certificate of Immunization Status Addendum. The Addendum does not replace the Certificate of Immunization Status form. The Addendum should be attached to the child's original Certificate of Immunization Status form. Dates on the Addendum do not need to be transcribed onto the original Certificate of Immunization Status form. Evidence of updated immunizations shall include at least the month and year of each dose of each vaccine received and must be appropriately signed and dated to indicate verification by the signer.

(4) The school or facility may choose to complete or update a Certificate of Immunization Status form, by transcribing dates from, attaching and referencing on the form, one or more of the following records listed in subsections (a) through (f) of this section.

(a) A health care practitioner documented immunization record;

(b) An unsigned record on health care practitioner or clinic letterhead;

(c) An unsigned record printout from the statewide immunization information system, ALERT. ALERT records may be placed in the student's file without transcription onto a Certificate of Immunization Status as long as the printout represents a complete or up-to-date immunization

ADMINISTRATIVE RULES

history. If the ALERT record is an update to the Certificate of Immunization Status, it may be attached to the original certificate without transcription;

(d) An unsigned record printout from a computer system approved by the Public Health Division as specified in OAR 333-050-0060(5). Record printouts for Public Health Division-approved computer systems may be placed in the student's file without transcription onto a Certificate of Immunization Status as long as the printout represents a complete or up-to-date immunization history, and includes a history of chickenpox disease if present;

(e) A written statement signed and dated by the parent; or

(f) A statement electronically mailed by the parent.

(5) The Certificate of Immunization Status form must be signed and dated by the person transcribing the information.

(6) When a transferring student enters an Oregon school, the receiving school will attempt to obtain immunization records from the previous school. If immunization records are not immediately available, the receiving school may, according to school policy:

(a) Allow the student to enroll conditionally. If immunization records are not received the school will include the student on the Primary Review Summary report; or

(b) Issue an Exclusion Order for No Record to the parent with an exclusion date of not less than 30 days after initial attendance. The school is required to provide a copy of the order to the parent either by hand at time of enrollment or by mailing the order at least 14 calendar days prior to the exclusion date.

(7) If the student transfers to a new school district, except when the move is due to the normal progression of grade levels, such as to a junior high or senior high from a feeder school, the receiving school shall ensure that the transferred records are on a signed Certificate of Immunization Status form or another Public Health Division-approved form. The original transferred records that are not on an approved form shall be attached to a Certificate of Immunization Status form and the form shall be marked with a reference to the attached records, signed, and dated by the person transcribing the information on the form.

(8) The records relating to the immunization status of children in schools shall be transferred to the receiving schools pursuant to ORS 326.575(2) within 30 days.

(9) When a new enterer is admitted in error to a school or facility without an immunization history or appropriately signed exemption, the school or facility may issue an Exclusion Order for No Record. The exclusion date shall be 14 calendar days after the date the Exclusion Order is mailed to the parent.

(10) When a child is determined by the facility, school or school district to be homeless and does not have a completed Certificate of Immunization Status on file with the school, the student will be allowed to enroll conditionally.

(a) If immunization records are not received the school will include the student on the Primary Review Summary report. Schools may also choose to issue an Exclusion Order for No Record to the parent with an exclusion date of not less than 30 days after initial attendance.

(b) School staff shall make every effort to help the family compile an immunization record for the student, including requesting a record from a previous school, ALERT or a previous medical provider.

(11) Where a child attends both a facility and a school, the school is responsible for reporting and for enforcing these rules in accordance with the school and facility vaccine requirements. However, because of the need for outbreak control when school is not in session, the facility administrator will be responsible for requesting that the parent also provide an up-to-date Certificate of Immunization Status to the facility. If the parent does not comply, the facility administrator shall inform the parent that in the event of an outbreak the child will be excluded until it is determined that the child is not susceptible.

(12) When a child reaches the age of medical consent in Oregon, 15 years of age, the child may sign his or her own Certificate of Immunization Status, including religious exemption.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 15-1986, f. & ef. 7-15-86; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0030; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0050

Immunization Requirements

(1) For purposes of this section, immunization against the following diseases means receipt of any vaccine licensed by the United States Food and Drug Administration (or the foreign equivalent) for the prevention of that disease.

(2) For purposes of ORS 433.267(1), immunizations are required as follows (see Primary Review Table to determine the number of required doses for a child's age or grade):

(a) Diphtheria/Tetanus/Pertussis containing vaccine (DTaP) — Five doses must be received unless:

(A) The fourth dose was given at or after the fourth birthday, in which case the child is complete with four doses; or

(B) The third dose of Diphtheria/Tetanus containing vaccine was received on or after the seventh birthday, in which case the child is complete with three doses.

(b) Polio — Four doses must be received unless:

(A) The third dose was given at or after the fourth birthday, in which case the child is complete with three doses of polio vaccine; or

(B) The student is 18 years of age or older. Polio vaccination at or after the 18th birthday is not required.

(c) Measles — Two doses must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Second dose must be received at least 28 days after first dose.

(d) Rubella — One dose must be received at or after 12 months of age, or in the same month and year as the child's first birthday.

(e) Mumps — One dose must be received at or after 12 months of age, or in the same month and year as the child's first birthday.

(f) Haemophilus influenzae Type b (Hib) — Up to four doses depending on the child's current age and when previous doses were administered.

(g) Hepatitis B — Up to three doses must be received. If the first dose was received at or after 11 years of age and the second dose is received at least four months after dose one, the child is complete with two doses.

(h) Varicella — Up to two doses must be received, depending on the child's age when the first dose was administered. The first dose must be received at or after 12 months of age or in the same month and year as the child's first birthday, and after March 1995, the date the vaccine was licensed in the United States. Second dose, if required, must be received at least 28 days after first dose.

(i) Hepatitis A — Two doses must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Beginning school year 2008–2009, the requirement for Hepatitis A vaccine will be phased in by grade. (See Primary Review Table.) [Table not included. See ED. NOTE.]

(j) Tetanus/Diphtheria/Pertussis booster (Tdap) — One dose must be received at or after 10 years of age, unless the last Diphtheria/Tetanus containing vaccine was given less than five years ago. Beginning school year 2008–2009, the requirement for Tdap will be phased in by grade. (See Primary Review Table.) [Table not included. See ED. NOTE.]

(3) Interrupted series: If there is a lapse of time between doses longer than that recommended by the standard described in OAR 333-050-0120, the schedule should not be restarted. Immunization may resume with the next dose in the series.

(4) Partial doses: Because the efficacy of immunizing with partial doses of the vaccines listed in this rule is not known, this procedure does not satisfy the requirements of these rules.

(5) A child shall not be excluded from school for failing to receive a required vaccine if the State Health Officer has determined that there is a vaccine shortage and that is the reason the child has not received the vaccine. Any vaccine that has been waived due to a vaccine shortage will be required at the next review cycle, once the shortage has been lifted. The Public Health Division shall notify local health departments, schools and facilities of any shortages that affect their procedures under these rules.

(6) The local public health officer, after consultation with the Public Health Division, may allow a child to attend a school or facility without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the parent of the affected student detailing which vaccines the student is being exempted from. The letter must state that the student will receive an Exclusion Order if the student's record is not updated with the missing doses prior to the next exclusion cycle.

(b) A copy of the letter must be attached to the student's Certificate of Immunization Status on file at the school or facility.

ADMINISTRATIVE RULES

(c) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one child.

(d) If the vaccine is still unavailable at the next exclusion cycle, the local health department, with the agreement of the Public Health Division, will not issue Exclusion Orders for the unavailable vaccine.

(7) The following immunity exemptions satisfy the immunization requirements for the specified vaccines:

(a) Exemption for Measles, Mumps or Rubella vaccination due to a disease history may be certified by a physician or an authorized representative of the local health department for a child who has immunity based on a health care practitioner's diagnosis;

(b) Exemption for Measles, Mumps or Rubella vaccination due to a documented immune titer may be certified by a physician or an authorized representative of the local health department;

(c) Exemption for Hib conjugate vaccination may be certified by a physician or authorized representative of the local health department for a child who experienced invasive Haemophilus influenzae Type b disease at 24 months of age or older;

(d) Exemption for Varicella vaccine may be signed by the parent for history of varicella. The date of the disease is not required. This exemption will be automatically authorized by the local health department.

(e) Exemption for Varicella based on laboratory confirmation of immunity may be certified by a physician or authorized representative of the local health department;

(f) Exemption for Hepatitis B vaccination based on laboratory confirmation of immunity or confirmation of carrier status may be certified by a physician or authorized representative of the local health department; and

(g) Exemption for Hepatitis A vaccination based on laboratory confirmation of immunity may be certified by a physician or authorized representative of the local health department.

(8) Children possessing the following medical exemptions are susceptible to the diseases for which they are exempt from vaccination:

(a) Exemption for Measles, Mumps, Rubella or Varicella vaccination may be certified by a physician or an authorized representative of the local health department for a post-pubertal female when she is currently pregnant or there is a significant risk of her becoming pregnant within one month; and

(b) Exemption for one or more immunizations shall be established by a diagnosis based on a specific medical contraindication certified in a letter from the physician or an authorized representative of the local health department. The vaccines, medical diagnosis, practitioner's name, address and phone number must be documented and attached to the record.

(9) Exemptions submitted to the school or facility must be in English.

(10) A child may attend a school or facility under ORS 433.267(1) if the child is up-to-date and remains up-to-date and in compliance with immunization schedules for spacing between doses presented in OAR 333-050-0120.

(11) If evidence is presented to the local health department that an Exclusion Order was issued in error because a vaccine was given within the four-day grace period recommended by the Advisory Committee on Immunization Practices as published in the General Recommendations on Immunization, the local health department shall rescind the Exclusion Order. The local health department shall notify the child's school or facility when an Exclusion Order is rescinded.

(12) In situations where a child's vaccine history presents an unusual problem not covered by these rules, the local health department may use its judgment to make a final determination of the child's immunization status.

(13) Religious exemption from immunization requirement is allowed for one or more of the vaccines. Parents must select which vaccines a child is being exempted from by checking the appropriate boxes on the Certificate of Immunization Status.

(14) A child may not be excluded from school until kindergarten for not having the fifth dose of Diphtheria/Tetanus/Pertussis containing vaccine, fourth dose of Polio vaccine or second dose of Measles vaccine.

(15) A child may not be excluded from school until seventh grade for not having Tdap vaccine.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & ef. 5-15-91; HD 10-1991, f. & ef. 7-23-91; HD 9-1992, f. & ef. 8-14-92; HD 16-1997, f. & ef. 12-3-97; OHD 12-2000, f. & ef. 12-26-00; OHD 14-2001, f. & ef. 7-12-01, Renumbered from 333-019-0035; OHD 26-2001, f. & ef. 12-4-01; OHD 21-2002, f. & ef. 12-13-02; PH 35-2004(Temp), f. & ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & ef. 2-3-05; PH 1-2006, f. & ef. 1-27-06; PH 12-2007, f. & ef. 9-27-07; PH 1-2008(Temp), f. & ef. 1-8-08 thru 6-30-08; PH 6-2008, f. & ef. 3-17-08; PH 16-2008(Temp), f. & ef. 10-27-08 thru 4-20-09; Administrative correction 5-20-09; PH 13-2009(Temp), f. 12-17-09, cert. ef. 12-21-09 thru 6-18-10; Administrative correction 7-27-10; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0060

Primary Review of Records

(1) At least annually the administrator will conduct a primary review of each child's record to determine the appropriate category of each child. This review shall be completed no later than 35 calendar days prior to the third Wednesday in February unless otherwise approved in writing first by the local health department and then by the Public Health Division.

(2) The administrator shall categorize all children as follows:

(a) "Complete or Up-to-Date";

(b) "Religious Exemption": This category applies to any child whose incomplete immunizations are covered by a religious exemption;

(c) "Permanent Medical Exemption": This category applies to any child who is susceptible as evidenced by a medical exemption statement on file as specified by OAR 333-050-0050(8), whose medical exemption statement has been reviewed by the local health department and has been determined to be based on a contraindication that is permanent;

(d) "Temporary Medical Exemption": This category applies to any child who is susceptible as evidenced by a medical exemption statement on file as specified by OAR 333-050-0050(8), whose medical exemption statement has not been reviewed by the local health department, or whose medical exemption is not permanent;

(e) "Incomplete/Insufficient";

(f) "No Record": This category applies to any child with no record on file at the school or facility. This category also applies to any child with a religious exemption signed on or after August 1, 2008 with no vaccines selected for religious exemption and with no vaccine dates;

(g) "Children not to be counted": School age children also attending a facility should be counted by the school. Children enrolled in a school but physically attending another school should be counted by the school they physically attend. Children attending a preschool or Head Start program and another facility should be counted by the preschool or Head Start program. Children physically attending more than one child care facility or school should be counted by the facility or school where they attend the most hours.

(3) Thirty-five calendar days prior to the third Wednesday in February, unless otherwise approved in writing first by the local health department and then by the Public Health Division, the administrator shall provide to the local health department for secondary review:

(a) Organized alphabetically within category, copies of records or a computer printout of the records for all children with incomplete immunizations or insufficient information;

(b) Copies of records of children with a medical exemption, except those records that have been certified by the local health department as having a permanent medical or immunity exemption and are otherwise complete with no further review required.

(c) A completed Primary Review Summary form that includes an alphabetical list for each category and includes children with no record. The form must include each child's name, current grade level, parent names and current mailing address. A computer-generated list from a system currently approved by the Public Health Division may be submitted in lieu of the Primary Review Summary form.

(4) The administrator shall review the completed Primary Review Summary form for mathematical accuracy and correct any errors before forwarding the completed Primary Review Summary form to the local health department.

(5) All copies of records provided to the local health department for secondary review must contain at least the following: The child's name, date of birth, and evidence of immunization or exemption. A copy of the records or a computer printout of the records must be used in place of the original record.

(a) Computer printouts and the results from computer-generated immunization assessments (computer outputs) must have the prior approval of the Public Health Division. To receive approval to be used for the primary review report in January, computer printouts and computer outputs must be received by the Public Health Division no later than the last working day of November in the year prior to the year in which the primary review reports are due.

(b) The Public Health Division will review computer printouts and computer outputs for essential data elements, the sequence of data elements, and specific test results as calculated by the computerized system.

(c) Provisional approval will be given to a computer tracking system after correct assessment has been confirmed for test data and essential data

ADMINISTRATIVE RULES

elements in required reports. Computer tracking systems with provisional approval will be reviewed after use during the annual review and exclusion cycle. Final approval will be given after any programming errors identified during the cycle have been corrected by the tracking system and additional reports have been approved by the Public Health Division.

(d) The Public Health Division also reserves the right to withdraw computer system approval.

(e) When ORS 433.235 through 433.284 and/or these rules are amended, computer systems must be updated within 120 calendar days. The Public Health Division will then allow 60 calendar days for review, needed changes and final approval. Computer outputs that are not in compliance will not be authorized for use during the annual review and exclusion cycle.

(6) Additional review cycles for incomplete or insufficient records with specific time-frames are allowable if:

(a) Mutually agreed upon by the affected local health department and school or facility.

(b) Additional exclusion cycles may be required at the direction of the local health department or the Public Health Division. Exclusion dates shall be no less than 14 calendar days from the date that the Exclusion Orders are mailed.

(7) It is the responsibility of the administrator to see that primary review of immunization records is accomplished according to these rules. All or part of the actual review may be delegated by mutual agreement of parties affected to a third party subject to this requirement.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0040; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0070

Secondary Review of Records

(1) The local health department shall conduct a secondary review of those records received from the administrator. The review shall begin 35 calendar days prior to the third Wednesday in February, unless otherwise approved by the Public Health Division.

(2) In conducting secondary review of the records, the local health department shall review the Primary Review Summary for mathematical accuracy. Any errors should be corrected by contacting the affected school or facility. The local health department shall review each child's record that was received for appropriate medical or religious exemptions and then use the Primary Review Table to determine each child's current immunization status for each of the required vaccines, i.e., complete, up-to-date, or incomplete.

(3) The local health department shall indicate on the Primary Review Summary form those children whose records are judged to be:

(a) Complete/Up-to-date; or

(b) Medically exempt, and whether temporary or permanent.

(4) The local health department shall indicate on the Primary Review Summary form the specific vaccines that the exclusion order will need to be issued for children whose records are judged to be:

(a) Incomplete/Insufficient; or

(b) No record.

(5) In the event that any of the above records are original documents, the local health department shall return such records to the administrator.

(6) The local health department shall submit a copy of the Primary Review Status form to the administrator.

(7) The local health department shall initiate exclusion procedures for those children whose records are judged to have insufficient information or incomplete immunizations, or who have no record, in accordance with OAR 333-050-0080.

(8) Additional secondary review cycles with specific time frames are allowable for incomplete or insufficient records as mutually agreed upon in writing by the affected local health department and school or facility. Exclusion dates shall be no less than 14 calendar days from the date that the Exclusion Orders were mailed.

(9) It is the responsibility of the local health department to see that secondary review of immunization records is accomplished according to these rules. All or part of the actual review may be delegated by mutual agreement of parties affected to a third party subject to this requirement.

[ED. NOTE: Tables referenced are available from the agency]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0045; OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0080

Exclusion

(1) The date of exclusion shall be the third Wednesday in February.

(a) If additional exclusion cycles are conducted, the exclusion dates shall be set at no less than 14 calendar days from the date that the Exclusion Orders are mailed.

(b) Exclusion occurs when records have not been received or updated by the starting time of the school or facility on the specified exclusion day.

(2) The local health department shall use an Exclusion Order for Incomplete Immunization or Insufficient Information or an Exclusion Order for No Record depending upon the reason the child is found to be in non-compliance with ORS 433.267(1) and these rules:

(a) At least 14 days before the exclusion day, the local health department shall mail by first class mail an appropriately completed and signed order of exclusion to the parent of each child determined to be out of compliance with these rules.

(b) If a student is listed by the school as the "person responsible," the Exclusion Order will be sent to the student.

(c) In the event that the local health department has knowledge that the address of the parent provided on the Primary Review Summary form is incorrect, the local health department shall use all reasonable means to notify the parent, including inquiries to the school or facility administrator, to establish the appropriate mailing address and sending home from the school a copy of the Exclusion Order with the child.

(d) For all orders issued, one copy of the Exclusion Order shall be sent to the administrator and the local health department shall retain one copy. The local health department shall also retain copies of the records of children to be excluded until notification from the school or facility that such children are in compliance, or for one year.

(3) On the specified date of exclusion, the administrator shall exclude from school or facility attendance all children so ordered by the local health department until the requirements specified by the local health department are verified by the administrator in accordance with section (9) of this rule.

(4) The local health department shall maintain copies of immunization records of children excluded and shall maintain contact with administrators regarding the status of such children.

(5) If children whose records are not updated on the specified exclusion day arrive at their school or facility, the administrator shall make every effort to contact their parent by phone. The administrator shall place excluded children in a space away from the other children until their parent arrives to pick them up or until they are returned home by regular school district transportation.

(6) If the excluded children do not meet the requirements specified by the local health department in accordance with section (9) of this rule and do not return to school within four school days, it is the responsibility of the public school administrator, as proper authority, to notify the attendance supervisor of the unexcused absence. The attendance supervisor is required to proceed as required in ORS 339.080 and 339.090.

(7) Children who have been issued an Exclusion Order are not entitled to begin or continue in attendance in any school or facility in Oregon while the Exclusion Order is still in effect. Administrators who receive or are otherwise made aware of the records of a child from another school or facility containing an Exclusion Order that has not been cancelled shall notify the parent and immediately exclude the child until the requirements specified on the Exclusion Order are met and verified by the administrator.

(8) Students in court-mandated residential correctional facilities, including but not limited to Oregon Youth Authority closed custody sites, are not subject to exclusion. The administrator of such residential correctional facilities must comply with all other provisions of these rules, including submission of the required reports as specified by these rules. The administrator must ensure that students have complete or up-to-date immunization records, or a religious, medical or immunity exemption for all vaccines required for the student's grade.

(9) Compliance:

(a) For children excluded for insufficient information and/or incomplete immunizations, compliance will be achieved by submitting to the administrator one of the statements allowed in OAR 333-050-0040(1);

(b) For children excluded for no record, compliance will be achieved by submitting to the administrator evidence of immunizations that includes

ADMINISTRATIVE RULES

at least one dose of each vaccine required for that grade or age, or a medical, immunity or religious exemption.

(c) When the administrator verifies that the required information has been provided or that an appropriate medical, immunity and/or religious exemption has been provided, the child shall be in compliance with ORS 433.267(1) and these rules and qualified for school or facility attendance.

(10) Twelve calendar days after the mandatory exclusion date, the administrator shall ensure that:

(a) The Primary Review Summary form returned from the local health department is updated by appropriately marking the current status of each child as specified (including children listed as having no record);

(b) The mathematics on the Primary Review Summary form are accurate including the number of children in children's facilities, kindergarten and 7th grade with the specified number of doses of each vaccine, the number of children with religious exemptions for each vaccine, and the number of medical and religious exemptions;

(c) A copy of the revised Primary Review Summary form is forwarded to the local health department on that day by first class mail or hand delivery. The administrator shall maintain a file copy of the updated Primary Review Summary form.

(11) The local health department shall review the updated Primary Review Summary form for mathematical accuracy. Any errors should be corrected by contacting the affected school or facility.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0050; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0090

Review of Exclusion Orders

(1) If a parent believes an Exclusion Order is in error, the parent shall contact the local health department and request that the local health department review and re-check the information to determine the accuracy of the Exclusion Order.

(2) A local health department shall review and re-check a child's immunization records upon receipt of a request by a parent.

(3) If the Exclusion Order is found by the local health department to be in error, or if compliance is achieved pursuant to OAR 333-050-0080(9), the Exclusion Order shall be rescinded.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 2-1982, f. & ef. 2-4-82; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0051; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0095

School/Facility Compliance

(1) In the event that a school or facility fails to comply with these rules, the local health department shall make a verbal, documented contact with the non-compliant school or facility that covers:

(a) The specific requirements of the state's immunization law and rules; and

(b) Establishes a four-working-day time frame for the school or facility administrator to comply.

(2) If the school or facility still fails to comply, the local health department shall notify the Public Health Division of the name and address of the school or facility.

(3) The local health department shall send to the Public Health Division, via mail, electronic mail or facsimile, documentation of contacts made with the non-compliant school or facility.

(4) Within six calendar days of notification by the local health department, the Public Health Division shall send a certified letter to the non-compliant school or facility that:

(a) Notifies the school or facility that it is out of compliance and how it is out of compliance with the immunization law and rules;

(b) Establishes seven calendar days to comply before the matter is referred to the Attorney General's office; and

(c) Notifies the school or facility that a civil penalty may be imposed if the school or facility does not comply within seven calendar days.

(5) The Public Health Division shall send copies of the letter to the Child Care Division of the Employment Department, the Department of Education and/or the school district superintendent as appropriate.

(6) The Public Health Division shall notify the local health department of the new due date for compliance.

(7) If the school or facility does not comply by the new due date, the local health department shall notify the Public Health Division.

(8) The Public Health Division may impose a civil penalty on a school or facility that does not comply with the immunization law or rules after a notification of non-compliance. Civil penalties will be imposed as follows:

(a) One day late in complying: \$100;

(b) Two days late in complying: \$200;

(c) Three days late in complying: \$300;

(d) Four days late in complying: \$400;

(e) Five days or more late in complying: \$500 per day until there is compliance.

(9) A notice of imposition of civil penalties shall comply with ORS 183.745.

(10) The Public Health Division shall forward all documentation of contacts to the Attorney General's office for action if the school or facility does not comply by the new date.

Stat. Auth.: ORS 431.262, 433.004, 433.273

Stats. Implemented: ORS 431.262, 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0110

Annual Reporting Requirements

(1) The local health department shall submit a County Immunization Status Report to the Public Health Division annually no later than 23 calendar days after the third Wednesday in February.

(2) On or before the last day of April, the Public Health Division shall publicize a summary of the immunization status of children attending schools and facilities for each county.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0060; OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0120

Immunizations Schedules for Spacing of Doses

See **Primary Review Table** for the judgment of compliance or non-compliance with the required immunizations.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 22-1983, f. & ef. 11-1-83; HD 15-1986, f. & ef. 7-15-86; HD 4-1990(Temp), f. & cert. ef. 1-11-90; HD 10-1991, f. & cert. ef. 7-23-91; HD 12-1991(Temp), f. & cert. ef. 9-3-91; HD 16-1997, f. & cert. ef. 12-3-97; OHD 8-1998, f. & cert. ef. 9-10-98; OHD 12-2000, f. & cert. ef. 12-26-00; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0070; PH 12-2007, f. & cert. ef. 9-27-07; PH 1-2008(Temp), f. & cert. ef. 1-8-08 thru 6-30-08; PH 6-2008, f. & cert. ef. 3-17-08; PH 16-2008(Temp), f. & cert. ef. 10-27-08 thru 4-20-09; Administrative correction 5-20-09; PH 13-2009(Temp), f. & cert. ef. 12-17-09, cert. ef. 12-21-09 thru 6-18-10; Administrative correction 7-27-10; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0130

Second Dose Measles in Post Secondary Educational Institution

(1) Each post-secondary education institution, except a community college and a private, proprietary vocational school, shall require that each entering full-time student born on or after January 1, 1957, has two doses of measles vaccine prior to the student's second quarter or semester of enrollment on an Oregon campus, using procedures developed by the institution.

(2) For students subject to section (1) of this rule who are attending the institution pursuant to a non-immigrant visa, documentation of measles vaccination must be provided prior to the student attending classes. If the student's first dose of measles vaccine was received less than 30 days prior to attendance, the student has until the beginning of the second term or semester to provide documentation of the second dose.

(3) The following records may be accepted as adequate proof of two doses of measles vaccine:

(a) Written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of each dose, on or after the first birthday, with a minimum of 28 days between the first and second dose;

(b) For students born prior to 1984, no available month and year for the first dose but written documentation by student, health care practition-

ADMINISTRATIVE RULES

er, or an authorized representative of the local health department of the month and year of the second dose in or after December, 1989;

(c) An unsigned record printout from the statewide immunization information system, ALERT; or

(d) An unsigned record printout from a computer system approved by the Public Health Division as specified in OAR 333-050-0060(5).

(4) Each post-secondary education institution under the jurisdiction of the law shall include a medical, immunity and religious exemption.

(5) Each post-secondary educational institution under the jurisdiction of the law shall develop procedures to implement and maintain this requirement.

(6) The Public Health Division may conduct validation surveys to ensure compliance.

(7) A student shall not be excluded from a post-secondary institution for failing to receive a required vaccine if the State Health Officer has determined that there is a vaccine shortage and that is the reason the student has not received the vaccine. Any vaccine that has been waived due to a vaccine shortage will be required at the next term or semester, once the shortage has been lifted.

(8) The local public health officer, after consultation with the Public Health Division, may allow a student to attend an educational institution without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the affected student stating that the vaccine requirement is being postponed. The letter must give guidance to the post-secondary institution about when vaccine is expected to be available.

(b) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one student.

Stat. Auth.: ORS 433.004, 433.273 & 433.282

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0080; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

333-050-0140

Second Dose Measles in Community Colleges

(1) Each community college shall require that students involved in clinical experiences in allied health programs, practicum experiences in education and child care programs and membership on intercollegiate sports teams have two doses of measles vaccine prior to each student's participation. The requirement shall apply only to those students born on or after January 1, 1957, using procedures developed by the institutions.

(2) The following records may be accepted as adequate proof of two doses of measles vaccine:

(a) Written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of each dose, on or after the first birthday, with a minimum of 28 days between first dose and second dose;

(b) For students born prior to 1984, no available month and year for the first dose but written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of the second dose in or after December, 1989;

(c) An unsigned record printout from the statewide immunization information system, ALERT; or

(d) An unsigned record printout from a computer system approved by the Public Health Division as specified in OAR 333-050-0060(5).

(3) Each community college under the jurisdiction of the law shall include a medical, immunity and religious exemption.

(4) Each community college shall develop procedures to implement and maintain this requirement.

(5) The Public Health Division may conduct validation surveys to ensure compliance.

(6) A student shall not be excluded from a community college for failing to receive a required vaccine if the State Health Officer has determined that there is a vaccine shortage and that is the reason the student has not received the vaccine. Any vaccine that has been waived due to a vaccine shortage will be required at the next term or semester, once the shortage has been lifted.

(7) The local public health officer, after consultation with the Public Health Division, may allow a student to attend an educational institution without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the affected student stating that the vaccine requirement is being postponed. The letter must give guidance to the community college about when vaccine is expected to be available.

(b) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one student.

Stat. Auth.: ORS 433.004, 433.273 & 433.283

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0090; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 12-2007, f. & cert. ef. 9-27-07; PH 6-2008, f. & cert. ef. 3-17-08; PH 24-2010, f. & cert. ef. 9-30-10

Rule Caption: CAREAssist rules and provider payments.

Adm. Order No.: PH 25-2010(Temp)

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10 thru 3-29-11

Notice Publication Date:

Rules Amended: 333-012-0250

Subject: The Department of Human Services, Public Health Division, Office of Disease Prevention and Epidemiology is temporarily amending OAR 333-012-0250 pertaining to the AIDS drug assistance program. The rule is being amended to include a section regarding provider and pharmacy payments.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-012-0250

AIDS Drug Assistance Program

(1) Purpose. The AIDS Drug Assistance Program (ADAP) provides medications for the treatment of HIV disease. The program is primarily funded through Part B of the Ryan White Treatment Modernization Act, which provides grants to states and territories. The Department of Human Services shall administer the federal funds awarded under Part B of the Ryan White Treatment Modernization Act for the State of Oregon.

(2) Services. Program funds may be used to provide access to medication, purchase health insurance for eligible clients and services that enhance access, adherence, and monitoring of drug treatments.

(3) Eligibility. Individuals must provide documentation of a HIV diagnosis and meet income and resource guidelines as set by the Department of Human Services and other criteria as defined in the Ryan White Treatment Modernization Act.

(4) This program shall be in effect as long as authorized funds are available.

(5) Provider Payments: CAREAssist will make payments to providers for medical services provided to CAREAssist and Bridge clients to the extent funds are available. Payments made by CAREAssist on behalf of its clients must be accepted by the provider as full payment for the services provided.

(a) CAREAssist as the last payer: Before a provider bills CAREAssist for medical services provided to CAREAssist clients, all other insurance(s) for which the client is eligible must be billed by the provider. Only the uncompensated balance, which is the portion the clients must pay, is eligible for payment under this rule.

(b) CAREAssist as the primary payer: If a CAREAssist client has no insurance or when these services are not covered due to a pre-existing exclusion imposed by insurance, CAREAssist will pay for out-patient service CPT codes. When CAREAssist acts as the primary provider, CAREAssist will pay providers at 125 percent of the Oregon DMAP (Medicaid) reimbursement rate. A current fee schedule for Oregon DMAP can be found at http://www.oregon.gov/DHS/healthplan/data_pubs/feeschedule/downloads.shtml.

(c) For Bridge clients: For purposes of this rule, Bridge client refers to anyone enrolled in the Bridge program which provides temporary financial assistance to individuals for accessing HIV treatment while applying for long term medical insurance. CAREAssist will reimburse providers at 125 percent of the Oregon DMAP (Medicaid) rate for a limited number of service CPT codes. A list of covered service codes available to Bridge clients can be found at <http://oregon.gov/DHS/ph/hiv/careassist/docs/bridgecodes.pdf>

(6) Pharmacy Payments: The program will reimburse pharmacies on all full pay medications at [Average Wholesale Price (AWP) – 15%] + \$3.50 for both brand and generic drugs.

(7) The Department of Human Services will periodically re-evaluate the program in order to fully utilize the funds available.

Stat. Auth.: ORS 431.830

ADMINISTRATIVE RULES

Stats. Implemented: ORS 431.830
Hist.: HD 14-1987(Temp), f. & ef. 9-30-87; HD 9-1988, f. 5-11-88, cert. ef. 5-12-88; HD 1-1990(Temp), f. & cert. ef. 1-8-90; PH 9-2005, f. 6-15-05, cert. ef. 6-21-05; PH 25-2010(Temp), f. & cert. ef. 10-1-10 thru 3-29-11

Department of Human Services, Seniors and People with Disabilities Division Chapter 411

Rule Caption: RCF/ALF Requirements for New Construction or Initial Licensure.

Adm. Order No.: SPD 24-2010(Temp)

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-5-10 thru 4-2-11

Notice Publication Date:

Rules Amended: 411-054-0005, 411-054-0012

Subject: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is temporarily amending OAR 411-054-0005 (Definitions) and OAR 411-054-0012 (Requirements for New Construction or Initial Licensure) relating to residential care (RCF) and assisted living facilities (ALF) to meet the intent of the legislature as the language in OAR 411-054-0012 was found to exceed the authority that the legislature delegated to DHS.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-054-0005

Definitions

For the purpose of these rules, the following definitions apply:

(1) "Abuse" means abuse as defined in OAR 411-020-0002 (Adult Protective Services).

(2) "Activities of Daily Living (ADL)" mean those personal functional activities required by an individual for continued well being, health, and safety. Activities consist of eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(3) "Administrator" means the person who is designated by the licensee that is responsible for the daily operation and maintenance of the facility.

(4) "Advance Directive" means a document that contains a health care instruction or a power of attorney for health care.

(5) "Applicant" means the person, persons, or entity, required to complete a facility application for license. 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 or assisted living 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 assisted living or residential care facility on behalf of the facility business owner.

(6) "Area Agency on Aging (AAA)" as defined in ORS 410.040 means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors or individuals with disabilities in a planning and service area. For the purpose of these rules, the term Area Agency on Aging is inclusive of both Type A and B Area Agencies on Aging that contract with the Department to perform specific activities in relation to residential care and assisted living facilities including:

(a) Conducting inspections and investigations regarding protective service, abuse, and neglect;

(b) Monitoring; and

(c) Making recommendations to the Division regarding facility license approval, denial, revocation, suspension, non-renewal, and civil penalties.

(7) "Assistant Director" means the assistant director of the Division, or that individual's designee.

(8) "Assisted Living Facility (ALF)" means a building, complex, or distinct part thereof, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

(9) "Caregiver" means a facility employee who is trained in accordance with OAR 411-054-0070 to provide personal care services to resi-

dents. The employee may be either a direct care staff or universal worker as defined in this rule.

(10) "Change of Condition – Short Term" means a change in the resident's health or functioning that is expected to resolve or be reversed with minimal intervention or is an established, predictable, cyclical pattern associated with a previously diagnosed condition.

(11) "Change of Condition – Significant" means a major deviation from the most recent evaluation that may affect multiple areas of functioning or health that is not expected to be short term and imposes significant risk to the resident. Examples of significant change of condition include but are not limited to:

(a) Broken bones;

(b) Stroke, heart attack, or other acute illness or condition onset;

(c) Unmanaged high blood sugar levels;

(d) Uncontrolled pain;

(e) Fast decline in activities of daily living;

(f) Significant unplanned weight loss;

(g) Pattern of refusing to eat;

(h) Level of consciousness change; and

(i) Pressure ulcers (stage 2 or greater).

(12) "Choice" means a resident has viable options that enable the resident to exercise greater control over his or her life. Choice is supported by the provision of sufficient private and common space within the facility that allows residents to select where and how to spend time and receive personal assistance.

(13) "Condition" means a provision attached to a new or existing license that limits or restricts the scope of the license or imposes additional requirements on the licensee.

(14) "Department" means the Department of Human Services (DHS).

(15) "Dignity" means providing support in such a way as to validate the self-worth of the individual. Creating an environment that allows personal assistance to be provided in privacy, supports dignity as does delivering services in a manner that shows courtesy and respect.

(16) "Direct Care Staff" means a facility employee 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.

(17) "Directly Supervised" means that a qualified staff member maintains visual contact with the supervised person.

(18) "Disaster" means a sudden emergency occurrence beyond the control of the licensee, whether natural, technological, or manmade that renders the licensee unable to operate the facility or the facility is uninhabitable.

(19) "Disclosure" means the written information the facility is required to provide to consumers to enhance the understanding of facility costs, services, and operations.

(20) "Division" means the Department of Human Services, Seniors and People with Disabilities Division (SPD).

(21) "Entity" means an individual, a trust, an estate, a partnership, a corporation, or a state or governmental unit, including associations, joint stock companies, and insurance companies, a state, or a political subdivision, or instrumentality including a municipal corporation.

(22) "Exception" means a written variance granted by the Division from a regulation or provision of these rules.

(23) "Facility" means the residential care or assisted living facility licensee and the operations, policies, procedures, and employees of the residential care or assisted living facility.

(24) "FPS" means the Facilities Planning and Safety Program within the Department's Public Health Division.

(25) "Homelike Environment" means a living environment that creates an atmosphere supportive of the resident's preferred lifestyle. Homelike environment is also supported by the use of residential building materials and furnishings.

(26) "Incident of Ownership" means an ownership interest, an indirect ownership interest, or a combination of direct and indirect ownership interest.

(27) "Independence" means supporting resident capabilities and facilitating the use of those abilities. Creating barrier free structures and careful use of assistive devices supports independence.

(28) "Indirect Ownership Interest" means an ownership interest in an entity that has an ownership interest in another entity. Indirect ownership

ADMINISTRATIVE RULES

interest includes an ownership interest in an entity that has an indirect ownership interest in another entity.

(29) "Individuality" means recognizing variability in residents' needs and preferences and having flexibility to organize services in response to different needs and preferences.

(30) "Licensed Nurse" means an Oregon licensed practical or registered nurse.

(31) "Licensee" means the entity that owns the residential care or assisted living facility business, and to whom an assisted living or residential care facility license has been issued.

(32) "Managed Risk" means a process by which a resident's high-risk behavior or choices are reviewed with the resident. Alternatives to and consequences of the behavior or choices are explained to the resident and the resident's decision to modify behavior or accept the consequences is documented.

(33) "Management" or "Operator" means possessing the right to exercise operational or management control over, or directly or indirectly conduct, the day-to-day operation of a facility.

(34) "Modified Special Diet" means a diet ordered by a physician or other licensed health care professional that may be required to treat a medical condition (e.g., heart disease or diabetes).

(a) Modified special diets include but are not limited to:

(A) Small frequent meals;

(B) No added salt;

(C) Reduced or no added sugar; and

(D) Simple textural modifications.

(b) Medically complex diets are not included.

(35) "New Construction" means:

(a) A new building;

(b) An existing building or part of a building that is not currently licensed;

(c) A major alteration to an existing building; or

(d) Additions, conversions, renovations, or remodeling of existing buildings.

(36) "Nursing Care" means the practice of nursing as governed by ORS chapter 678 and OAR chapter 851, division 047.

(37) "Owner" means a person with an ownership interest.

(38) "Ownership Interest" means the possession of equity in the capital, the stock, or the profits of an entity.

(39) "Personal Incidental Funds (PIF)" means the monthly amount allowed each Medicaid resident for personal incidental needs. For purposes of this definition, personal incidental funds include monthly payments, as allowed, and previously accumulated resident savings.

(40) "Privacy" means a specific area or time over which the resident maintains a large degree of control. Privacy is supported with services that are delivered with respect for the resident's civil rights.

(41) "P.R.N." means those medications and treatments that have been ordered by a qualified practitioner to be administered as needed.

(42) "Psychoactive Medications" mean medications used to alter mood, level of anxiety, behavior, or cognitive processes. Psychoactive medications include antidepressants, anti-psychotics, sedatives, hypnotics, and anti-anxiety medications.

(43) "Resident" means any person who is receiving room, board, care, and services on a 24-hour basis in a residential care or assisted living facility for compensation.

(44) "Residential Care Facility (RCF)" means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult individuals with disabilities may reside. The residential care facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

(45) "Restraint" means any physical device that the resident cannot manipulate that is used to restrict movement or normal access to the resident's body.

(46) "Retaliation" means to threaten or intimidate, or take an action that is detrimental to a person (e.g., harassment, abuse, coercion, etc.)

(47) "Service Plan" means a written, individualized plan for services developed by a service planning team and the resident, or the resident's legal representative, that reflects the resident's capabilities, choices, and if applicable, measurable goals, and managed risk issues. The service plan defines the division of responsibility in the implementation of the services.

(48) "Service Planning Team" means two or more individuals, as set forth in OAR 411-054-0036 that assist the resident in determining what services and care are needed, preferred, and may be provided to the resident.

(49) "Services" means supervision or assistance provided in support of a resident's needs, preferences, and comfort, including health care and activities of daily living, that help develop, increase, maintain, or maximize the resident's level of independent, psychosocial, and physical functioning.

(50) "Subject Individual" means any person 16 years of age or older on whom the Department may conduct a criminal records check and from whom the Department may require fingerprints for the purpose of conducting a national criminal records check.

(a) For the purpose of these rules, subject individual includes:

(A) All applicants, licensees, and operators of a residential care or assisted living facility;

(B) All persons employed or that are receiving training in an assisted living or residential care facility;

(C) Volunteers, if allowed unsupervised access to residents.

(b) For the purpose of these rules, subject individual does not apply to:

(A) Residents and visitors of residents; or

(B) Persons employed by a private business that provides services to residents and is not regulated by the Department.

(51) "Supportive Device" means a device that may have restraining qualities that supports and improves a resident's physical functioning.

(52) "These Rules" mean the rules in OAR chapter 411, division 054.

(53) "Underserved" means services are significantly unavailable within the service area in a comparable setting for:

(a) The general public; or

(b) A specific population, for example, residents with dementia or traumatic brain injury.

(54) "Unit" means an individual living space constructed as a completely private apartment, including living and sleeping space, kitchen area, bathroom, and adequate storage areas.

(55) "Universal Worker" means a facility employee whose assignments include other tasks (e.g., housekeeping, laundry, food service, etc.) in addition to providing direct resident services. Universal worker does not include administrators, clerical or administrative staff, building maintenance staff, or licensed nurses who provide services as specified in OAR 411-054-0034.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 24-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11

411-054-0012

Requirements for New Construction or Initial Licensure

(1) An applicant requesting approval of a potential license for new construction or licensing of an existing building that is not operating as a licensed RCF or ALF, must request a meeting with the Division before submitting a letter of intent as described in section (3) of this rule.

(2) Prior to beginning new construction of a building, or purchase of an existing building with intent to request a license, the applicant must provide the following information for consideration by the Division for a potential license:

(a) Demonstrate a past history, if any, of substantial compliance with all applicable state and local laws, rules, codes, ordinances, and permit requirements in Oregon, and the ability to deliver quality services to citizens of Oregon; and

(b) Provide a letter of intent as set forth in section (3) of this rule. The letter of intent must include a statement of whether the applicant is willing to provide care and services for an underserved population and identify the underserved population the applicant is willing to serve. The letter of intent must also indicate whether the applicant is willing to provide services through the state medical assistance program.

(3) LETTER OF INTENT. Prior to application for a building permit, a prospective applicant, with intent to build or operate a facility, must submit to the Division a letter of intent that includes the following:

(a) Identification of potential applicant;

(b) Identification of the city and street address of the intended facility;

(c) Intended facility type (e.g., RCF, ALF, memory care), the intended number of units, and maximum resident capacity;

(d) Description of any underserved population the applicant is requesting to service;

ADMINISTRATIVE RULES

(e) Indication of whether the applicant is willing to provide services through the state medical assistance program;

(f) Identification of operations within Oregon or within other states that provide a history of the applicant's ability to serve the intended population; and

(g) An independent market analysis completed by a third party professional that meets the requirements of section (4) of this rule.

(4) MARKET ANALYSIS. The applicant must submit a current market analysis to the Division for review and consideration prior to application for a building permit. A market analysis is not required for change of owner applicants of existing licensed buildings. The market analysis must show the need for the services offered by the license applicant and must include:

(a) Description of the intended population to be served, including special needs population as applicable;

(b) A current demographic overview of the area to be served;

(c) A description of the area and regional economy and the effect on the market for the project;

(d) Identification of the number of persons in the area to be served who are potential residents;

(e) Description of available amenities (e.g., transportation, hospital, shopping center, traffic conditions, etc.);

(f) Description of the extent, types, and availability of existing and proposed RCFs and ALFs located in the area to be served, as defined in ORS 443.400 to 443.455; and

(g) The rate of occupancy, including waiting lists, for existing and recently completed developments competing for the same market segment.

(5) The Division shall issue a written decision of a potential license within 60 days of receiving all required information from the applicant.

(a) If the applicant is dissatisfied with the decision of the Division, the applicant may request a contested case hearing in writing within 14 calendar days from the date of the decision.

(b) The contested case hearing shall be in accordance with ORS chapter 183.

(6) The Division shall consider the applicant's stated intentions and compliance with the requirements of this rule and all structural and other licensing requirements as stated in these rules prior to issuing a license.

(7) BUILDING PLANS. After the letter of intent has been submitted to the Division, one set of building plans and specifications must be submitted to FPS and must comply with OAR chapter 333, division 675.

(a) Building plans must be submitted to FPS:

(A) Prior to beginning construction of any new building;

(B) Prior to beginning construction of any addition to an existing building;

(C) Prior to beginning any remodeling, modification, or conversion of an existing building that requires a building permit; or

(D) Subsequent to application for an initial license of a facility not previously licensed under this rule.

(b) Plans must comply with the Oregon Structural Specialty Code and Oregon Fire Code as required for the occupancy classification and construction type.

(c) Plans must be drawn to a scale of one-fourth inch or one-eighth inch to the foot, and must specify the date when construction, modification, or conversion is expected to be completed.

(d) Construction containing 4,000 square feet or more must be prepared by, and bear the stamp of, an Oregon licensed architect or engineer.

(8) SIXTY-DAYS PRIOR. At least 60 days prior to anticipated licensure the applicant must submit to the Division:

(a) A completed application form with the required fee;

(b) A copy of the facility's written rental agreements;

(c) Disclosure information; and

(d) Facility policies and procedures, ensuring that the facility's administrative, personnel, and resident care operations are conducted in compliance with these rules.

(9) THIRTY-DAYS PRIOR. Thirty days prior to anticipated licensure the applicant must submit:

(a) To the Division, a completed and signed Administrator Reference Sheet that reflects the qualifications and training of the individual designated as facility administrator and a criminal records request; and

(b) To FPS, a completed and signed Project Substantial Completion Notice that attests substantial completion of the building project and requests that an onsite licensing inspection be scheduled.

(10) TWO-DAYS PRIOR. At least two working days prior to the scheduled onsite licensing inspection of the facility the applicant must submit to the Division and FPS, a completed and signed Project

Completion/Inspection Checklist that confirms that the building project is complete and fully in compliance with these rules.

(a) The scheduled, onsite licensing inspection may not be conducted until the Project Completion/Inspection Checklist has been received by both FPS and the Division.

(b) The onsite licensing inspection may be rescheduled at the Division's convenience if the scheduled, onsite licensing inspection reveals that the building is not in compliance with these rules as attested to on the Project Completion/Inspection Checklist.

(11) CERTIFICATE OF OCCUPANCY. The applicant must submit to the Division and FPS, a copy of the Certificate of Occupancy issued by the Building Codes Agency having jurisdiction that indicates the intended occupancy classification and construction type.

(12) CONFIRMATION OF LICENSURE. The applicant, prior to admitting any resident into the facility, must receive a written confirmation of licensure issued by the Division.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 24-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11

Department of Justice Chapter 137

Rule Caption: Calculating child support.

Adm. Order No.: DOJ 15-2010(Temp)

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10 thru 3-22-11

Notice Publication Date:

Rules Amended: 137-050-0700

Subject: This rule is amended to clarify how support should be calculated when some children or one child of the parties reside with a parent, and another child or children are not with either parent.

Rules Coordinator: Vicki Tungate—(503) 986-6086

137-050-0700

General Provisions

(1) ORS 25.270 through 25.280 require that child support be calculated according to a formula. The formula is known as the "Oregon Child Support Guidelines" and is contained in OAR 137-050-0700 through 137-050-0765 and in the "Obligation Scale" which is located in the appendix.

(2) Any change to the guidelines applies to all judicial or administrative actions which are pending as of the date of the change or initiated thereafter.

(3) Changes to these rules do not constitute a substantial change in circumstances for purposes of modifying a support order.

(4) "Pending" as used in section (2) means any matter that has been initiated before the effective date of a rule change but requires amendment, modification or hearing before a final judgment can be entered.

(5) The calculation instructions in OAR 137-050-0710 apply when at least one minor child for whom support is being calculated lives with a parent. If none of the minor children for whom support is being calculated lives with a parent, calculate each parent's obligation separately. For the "other parent" in these single-parent calculations, use the same income, spousal support, union dues and additional children as for the parent whose obligation is being calculated. Include the caretaker's child care costs, if any. Do not include any other information for the "other parent".

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 5-2010(Temp), f. & cert. ef. 2-12-10 thru 8-10-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 15-2010(Temp), f. & cert. ef. 10-1-10 thru 3-22-11

Rule Caption: Protected personal information, statutes implemented in federal parent locator services, and parentage test cost reimbursement.

Adm. Order No.: DOJ 16-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 137-055-1160, 137-055-1320, 137-055-1360, 137-055-3020

Rules Repealed: 137-055-1160(T)

Subject: OAR 137-055-1160 is amended to remove a reference to ORS 25.020. The effect of this change is that a child's date of birth

ADMINISTRATIVE RULES

will no longer be considered protected personal information if an order for nondisclosure is made.

OAR 137-055-1320 is amended to clarify that one of the statutes it implements is ORS 180.380 (disclosure of information to authorized persons).

OAR 137-055-1360 is amended to clarify that one of the statutes it implements is ORS 180.380 (disclosure of information to authorized persons).

OAR 137-055-3020 is amended to clarify instances in which the Child Support Program will not seek reimbursement of parentage test costs.

Rules Coordinator: Vicki Tungate—(503) 986-6086

137-055-1160

Confidentiality — Finding of Risk and Order for Nondisclosure of Information

(1) For the purposes of this rule in addition to the definitions found in OAR 137-055-1020, the following definitions apply:

(a) “Claim of risk for nondisclosure of information” means a claim by a party to a paternity or support case made to the administrator, an administrative law judge or the court that there is reason to not contain or disclose the information specified in OAR 137-055-1140(6)(a) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information;

(b) “Finding of risk and order for nondisclosure of information” means a finding and order by the administrator, an administrative law judge or the court, which may be made ex parte, that there is reason to not contain or disclose the information specified in OAR 137-055-1140(6)(a) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information.

(2) A claim of risk for nondisclosure of information may be made to the administrator by a party at any time that a child support case is open. Forms for making a claim of risk for nondisclosure of information will be available from all child support offices and be made available to other community resources. At the initiation of any legal process that would result in a judgment or administrative order establishing paternity or including a provision concerning support, the administrator will provide parties an opportunity to make a claim of risk for nondisclosure of information.

(3)(a) When a party makes a written and signed claim of risk for nondisclosure of information pursuant to section (2) of this rule, the administrator will make a finding of risk and order for nondisclosure of information unless the party does not provide a contact address pursuant to section (5) of this rule;

(b) When a party is accepted into the Address Confidentiality Program (ACP), the administrator will make a finding of risk and order for nondisclosure of information. The party’s contact address will be the ACP substitute address designated by the Attorney General pursuant to OAR 137-079-0150.

(4) An administrative law judge will make a finding of risk and order for nondisclosure of information when a party makes a claim of risk for nondisclosure of information in a hearing unless the party does not provide a contact address pursuant to section (5) of this rule.

(5) A party who makes a claim of risk for nondisclosure of information under subsection (3)(a) or section (4) must provide a contact address that is releasable to the other party(ies) in legal proceedings. The claim of risk for nondisclosure of information form provided to the party by the administrator must have a place in which to list a contact address. If a requesting party does not provide a contact address, a finding of risk and order for nondisclosure of information will not be made.

(6) When an order for nondisclosure of information has been made, the administrator must ensure that all pleadings, returns of service, orders or any other documents that would be sent to the parties or would be available as public information in a court file does not contain or must have deleted any of the identifying information specified in OAR 137-055-1140(6)(a). Any document sent to the court that contains any of the information specified in OAR 137-055-1140(6)(a) must be in a sealed envelope with a cover sheet informing the court of the confidential nature of the contents or in the manner provided by UCR 2.130.

(7) A finding of risk and order for nondisclosure of information entered pursuant to this rule will be documented on the child support case file and will remain in force until such time as the ACP participant or party who requested a claim of risk retracts the claim or requests dismissal in writing.

(8) A party who requested a claim of risk may retract the claim on a form provided by the administrator. When a signed retraction form is received by the administrator, the administrator will enter, or will ask the court to enter, a finding and order terminating the order for nondisclosure of information.

(9) Any information previously protected under an order for nondisclosure of information will be subject to disclosure when the order for nondisclosure of information is terminated. The retraction form provided by the administrator will advise the requestor that previously protected information may be released to the other party(ies).

(10) In cases where the administrator is not involved in the preparation of the support order or judgment establishing paternity, or when child support services under ORS 25.080 are not being provided, any claim of risk for nondisclosure of information pursuant to ORS 25.020 must be made to the court.

(11) Notwithstanding section (5) of this rule, where the court has made a finding of risk and order for nondisclosure of information and the case is receiving or subsequently receives child support services pursuant to ORS 25.080, the administrator will implement the court’s finding pursuant to this rule. In such a case, the administrator will use, in order of preference, the party’s contact address as contained in the court file, or the party’s contact address previously provided to the Child Support Program. If no contact address is available through either of these sources, the administrator will send a written request to the party, asking that the party provide a contact address. The written request from the administrator must advise the party that if no contact address is provided within 30 days, the administrator will use, in order of preference, the party’s mailing or residence address as the contact address, and the new contact address may be released to the other party(ies).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020, 192.820 - 192-858

Hist.: AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 19-1998, f. 10-5-98, cert. ef. 10-7-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0291; SSP 4-2003, f. 2-25-03, cert. ef. 3-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1160; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1160; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 5-2007, f. & cert. ef. 7-2-07; DOJ 8-2009, f. 7-1-09, cert. ef. 8-1-09; DOJ 12-2010(Temp), f. 7-1-10, cert. ef. 9-1-10 thru 2-25-11; DOJ 16-2010, f. & cert. ef. 10-1-10

137-055-1320

Access to FPLS for Purposes of Parentage Establishment; Child Support Establishment, Modification or Enforcement; or Determining Who Has or May Have Parental Rights

(1) For the purposes of this rule and OAR 137-055-1360, the following definitions apply:

(a) “FPLS” means the Federal Parent Locator Service operated by the United States Department of Health and Human Services.

(b) “Original requestor” means a party to a paternity or child support case who is seeking FPLS information, directly, through an attorney, or through court request.

(c) A Custodial Parent@ includes a caretaker or caretaker relative as defined in OAR 461-120-0610.

(d) A Legal Guardian@ means a person appointed as a guardian under ORS chapter 125 or similar provision.

(e) “Reasonable evidence of possible domestic violence” means:

(A) A record on the Oregon Judicial Information Network or the Law Enforcement Data System that an order of protection has or had been issued against the original requestor in favor of the person being sought; or

(B) A record that the person being sought has or had been granted good cause pursuant to ORS 412.024 not to establish paternity or to establish or enforce a support order against the original requestor; or

(C) A record that the person being sought has or had been granted an order for nondisclosure of information or an ACP order for nondisclosure of information pursuant to OAR 137-055-1160 in a case where the original requestor is or was the other party in a legal action.

(f) “Reasonable evidence of possible child abuse” means that there is a record with the Department of Human Services child welfare program that the original requestor has been investigated for alleged abuse of any child.

(2) For the purposes of this rule, an authorized person is:

(a) A custodial parent, legal guardian, attorney, or agent of a child (other than a child receiving Temporary Assistance for Needy Families (TANF)), seeking to establish parentage or to establish, modify or enforce a support order.

ADMINISTRATIVE RULES

(b) A court or agent of the court which has the authority to issue an order of paternity or support and maintenance of a child or to serve as the initiating court to seek such an order from another state; or

(c) A state agency responsible for administering an approved child welfare plan or an approved foster care and adoption assistance plan.

(3) An authorized person as defined in section (2) of this rule, may request information to facilitate the discovery or location of any individual:

- (a) Who is under an obligation to pay child support;
- (b) Against whom a child support obligation is sought;
- (c) To whom a child support obligation is owed; or
- (d) Who has or may have parental rights with respect to a child.

(4) If available from FPLS, the information that may be provided about an individual described in subsections (3)(a)-(d) of this rule includes:

- (a) The address and verification of the social security number of the individual sought;
- (b) The name, address and federal employer identification number of the employer of the individual sought; and
- (c) Information about income from employment and benefits from employment, including health care coverage.

(5) A request pursuant to this rule must be made in writing directly to the Division of Child Support (DCS) and must contain:

- (a) The purposes for which the information is requested;
- (b) The full name, social security number (if known) and date of birth or approximate date of birth of the individual sought;
- (c) The full name and date of birth and social security number of the person making the request;
- (d) Whether the individual is or has been a member of the armed forces or if the individual is receiving federal compensation or benefits, if known;

(e) If the request is from the court, the signature of the judge or agent of the court; and

(f) If the request is from an individual not receiving TANF, the individual must attest:

(A) That the request is made to obtain information or facilitate discovery for the purpose of establishing parentage or establishing, modifying or enforcing child support obligations;

(B) That the information will be used solely for those reasons and will be kept confidential; and

(C) If the individual is a parent, that he or she is the parent with physical custody of the child.

(6) The request may be made on a form adopted by the Child Support Program (CSP) and available from any CSP office.

(7) When DCS receives a request from an authorized person pursuant to subsections (2)(a) or (2)(b) of this rule, it will determine if there is any record of possible domestic violence by the original requestor against the individual sought or any record of possible child abuse by the original requestor.

(8) If reasonable evidence of domestic violence or child abuse is found pursuant to section (7) or FPLS does not return information due to a family violence indicator, an authorized person may ask the court to determine, pursuant to 42 USC 653(b)(2)(B), whether disclosure of the information could be harmful to the parent or child sought.

(a) If the court concludes that disclosure of the information would not be harmful to the parent or child, DCS will submit the request along with the court's determination to FPLS.

(b) If the court concludes that disclosure of the information would be harmful to the parent or child, the request will be denied.

Stat. Auth.: ORS 25.265 & 180.345

Stats. Implemented: ORS 25.265, 180.380

Hist.: AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0279; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1320; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1320; DOJ 7-2004, f. 3-30-04, cert. ef. 4-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 3-2009, f. & cert. ef. 4-1-09; DOJ 16-2010, f. & cert. ef. 10-1-10

137-055-1360

Access to FPLS for Parental Kidnapping, Child Custody or Visitation Purposes

(1) For the purposes of this rule, an authorized person is:

(a) Any agent or attorney of any state who has the duty or authority under the law of that state to enforce a child custody or visitation order;

(b) Any court having jurisdiction to make or enforce a child custody or visitation determination, or any agent of such court;

(c) Any agent or attorney of the United States or of a state who has the duty or authority to investigate, enforce or bring a prosecution with respect

to the unlawful taking or restraint of a child. The unlawful taking or restraint of a child includes;

(A) Custodial interference as provided in ORS 163.245 and 163.257; or

(B) Any other State or Federal law with respect to the unlawful taking or restraint of a child.

(2) An authorized person as defined in section (1) of this rule, may request information to facilitate the discovery or location of a parent, legal guardian, or child. Information is limited to the most recent address and place of employment of the person sought.

(3) A request pursuant to this rule must be made in writing directly to Division of Child Support (DCS) and must contain:

(a) The purpose for which the information is requested;

(b) The full name, social security number (if known) and date of birth or approximate date of birth of the individual sought;

(c) The full name and date of birth and social security number of the person making the request;

(d) Whether the individual is or has been a member of the armed forces or is receiving any federal compensation or benefits, if known; and

(e) If the request is from the court, the signature of the judge or agent of the court.

(4) The request may be made on a form adopted by DCS and available from any DCS or District Attorney child support office.

(5) If FPLS does not return information due to a family violence indicator, as defined in OAR 137-055-1320, the authorized person may ask the court to determine, pursuant to 42 USC 653(b)(2)(B), whether disclosure of the information could be harmful to the parent, legal guardian or child sought.

(a) If the court concludes that disclosure of the information would not be harmful to the parent, legal guardian or child, DCS will re-submit the request along with the court's determination to FPLS.

(b) If the court concludes that disclosure of the information would be harmful to the parent, legal guardian or child, the request will be denied.

(6) The court may disclose FPLS information, to the extent necessary, to an authorized person to process and adjudicate an action for the establishment or enforcement of a child custody or visitation determination.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.265, 180.380

Hist.: AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0281; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1360; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1360; DOJ 7-2004, f. 3-30-04, cert. ef. 4-1-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 16-2010, f. & cert. ef. 10-1-10

137-055-3020

Paternity Establishment Procedures

(1) When a case involves a child who is not yet born, the administrator will take no action to establish paternity or to provide locate services until such time as the child is born.

(2)(a) When initiating legal proceedings to establish paternity for a child conceived in Oregon, the administrator will use ORS chapter 109 or ORS chapter 416.

(b) Except for proceedings filed under ORS chapter 109, past support will be established as provided by ORS chapter 416 and OAR 137-055-3220.

(3) When the administrator initiates legal proceedings to establish paternity, if the child was born in this state, the administrator will file the Notification of Filing of Petition in Filiation Proceedings with the Center for Health Statistics.

(4) The administrator will seek to establish paternity against the man named by the mother to be the most likely alleged father except as provided in sections (5) and (6).

(5) If the husband and mother are still married and the husband is on the child's birth record:

(a) If only one party disputes paternity, the administrator will give notice to the parties that:

(A) The parties have the right to challenge paternity under ORS 109.070 by filing a petition in the circuit court;

(B) The administrator will delay any initiated support action for 30 days;

(C) If a party provides proof within 30 days that he or she filed a petition, the administrator will suspend the support action pending the outcome of the court's decision.

(D) If no proof is received within 30 days that a party has filed a petition, the administrator will proceed with the legal action to establish support.

ADMINISTRATIVE RULES

(b) If both the husband and mother dispute the child's paternity, the administrator will order the husband, mother and child to appear for parentage testing.

(6) If the husband and mother are still married, no father is listed on the birth record, and the mother names another man as the father of the child, the administrator will provide notice and an opportunity to object to the husband.

(a) If a written objection is received from the husband within 30 days of the date of the notice, an action to establish paternity will be initiated against the husband.

(b) If no written objection is received from the husband within 30 days of the date of the notice, an action to establish paternity will be initiated against the most likely alleged father named in the mother's paternity affidavit.

(7) In all cases in which the mother states that more than one man could be the biological father of the child and parentage tests have excluded a man as the father of the child, the following provisions apply:

(a) If there is only one remaining untested possible biological father, that man is constructively included as the father by virtue of the other man's exclusion as the father.

(b) If there are more than one remaining untested possible biological fathers, the administrator will initiate action against each man, either simultaneously or one at a time, to attempt to obtain parentage tests which either exclude or include the man.

(8) In all cases in which the mother states that more than one man could be the biological father of the child and parentage tests have included a man as the father of the child at a cumulative paternity index of at least 99, any other untested possible father(s) will be considered to be constructively excluded by virtue of the first man's inclusion.

(9)(a) The Child Support Program may initially pay the costs of parentage tests, and may seek reimbursement of or waive the costs.

(b) If an alleged father fails to appear as ordered for parentage tests, but the child has appeared, reimbursement will be sought from the alleged father for the costs incurred.

(c) The maximum amount allowed to be entered as a parentage test judgment against a party is the amount the Child Support Program agrees to pay a parentage testing laboratory used to perform the tests.

(d) A judgment for parentage test costs reimbursement will not be sought:

(A) Against a person who has been excluded as a possible father of a subject child;

(B) If the mother stated that more than one man could be the father of the child, and has been unable to name a most likely alleged father, and the man tested has not objected to the entry of an order establishing paternity;

(C) If, after receipt of parentage test results which indicate the alleged father is the biological father of the child, but prior to the administrator or court signing a final order establishing paternity, the party who sought the parentage test consents to the entry of an order establishing paternity or signs a voluntary acknowledgment;

(D) If the alleged father has applied for services under ORS 25.080 and requested paternity establishment in accordance with OAR 137-055-3080; or

(E) Except as provided in section (11) of this rule, against any individual who is a recipient of Temporary Assistance to Needy Families (TANF) benefits or Medicaid assistance.

(10) A judgment for parentage test costs reimbursement will not be sought against any person found to be the legal father for costs attributable to testing other alleged fathers in any case in which the mother stated that more than one man could be the father of the child.

(11) When a party requests additional parentage testing as provided in ORS 109.252(2), the following provisions apply:

(a) The laboratory selected for additional testing must be a laboratory approved by accreditation bodies designated by the Oregon Health Authority; and

(b) The party making the request must advance the costs of the additional tests to the accredited laboratory.

(12) Upon receipt of a party's request for additional parentage testing and proof that payment has been advanced to an accredited laboratory, the administrator or the court will order additional testing.

(13) If a non-requesting party fails to appear for the additional parentage testing, the administrator will take appropriate steps to compel obedience to the order for additional testing.

(14) If a requesting party fails to appear for the additional parentage testing, the administrator may enter an order in accordance with OAR 137-055-3100.

(15) The administrator may dismiss or terminate a proceeding to establish paternity after sending written notice to the parties that the case is being considered for dismissal or termination and that any comments or objections must be made within 10 days.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 109.070 & 416.430

Hist.: AFS 7-1998, f. 3-30-98, cert. ef. 4-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-1020; SSP 15-2003, f. 6-25-03, cert. ef. 6-30-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3020; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3020; DOJ 2-2006(Temp), f. & cert. ef. 1-3-06 thru 6-30-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 1-2008(Temp), f. & cert. ef. 1-2-08 thru 3-31-08; DOJ 6-2008, f. & cert. ef. 4-1-08; DOJ 3-2009, f. & cert. ef. 4-1-09; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 16-2010, f. & cert. ef. 10-1-10

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Corrects error and eliminates writing test from telecommunicator/EMD minimum standards.

Adm. Order No.: DPSST 9-2010(Temp)

Filed with Sec. of State: 10-15-2010

Certified to be Effective: 10-15-10 thru 4-12-11

Notice Publication Date:

Rules Amended: 259-008-0011

Subject: The 12th grade writing standard for telecommunicators and emergency medical dispatchers was originally eliminated by a permanent rule filed December, 2008. The verbiage was inadvertently returned in a subsequent rule filing. This temporary rule removes the requirement for a writing test until a permanent rule can be adopted.

Rules Coordinator: Linsay Bassler—(503) 378-2431

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(1) On or before the date of employment, each telecommunicator and emergency medical dispatcher shall be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and shall forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section shall notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department shall comply with the most current requirements.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(2) Criminal Records. No telecommunicator or emergency medical dispatcher shall have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(3) Moral Fitness (Professional Fitness). All telecommunicators and emergency medical dispatchers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(4) Education:

ADMINISTRATIVE RULES

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:

(A) High School diploma; or

(B) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(5) Reading Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant shall provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading level in the English language.

(a) The hiring agency is responsible for administering a reading test, approved by DPSST, and shall forward the results to DPSST on an application for training (Form F-5) prior to the applicant being admitted to basic telecommunicator or EMD training.

(b) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading test prior to attending a course identified in this section.

(6) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed physician.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment, or re-employment, in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST. The results of the field test and the methods for testing must be maintained by the employing agency.

(i) Any employing agency that conducts a field test to meet the color vision standard must also complete a Department approved affidavit attesting that the applicant can either correctly discriminate colors or is able to successfully perform the required tasks of a Telecommunicator or Emergency Medical Dispatcher, notwithstanding the applicant's inability to correctly discriminate colors.

(ii) Any affidavit required by (i), that the Department receives and accepts, is non-transferable to any subsequent employer and may not be used by any other entity for certification purposes.

(iii) Notwithstanding subsection (c) of this rule, each employer must complete an agency-specific field test and a Department approved affidavit as described in subsection (i) of this section for any Telecommunicator or Emergency Medical Dispatcher who previously met the color vision standard by completing a field test.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(f) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and exhibit normal speech patterns, sufficient to perform speaking-related essential tasks.

(7) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(8) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version DPSST Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T), or a medical report completed by a licensed physician containing at a minimum the information on Form F-2T. This Report will be furnished to the examining physician by the hiring agency.

(9) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(a) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(b) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (13) of this rule.

(13) Contested Case Hearing Process for denial of waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: The "Contested Case Notice" will be prepared in accordance with the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department will have a copy of the notice served on the public safety professional or individual.

(c) Response Time: A party who has been served with a "Contested Case Notice" has 60 days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver.

(e) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Office of Administrative Hearings.

(f) Proposed Order: The assigned Administrative Law Judge will prepare Findings of Fact, Conclusions of Law and Proposed Final Order and serve a copy on the Department and on each party.

(g) Exceptions and Arguments: A party must file specific written exceptions and arguments with the Department no later than 14 days from date of service of the Findings of Fact, Conclusions of Law, and Proposed Final Order.

(A) The Department may extend the time within which the exceptions and arguments must be filed upon a showing of good cause.

ADMINISTRATIVE RULES

(B) When the exceptions and arguments are filed, the party making the exceptions and arguments must serve a copy on all parties of record in the case and provide the Department with proof of service. A failure to serve copies and provide proof of service will invalidate the filing of exceptions and arguments as being untimely, and the Department may disregard the filing in making a final determination of the case.

(h) Final Order: The Department will issue a final order if a public safety professional or individual fails to file exceptions and arguments in a timely manner.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Hist.: BPSST 1-2002, f. & cert. ef. 2-6-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 5-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 9-2010(Temp), f. & cert. ef. 10-15-10 thru 4-12-11

Rule Caption: Clarifies re-examination provisions governing licensed polygraph examiners.

Adm. Order No.: DPSST 10-2010

Filed with Sec. of State: 10-15-2010

Certified to be Effective: 11-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 259-020-0015

Subject: Clarifies provisions related to re-examination of licensed polygraph examiners and updates records retention requirements consistent with current laws and rules.

Rules Coordinator: Marilyn Lorraine—(503) 378-2427

259-020-0015

Minimum Standards for a Polygraph Examiner

(1) Any applicant for a license as a general polygraph examiner must:

(a) Be at least 18 years of age;

(b) Be a citizen of the United States;

(c) Not have demonstrated a course of behavior in the preceding 10 years that would indicate the applicant is unable to perform the duties of a polygraph examiner in a manner that would serve the interests of the public. When the Department refuses to issue a license based upon an applicant's failure to meet this requirement, the Department must follow the procedures set forth in OAR 259-020-0030;

(d) If previously convicted for a criminal offense, provide information, as required by the Department, relating to the circumstances of the conviction. ORS 670.280 is applicable when the Department considers information provided under this paragraph;

(e) Be fingerprinted and submit one (1) completed fingerprint cards to the Department for subsequent submission to the Oregon State Police, Identification Services Section.

(A) Appropriate fees must accompany the applicant's fingerprints to pay costs of the state and federal fingerprint background checks. No General License shall be issued until the Department has received fingerprint clearance from the Oregon State Police Identification Services Section.

(B) Currently employed corrections officers, parole and probation officers, or police officers, as defined in ORS 181.610, whose fingerprints are on file in accordance with OAR 259-008-0010, are exempt from this fingerprinting requirement.

(f) Have received a baccalaureate degree from an accredited college or university; or be a graduate of an accredited high school and have at least five years of active investigative experience before the date of the application.

(A) Active investigative experience is acquired through full-time employment as an investigator. An investigator is a person whose primary assigned duty is the investigation of actual or suspected violations of law, either criminal or civil.

(B) Administering polygraph examinations will satisfy the investigative experience requirement of this section.

(C) The Department may, upon application of an individual polygraph examiner, accept the examiner's professional experience as being equal in professional value to the five years of active investigative experience required by this section.

(g) Have graduated from a polygraph examiner's course approved by the Department and have completed at least 200 examinations, or have worked as a polygraph examiner for a period of five years for a governmental agency within the State of Oregon and have completed 200 examinations.

(h) Have successfully completed an examination conducted by the Department in consultation with the Advisory Committee as defined in OAR 259-020-0055, to determine competency to act as a polygraph examiner. The Department in consultation with the Advisory Committee shall prescribe the manner and contents of any examination conducted by the Department under provisions of the Act.

(i) Submit a fully-completed Application for Polygraph Examiner's License (DPSST Form F-203) as prescribed by OAR 259-020-0060, accompanied by documentation of qualifications as may be required by the Department.

(j) Submit to the Department appropriate fees as prescribed by OAR 259-020-0035.

(2) Any person who has held a trainee license for longer than 12 months and who has completed the 200 exams required under OAR 259-020-0015 must take the general license examination within 12 months of completing the required exams.

(3) The following govern applicants who fail to pass the oral or written part of the examination described in OAR 259-020-0015(1)(h):

(a) The Department in consultation with the advisory committee may prescribe requirements for the internship of an applicant who fails the first or second examination.

(cb) The Department will immediately suspend an applicant's trainee license if the applicant fails the third examination. The applicant may submit a new application for a general license only after retaking and successfully completing a polygraph examiner's course approved by the Department and meeting any additional requirements.

(dc) The Department in consultation with the advisory committee may prescribe additional requirements for:

(A) The internship of an applicant who fails the first or second examination;

(B) An applicant who resides in a state other than Oregon. The minimum requirements for an out-of-state examiner who does not qualify under ORS 703.130 must include:

(i) Substantial compliance with the applicable requirements for instate examiners;

(ii) A log meeting Oregon guidelines;

(iii) Passing the Oregon licensing examination;

(iv) Submitting at least 20 of the last 100 polygraph examinations conducted to a licensed Oregon general polygraph examiner for review. A Polygraph Review Critique (DPSST Form F-203a) must be completed on the examinations and provided to the Department for review by the Polygraph Licensing Advisory Committee; and

(v) Demonstrating proficiency in the field of polygraphy by an oral interview with the Polygraph Licensing Advisory Committee.

(C) Any individual whose license has expired for a period of more than two years and who reapplies for licensure. These requirements may include, but are not limited to:

(i) Documentation indicating any necessary training requirements have been met; and

(ii) Verification that the individual has the current knowledge, skills and ability to perform the duties of a polygraph examiner or polygraph examiner trainee.

(4) The Director, acting on the written recommendation of the Polygraph Examiners Licensing Advisory Committee, may require a licensed general polygraph examiner to appear for reexamination as directed.

(a) In preparing its written recommendation, the Committee must identify the good cause reason(s) for its recommendation.

(b) Based on the written recommendation, the reexamination may include the written examination, the oral examination, or both.

(c) Failure to pass the oral or written examination is governed by the procedures that apply to a trainee applicant for licensure described in Subsection (3)(a) and (b) of this rule.

(d) Failure of the licensee to comply with the directive to appear for reexamination will result in the suspension of the license by the Department, until the licensee appears as directed.

(5) Every examiner must maintain basic records of examinations conducted pursuant to OAR 259-020-0030(1)(f)(A)(vi). A numerical log or ledger (beginning with #1) shall provide a brief record of the name of the person examined, date, time, type of examination, and results, as well as other information the examiner considers pertinent. Folder or envelope "case" files containing all available test information, including notes, questions, charts, reports, and correspondence, must be maintained for a minimum of five years unless any applicable Oregon State Archives Records Retention Schedules require longer retention.

ADMINISTRATIVE RULES

(6)(a) An examiner must not conduct more than five (5) completed examinations, of any type, in any one calendar day.

(b) A "completed examination" is an examination as defined in OAR 259-020-0005(2).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.210, 703.230

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 3-1987, f. & ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-1999, f. & cert. ef. 7-29-99; BPSST 10-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 1-2003, f. & cert. ef. 1-21-03; DPSST 1-2009, f. & cert. ef. 2-2-09; DPSST 10-2010, f. 10-15-10, cert. ef. 11-1-10

.....

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

Rule Caption: Third Party Testing for Commercial Driver Licenses.

Adm. Order No.: DMV 16-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 9-30-10

Notice Publication Date: 8-1-2010

Rules Amended: 735-060-0000, 735-060-0030, 735-060-0040, 735-060-0050, 735-060-0055, 735-060-0057, 735-060-0060, 735-060-0065, 735-060-0090, 735-060-0095, 735-060-0100, 735-060-0105, 735-060-0110, 735-060-0115, 735-060-0130

Subject: DMV is using the American Association of Motor Vehicle Administrators' Commercial Skills Testing Information Management System (CSTIMS), a web-based test scheduling and reporting system. CSTIMS provides DMV with an effective new approach to fraud risk mitigation and deterrence, program oversight and controls, and improved safety for commercial motor vehicles by keeping unqualified drivers from obtaining a CDL.

DMV revised its Division 60 rules because CSTIMS eliminates paper logs for reporting testing activity. DMV will require all testers and examiners to report scheduled tests and completed test results, including test failures, to DMV. The rule amendments also:

(1) Define and describe the responsibilities of a designated CDL Tester Representative and require a CDL Tester Representative to complete DMV administrative training, including training on the use of CSTIMS;

(2) Add penalties for CDL testers and CDL examiners who attempt or commit fraud in the testing process; and

(3) Require that the Oregon Department of Education provide DMV approved testing and appointment of one or more CDL Tester Representatives who must comply with the applicable requirements and receive the DMV administrative training.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-060-0000

Definitions

(1) The following definitions apply to terms in OAR 735-060-0000 through 735-060-0130:

(a) "Administrative Training" means a class provided by DMV to a CDL Tester Representative that describes the administrative requirements and responsibilities of a CDL Third Party Tester, including but not limited to, maintaining records and proper completion of DMV required reports.

(b) "CDL" means commercial driver license.

(c) "CDL Certificate of Test Completion" is a document that certifies an individual is competent to safely exercise the commercial driving privileges granted by a Class A, Class B, Class C CDL, or an endorsement related to a CDL and that is issued by a CDL Third Party Examiner as authorized by ORS 807.080.

(d) "CDL Third Party Examiner" or "CDL Examiner" is an individual issued a Third Party Examiner Certificate by DMV that authorizes the individual to conduct certified drive tests to determine a driver's qualification to obtain a CDL and issue CDL Certificates of Test Completion.

(e) "CDL Third Party Examiner Certificate" or "Examiner Certificate" is a certificate issued by DMV that authorizes an individual to conduct certification drive tests to determine a driver's qualification to

obtain a CDL, endorsement related to a CDL, or both and to issue CDL Certificates of Test Completion.

(f) "CDL Third Party Tester" or "CDL Tester" is an individual or entity issued a CDL Third Party Tester Certificate by DMV for the purpose of certifying the competency of drivers to safely exercise commercial driving privileges. For purposes of OAR 735-060-0000 to 735-060-0130 the term includes, but is not limited to, an individual, corporation, association, firm, company, business, partnership, limited liability company, employer, federal or state agency, municipal corporation as defined by ORS 33.710, including a mass transit or transportation district, a publicly owned and operated educational facility and the Oregon Department of Education.

(g) "CDL Third Party Tester Certificate" or "Tester Certificate" is a driver competency testing certificate issued by DMV as authorized by ORS 807.080(2).

(h) "CDL Third Party Tester Representative" or "CDL Tester Representative" is an individual, designated by the CDL Tester as responsible for the CDL Third Party Tester's activities required by administrative rule and the CDL Third Party Tester Agreement.

(i) "Calendar day" is a period that begins at 12:01 a.m. and ends at 11:59 p.m. on the same day.

(j) "Commercial truck or bus driver training school" means any school that trains the general public in driving commercial motor vehicles and has been licensed by the Oregon Department of Education as a licensed private career school.

(k) "Disqualified" means a person's CDL has been suspended, revoked, cancelled or withdrawn by a State or other jurisdiction, or the person is not qualified to operate a commercial motor vehicle under 49 CFR part 391. "Disqualified" has the same meaning given the term "disqualification" in 49 CFR part 383.5.

(L) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(m) "Employee" means a person who works for another for compensation, but does not include an independent contractor.

(n) "Employer" includes any of the following:

(A) An individually owned business;

(B) A company;

(C) A corporation;

(D) An association;

(E) A cooperative; and

(F) A federal, state, county or municipal agency, including a publicly owned and operated education facility and the Oregon Department of Education.

(o) "FMCSA" means the Federal Motor Carrier Safety Administration.

(p) "Major traffic crime" means a conviction under Oregon statute or city ordinance, or a comparable statute or city ordinance of any other jurisdiction, for any traffic offense that is punishable by a jail sentence and includes the following offenses:

(A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle;

(B) Driving under the influence of intoxicants;

(C) Reckless driving as defined in ORS 811.140;

(D) Failure to perform the duties of a driver involved in an accident or collision under ORS 811.700 or 811.705;

(E) Criminally driving while suspended or revoked, as defined under ORS 811.182;

(F) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;

(G) Vehicular assault of bicyclist or pedestrian under ORS 811.060;

(H) Reckless endangerment of highway workers, as defined in ORS 811.231;

(I) False accident report under ORS 811.740;

(J) Knowingly violating an out-of-service notice under ORS 825.990(2); or

(K) A violation of ORS 825.990(3).

(q) "Motor carrier" means for-hire carrier or private carrier as those terms are defined in ORS 825.005 and who is subject to the FMCSA Regulations.

(r) "Under the influence of intoxicants" means a person's physical or mental faculties are adversely affected by use of over the counter drugs or a lawfully prescribed controlled substance to a noticeable or perceptible degree, unlawful use of a controlled substance or consumption of an intoxicating liquor within six hours of or while conducting or taking a certification drive test.

ADMINISTRATIVE RULES

(2) The terms "employer" and "employee" are only applicable as used in OAR 735-060-0010 through 735-060-0130. They are not intended to affect any employer or employee rights, responsibilities or obligations.

Stat. Auth.: ORS 184.616, 184.619, 807.072 & 807.080

Stats. Implemented: ORS 807.040, 807.070, 807.072 & 807.080

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 4-1987, f. & ef. 5-18-87; MV 23-1987, f. & ef. 9-28-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0600; MV 6-1990, f. & cert. ef. 4-2-90; MV 9-1991(Temp), f. & cert. ef. 7-26-91; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0030

Qualifications for Third Party Testers

(1) An entity, other than the Oregon Department of Education, must meet the following qualifications in order to be issued a CDL Third Party Tester Certificate:

(a) Agree to abide by all terms and conditions of a written CDL Third Party Tester Agreement with DMV;

(b) Maintain a business office or facility within the State of Oregon where driver testing records are securely kept and are available for inspection or audit by DMV, the Oregon Secretary of State's Office or the FMCSA. To qualify as a business office or facility, it must be staffed and open during posted business hours or have a business phone with an answering service, answering machine or voice mail service, with the ability to return all business related messages no later than the following business day. The requirement that the business office or facility be within the State of Oregon is not applicable if the CDL Third Party Tester maintained driver testing records at a business office or facility outside the State of Oregon prior to June 1, 2010;

(c) Have a campus located in Oregon if the entity is a publicly-owned and operated educational facility;

(d) Have a DMV-approved testing program to administer standardized behind-the-wheel drive tests to applicants for a CDL license which complies with all the requirements set forth in OAR 735-060-0120;

(e) Have an owner or a CDL Tester Representative who is certified as a CDL Third Party Examiner or has applied for certification as a CDL Third Party Examiner or employ at least one certified CDL Third Party Examiner;

(f) Be in compliance with all federal, state and local laws or regulations, including all business and zoning requirements;

(g) Pass the inspection described in OAR 735-060-0040;

(h) Submit to DMV a schedule of all testing services offered and the fee charged for each of those services, if the Third Party Tester is compensated for testing services;

(i) Designate at least one CDL Tester Representative. If more than one CDL Tester Designated Representative may be the owner or a person employed by the CDL Tester. If more than one CDL Tester Representative is designated, the responsibilities of each must be clearly described, in writing, to the satisfaction of DMV;

(j) Have an active e-mail address;

(k) Have a business name that is registered and listed as active with the Corporate Division of the Oregon Office of the Secretary of State, unless the entity is a government agency; and

(L) The CDL Tester Representative must complete administrative training provided by DMV. DMV may require the CDL Tester Representative to complete periodic administrative training at the discretion of DMV.

(2) An entity may not qualify for a CDL Third Party Tester Certificate if:

(a) The entity has a Third Party Tester Certificate, a CDL Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(b) The entity has had a CDL Third Party Tester Agreement, issued by any jurisdiction, involuntarily terminated. This section does not apply if the agreement was terminated more than five years from the date an application for a CDL Third Party Tester Certificate is submitted to DMV;

(c) An owner of the entity of the entity's CDL Tester Representative has had a CDL Third Party Tester Certificate, a CDL Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that was suspended, revoked or involuntarily canceled or otherwise involuntarily terminated for conduct that would result in permanent revocation in Oregon;

(d) The entity, an owner of the entity or the entity's CDL Tester Representative has a driver testing certificate, a driver training school certificate or driver training instructor certificate or equivalent authority, issued by any jurisdiction, that is currently suspended or revoked; or

(e) The entity has a partner, owner or shareholder who owns 20% or more of the business or an officer, director, agent or manager who:

(A) Has a CDL Third Party Tester Certificate, CDL Third Party Examiner Certificate, Driver Testing Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(B) Has had a CDL Third Party Tester Certificate, CDL Third Party Examiner Certificate, Driver Testing Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that has been suspended, revoked or involuntarily canceled or otherwise involuntarily terminated within the five years immediately preceding the date an application for a CDL Third Party Tester Certificate is submitted to DMV; or

(f) The entity's CDL Tester Representative, or a partner, owner or shareholder who owns 20% or more of the business, or an officer, director, agent, or manager has:

(A) Been convicted of a crime involving moral turpitude, including but not limited to, homicide, assault, kidnapping, a sexual offense, robbery, child pornography, fraud, forgery, perjury and theft or of a crime punishable as a felony involving the use of a motor vehicle, or a crime punishable as a felony involving possession, manufacture or distribution of a controlled substance, if DMV determines from the facts and intervening circumstance of the conviction that the person is not fit to perform the responsibilities of a CDL Third Party Tester and/or poses a risk to the safety of persons while performing those responsibilities; or

(B) Engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Tester Certificate and which demonstrates unfitness and inability to perform the responsibilities of a CDL Third Party Tester.

(g) The entity is a motor carrier who has an unsatisfactory safety rating from FMCSA or the Oregon Department of Transportation, Motor Carrier Transportation Division.

(3) The Oregon Department of Education must meet the following qualifications for a CDL Third Party Tester Certificate:

(a) All qualifications in section (1) of this rule except those described in sections (1)(e), (1)(h) and (1)(k);

(b) The Department's CDL Tester Representative(s) and CDL Examiners must meet the requirements in section (2) of this rule; and

(c) Must administer a CDL Examiner Training Program as described by OAR 735-060-0095(2) and that has been approved by DMV.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; MV 4-1987, f. & ef. 5-18-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0630; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0040

Inspection

(1) Before issuance of a CDL Third Party Tester Certificate, an applicant must pass an inspection to ensure compliance with all pertinent Oregon statutes, DMV administrative rules and federal regulations related to CDL Third Party testing. An authorized representative of DMV will, during regular business hours, inspect the applicant's:

(a) Business office, facility or campus;

(b) CDL drive test route and testing procedures; and

(c) Vehicles used for testing purposes that are owned or leased by the applicant.

(2) DMV, the Oregon Secretary of State, or FMCSA may conduct a random inspection of the business premises, records and equipment of a CDL Third Party Tester to review compliance with all pertinent Oregon statutes, DMV administrative rules and federal regulations related to CDL Third Party testing. No notice will be given to the CDL Tester prior to the random inspection. The CDL Tester must consent to and fully cooperate with the random inspection.

(3) In addition to any other inspection, DMV will annually conduct an on-site inspection of each CDL Tester to review compliance with Oregon statutes, DMV administrative rules and federal regulations pertaining to CDL Third Party testing.

(4) An onsite inspection will include, but may not be limited to:

(a) CDL Third Party Tester records, including records of all drivers for whom a CDL drive test was conducted by a CDL Examiner of the CDL Third Party Tester, regardless of whether the driver passed or failed the test, and class rosters of drivers trained by the CDL Tester if the CDL Tester is also a commercial truck or bus driver training school licensed by the Oregon Department of Education;

(b) The business office, facility or campus;

(c) Testing procedures;

ADMINISTRATIVE RULES

(d) Testing equipment, including vehicle(s) owned or leased by the CDL Tester and used for certification drive testing;

(e) A review of the CDL Third Party Tester's qualifications as listed in OAR 735-060-0030;

(f) The testing procedures used by CDL Examiners of the CDL Third Party Tester;

(g) The CDL drive test route(s);

(h) Review of the CDL Third Party Tester's compliance with all terms of the CDL Third Party Tester Agreement; and

(i) Any other related areas the DMV representative may deem necessary at the time of the inspection.

(5) As part of an inspection, a DMV representative may accompany a CDL Third Party Examiner on a certification drive test or retest a sample of the drivers who were tested by a CDL Examiner of the CDL Tester to compare pass/fail results.

(6) A DMV representative may pose as a customer of a CDL Third Party Tester without identifying himself or herself as an employee of DMV in order to observe the manner in which testing is conducted.

(7) To pass an inspection, the CDL Third Party Tester must be in compliance with the Oregon statutes, DMV administrative rules and federal regulations pertaining to CDL Third Party testing and the requirements of the CDL Third Party Tester Agreement.

(8) The DMV representative conducting the inspection will prepare a written report and specify any deficiencies that must be corrected. The CDL Third Party Tester will be given a copy of the report. Deficiencies identified must be corrected by the CDL Third Party Tester within 30 days of receipt of the report.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0635; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0050

Application for and Issuance of CDL Third Party Tester Certificate

(1) To apply for a CDL Third Party Tester Certificate, an applicant, other than the Oregon Department of Education, must:

(a) Meet all the requirements set forth in OAR 735-060-0030(1) and (2);

(b) Submit the following to DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, Oregon 97314:

(A) A completed application for a CDL Third Party Tester Certificate, DMV Form 6766, signed by the CDL Tester Representative;

(B) An original CDL Third Party Tester Agreement, signed by the CDL Tester Representative;

(C) A proposed drive test route(s) for each test location which meets the criteria set forth in OAR 735-060-0120;

(D) An application for a CDL Third Party Examiner's Certificate, DMV Form 6767, for each CDL Examiner conducting drive tests for the CDL Tester; and

(E) Proof of comprehensive commercial liability insurance and proof of comprehensive auto liability insurance, if applicable, that meets the requirements specified in the CDL Third Party Tester Agreement. A public agency covered by the Oregon Tort Claims Act and which is self insured must submit a statement of self-insurance.

(2) To apply for a CDL Third Party Tester Certificate, the Oregon Department of Education must:

(a) Meet all the qualifications set forth in OAR 735-060-0030(1) except those described in sections (1)(e), (1)(h) and (1)(k);

(b) Have a CDL Tester Representative(s) and CDL Examiner(s) who meet the requirements of OAR 735-060-0030(2);

(c) Submit the following to DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, OR 97314:

(A) A completed application for a CDL Third Party Tester Certificate, DMV Form 6766;

(B) An original CDL Third Party Tester Agreement signed by the Department of Education's Tester Representative; and

(C) Drive test route(s) for each test location meeting the criteria set forth in OAR 735-060-0120.

(d) Have a CDL Examiner Training Program and as described in OAR 735-060-0095(2) that has been approved by DMV.

(3) A CDL Third Party Tester Certificate is valid for two years, unless suspended, cancelled or revoked. The certificate will expire two years from the end of the month it is issued or renewed. For example, a certificate issued or renewed on April 2, 2009 will expire on April 30, 2011.

(4) A CDL Third Party Tester Certificate may be renewed. The following apply to renewal of the certificate:

(a) DMV will notify the CDL Third Party Tester of the pending expiration of the CDL Third Party Tester Certificate at least 60 days prior to the expiration date of the certificate;

(b) The CDL Third Party Tester must meet the qualification requirements set forth in OAR 735-060-0030;

(c) The CDL Third Party Tester must submit a CDL Third Party Tester Agreement signed by the CDL Tester Representative covering the period for which the certificate is valid.

(5) A CDL Third Party Certificate may be replaced if the original certificate is lost, mutilated or destroyed. To apply for a replacement certificate, a written request that describes the reason for the replacement must be submitted to DMV CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, Oregon 97314.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0640; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0055

Responsibilities of a CDL Third Party Tester

(1) A CDL Third Party Tester must do all of the following:

(a) Designate a CDL Tester Representative who must ensure the CDL Third Party Tester complies with all requirements of Oregon statutes, DMV administrative rule and federal regulation pertaining to CDL Third Party Testing including but not limited to the responsibilities set forth in this rule and OAR 735-060-0057. The CDL Tester Representative must receive administrative training conducted by DMV;

(b) Notify DMV in writing within 10 calendar days of any change in:

(A) The address of the CDL Third Party Tester's business office, facility or campus;

(B) The location where the testing is conducted or a change in the drive test route(s);

(C) The status of a CDL Third Party Examiner or a CDL Tester Representative, including an individual who is hired or who has discontinued employment;

(D) The name and address of the CDL Tester Representative, registered agent, an owner, partner or shareholder owning 20% or more of the business or any officer, director, agent or manager; or

(E) The testing services offered to the public and fees charged for those services.

(c) Notify DMV in writing within 10 calendar days if:

(A) The CDL Third Party Tester goes out of business;

(B) The CDL Third Party Tester no longer meets the qualification requirements set forth in OAR 735-060-0030; or

(C) A CDL Third Party Examiner employed by the CDL Third Party Tester no longer meets the qualification requirements set forth in OAR 735-060-0090 including notification that the CDL Examiner has discontinued employment with the CDL Tester.

(d) Ensure that all CDL Third Party Examiners employed by the CDL Third Party Tester remain in compliance with all statutes, administrative rules and regulations pertaining to the qualifications and responsibilities of CDL Third Party Examiners.

(e) Make any and all business records, vehicles and facilities related to the operation of the CDL Third Party Tester's testing program available for inspection by representatives of DMV, the Oregon Secretary of State or the FMCSA with or without prior notice.

(f) Correct any deficiencies specified in an inspection report within 30 days of receipt of the report.

(g) Ensure that vehicles provided by the CDL Third Party Tester for testing purposes meet the safety equipment standards of the Oregon Vehicle Code and federal regulations, are maintained in good mechanical condition, and are equipped with the following emergency equipment:

(A) Fire extinguisher; and

(B) Three flares or three approved reflectors.

(h) Comply with all Oregon statutes, DMV administrative rules and federal regulations pertaining to the CDL Third Party Testing program and with all terms of the CDL Third Party Testing Agreement.

(i) Notify DMV within 24 hours of any:

(A) Notice of a civil legal action filed against the CDL Third Party Tester or a CDL Third Party Examiner employed by the CDL Tester which is related to the administration of a test;

ADMINISTRATIVE RULES

(B) Criminal investigation, arrest or conviction for an offense described in OAR 735-060-0030(2)(e)(C), a crime involving moral turpitude or any fraudulent activity related to CDL testing; or

(C) A complaint concerning the CDL Third Party Tester, the CDL Tester Representative or a CDL Examiner employed by the CDL Tester related to CDL testing.

(D) Known or suspected efforts to fraudulently obtain Oregon driving privileges.

(E) Disappearance of records maintained under 735-060-0057.

(j) Maintain the eligibility requirements set forth in OAR 735-060-0030 as applicable.

(k) Maintain and submit records as required by OAR 735-060-0057.

(L) Retain documentation to show the disposition, by form control number, of all CDL Certificates of Test Completion issued to the CDL Tester for a minimum of two years after the date the certificate was issued or voided by the CDL Examiner or by DMV.

(m) Ensure that before issuing a CDL Certificate of Test Completion each CDL Third Party Examiner employed:

(A) Obtain either a copy of the driver's Oregon CDL instruction permit and Class C driver license, or the driver's Oregon CDL; and

(B) Provide the driver with a receipt for all fees paid for services related to the certification drive test.

(n) Report:

(A) Scheduled tests to DMV with 48 hours advance notice;

(B) Test results to DMV within 48 hours of conducting tests; and

(C) All Certificate of Test Completion numbers used, whether or not the driver passed or failed or the certificate was lost or voided.

(2) A CDL Third Party Tester must not:

(a) Falsify any records or fraudulently issue a CDL Certificate of Test Completion to any person who has not passed a CDL certification drive test;

(b) Permit anyone except a certified CDL Third Party Examiner to conduct a CDL drive test or issue a CDL Certificate of Completion;

(c) Transfer its CDL Third Party Tester Certificate to any other person, employer, or publicly-owned and operated educational facility;

(d) Permit a CDL Third Party Examiner to issue a CDL Certificate of Test Completion to any person who was not tested in accordance with the requirements set forth in OAR 735-060-0120;

(e) Permit an Oregon Department of Education CDL Third Party Examiner to test a person who has not applied for an Oregon Department of Education School Bus Driver's Certificate or Permit;

(f) Knowingly assist a person in fraudulently obtaining driving privileges from DMV;

(g) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115;

(h) Knowingly allow a CDL Examiner to conduct a CDL certification drive test while under the influence of intoxicants; or

(i) Permit a CDL Third Party Examiner employed by a commercial driver training school to test a driver who has been trained by the CDL Examiner or trained by anyone employed by the school.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stat. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(9) & (13); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0057

Record Requirements

(1) The CDL Third Party Tester must ensure records are maintained at the CDL Tester's primary place of business or by each CDL Examiner at each testing location(s) for no less than two years from the date of the test as follows:

(a) A fully completed copy of the CDL test score sheet for each driver tested, regardless of whether the individual passed or failed the test. To be fully completed the CDL test score sheet must contain the driver's full name and driver license number, the drive test location and route identifier, the CDL Examiner's name as well as the test date and test results.

(b) A copy of either the valid Oregon CDL instruction permit and Oregon Class C driver license or valid Oregon CDL presented by the driver at the time of testing. The driver's identifying information, including the photo, must be legible on the copy. A CDL Tester and CDL Examiner may not use a copy of the driver's Oregon CDL instruction permit and driver license or Oregon CDL except to identify the driver for testing purposes and may not redisclose a copy for any purpose except as provided in subsection (3) of this rule, OAR 735-060-0040 and the CDL Third Party Tester Agreement.

(c) A copy of the receipt provided to the driver showing all fees paid to the CDL Tester and CDL Examiner for services related to a certification drive test as provided in OAR 735-060-0130(2).

(d) A fully completed copy of the CDL Certificate of Test Completion that was issued to each driver who passed or failed the test. To be fully completed, the CDL Certificate of Test completion must contain: the driver's full name, date of birth, and driver license number; the CDL Examiner's name, certificate number, signature and date signed; the CDL Tester's name; the type of vehicle used for the test; the date of the test and whether the test vehicle had airbrakes, was a passenger-carrying vehicle or a school bus, and the driver's signature and date signed.

(e) Copies of all CDL Certificates of Test Completion that have been voided by the examiner.

(2) The CDL Third Party Tester must retain documentation to show the disposition, by form control number, of all CDL Certificates of Test Completion issued by DMV to the CDL Tester. This documentation must be maintained for a minimum of two years after the date the certificate is issued or voided by the CDL Examiner.

(3) All records subject to this rule must be available for inspection by an authorized representative(s) of DMV, the Oregon Secretary of State, or the FMCSA, Monday through Friday between the hours of 8:30 a.m. to 4:30 p.m. Although DMV will normally arrange an appointment prior to an inspection, records must be available for inspection without an appointment or prior notice. Records may be retained in paper format or electronically but must be maintained in a manner allowing for timely and efficient retrieval and review. DMV may require that any record printed or completed in a language other than English be accompanied by a copy translated into English.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stat. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(10), (11) & (12); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0060

Third Party Tester and Examiner Sanctions

(1) DMV will impose sanctions when it determines a CDL Third Party Tester or CDL Third Party Examiner has violated provisions of the Motor Vehicle Code, administrative rules promulgated by DMV or federal regulations related to CDL third party testing.

(2) DMV will impose a sanction determined by DMV to be appropriate for the particular violation. In determining an appropriate sanction, DMV may use the appropriate matrix set forth in either OAR 735-060-0065 or 735-060-0110 as a guideline and may consider the following criteria:

(a) The severity of the violation or its impact on the public;

(b) The number of similar or related violations;

(c) Whether the violations were willful or intentional; and

(d) The history of prior sanctions imposed by DMV.

(3) DMV will determine the steps to take or sanctions to impose when it determines violations have occurred or are occurring. These may include one or more of the following:

(a) A written warning, including those communicated on correction notices or inspection reports;

(b) Suspension of the CDL Third Party Tester's Certificate and the right to apply for a certificate for up to one year;

(c) Suspension of the CDL Third Party Examiner's Certificate and the right to apply for a certificate or renewal of a certificate for up to one year;

(d) Revocation of CDL Third Party Tester's Certificate and the right to apply for a certificate or renewal of a certificate for up to five years;

(e) Revocation of the CDL Third Party Examiner's certificate and the right to apply for a certificate or renewal of a certificate for up to five years;

(f) DMV will immediately suspend a CDL Third Party Tester or Third Party Examiner Certificate if DMV has reason to believe the Third Party Tester or Third Party Examiner participated in any fraudulent or criminal activity related to the issuance of a CDL Certificate of Test Completion or has violated any provision of the Code of Ethics and Rule of Conduct set forth in OAR 735-060-0115. The suspension will remain in effect pending the outcome of a contested case hearing;

(g) DMV will immediately suspend a CDL Third Party Tester Certificate if the general business liability or auto liability insurance has lapsed or is cancelled, or DMV determines a CDL Third Party Tester's vehicle(s) used for testing is in an unsafe condition; and

(h) DMV will permanently revoke a CDL Third Party Tester or CDL Third Party Examiner Certificate if DMV determines the CDL Third Party Tester or CDL Third Party Examiner participated in fraudulent or criminal activity related to the issuance of a CDL Certificate of Test Completion, including, but not limited to violation of OAR 735-060-0115(1), (3) or (8).

ADMINISTRATIVE RULES

No principal, owner, shareholder, CDL Tester Representative or manager of a CDL Third Party Tester whose certificate is permanently revoked will be eligible for a CDL Third Party Tester or CDL Third Party Examiner Certificate.

(4) A CDL Third Party Tester or CDL Third Party Examiner whose certificate has been suspended or revoked is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(5) When DMV takes action to suspend or revoke a CDL Third Party Tester or CDL Third Party Examiner Certificate, DMV will send notice in writing that the suspension or revocation will begin either in five days (an immediate suspension) or 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the most recent address on record with DMV.

(6) Except as provided in section (7) of this rule, a request for a hearing must be submitted in writing to, and received by, DMV within 20 days of the date of the notice of violation. If a hearing request is received in a timely manner the suspension or revocation will not go into effect pending the outcome of the hearing, unless the certificate is immediately suspended.

(7) If the certificate is immediately suspended as set forth in subsections (3)(f) and (g) of this rule, the request for hearing must be submitted in writing to, and received by, DMV within 90 days of the date of notice of suspension. The suspension will remain in effect pending the outcome of the hearing.

(8) Except as provided in OAR 137-003-0528, when no request for a hearing is timely received, the CDL Third Party Tester or CDL Third Party Examiner has waived the right to a hearing, the notice becomes the final order by default.

(9) If a CDL Third Party Tester or CDL Third Party Examiner Certificate has been revoked, the CDL Third Party Tester or CDL Third Party Examiner must reapply for an original certificate after the period of revocation and must meet all the requirements set forth in OAR Chapter 735, Division 60 rules. At the end of the suspension period of a CDL Third Party Tester or CDL Third Party Examiner Certificate, DMV will reinstate the certificate unless the certificate has expired or the CDL Tester or CDL Examiner does not meet the qualification requirements for the certificate. If the certificate has expired, the CDL Tester or CDL Examiner must reapply for an original certificate and must meet all the requirements set forth in the division 60 rules.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0650; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0065

Matrix for Tester Sanctions

DMV adopts the matrix of sanctions in Table 1 for CDL Third Party Tester violations. Table 1, CDL Tester Sanctions, is hereby adopted and made a part of this rule. As used in this rule, an offense will be considered a second or subsequent offense if the CDL Third Party Tester was notified orally or in writing within the three previous years of the occurrence of the same or a substantially similar offense. If more than three years have passed between sanctions for the same or similar offense, DMV will sanction as a first offense. [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stat. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0090

Eligibility Requirements for Third Party Examiner Certificate

(1) No person may certify the competency of an applicant for a commercial driver license to safely operate a commercial vehicle by conducting a commercial driver license certification drive test under the authority of ORS 807.080 or 807.072(3), unless he or she has a valid CDL Third Party Examiner Certificate issued by DMV and conducts the driving test in accordance with Oregon statutes and DMV administrative rules.

(2) To be eligible for a CDL Third Party Examiner Certificate or to be allowed to renew or maintain a CDL Third Party Examiner Certificate a person must meet the following requirements:

(a) Be at least 21 years of age;

(b) Be an employee of a CDL Third Party Tester or an employee of an applicant for a CDL Third Party Tester Certificate or certified as a behind-

the-wheel examiner for school bus drivers by the Oregon Department of Education;

(c) Is of good moral character and has not been convicted of a crime involving moral turpitude, including but not limited to, homicide, assault, kidnapping, a sexual offense, robbery, child pornography, fraud, forgery, perjury and theft or of a crime punishable as a felony involving the use of a motor vehicle, or a crime punishable as a felony involving possession, manufacture or distribution of a controlled substance if DMV determines from the facts and intervening circumstances of the conviction that the person is not fit to perform the responsibilities of a CDL Third Party Examiner and/or poses a risk to the safety of persons while performing those responsibilities.

(d) Except as provided in subsection (e) of this section, have and maintain valid Oregon commercial driving privileges in the classification for which the person will be conducting drive tests and with all required endorsements. To be valid, commercial driving privileges must not be suspended, revoked, canceled or otherwise withdrawn.

(e) If the person does not have valid Oregon commercial driving privileges, he or she must have valid commercial driving privileges issued by another state in the classification for which the person will be conducting drive tests and with all required endorsements. The person must meet the medical standards established by DMV for the operation of commercial motor vehicles and be issued a medical certificate. An operator who has not held Oregon CDL driving privileges for the three year period, may be required to submit a certified driving record from any jurisdiction that issued CDL driving privileges during that period;

(f) Has successfully completed the CDL Third Party Examiner training course as required in OAR 735-060-0095; and

(g) Must provide documented evidence including a recommendation from a previous employer, satisfactory to DMV, of at least one of the following:

(A) At least three years of commercial motor vehicle driving experience;

(B) At least two years of experience as an instructor with a licensed commercial truck driving school;

(C) At least two years of experience training commercial motor vehicle drivers for a private business or government agency; or

(D) At least two years of experience providing testing of CDL drivers for a governmental licensing agency;

(3) A person is not eligible for a CDL Third Party Examiner Certificate, or will not be allowed to renew or maintain a CDL Third Party Examiner Certificate if:

(a) The person is enrolled or participating in a DUII diversion program, or has restricted or suspended driving privileges under a driver improvement program, including an equivalent diversion or driver improvement program in another jurisdiction. This section will apply if the person was enrolled or participating in a diversion program or his or her driving privileges were restricted or suspended under a driver improvement program anytime within the three years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV;

(b) The person has been convicted of any major traffic crime. This subsection does not apply if the conviction occurred more than five years preceding the date an application for a Third Party Examiner Certificate is submitted to DMV;

(c) The person has been issued a CDL Third Party Tester or CDL Third Party Examiner Certificate by DMV that is currently revoked or suspended;

(d) The person has been issued a CDL Third Party Tester or CDL Third Party examiner Certificate by another jurisdiction, that is currently revoked or suspended, or that was revoked, involuntarily canceled or suspended within the five years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV; or

(e) The person has engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Examiner Certificate and which demonstrates unfitness and inability to perform the responsibilities of a CDL Third Party Examiner.

(4) In addition to the eligibility requirements of sections (2) and (3) of this rule, to be eligible for a CDL Third Party Examiner Certificate to conduct drive tests for school bus drivers for the Oregon Department of Education, a person must:

(a) Be certified by the Oregon Department of Education as a behind-the-wheel examiner; and

(b) Meet the requirements set forth in OAR 581-053-0006.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

ADMINISTRATIVE RULES

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0670; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0095

Third Party Examiner Training

(1) An applicant for a CDL Third Party Examiner certificate must successfully complete the Third Party Examiner training course as described in section (2) of this rule.

(2) The CDL Third Party Examiner training course must consist of instruction in all the information contained in the Oregon CDL Examiner's Manual available from DMV.

(3) Upon successful completion of the Third Party Examiner training, the training course instructor must submit a copy of the class roster and indicate on the roster those individuals who passed the training course.

(4) The CDL Third Party Examiner training course may only be provided by DMV, a person or entity that has an agreement with DMV to provide training or the Oregon Department of Education.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0100

Application for CDL Third Party Examiner Certificate

(1) To apply for a CDL Third Party Examiner Certificate an applicant must:

(a) Meet all the eligibility requirements set forth in OAR 735-060-0090;

(b) Submit a completed Application for a Third Party Examiner Certificate, Form 6767, signed by the CDL Tester Representative, a Certified CDL Third Party Tester or applicant for a CDL Third Party Tester Certificate, to: DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, Oregon 97314; and

(c) A signed authorization from the applicant to conduct a criminal history information check.

(2) Unless suspended or revoked, a CDL Third Party Examiner Certificate will remain valid as long as the CDL Examiner is employed by a certified CDL Third Party Tester or is approved by the Department of Education. The certificate must immediately be returned to DMV by the CDL Third Party Examiner when the CDL Examiner is no longer employed by a CDL Third Party Tester or approved by the Department of Education.

(3) The Third Party Examiner Certificate issued to a CDL Examiner conducting testing for the Oregon Department of Education will be withdrawn upon request of the Director, Pupil Transportation Section of the Oregon Department of Education.

(4) The CDL Third Party Examiner Certificate will be withdrawn by DMV upon request of the CDL Third Party Tester by whom the examiner is employed.

(5) DMV will issue a replacement CDL Third Party Examiner Certificate if the CDL Third Party Examiner certifies that the original certificate has been lost, mutilated or destroyed. To apply for a replacement CDL Third Party Examiner Certificate, the person must submit a written request indicating the reason for the replacement to: DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, OR 97314.

(6) DMV will issue an additional CDL Third Party Examiner Certificate(s) when a CDL Third Party Examiner is employed by more than one certified CDL Third Party Tester. DMV must issue a corrected CDL Third Party Examiner Certificate when a CDL Examiner changes employers. To obtain an additional or corrected certificate, the CDL Examiner must:

(a) Meet all the requirements set forth in OAR 735-060-0090; and

(b) Submit a completed Application for a CDL Third Party Examiner Certificate, Form 6767, signed by the employing CDL Third Party Tester, to DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, OR 97314.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & cert. ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0680; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0105

Responsibilities of a CDL Third Party Examiner

(1) A CDL Third Party Examiner must:

(a) Remain in compliance with the eligibility requirements set forth in OAR 735-060-0090;

(b) Properly complete all forms required by DMV;

(c) Conduct all certification drive tests as set forth in OAR 735-060-0120;

(d) Conduct drive tests and issue CDL Certificates of Test Completion only for the class of vehicles authorized on the Third Party Examiner Certificate by DMV;

(e) Issue CDL Certificates of Test Completion only for the class of commercial license for which the driver is tested;

(f) Comply with the following requirements before issuing a CDL Certificate of Test Completion:

(A) Obtain either a copy of the driver's Oregon CDL instruction permit and Oregon Class C driver license or the driver's Oregon CDL. The driver's identifying information, including the photo, must be legible on the copy; and

(B) Provide the driver a receipt for the fees the driver paid for all services relating to the certification drive test, including but not limited to fees for the drive test, travel time or distance, and vehicle rental. A fee may be collected only for those services listed on the schedule submitted to DMV under OAR 735-060-0030(1)(h). The receipt must be on a standard receipt form provided to the CDL Tester by DMV or, if not on the DMV form, the receipt must contain the same information. A receipt need not be provided when:

(i) The CDL Examiner is conducting a test for the Oregon Department of Education; or

(ii) The CDL Examiner is conducting a test for an employee of the CDL Tester.

(C) Place the CDL Certificate of Test Completion in an envelope and seal the envelope. The outside of the envelope must have the signature of the CDL Tester or CDL Examiner across the seal of the envelope; and

(D) Verbally instruct the driver that the envelope containing the certificate must be submitted to DMV within two years of the date it is issued and will not be accepted if the envelope is opened prior to its delivery to DMV.

(g) Successfully complete any additional training when required by DMV;

(h) Comply with all Oregon statutes, DMV administrative rules, and federal regulations pertaining to the qualifications and responsibilities of a CDL Third Party Examiner;

(i) Except as provided in section (2) of this rule, conduct a minimum of 12 certification drive tests during each 12-month period after the initial issuance date of the CDL Third Party Examiner Certificate;

(j) Be present during any DMV, Oregon Secretary of State, or FMCSA inspection of CDL Third Party Tester records if requested by DMV;

(k) Only conduct certification drive tests for the CDL Third Party Tester on the CDL Examiner's Third Party Examiner Certificate;

(L) Notify the CDL Third Party Tester within 24 hours of any notice of a civil legal action, a criminal investigation or arrest, or any complaint concerning administration of a certification drive test or issuance of a certificate of test completion by the CDL Examiner;

(m) Unless prior written approval is obtained from DMV, only conduct a certification drive test that has been scheduled at least 48 hours prior to the administration of the test; and

(n) Report to DMV all scheduled certification drive tests at least 48 hours prior to administration of the test. The test schedule must include the driver's name, Oregon driver license number, the CDL examiner's name, the date and time of each portion of the test, the class and type of vehicle to be used for the test, and identification of the drive test route. DMV must be notified of changes to the test location, test time, or additions that occur after submission of the schedule. DMV must also be notified of any cancellations that occur more than two hours before a scheduled test.

(o) Report to DMV the results of all certification drive tests within 48 hours of administering the tests. The results must include the Certificate of Test Completion number, the date and actual time of each portion of the test, the plate number and GVWR of each vehicle used for the test, and the passing test score if the driver passed the test or the failing test score and reason for failure if the driver failed the test.

(2) A CDL Third Party Examiner employed by the Oregon Department of Education is not required to conduct a minimum number of certification drive tests in a 12-month period.

(3) A CDL Third Party Examiner must not:

(a) Issue a CDL Certificate of Test Completion to any person:

ADMINISTRATIVE RULES

(A) If the CDL Third Party Examiner did not administer a certification drive test to the person;

(B) If the CDL Third Party Examiner did not administer a certification drive test meeting the requirements of OAR 735-060-0120 to the person; or

(C) Who is known to not have valid driving privileges. Acceptable evidence of valid driving privileges requires that the driver present an Oregon driver license and CDL instruction permit or Oregon CDL that are not expired.

(D) Showing the person passed the certification drive test, when in fact the person did not pass the test.

(b) Falsify any records;

(c) Conduct certification drive tests without a valid CDL Third Party Examiner Certificate issued by DMV;

(d) Transfer his or her CDL Third Party Examiner Certificate to any other person;

(e) Knowingly assist a person in fraudulently obtaining driving privileges from DMV;

(f) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115;

(g) Allow any person to take a certification drive test if the CDL Examiner has reason to believe the person is under the influence of intoxicants;

(h) Knowingly test a relative or friend of the CDL Tester or a relative or friend of any employee of the CDL Tester; or

(i) Except as provided in section (4) of this rule, conduct a drive test with a driver who does not possess either:

(A) A valid Oregon CDL instruction permit along with a valid Oregon driver license that was issued at least 21 days prior to the date of the test; or

(B) A valid Oregon CDL.

(4) A CDL Third Party Examiner that conducts tests only for the Oregon Department of Education or a CDL Third Party Examiner that conducts tests only for employees of the CDL Third Party Tester must not conduct a drive test with a driver who does not possess a valid Oregon CDL instruction permit along with a valid Oregon driver license or a valid Oregon CDL.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0100(8), (9) & (10); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0110

Matrix Third Party Examiner Sanctions

DMV adopts the matrix of sanctions in Table 2 for CDL Third Party Examiner violations. Table 2, Examiner Sanctions, is hereby adopted and made a part of this rule. As used in this rule, an offense will be considered a second or subsequent offense if the CDL Third Party Examiner was notified in writing within the three previous years of the occurrence of the same or a substantially similar offense. If more than three years have passed between sanctions for the same or similar offense, DMV will sanction as a first offense.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0690; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 3-2006, f. 3-17-06, cert. ef. 4-15-06; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0115

Code of Ethics and Rules of Conduct

A CDL Third Party Tester, CDL Tester Representative or CDL Third Party Examiner must adhere to the highest standards of professional conduct and will not engage in or knowingly allow any owner, officer, agent, director, manager or employee to engage in any of the following:

(1) Assist or knowingly allow an applicant for CDL driving privileges (the driver) to fraudulently:

(a) Receive a passing score for a drive test when the driver either failed the test or did not take the test; or

(b) Obtain driving privileges for which the driver is ineligible or has not qualified.

(2) Discrimination against any driver on the basis of race, religion, national origin, disability, age, sex or sexual orientation.

(3) Accepting or requiring anything of value from a driver when it is known or it is obvious that the offer is for the purpose of influencing the CDL Third Party Tester's or CDL Third Party Examiner's scoring of a test.

(4) Offering a bribe to or colluding with the inspector when it is known or it is obvious that the attempt is for the purpose of influencing the results of a DMV inspection or evaluation.

(5) Having sexual relations with or requesting sexual relations from a driver being tested. For purposes of this section, "sexual relations" means:

(a) Sexual intercourse; or

(b) Any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either party.

(6) Using physical force or a threat of physical force against a driver, unless such force or threat is necessary to avoid immediate danger to the safety of the driver, the CDL Third Party Examiner, employees of the CDL Third Party Tester or the general public.

(7) Possessing any unlawful controlled substance or intoxicating beverage or being under the influence of any intoxicating beverages, drugs or controlled substances while conducting a certification drive test.

(8) Falsifying of any document or knowingly making a misrepresentation on the CDL Third Party Examiner or CDL Tester applications or in any document that relates to any testing activity.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.080

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

735-060-0130

The CDL Certificate(s) of Test Completion

(1) DMV will accept as the actual demonstration of a driver's ability to drive a Class A, B, or C commercial motor vehicle under ORS 807.070(3)(b) a CDL Certificate(s) of Test Completion, DMV Form 6771, issued by a DMV-certified CDL Third Party Examiner that shows the driver passed the certification drive test.

(2) Before issuing a CDL Certificate of Test Completion, the CDL Examiner must:

(a) Obtain a copy of the driver's Oregon CDL instruction permit and Oregon driver license or the driver's Oregon CDL. The driver's identifying information, including the photo, must be legible on the copy; and

(b) Provide the driver a receipt for the fees the driver paid for all services relating to the certification drive test, including but not limited to fees for the drive test, travel time or distance, and vehicle rental. A fee may be collected only for those services listed on the schedule submitted to DMV under OAR 735-060-0030(1)(e). The receipt must be on a standard receipt form provided to the CDL Tester by DMV or, if not on the DMV form, the receipt must contain the same information. A receipt need not be provided when:

(A) The CDL Examiner is conducting a test for the Oregon Department of Education; or

(B) The CDL Examiner is conducting a test for an employee of the CDL Tester.

(3) A CDL Certificate(s) of Test Completion, DMV Form 6771, will be accepted only when it is submitted by a driver who:

(a) Has passed a Commercial A, B, or C or endorsement certification drive test meeting the standards set forth in OAR 735-060-0120;

(b) Has valid driving privileges and has passed the necessary CDL knowledge tests and vision screening. A hardship or probationary permit does not constitute valid driving privileges; and

(c) Is applying for a Class A, B, or C commercial driver license or endorsement related to a commercial driver license.

(4) The CDL Certificate(s) of Test Completion must be:

(a) On DMV Form 6771 CDL Certificate(s) of Test Completion;

(b) Completed in its entirety by a CDL Third Party Examiner with a valid Examiner Certificate issued by DMV; and

(c) Submitted to DMV within two years of the date of the certification drive test in an unopened envelope sealed by the CDL Third Party Examiner.

(5) DMV will not accept a CDL Certificate(s) of Test Completion, DMV Form 6771, when:

(a) The CDL Certificate of Test Completion shows the driver did not pass the certification drive test.

(b) The driver failed a drive test(s) for CDL of the same class or a lower class and did not wait the required waiting period under OAR 735-062-0070 before taking a certification drive test from a CDL Third Party Examiner.

(c) The driver submits a CDL Certificate(s) of Test Completion in an envelope that has been opened prior to its being submitted to DMV;

(d) The driver submits a CDL Certificate(s) of Test Completion that includes any alterations;

(e) The driver submits a CDL Certificate(s) of Test Completion that is more than 2 years after the date of the drive test; or

ADMINISTRATIVE RULES

(f) The driver was not tested by a CDL Third Party Examiner who is certified by DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080
Stats. Implemented: ORS 807.040, 807.070 & 807.100
Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0720; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10

Rule Caption: Standards for Issuance of a Driver License without a Photograph.

Adm. Order No.: DMV 17-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 9-27-10

Notice Publication Date: 8-1-2010

Rules Amended: 735-062-0120

Subject: DMV recently amended OAR 735-062-0016 regarding the requirements of the driver license photograph. One way that a person proves his or her identity is through submitting to the collection of biometric data. The facial recognition technology used by DMV requires that the photograph be full faced with removal of eye glasses, clothing or other similar material that cover or distort the person's eyes or any other part of the face. Oregon law authorizes DMV to issue a driver license without a photograph if a person's religious beliefs prevent the person from removing clothing or other similar material that cover the person's eyes or face in order to have his or her photograph taken. DMV has amended OAR 735-062-0120 — Standards for Issuance of a Driver License without a Photograph — to allow the issuance of a driver license without a photograph under these circumstances.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-062-0120

Standards for Issuance of Driver's Licenses Without a Photograph

(1) DMV may, upon receipt of a written request, and for good cause, provide for issuance of a valid driver license without a photograph to any person qualified to hold an Oregon driver license:

(a) Who is a member of a religious denomination that prohibits photographing of its members because it is contrary to its religious tenets;

(b) Whose religious beliefs require the person to wear a head covering, clothing or similar material that partially or completely covers the person's face, preventing the person from being photographed as described in OAR 735-062-0016(3); or

(c) Who has severe facial disfigurement.

(2) In addition to satisfying the requirements of section (1), an applicant for issuance of a driver license under this rule must:

(a) Provide proof of verifiable SSN, or proof of ineligibility for a SSN, as provided in OAR 735-062-0005(2);

(b) Provide proof of legal presence as provided in OAR 735-062-0015;

(c) Provide proof of identity and date of birth as provided in OAR 735-062-0020; and

(d) Provide proof of residence address as provided in OAR 735-062-0030(1).

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.110
Stats. Implemented: ORS 807.110
Hist.: MV 80, f. & ef. 10-4-77; MV 15-1986, f. 9-16-86, ef. 10-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0038; DMV 21-2001, f. & cert. ef. 10-18-01; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 17-2010, f. & cert. ef. 9-27-10

Rule Caption: Restoration of Driving Privileges for Habitual Offenders.

Adm. Order No.: DMV 18-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 9-27-10

Notice Publication Date: 8-1-2010

Rules Amended: 735-070-0160

Subject: OAR 735-070-0160 establishes that a person whose driving privileges have been revoked for a minimum of five years as a habitual offender under ORS 809.600 may apply to DMV for restoration of driving privileges. DMV currently requires that a person revoked as a habitual offender must meet all requirements for an original driver license or instruction permit. One requirement is that the

person pass all required tests, including a driving test and a knowledge test. Under the Driver License Compact, another state will not issue a driver license to a person whose driving privileges are revoked in Oregon. If a person no longer is a resident of Oregon, DMV will accept test scores from another state's licensing agency to meet this requirement for restoration of the person's revoked Oregon driving privileges. If all the requirements are satisfied, the person's Oregon driving record will show the person is eligible for driving privileges. But many states refuse to test a driver who is not eligible for driving privileges, so the person is unable to satisfy this requirement unless the person returns to Oregon. Also, even if another state does test the driver, it may be difficult or impossible to obtain documentation from the other state that the person has passed the tests. This creates a very time consuming and costly catch-22, both for the person and for DMV.

DMV amended OAR 735-070-0160 to allow a person who resides out-of-state and who otherwise qualifies for restoration of revoked driving privileges to voluntarily surrender his or her Oregon driving privileges in lieu of taking the required tests in another state. DMV will note the surrender of all privileges on the person's Oregon driving record. If the person does not have any other suspension or revocation actions, the person's Oregon driving record, as reported to another state through the National Driver Register/Problem Driver Pointer System, will show the person as eligible to apply for driving privileges. To be issued a license in another state, the person must meet the licensing requirements of that state. Pursuant to OAR 735-062-0135, should the person want to be licensed again in Oregon, he or she will be required to pass all of Oregon's tests.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0160

Restoration of Driving Privileges for Habitual Offenders

(1) A person, revoked as a habitual offender, may apply for restoration of driving privileges five years after the revocation date. For purposes of the habitual offender statutes and administrative rules, compliance with reinstatement requirements will be considered as application for restoration of driving privileges.

(2) To comply with reinstatement requirements, the person must:

(a) Meet all requirements for full reinstatement on any other suspension, revocation, cancellation or non-issue action(s) also in effect;

(b) Successfully complete requirements established for an original driver license in ORS 807.040 or an instruction driver permit in ORS 807.280, including the payment of fees established in ORS 807.370; and

(c) Pay the reinstatement fee established in ORS 807.370.

(3) A person residing out-of-state must comply with subsections (2)(a) and (2)(c) of this rule and in lieu of subsection (2)(b) of this rule, a person residing out-of-state may:

(a) Take the tests for an original driver license or instruction driver permit at the motor vehicle agency in the state or province where the person resides and provide documentation showing the successful completion of those tests; or

(b) Surrender all driving privileges in Oregon as described in OAR 735-062-0135.

(4) The revocation will remain in effect until the person meets the reinstatement requirements in section (2) or (3) of this rule, even if five years have elapsed since the revocation took effect.

Stat. Auth.: ORS 184.616, 184.619 & 809.660
Stats. Implemented: ORS 809.390, 809.650 & 809.660
Hist.: MV 7-1993, f. & cert. ef. 10-21-93; DMV 11-1997, f. & cert. ef. 10-16-97; DMV 18-2010, f. & cert. ef. 9-27-10

Department of Transportation, Highway Division Chapter 734

Rule Caption: Rest Areas.

Adm. Order No.: HWD 10-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 734-030-0005, 734-030-0010, 734-030-0015, 734-030-0020

ADMINISTRATIVE RULES

Rules Repealed: 734-030-0005(T), 734-030-0010(T), 734-030-0015(T), 734-030-0020(T)

Subject: These rule amendments implement Chapter 99, OL 2009 (HB 2234) which allows the Oregon Transportation Commission to govern health and safety in rest areas and scenic overlooks under the jurisdiction of the Department of Transportation and provide a penalty for violation of these rules. These amendments make permanent the temporary rules that were adopted effective April 28, 2010.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-030-0005

Definitions

The following definitions apply to OAR 734-030-0005 through 734-030-0025:

(1) "Rest Area" includes safety rest areas, scenic overlooks and similar roadside areas which are under the jurisdiction of the Department of Transportation. Other than when issuing "free coffee" permits under OAR 734-030-0025, when a rest area is sited on both sides of the highway, the two sides will be considered a single rest area.

(2) "Rest Area Attendant" means a Department of Transportation employee or contractor working in or responsible for the rest area; or for rest areas listed in Chapter 865, section 32, 2009 laws, a Travel Information Council employee or contractor working in or responsible for the rest area.

(3) "Visitor" means a person within the rest area who is not a Department of Transportation or Travel Information Council employee, law enforcement officer or a Rest Area Attendant.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 2-1993, f. & cert. ef. 4-15-93; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10

734-030-0010

Prohibited Activities

To preserve state property and increase health and safety in rest areas, the following activities are prohibited by Visitors to a rest area:

- (1) Lighting a fire.
- (2) Picking, removing, or damaging plant life or forest products.
- (3) Hunting, trapping, or injuring birds or animals.
- (4) Discharging a firearm, bow and arrow, or other weapon or discharging fireworks, explosives, or other similar devices.
- (5) Mutilating, defacing, damaging or removing any property, structure or facility.
- (6) Digging up, defacing, or removing any dirt, stone, rock, or other natural substance.
- (7) Operating a concession or selling merchandise, food, or services, except for a permitted "free coffee" service, public telephones, or articles dispensed by vending machines pursuant to an agreement with the Department of Transportation, or Travel Information Council for the rest areas listed in Chapter 865, section 32, 2009 laws.
- (8) Blocking access to the restroom by other Visitors.
- (9) Smoking or carrying a lighted cigar, cigarette, pipe or other smoking implement, in a restroom building or within 20 feet of a restroom building in the rest area.
- (10) Operating a motor vehicle in any area not constructed or designed for motor vehicles. Parking a motor vehicle outside the designated parking area or parking in violation of any posted parking regulation.
- (11) Allowing a pet to run loose. Allowing a pet on a leash, except a guide animal, in any area except designated pet areas. Allowing a pet, except a guide animal, in any building. Allowing livestock to run at large or to be in any area except in designated pet or livestock areas.
- (12) Placing a poster, flyer, sign or other marker in or on any utility pole, sign post, building or other facility in a rest area.
- (13) Depositing garbage, recyclables, or refuse of any kind except in designated containers.
- (14) Dumping, spilling or allowing to leak any sewage, waste water, or other substance from the vehicle.
- (15) Using restroom facilities to bathe, or wash clothing, dishes or other materials.
- (16) Setting up a tent or other structure, camping, or remaining in a rest area for more than 12 hours within any 24-hour period.
- (17) Participating in a disturbance, or riotous or other behavior which interferes with the reasonable use of the rest area by other rest area visitors.
- (18) Obstructing, harassing or interfering with a Department of Transportation or Travel Information Council employee or Rest Area Attendant in the performance of their duties in the rest area.

(19) Creating noise by any means which interferes with the reasonable use of the rest area by other rest area visitors.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; 2HD 5-1984, f. & ef. 4-18-84; HWY 8-1990(Temp), f. & cert. ef. 4-20-90; HWY 14-1990, f. & cert. ef. 12-5-90; HWD 1-2006, f. & cert. ef. 1-24-06; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10

734-030-0015

Compliance

(1) To preserve state property and increase health and safety in rest areas, a Department of Transportation or Travel Information Council employee, law enforcement officer, or the Rest Area Attendant working in a rest area is authorized to require compliance with these regulations and is authorized to order any person violating these regulations to leave the rest area. Failure to leave the rest area when so ordered is citable by a law enforcement officer as a violation of these rules.

(2) In addition to any other penalty prescribed by law, failure to comply with OAR 734-030-0005 through 734-030-0015 governing health and safety in a rest area may result in a Class B violation. Upon receipt of a citation the person must leave the rest area immediately.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; HWY 2-1993, f. & cert. ef. 4-15-93; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10

734-030-0020

Notice

Notice of conduct consistent with OAR 734-030-0005 through 734-030-0015 shall be posted in each rest area.

Stat. Auth.: ORS 184.616, 184.619, 366.205 & 366.493

Stats. Implemented: ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

Hist.: HC 476a, f. & ef. 10-7-54; HC 801, f. 11-24-59, ef. 1-1-60; 1 OTC 70, f. & ef. 3-5-76; HWD 3-2010(Temp), f. & cert. ef. 4-28-10 thru 10-15-10; HWD 10-2010, f. 9-27-10, cert. ef. 10-1-10

Rule Caption: Aggregation of small relocation credits; Scenic Byway Incentive Program; Outdoor Advertising violation penalties.

Adm. Order No.: HWD 11-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 9-27-10

Notice Publication Date: 8-1-2010

Rules Adopted: 734-059-0220, 734-063-0010

Rules Amended: 734-059-0200

Subject: These rules describe the process for credit owners to take advantage of new statutory provisions, describe the process and criteria for permit owners in Scenic Byway to take advantage of new statutory provisions, and provide a matrix of penalties as required by 2009 SB 689.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-059-0200

Civil Penalties for Violation of the Oregon Motorist Information Act and Related Laws

(1) This rule establishes the factors for consideration in assessing, reducing, or waiving civil penalties created by ORS 377.992 for violation of ORS 377.700 to 377.840, the Oregon Motorist Information Act, and related statutes and rules, and a process for implementing those penalties. These are in addition to any other penalty provided by law, including but not limited to assessing costs, removing signs, and canceling permits.

(2) The definitions in ORS 377.710 and OAR 734, division 059 apply to this rule. The following also apply to this section:

(a) "First time violator" means a person with no Final Order of violation of the Oregon Motorist Information Act or related statutes and rules within five years of the issuance of the violation notice.

(b) "Repeat violator" means a person with only one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of issuance of the current violation notice, but who is not a habitual violator.

(c) "Habitual violator" means a person with more than one sign for which the Department issued a Final Order of violation of the Oregon Motorist Information Act or related statutes or rules within five years of the issuance of the current violation notice.

(d) The five-year period noted in 2(a) through 2(c) commences on the date of an Order finding a violation, and any notice of subsequent violation

ADMINISTRATIVE RULES

within that five years is a further violation if the department issues an Order finding a violation, whether or not the Final Order is within the five year period.

(e) "Person" is defined in ORS 756.010(5).

(3) A person who violates The Oregon Motorist Information Act or related statutes or rules is subject to a civil penalty as provided in this section. Civil penalties begin to accrue 31 calendar days from the date of the notice of violation beginning at 12:01 a.m. of the 31st calendar day and end with the complete correction or the complete removal of the sign either by the sign owner or by the Department at the Department's discretion.

(4) The Department may assess a penalty up to \$50 per day for violation of ORS 377.720(5), 377.720(6), 377.720(9), 377.730(1), or 377.773. The Department may assess a penalty of up to \$50 per day for violation of 377.725(12), except if the Department finds the owner intentionally installed the wrong permit plate in an effort to delay or avoid enforcement, in which case the Department may assess a penalty of up to \$1000 per day.

(5) The Department may assess a penalty of up to \$500 per day for first time violators of ORS 377.510, 377.725(1), 377.740, 377.745, 377.750, 377.767(2), 377.767(5).

(6) The Department may assess a penalty of up to \$1000 per day for first time violators of ORS 377.720(1) through (4), (7) or (8), or 377.730(3).

(7) Repeat and habitual violators may be assessed up to the maximum penalty in ORS 377.992. For any violation not specifically cited in this rule, the Department may assess against any violator up to the maximum penalty in ORS 377.992.

(8) For any violation, in lieu of the per day amounts otherwise described, the Department may assess as a civil penalty the gross revenue derived from the sign at issue from the 31st day after notice of violation until the violation is corrected or the sign removed.

(9) The Department may consider all relevant facts in assessing, reducing, or waiving a civil penalty. The Department may consider but is not limited to the following factors:

(a) Whether the owner is a first time violator, repeat violator, or habitual violator, and how many of the owner's signs have previously been in violation of the OMIA.

(b) Whether the owner, its agents or employees responsible for the sign at issue were previously involved with another owner, and whether that previous owner had no violations, was a first time, repeat, or habitual violator.

(c) The amount of time between the Department issuing a violation notice and the contested case hearing, and whether any delay was due to reasons outside the control of the violator.

(d) The cooperation of the owner in dealing with the Department, including:

- (i) Promptness in responding to requests for information;
- (ii) Accuracy and completeness of information provided;
- (iii) Assertion of frivolous issues or defenses;
- (e) The complexity of the issues involved;
- (f) The value of the public interest involved;
- (g) Public comment about the sign at issue.

(10) If the final order resulting from an administrative hearing renders the Department's enforcement incorrect, civil penalties do not accrue to the sign in question.

(11) For the convenience of the public, the Department will produce a summary of the types of violations and maximum penalties allowed, factors that may be considered, and any other relevant information regarding assessment of penalties.

Stat. Auth.: ORS 184.616, 184.619 & 377.992

Stats. Implemented: ORS 377.992

Hist.: TO 2-2002, f. & cert. ef. 2-19-02; HWD 11-2010, f. & cert. ef. 9-27-10

734-059-0220

Aggregation of Small Relocation Credits

(1) As provided in ORS 377.763 the owner of relocation credits may apply to combine (aggregate) them into a single credit. This rule establishes the criteria for aggregation, the procedure to request aggregation, and the procedure the Department will follow to process those requests.

(2) Qualification for participation:

(a) The relocation credit must be recognized as valid under ORS 377.766. This includes verification by the Department that the sign structure was removed.

(b) The relocation credit size may be no larger than 249 square feet.

(c) If the Department is aware of any dispute about the ownership or right to utilize the credit it may not be aggregated unless the issue has been resolved.

(3) Application for Aggregation of Relocation Credits

(a) To aggregate relocation credits, the owner of a relocation credit must submit a written request to the Department of Transportation Outdoor Advertising Sign office. The request must be dated and must bear the original signature of the owner or owner's authorized representative.

(b) The request must include the relocation credit numbers sought to be aggregated, and the area (described in square feet) the owner calculates for the anticipated single credit.

(4) Department Processing of Application for Aggregation of Relocation Credits

(a) The Department will determine whether each relocation credit qualifies for aggregation. If any do not, the Department will advise owner and attempt to reach agreement on the qualification under law. If an agreement is not reached the Department will reject the request to aggregate.

(b) If each relocation credit qualifies for aggregation, the Department will determine whether the area of the anticipated credit calculated by the owner is the same as the area calculated by the Department, and whether it is within the statutory maximum for size. If the anticipated sizes are not the same, or if the projected size exceeds the statutory maximum, the Department will advise applicant and attempt to reach agreement on the correct size under the law. If an agreement is not reached the Department will reject the request to aggregate.

(c) If each relocation credit qualifies for aggregation and no issue exists as to the size of the anticipated credit, the Department will notify the owner in writing of the cancellation of the smaller credits and the creation of the single larger credit.

Stat. Auth.: ORS 184.616, 184.619, 377.763, 377.759, & 377.992

Stats. Implemented: 377.763, 377.759 & 377.992

Hist.: HWD 11-2010, f. & cert. ef. 9-27-10

734-063-0010

Scenic Byway Removal Incentive Program

(1) As provided in ORS 377.759, the owner of an active outdoor advertising sign permit for a sign visible to a highway located along the Oregon Scenic Byway system may apply to the Department of Transportation to voluntarily remove a sign in exchange for an incentive described in statute. This rule establishes the criteria for participation in the incentive program, the procedure to apply, and the procedure the Department will follow to process those applications.

(2) Qualification for participation — Byway status and sign legality.

(a) The location of the sign must be within the current Oregon Scenic Byway system as approved by the Oregon Transportation Commission. The Scenic Byway system includes state Scenic Byways, national Scenic Byways, All American Roads, and Oregon Tour Routes (hereafter "Byway system" or "Byway"). If the location of the sign is within an area that is the subject of a request to be de-designated or segmented from the Byway system, the sign does not qualify.

(b) The sign must be in compliance with all laws. A sign that is in violation of the law does not qualify for the incentive. The Department need not have issued a notice of violation prior to the application for participation for the Department to deny the application on this basis. If the Department denies the application in part or in full due to noncompliance with state sign laws, it must issue a notice of violation at the same time as the denial so applicant has a full opportunity to contest the decision.

(c) The sign must qualify for relocation under ORS 377.700 to 377.840. If the sign does not meet the criteria for relocation of the sign and permit, the sign does not qualify for the incentive program.

(d) A sign that is nonconforming under state law may qualify for the incentive program, depending on the reason for its nonconforming status. A sign that is nonconforming for a reason that legally would prevent its reconstruction in the same location does not qualify for the incentive program.

(3) Qualification for participation — Particularly Scenic Areas of Scenic Byways

(a) To qualify for the incentive the sign must be in a particularly scenic area within a Byway. When a sign permit holder submits an application the Department will determine if the location of the sign meets that requirement. This is a case-specific determination, therefore the Department will make a decision for each specific application and not for a geographic area, length of highway, etc. The Department will consider the following factors in reaching its decision, and identify its reasons in the written decision finding the sign does or does not qualify for incentive.

(b) The sign is not located at a developed commercial or industrial area (as defined in ORS 377.767) visible from the main traveled way of the highway, regardless of whether the area is occupied by a going concern.

(c) The sign is not located within 500 feet of a sign that is subject to the jurisdiction of the Outdoor Advertising Sign Program but that does not

ADMINISTRATIVE RULES

have a state sign permit for any reason, including violation of the law or exemption from the law.

(d) The sign is within view of a public park, publicly owned forest, historic site, scenic viewpoint, or similar location.

(e) Other reasonable indicia of scenic beauty.

(4) Application for Participation in Incentive Program

(a) To apply for participation in the incentive program a sign permit holder must submit a request to the Department of Transportation Outdoor Advertising Sign office.

(b) The request must include a letter from the permit holder or an authorized representative stating the request to receive the incentive in exchange for voluntarily removing a particular sign identified by permit number. The letter must state whether any other entity has a legal interest in the permit or sign structure, and the nature of that interest. The letter must include a statement that the sign and permit are in compliance with all laws. The letter must state whether the applicant seeks two relocation credits, or one relocation credit and one direct relocation permit.

(c) The packet must include recent photographs of the sign showing its construction, condition, and the surrounding area, so the Department may make an initial analysis of qualification under sections (2) and (3).

(d) The packet must include a current county assessor's map showing Township, Range, and Section numbers, Section subdivision letters or numbers where relevant. Applicant must identify the sign location on the correct tax lot on that map.

(e) The packet may include a permit application for direct relocation of the sign and permit ("relocation application"). The relocation application is contingent on the granting of the incentive unless the applicant informs the Department in writing that the relocation application should be processed immediately. Barring that statement by applicant, the Department will treat the relocation application as incomplete under OAR 734-059-0000 and hold it as pending until the Department determines whether the sign and permit qualify for the incentive.

(5) Department Processing of Application

(a) The Department will determine if the application is complete. If not, the Department will advise applicant what is missing and provide a date by which the application must be completed. If it is not completed by that date the Department will return the original materials to applicant and the matter will be closed.

(b) When the application is complete, the Department will determine if the sign and permit meet the basic requirements in section (2). If not, the Department will contact applicant to gather more information, including whether the applicant disagrees with the Department's preliminary decision. If the applicant agrees with that decision, the Department will deny the application and return the original materials to applicant and the matter will be closed.

(c) If the sign and permit meet the requirements of section (2), or if applicant disagrees with the Department's preliminary decision regarding section (2), the Department will inspect the sign and the location for compliance with the law and for qualification as a particularly scenic area.

(d) The Department will determine whether the sign complies with the law and whether the sign is within a particularly scenic area of a Scenic Byway. The Department will notify applicant in writing regarding its determinations and relevant factual findings. If the Department determines the sign and permit do not qualify for the incentive program, the Department will advise applicant of its right to request a contested case hearing.

(e) If the Department determines the sign qualifies for the incentive program, the applicant must inform the Department when it will remove the sign. The sign must be removed no later than 90 days after the Department's notification. The Department will inspect the site to verify the sign has been removed. The entire sign structure, whether or not visible to the highway, must be removed to comply.

(f) Upon verification the sign has been removed the Department will cancel the sign permit and issue two relocation credits for the size and established location of the sign permit. If applicant also submitted a relocation application the Department will process it under OAR 734-059-0000 and, if the application meets the requirements of the law, will issue the relocation permit and one relocation credit. If the relocation application does not meet the requirements of the law the Department will deny the relocation application and issue two relocation credits.

Stat. Auth.: ORS 184.616, 184.619, 377.763, 377.759 & 377.992
Stats. Implemented: 377.763, 377.759 & 377.992
Hist.: HWD 11-2010, f. & cert. ef. 9-27-10

Rule Caption: Outdoor advertising — Premises definition; Business Identification sign permit; Directional sign permit.

Adm. Order No.: HWD 12-2010

Filed with Sec. of State: 9-27-2010

Certified to be Effective: 9-27-10

Notice Publication Date: 8-1-2010

Rules Repealed: 734-059-0005, 734-060-0005, 734-060-0015, 734-060-0020, 734-060-0025, 734-060-0030, 734-060-0035, 734-060-0040, 734-060-0045, 734-060-0050

Subject: With these administrative rule repeals ODOT is implementing Chapter 199 OL 2007 (HB 2273) by removing rules that defined terms no longer used in outdoor advertising regulation, the business identification sign permit criteria rule and the directional type sign permit criteria rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

**Employment Relations Board
Chapter 115**

Rule Caption: Amends rules for procedure for higher education faculty elections.

Adm. Order No.: ERB 2-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 115-025-0060

Subject: Senate Bill 989 (2010) contained an emergency clause and became effective when signed by the Governor on March 4, 2010. It repealed section 5 of ORS 243.686, which required a two-step election procedure for higher education faculty. This change conforms agency rules to the new law and makes permanent temporary rules filed on April 13, 2010.

Rules Coordinator: Leann G. Wilcox—(503) 378-8610

115-025-0060

Election Procedures

(1) Eligibility to Vote. Public employees eligible to vote in an election will be those employed on the date of the election who were employed on a payroll date agreed upon by the parties or on a date specified by the Board. The Board may include as eligible voters other employees who have reasonable expectations of continued employment including but not limited to seasonal employees or employees on layoff.

(2) List of Eligible Voters. The public employer shall submit an alphabetical list of eligible voters, their names, addresses and job classifications to the Board at least 20 days before the date of the on-site election or 20 days before the date set for the Board to mail out ballots in a mail ballot election unless otherwise expressly agreed by the parties. The Board shall provide each labor organization with a copy of the list of eligible voters.

(3) Disclaimer. A labor organization may request in writing to have its name removed from the ballot disclaiming any representation interest for the employees in the unit. Such disclaimer must be filed not less than ten days before the date of the election in an on-site election or not less than ten days before the date ballots are mailed in a mail ballot election. When a disclaimer is filed and accepted after a consent agreement for an election is signed or after an election is ordered, the Board will not entertain a representation petition filed by the disclaiming organization for the bargaining unit for a period of six months from acceptance of the disclaimer.

(4) Voting. Voting shall be by secret ballot with an opportunity to vote for any one of the candidates on the ballot or for no representation. The election may be conducted on site or by mail. In a mail ballot election, a ballot that is not delivered through the U.S. mail or in person by the voter is void. For purposes of scheduling an election by mail, the date on which ballots are to be returned shall be the date of the election. The choice on the ballot receiving the majority of valid votes cast shall be adjudged the winner. If there are only two choices on the ballot in an initial election or runoff election and the balloting results in a tie vote, the Board Agent shall certify that no representative has been chosen. These provisions apply to all representation elections.

(5) Runoff Election. In any representation election where there are more than two choices on the ballot and none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted. The ballot in a runoff election shall contain the two choices on the original ballot that received the largest number of votes. Employees eligible to vote in the original election and who are still employees on the date of the runoff election shall be eligible to vote.

ADMINISTRATIVE RULES

(6) Observers. Any party may be represented at the polling place(s) by observers of its own selection except that employer observers cannot be supervisors employed by the employers. Labor organization observers must be eligible voters. The number and the function of the observers shall be determined by the Board Agent conducting the election.

(7) Challenged Ballots. Any party or the Board Agent may challenge, for good cause, the eligibility of any person to participate in the election. Challenges submitted prior to the tally must be in writing, supported by a statement describing the challenge, and provided to the other parties to the election. At the tally, challenges may be made orally. The ballots of challenged persons shall be impounded.

(8) Tally of Ballots. The Board shall notify the parties of the date of the ballot count and advise the parties they are entitled to have a representative present at the count. Upon the conclusion of the ballot count, the Board Agent shall furnish the parties a tally of ballots in person or by mail. The tally shall be deemed furnished to the parties on the date of the ballot count.

(9) Objections to Conduct of Election or Conduct Affecting the Results of the Election. Within ten days after the tally of ballots has been furnished, any party of record may file with the Board an original and one copy of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a clear and concise statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Failure to file timely objections shall be grounds for dismissal of the objections. Copies of such objections shall be served simultaneously on the other parties by the party filing them, and a statement of service shall be provided to the Board.

(10) Certification of Representative or Results of Election. If no objections are filed within ten days and any challenged ballots are insufficient in number to affect the results of the election, the Board Agent shall issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

(11) Resolution of Objections and Challenged Ballots. When timely objections are filed or where the challenged ballots are sufficient in number to affect the results of the election, the Board Agent shall conduct an investigation and shall, when appropriate, issue a notice of hearing. The dispute will be processed in the manner set forth in OAR 115-035-0060(4). The objecting or challenging party shall bear the burden of proof and of going forward in the hearing. If the Board Agent exercised a challenge because the voter's name was not on the list of eligible voters, the party seeking to have the vote counted shall have the burden of proof and the burden of going forward.

Stat. Auth.: ORS 243.766(7)

Stats. Implemented: ORS 243.686

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 4-1998, f. & cert. ef. 1-26-98; ERB 1-2010(Temp), f. & cert. ef. 4-13-10 thru 10-10-10; ERB 2-2010, f. 9-23-10, cert. ef. 10-1-10

Land Conservation and Development Department Chapter 660

Rule Caption: Adopt permanent rules to provide camping opportunities as temporary workforce housing related to construction projects.

Adm. Order No.: LCDD 9-2010

Filed with Sec. of State: 9-24-2010

Certified to be Effective: 9-24-10

Notice Publication Date: 8-1-2010

Rules Amended: 660-033-0130

Rules Repealed: 660-033-0130(T)

Subject: Adopts amendments to OAR 660-033-0130 (16), (17), (22), and (37) to allow on-site and off-site temporary housing opportunities to be considered as part of a proposal to site an energy facility on agricultural lands. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130 (19), campgrounds, or other statute or rule when construction is complete. Repealed temporary language in OAR 660-033-0130(19).

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-033-0130

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following standards apply to uses listed in OAR 660-033-0120 where the corresponding section number is shown on the chart for a specific use under consideration. Where no numerical reference is indicated on the chart, this division does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the chart as authorized by law:

(1)(a) A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(A) Technical and engineering feasibility;

(B) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and nonresource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(b) Costs associated with any of the factors listed in subsection (16)(a) of this rule may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(c) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(d) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(e) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(3) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(f) In addition to the provisions of subsections 16(a) to (d) of this rule, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(g) The provisions of subsections 16(a) to (d) of this rule do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(2) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(3) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(3)(a) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes,

ADMINISTRATIVE RULES

but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(b) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (19)(c) of this rule.

(c) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in section (19) of this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(4) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(3) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

(5) For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(3) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

(a) For high-value farmland soils described at ORS 195.300(10), the governing body or its designee must find that all of the following are satisfied:

(A) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

- (i) Technical and engineering feasibility;
- (ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under OAR 660-033-0130(5)(a)(B).

(B) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

(C) Costs associated with any of the factors listed in OAR 660-033-0130(5)(a)(A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(D) The owner of a wind power generation facility approved under OAR 660-033-0130(5)(a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(E) The criteria of OAR 660-033-0130(5)(b) are satisfied.

(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designee must find that:

(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

(c) For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designee must find that the requirements of OAR 660-033-0130(5)(b)(D) are satisfied.

(d) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(5)(b) and (c) the approval criteria of OAR 660-033-0130(5)(b) shall apply to the entire project.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.040 & 215.213

Hist.: LCDC 6-1992, f. 12-10-92, cert. ef. 8-7-93; LCDC 3-1994, f. & cert. ef. 3-1-94; LCDC 6-1994, f. & cert. ef. 6-3-94; LCDC 8-1995, f. & cert. ef. 6-29-95; LDCD 5-1996, f. & cert. ef. 12-23-96; LCDD 5-1997, f. & cert. ef. 12-23-97; LCDD 2-1998, f. & cert. ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00; LCDD 9-2000, f. & cert. ef. 11-3-00; LCDD 1-2002, f. & cert. ef. 5-22-02; LCDD 1-2004, f. & cert. ef. 4-30-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 5-2008, f. 12-31-08, cert. ef. 1-2-09; LCDD 5-2009, f. & cert. ef. 12-7-09; LCDD 6-2010, f. & cert. ef. 6-17-10; LCDD 7-2010(Temp), f. & cert. ef. 6-17-10 thru 11-30-10; LCDD 9-2010, f. & cert. ef. 9-24-10

Mortuary and Cemetery Board Chapter 830

Rule Caption: Implements legislation by creating "death care consultant" license, updates for licensing and advertising requirements.

Adm. Order No.: MCB 2-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 9-24-10

Notice Publication Date: 3-1-2010

Rules Adopted: 830-060-0010, 830-060-0020

Rules Amended: 830-011-0000, 830-011-0050, 830-020-0000, 830-020-0020, 830-020-0040, 830-030-0090, 830-040-0000, 830-040-0050

ADMINISTRATIVE RULES

Rules Repealed: 830-011-0000(T), 830-011-0050(T), 830-020-0000(T), 830-020-0020(T), 830-020-0040(T), 830-030-0090(T), 830-040-0000(T), 830-040-0050(T), 830-060-0010(T), 830-060-0020(T)

Subject: The rules implement statutory changes in ORS Chapter 692 which require a professional license for a death care consultant. The rules define the scope of practice and terminology; adopts rules and amends existing rules to include death care consultant license where appropriate. The rules extend the application deadline for exam applications for funeral service practitioner and embalmer applicants and revise the license fees to conform to the new death care consultant rules. The rules allow the Board to publish a licensee directory for all license types on its website. The rules conform to changes in state law by prohibiting discrimination in death care services based on gender or gender identity. The rules prohibit misrepresentation by any licensee in marketing materials.

Rules Coordinator: Michelle Gaines—(971) 673-1502

830-011-0000

Definitions

(1) “At Need” As used in this chapter, means arrangements entered into after a death has occurred, “at the time of need”.

(2) “Authorizing Agent(s)” The authorizing agent(s) is (are) the person(s) legally entitled to order the disposition of human remains and cremated remains.

(3) “Burial Vault” A burial vault is a receptacle designed to protect the casket from the intrusion of outside elements, the weight of the surrounding earth, and the weight of maintenance equipment.

(4) “Certificate of Authority” A Certificate of Authority is a certificate issued to an individual or corporation who is responsible for the operation of either a cemetery or crematory. If the crematory or cemetery is a corporation, the Certificate of Authority shall be issued to the corporation.

(5) “Cremated Remains” Cremated remains are the remaining ash and bone fragments after the act of cremation is completed.

(6) “Cremated Remains Container” As used in this chapter, a cremated remains container means any container in which processed cremated remains can be placed and closed to prevent leakage. At a minimum, this would be a plastic-lined cardboard container.

(7) “Cremation” Cremation is the technical heating process that reduces human remains to ash and bone fragments.

(8) “Cremation Chamber” A cremation chamber is the enclosed space in which the cremation process takes place.

(9) “Cremation Container” A cremation container is the container in which the human remains are placed in the cremation chamber for a cremation. The container shall meet all the requirements of the crematorium.

(10) “Crematory Authority” The crematory authority is the legal entity or the authorized representative of the legal entity who conducts the cremation.

(11) “Crematory or Crematorium” A crematory or crematorium is any person, partnership, or corporation with a Certificate of Authority to operate a cremation chamber.

(12) “Death Care Consultant” As used in this chapter, a “death care consultant” means an individual who provides consultations related to funeral or final disposition arrangements, for payment, to the person or persons who are acting as a funeral service practitioner under ORS Chapter 432. For purposes of this definition, the consultations include any conference, information, guidance or advice either at the time of death or when the death is soon to occur.

(13) “Death Care Industry” As used in this chapter death care industry means the funeral service and final disposition practitioners and facilities.

(14) “Disinfectant Solution” A disinfectant solution is a chemical agent capable of destroying pathogens or their product when applied with sufficient time and concentration.

(15) “Disposition” Disposition is burial, entombment, burial at sea or cremation.

(16) “Embalmed” Human remains shall be considered embalmed when sufficient disinfectant solution or preservative fluid has been injected into the circulatory system and/or applied externally to render it not a hazard to public health.

(17) “Endowment Care Funds” Endowment care funds are principal amounts deposited from which the revenue on the principal is used for the care and maintenance of a cemetery.

(18) “Final Processing” Final Processing is the processing of cremated bone fragments to an unidentifiable dimension.

(19) “Grave Liner” A grave liner is a burial receptacle either in section or box form, built and designed to be installed in a grave to assist in preventing the ground from collapsing.

(20) “Holder of a Certificate of Registration” As used in this chapter a “Holder of a Certificate of Registration” means the same as “Certified Provider” as defined in ORS 97.923(2).

(21) “Holding Room” A holding room is a suitable room constructed in accordance with OAR 830-040-0020(2), (3), (4), (5), and (6) which licensed funeral establishments use for the care, storage, or holding of human remains prior to effecting disposition. This room shall be of sufficient size to accommodate at least one table for a casketed remains and attendant that may be used by the funeral establishment to care for or repair remains in those facilities which do not offer on premises embalming. This room would be other than a chapel, viewing or visitation room, office supply room, closet or other room normally open to the public.

(22) “Human Remains” Human remains means a dead human body.

(23) “Identification Viewing” Identification viewing means viewing the remains for the purpose of identifying the remains, regardless of whether the remains have been washed or otherwise prepared.

(24) “Identifying Metal Disc” An identifying metal disc is a metal disc, approximately one inch in diameter with a number assigned by the State Registrar’s office, each with a different number, for the purpose of accompanying dead human remains through the disposition process and to serve as a means of permanent identification of those remains.

(25) “Intern Apprentice” An intern apprentice is any student enrolled in an accredited funeral service education program who is serving his/her three-month internship under the supervision of a combination-licensed funeral service practitioner/embalmer at a participating funeral establishment.

(26) “Licensed Facility” A licensed facility is any licensed business governed by ORS Chapter 692, either cemetery, crematory, immediate disposition company or funeral establishment.

(27) “Licensee” Licensee means any individual or facility licensed under ORS Chapter 692 and any preneed salesperson registered under ORS 97.931.

(28) “Minimum Preparation of Human Remains” As used in this rule minimum preparation of human remains means the human remains are completely washed as defined in this section.

(29) “Offensive Treatment of Human Remains” As used in this rule and in ORS Chapter 692, offensive treatment of human remains is treatment offensive to the generally accepted standards of the community.

(30) “Prearrangement” As used in this chapter, means sales or agreements for undelivered goods or services to be delivered at an unspecified date in the future, entered into before a death has occurred, i.e., “before the time of need”. Prearrangements by this definition do not include the sale of interment rights purchased before a death when the property is developed.

(31) “Preneed Funds” Preneed funds are specified amounts paid for goods and/or services that are sold in advance of need but not delivered.

(32) “Preneed salesperson” As used in these rules, “preneed salesperson” means an individual registered under ORS 97.931 and employed by a certified provider to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.

(33) “Preparation Room” As used in these rules, preparation room means the same as embalming facility as used in ORS Chapter 692.

(34) “Principal” Principal means those persons who have controlling authority over the licensed facility, including but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) Stock holders or corporations who own or control ten percent or more of the licensed facility by owning or controlling ten percent or more of the voting stock; and

(d) Partners.

(35) “Processed Cremated Remains” As used in this chapter, processed cremated remains are the result of pulverization, where the residual from the cremation process is cleaned leaving bone fragments reduced to unidentifiable dimensions.

(36) “Public Viewing” Public viewing means the human remains have, at minimum, been washed, as defined in this section, and the remains are placed in a viewing room, church, chapel or other suitable place for viewing of the remains.

ADMINISTRATIVE RULES

(37) "Receptacle" As used in this chapter, a receptacle means a rigid container for human remains.

(38) "Refrigeration Unit" As used in this chapter, a refrigeration unit is one used in licensed facilities to store dead human remains that meet commercial standards.

(39) "Registration" As used in this chapter, registration may refer to the registration of a cemetery that does not fall under the category of "Operating Cemetery" as defined in ORS 692.010(7) or it may refer to the "registration" of preneed salespersons. Registration of non-operating cemeteries, and preneed salespersons is required for compliance with Oregon Laws.

(40) "Sanitary Condition" Sanitary means clean from dirt, foreign particles, blood stains, offensive odors, insects, etc.

(41) "Sealed Casket" A sealed casket is one that is designed by a manufacturer to be sealed prior to final disposition.

(42) "Solicitation" Solicitation is defined as actively endeavoring to obtain business or clientele through means such as telephone or personal contact.

(43) "Visitation" Visitation means a specific time and place to gather where the human remains are present, except for graveside service.

(44) "Washed" A human remains shall be considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and when necessary packed with cotton saturated with a disinfectant solution.

Stat. Auth.: ORS 128.414 & 692.320

Stats. Implemented: ORS 692.320 & 128.414

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; Renumbered from 830-030-0010(1)(a) - (k) & 830-030-0020; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-011-0050

Background Investigation Required Prior to Oregon Licensure

(1) All applicants for individual or facility licenses, and principals of licensed facilities must submit to a background investigation. The background investigation may include, but not be limited to, information solicited from the Law Enforcement Data Systems, Corporations Commissions, Department of Motor Vehicles, other State agencies, personal references, former employers, credit checks, and when applicable, information solicited from the Secretary of State's Office, Division of Audits on endowment care, prearrangement and preconstruction sales funds. If the principal is a corporation, the Board may perform background investigations on the principals of that corporation. The Board may require the applicant or licensee to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when conditions exist in relation to any principal of a licensed facility which constitute grounds for refusing to issue or renew a license or certificate or for suspension of a license.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-020-0000

Applications and Examinations for Funeral Service Practitioner and Embalmer Licenses

(1) All applications for funeral service practitioner and embalmer licenses by examination, accompanied by the examination fee prescribed by ORS Chapter 692, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.

(2) The examinations for a funeral service practitioner, and embalmer shall be given at least twice each year:

(a) Applicants for a funeral service practitioner license shall be required to successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions;

(b) Applicants for an embalmer's license shall be required to successfully complete a written examination that will include two sections, funeral service arts and funeral service sciences, and must receive an average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections; and

(c) If the Board deems it necessary, the applicant for an embalmer's license may also be required to pass an examination testing his qualifications as to the practical application of his knowledge.

(3) Upon successful completion of the funeral service practitioner's examination, an appropriate license for the current year will be issued to the examinee after fulfilling the apprenticeship and upon payment of the annual license fee prescribed by ORS Chapter 692. An applicant for an embalmer's license may be examined by the Board after first providing evidence of graduation from a funeral service program accredited by the American Board of Funeral Service Education, but shall not receive an embalmer's license until he has fulfilled his apprenticeship and paid the required fee as prescribed in ORS Chapter 692.

(4) If an applicant for a funeral service practitioner's, or embalmer's license fails to satisfactorily complete the examination, he may retake the examination the next time it is given upon payment of the full examination fee. Such fee must be received in the office of the Board at least 14 days before the examination is given.

(5) The examination fee shall not be returned to an examinee once he takes the examination.

(6) Test results will be mailed to examinees within 30 days after completion of the examination. Exams are not reviewable by examinee, pursuant to the Public Records Act, ORS Chapter 192.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.045, 692.070, 692.105, 692.130, 692.140 & 692.320

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0100; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-020-0020

Funeral Service Practitioner and Embalmer Licenses; Military Leave

(1) Funeral service practitioners and embalmers shall be licensed only after compliance with ORS Chapter 692, and rules adopted thereunder. Licenses for funeral service practitioner and embalmer will not be issued or renewed unless assessed civil penalties have been paid.

(2) A license issued pursuant to ORS Chapter 692 shall not be transferable.

(3) The Board shall publish, on its internet website, a list of the Board's licensees.

(4) A person licensed under ORS Chapter 692 shall not be required to renew his/her individual funeral service practitioner or embalmer license while in active military service unless the person is required by that branch of the military service to maintain an active license from the state in which he/she is licensed in order to perform those services for that branch of the service. Such person shall notify the Board in writing of the date he/she will begin active military duty. The Board will not require this person to pay renewal licensing fees until completion of military duty. After release from active duty under honorable conditions, this person shall notify the Board in writing within 60 days of such discharge and shall be restored to former status. No fees will be requested until the following renewal period.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.190

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0105; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-020-0040

License, Certificate and Registration Fees

(1) Initial application fees:

(a) Funeral establishment, immediate disposition company, crematory or cemetery that performs more than five interments per year — \$150 (includes first principal) plus \$50 for each additional principal;

(b) Cemetery that performs five or fewer interments annually — \$100 (includes first principal) plus \$50 for each additional principal;

(c) Change of principal — \$50 per licensed facility;

(d) Apprentice funeral service practitioner or apprentice embalmer — \$50;

(e) Reciprocal funeral service practitioner or reciprocal embalmer — \$160;

(f) Intern Apprentice — \$25;

(g) Preneed Salesperson — \$150;

(h) Certificate of Removal Registration — \$30;

(i) Funeral Service Practitioner — \$80 per year;

(j) Embalmer — \$80 per year;

(k) Death Care Consultant — \$80 per year.

(2) Renewal application fees:

ADMINISTRATIVE RULES

(a) Funeral establishment or immediate disposition company — \$350 per year, payable biennially;

(b) Crematory — \$100 per year plus \$2 per cremation performed during the two calendar years preceding the year in which the current license expires, payable biennially;

(c) Cemetery — \$4 per interment performed during the two calendar years preceding the year in which the current license expires up to a maximum of 150 interments or \$600 per year, payable biennially; (Cemeteries with ten or fewer interments biennially are not required to pay a renewal fee in accordance with ORS 692.275.)

(d) Funeral service practitioner — \$80 per year, payable biennially;

(e) Embalmer — \$80 per year, payable biennially;

(f) Combination funeral service practitioner/embalmer — \$160 per year, payable biennially;

(g) Apprentice funeral service practitioner — \$25 per year, payable annually;

(h) Apprentice embalmer — \$25 per year, payable annually;

(i) Preneed salesperson — \$25 per year, payable biennially.

(j) Death care consultant — \$80 per year, payable biennially;

(3) Exam fees:

(a) Funeral service practitioner exam — \$100;

(b) Embalmer exam (written or practical) — \$130 to \$400 (depending on the cost to the Board).

(c) Death care consultant exam — \$100

(4) License, certificate and registration reissue fees:

(a) Transfer of apprenticeship, replacement license, name change or manager change — \$25;

(b) Licensed facility location change — \$250.

(5) Reinstatement of lapsed license, certificate or registration — \$50 each.

(6) Funeral service practitioners, embalmers, and preneed salespersons shall renew their licenses on even numbered years. Funeral establishments, immediate disposition companies, cemeteries, and crematoriums shall renew on odd numbered years.

(7) Fees paid under this section are not refundable or transferable.

Stat. Auth.: ORS 692.160, 692.320 & 97.931

Stats. Implemented: ORS 692.160 & 97.931

Hist.: SMB 1-1984, f. & ef. 10-22-84; MCB 1-1985(Temp), f. & ef. 7-3-85; MCB 2-1985(Temp), f. & ef. 11-5-85; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0110; MCB 2-1989(Temp), f. 10-2-89, cert. ef. 11-1-89; MCB 3-1989, f. 12-4-89, cert. ef. 12-1-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 3-1993, f. 10-28-93, cert. ef. 11-1-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2004, f. 9-30-04, cert. ef. 11-1-04; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-030-0090

Standards of Practice

Every licensee or agent of a licensed facility of the Oregon State Mortuary and Cemetery Board (Board) shall abide by the accepted standards of the Death Care Industry and the minimum standards, including but not limited to the following standards of practice set forth by the Board. Violations of the following may be cause for Board action.

(1) Required conduct related to safety and integrity:

(a) Compliance with Oregon Revised Statutes relating to death care;

(b) Compliance with Oregon Public Health Laws;

(c) Compliance with FTC Funeral Rule;

(d) Implementation and/or follow through of agreed upon arrangements as designated by the responsible party;

(e) Assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties;

(f) Maintain supervision of apprentices and unlicensed persons to whom tasks are assigned;

(g) Report through proper channels facts known regarding the incompetent, unethical, unsafe or illegal practices of any death care industry licensee;

(h) Respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual preference, national origin, or disability; and

(i) Respect the dignity of dead human remains by appropriate handling, including but not limited to, refrigerating, embalming, dressing, cremating, and burial.

(2) Conduct unacceptable under the Board's "Standards of Practice."

(a) Conduct generally:

(A) Abusing a corpse, as defined in ORS 166.085 and 166.087;

(B) Abusing a client. The definition of abuse includes but is not limited to causing physical or emotional discomfort or intimidating, threatening or harassing a client;

(C) Engaging in unacceptable behavior towards or in the presence of a client such as using derogatory names or gestures or profane language;

(D) Failing to report actual or suspected incidents of client or corpse abuse through the proper channels in the work place and to the appropriate state agencies;

(E) Using the death care industry practitioner/client relationship to exploit the client by gaining property or items of value from the client for personal gain beyond the compensation for services;

(F) Aiding, abetting, or assisting any individual to violate or circumvent any law, rule or regulation intended to guide the conduct of the death care industry;

(G) Failing to conduct death care services for the living or the deceased without discrimination on the basis of age, race, religion, gender, gender identity, sexual preference, national origin, nature of health problems or disability.

(b) Conduct related to communication and record keeping:

(A) Inaccurate record keeping in client record as required in OAR 830-040-0000;

(B) Falsifying a client's funeral service, cemetery or crematory records; including but not limited to, filling in someone else's omissions, signing someone else's name, recording services and/or merchandise not provided, fabricating data;

(C) Altering a funeral service, cemetery or crematory record; including but not limited to, changing words/letters/numbers from the original document to mislead the reader of the record;

(D) Destroying any document pertaining to a death care service as it pertains to statutory requirements; and

(E) Directing another person to falsify, alter or destroy any death care document.

(c) Conduct related to licensure violations:

(A) Practicing without an appropriate, Oregon license/certificate or registration;

(B) Allowing another person to use one's license, certificate or registration;

(C) Using another's license, certificate or registration;

(D) Using fraud, misrepresentation, or deceit during the application process for licensure, certification or registration or while taking the licensure exam;

(E) Impersonating any applicant or acting as a proxy for the applicant in any Board examination; and

(F) Disclosing the contents of the licensure examination or soliciting, accepting or compiling information regarding the contents of the examination, before, during or after its administration.

(d) Conduct related to the licensee's relationship with the Board:

(A) Failing to provide the Board with requested documents within the Board's jurisdiction; and

(B) Failing to cooperate or answer truthfully and completely inquiries regarding matters within the Board's jurisdiction.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.320

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0170; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-040-0000

General Principles

(1) Every licensee operating under ORS Chapter 692 shall be responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries and crematoriums.

(2) No licensed facility shall be advertised or operated without the appropriate license or certification or be held out under any name which could be termed misleading.

(3) When a person, firm, partnership or corporation applies to the Board for a funeral establishment license, immediate disposition company license, or certificate of authority to operate a cemetery or crematorium, the name shall contain the identification of the activity, business or profession of funeral, immediate disposition, cemetery or crematory service as set forth in ORS Chapter 692 and the rules adopted thereto. This identified name shall be the registered name with the Board and shall also be utilized

ADMINISTRATIVE RULES

as the advertised name of the funeral, immediate disposition company, cemetery or crematory establishment.

(4) Applications for all licensed facilities shall specify the names of all principals. If the principal is a corporation, the application shall include the names of all principals of that corporation.

(5) When there is a change in any principal of the licensed facility, the licensee shall provide the Board with the name of the new principal(s) on a form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee shall provide the names of the principals of that corporation to the Board on a form provided by the Board.

(6) All licensees, licensed facilities and funeral service practitioners shall keep a detailed, accurate, and permanent record of all transactions that are performed for the care and preparation and final disposition of human remains. The record shall set forth as a minimum:

(a) Name of decedent and the identifying metal disc number provided by Vital Statistics;

(b) Date of death;

(c) Name of purchaser of professional services and relationship;

(d) Name of place wherein remains are to be interred or cremated (in cemetery records the exact location of the interment of remains by crypt, niche, or by grave, lot and plot);

(e) The name of the funeral service practitioner or cemetery or crematory personnel responsible for making the arrangements;

(f) The name of the embalmer responsible for embalming (does not apply to cemetery or crematorium records); and

(g) Written documentation of permission to embalm or cremate a human remains is required from the person who has the right to control disposition of the remains pursuant to ORS 97.130(1) and (2). The record of such authorization shall be made to include as a minimum: The name of the authorizing individual and relationship to the deceased, date and time contacted, phone number and name of the licensee or funeral home representative acquiring the authorization (does not apply to cemetery or crematorium records).

(7) In the case of cremation, the licensee responsible for making the cremation arrangements shall require the person making the cremation arrangements to provide the licensee with a signed statement specifying the action taken regarding delivery of the cremated remains. A copy of this statement shall be retained by the responsible licensee and be made a part of the permanent record.

(8) If cremated remains are not retained by the licensee accepting initial responsibility, the licensee shall upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual. The receipt shall state the name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of such cremated remains. The individual receiving the cremated remains shall sign the receipt. The licensee or the licensee's representative releasing the cremated remains shall also sign the receipt and a copy of that receipt shall remain a part of the permanent record.

(9) No licensee or operator of a licensed facility or a licensee's agent shall:

(a) Fail to preserve permanent records for inspection by the Board; or

(b) Alter, cancel or obliterate entries in permanent records for the purpose of falsifying any record required by this chapter to be made, maintained or preserved.

(10) After human remains are released to the cemetery authority, they shall be placed in their designated grave, crypt or vault within 24 hours after taking possession of the remains unless exigent circumstances exist. After human remains are released to the crematory authority, those remains shall be cremated and processed within 48 hours unless exigent circumstances exist. In such exigent circumstances, the cemetery/crematory authority shall notify both the funeral service practitioner responsible for the arrangements and the office of the Board. The funeral service practitioner responsible for the arrangements for that deceased shall notify the family of such exigent circumstances.

(11) No licensee shall pay, cause to be paid or offer to pay, and no person, firm or corporation shall receive, directly or indirectly, any commission, bonus, rebate or other thing of value in consideration for recommending or causing a human remains to be taken to any specific funeral establishment.

(12) When the Board issues to any person a certificate of authority to operate, license or certificate of apprenticeship the licensee shall post the certificate in a conspicuous location for public viewing. Individual licenses will be available for inspection upon request.

(13) Every cemetery authority and crematory authority shall keep the Board's office informed of the location of their permanent records. These

records shall be made available for random inspections by the Board at any reasonable time.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.025 & 692.160

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0200; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-040-0050

Advertising

(1) Each licensed facility advertising through any media (including but not limited to telephone books, newspapers, direct mail, bill boards, etc.) shall include either the licensed facility's registered name, or its assumed business name and physical address as it appears on the Board's records. All printed materials and letterhead shall include the physical address of the facility.

(2) No person, firm or corporation shall advertise, promote, or market at need or preneed funeral arrangements without first having received a license from the Board.

(3) No cemetery or cremation facility, or person, firm or corporation shall advertise, promote, or market at need or preneed cemetery or cremation plans without first having received either a certificate of authority to operate that cemetery or crematorium.

(4) No person, firm or corporation shall advertise, promote, or market at need or preneed immediate disposition arrangements without having first registered with the Board.

(5) Any advertisement or marketing materials which intentionally conceals or misstates a material fact shall be considered misrepresentation.

Stat. Auth.: ORS 183.341, 183.545, 692.160 & 692.320

Stats. Implemented: ORS 692.160

Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0220; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-060-0010

Initial Applications, Background, Examination, License Renewal

(1) Any individual who practices as a death care consultant must be licensed under this chapter.

(a) This chapter does not apply to persons who provide general information on funeral or final disposition arrangements via education classes or workshops, publications (printed or electronic materials) or speaking engagements or to persons who practice law under ORS Chapter 9.160.

(b) The Board shall not take action against an individual for practicing without a death care consultant license based on conduct that occurs before the Board distributes the results of the first death care consultant examination administered by the Board if the individual had submitted a license application before the exam and the individual pays the appropriate fees and sits for the first death care consultant examination administered by the Board.

(2) Application Requirements:

(a) Applicants for licensure as a death care consultant must apply on the most current application form available at the time the applicant submits the application. Applicants may obtain the most current application via the Board's website, at the Board's office, or request the Board send the application by mail.

(b) Applicants for licensure as a death care consultant must pay all appropriate fees established by the Board under OAR 830-020-0040.

(c) Applicants for licensure as a death care consultant are, prior to licensure, required to successfully complete a written examination established by the Board, and receive a score of not less than 75 percent, based on the total number of questions.

(d) Applicants for licensure, prior to completing the written examination for death care consultant licensure, must be at least 18 years old.

(e) All applicants for licensure as a death care consultant licensure must submit to a background investigation pursuant to OAR 830-011-0050 and ORS 692.025(8).

(3) Examinations:

(a) All applications for death care consultant examination, accompanied by the examination fee established under OAR 830-020-0040, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.

(b) The examination fee will not be returned to an applicant/examinee once the examination begins.

(c) If an applicant for a death care consultant's license fails to successfully complete the examination, that person may retake the examination

ADMINISTRATIVE RULES

Office for Oregon Health Policy and Research Chapter 409

the next time it is given upon payment of the full examination fee. The examination fee must be received in the office of the Board at least 14 days before the examination is given.

(d) The examinations for death care consultants shall be given at least twice each year.

(e) Examination results will be distributed within 30 days after the examination.

(f) Examination questions and answers are not reviewable by examinee pursuant to the Public Records Act, ORS Chapter 162.

(4) Renewing Licenses, Lapsed Licenses

(a) All death care consultant licenses issued will expire two years from the date of licensure unless renewed as provided in this section.

(b) It is the responsibility of the death care consultant to keep the Board's office advised, in writing, of any address changes within 30 days of the change.

(c) At least sixty (60) days prior to the expiration of the death care consultant's two-year license, the Board will mail to the licensed death care consultant a form stating that the renewal fee is due and payable. The renewal notice will be mailed to the most current address filed with the Board by the death care consultant. If the renewal form is not returned and the renewal fee is not paid by the renewal date the license will lapse.

(d) Upon lapse of a death care consultant license, the Board will send notice of the lapse to the most current address filed with the Board by the death care consultant.

(e) The Board may reinstate a lapsed license if the death care consultant applies for reinstatement on a form provided by the Board not later than the 90th day after the lapse and pays the renewal fee as well as the reinstatement fee established in OAR 830-020-0040.

Stat. Auth.: ORS 692.143, 692.320 & 2009 SB 796

Stats. Implemented: ORS 692.025, 692.143, 692.160 & 692.170

Hist.: MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-060-0020

Death Care Consultant Scope of Practice, Records, Price List, General

(1) A death care consultant may provide information or advice on matters related to funeral or final disposition arrangements including those matters subject to State or Federal regulatory requirements.

(2) Death care consultants may not provide any direct physical assistance with, or supervision of, the handling of the remains unless the individual also holds the proper license or licenses under this chapter and ORS 692.

(3) Death care consultants shall maintain legible permanent records of all transactions or contracts for services provided including, at a minimum, the following information:

(a) The name, address and telephone number of the person acting as the funeral service practitioner

(b) The name, address and telephone number of the person having the right to control final disposition of the remains pursuant to ORS 97.130

(c) The date or dates the consultation services are provided

(d) The physical location or locations the consultation services are provided

(4) Death care consultants shall maintain a general price list of all consultation services offered for sale. The death care consultant must give the general price list to any consumer, for their retention, before entering into discussions about consultation services. The general price list must contain, at a minimum, the following information:

(a) The death care consultant's name and, if applicable, their business name as registered with the Secretary of State Corporation Division

(b) The effective date of the price list

(c) The consultation services offered with their prices

(d) On the first page of the price list, in prominent type, the death care consultant's license number must be printed in the following format:

"Oregon Mortuary and Cemetery Board License No. DC-____"

(5) A death care consultant may practice under any lawful business title not otherwise protected by law, as long as they indicate proper licensure on the general price list.

(6) Death care consultant permanent records and price lists shall be submitted to the Board upon request for inspection or investigation.

Stat. Auth.: ORS 692.025, 692.143, 692.320, 692.160, 692.170

Stats. Implemented: ORS 692.160

Hist.: MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

Rule Caption: Amendments to Health Care Facility Financial Reporting.

Adm. Order No.: OHP 5-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 409-015-0012, 409-015-0015

Subject: The Department of Human Services is updating to accurately reflect certain data is now submitted electronically versus paper form.

Rules Coordinator: Zarie Haverkate—(503) 373-1574

409-015-0012

Filing Date

The date of filing for the Databank Monthly Data electronically, is the date of receipt by the Oregon Association of Hospitals and Health Systems. The date of filing for the Patient Revenue and Unreimbursed Care (Form FR-3) is the postmark date.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 442.405(1), 442.420(3)(d) & 442.425

Stats. Implemented: ORS 442.425

Hist.: SHPD 9-1982(Temp), f. & ef. 12-30-82; SHPD 21-1983, f. & ef. 6-28-83; SHPD 18-1984, f. & ef. 12-20-84; HP 2-1988, f. & cert. ef. 3-25-88; HP 2-1990, f. & cert. ef. 2-12-90; HP 1-1996, f. & cert. ef. 1-2-96; OHP 1-1999, f. 10-22-99, cert. ef. 10-23-99; OHP 5-2010, f. 9-23-10, cert. ef. 10-1-10

409-015-0015

Reports Required

(1) Each health care facility shall file with the office financial statements, with attached certification of audit, not later than 120 days following the close of each fiscal year. If the financial statements of the facility are a part of the combining of a for-profit or not-for-profit corporation, the combining financial statements and attached certification of audit shall be filed.

(2) Each health care facility shall file an accurately completed Databank Monthly Data electronically with the Oregon Association of Hospitals and Health Systems for receipt by OAHHS on or before the 23rd day of each month. This form will transmit data for the preceding month. The office may, at its discretion, exempt a special inpatient care facility, ambulatory surgical facility or other health care facility from the requirements of this section. The office may, by oral or written notification, require a health care facility to use an express mail service to submit the Databank Monthly Data Input Form to OAHHS.

(3) The office may annually require that each health care facility provide the office with a breakdown of its unreimbursed care into bad debts, charity care, Medicare deductions, Medicaid deductions and other contractual deductions, using Form FR-3.

(4) Each health care facility may be required to annually submit to the office a breakdown of its gross patient service revenue into inpatient revenue and outpatient revenue, and other applicable categories specified by Form FR-3.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 442.405(1), 442.420(3)(d) & 442.425

Stats. Implemented: ORS 442.425

Hist.: SHPD 1-1979, f. & ef. 6-1-79; SHPD 6-1981, f. & ef. 10-2-81; SHPD 9-1982(Temp), f. & ef. 12-30-82; SHPD 21-1983, f. & ef. 6-28-83; SHPD 18-1984, f. & ef. 12-20-84; SHPD 12-1986, f. & ef. 7-7-86; HP 2-1988, f. & cert. ef. 3-25-88; HP 2-1990, f. & cert. ef. 2-12-90; HP 1-1996, f. & cert. ef. 1-2-96; OHP 1-1999, f. 10-22-99, cert. ef. 10-23-99; OHP 5-2010, f. 9-23-10, cert. ef. 10-1-10

.....

Rule Caption: Amendments to Oregon Prescription Drug Program Rules for Contracted Services.

Adm. Order No.: OHP 6-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 8-1-2010

Rules Amended: 409-030-0065

Rules Repealed: 409-030-0065(T)

Subject: The Oregon Prescription Drug Program (OPDP) is amending OAR 409-030-0065 to allow OPDP to rely on ORS 279A.065(4) which allows contracting agencies that have not adopted their own rules of procedure to be subject to the model rules adopted by the Attorney General, including all modifications. Adop-

ADMINISTRATIVE RULES

tion of these proposed rules also repeals the temporary rule, OAR 409-030-0065 that has been in effect since April 21, 2010.

Rules Coordinator: Zarie Haverkate—(503) 373-1574

409-030-0065

Contracted Services

(1) The Administrator may procure goods and services to perform any of the functions of OPDP.

(2) The Administrator shall delegate procurement authority to the Department's Designated Procurement Officer for OPDP goods and services, except as the Administrator determines to retain such authority in a particular case and as otherwise provided in section (4) of this rule.

(3) The Administrator shall act as the Department's representative for each contract. The Administrator may delegate in writing the representative's responsibilities to a designee. The agency's representative may participate with the Department's Designated Procurement Officer in all aspects of procurement.

(4) OPDP's mechanism for and administration of the enrollment of participating groups shall not constitute procurements subject to this rule.

Stat. Auth.: ORS 409.050 & 414.312

Stats. Implemented: ORS 414.312, 414.314, 414.316 & 414.318

Hist.: OHP 3-2007, f. & cert. ef. 8-3-07; OHP 3-2009, f. & cert. ef. 10-1-09; OHP 2-2010(Temp) f. 4-20-10, cert. ef. 4-21-10 thru 10-17-10; OHP 6-2010, f. 9-23-10, cert. ef. 10-1-10

Office of Private Health Partnerships Chapter 442

Rule Caption: Expedite health insurance enrollment process.

Adm. Order No.: OPHP 6-2010(Temp)

Filed with Sec. of State: 10-11-2010

Certified to be Effective: 10-11-10 thru 4-8-11

Notice Publication Date:

Rules Amended: 442-005-0030

Subject: FHIAP is amending: 442-005-0030 to enable approved FHIAP members to enroll in health insurance more quickly.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-005-0030

Application Process

(1) FHIAP will use an application and any documentation required on the application, to determine eligibility and subsidy level.

(2) Applicants may only send in information proving program eligibility during the application process. FHIAP will not accept applicant information sent outside of the application timeframe to use in an audit, appeal or contested case hearing except as provided in OARs 442-005-0310, 442-005-0320, 442-005-0330 and 442-005-0340.

(3) Program openings occur when funds are available.

(4) Applicants are mailed an application on a first come first served basis, when there are program openings.

(5) FHIAP reviews applications in the order they are received.

Eligibility decisions include:

(a) Approval for immediate subsidy;

(b) Denial; or

(c) Request for more information.

(6) When there are no program openings, FHIAP may approve the application, but the applicant may not be eligible for a subsidy right away. These approved applications are held in a queue. Applicants are mailed a notice when they are able to enroll for subsidies.

Stat. Auth.: ORS 735.734, 735.722(2) & 735.728(2)

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 6-2010(Temp), f. & cert. ef. 10-11-10 thru 4-8-11

Oregon Business Development Department Chapter 123

Rule Caption: These rules revise the Confidential Records section for the Business Retention Fund.

Adm. Order No.: OBDD 32-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 123-016-0060

Subject: These rules contain a revision of the Confidential Records section 123-016-0060. The language has been rewritten to comply with statute. The cited statute has been corrected.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-016-0060

Confidential Records

For applicants and recipients of business retention services, ORS 192.502(17) lists certain types of business information that are exempted from public records requests.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.224, 192.502(17)

Hist.: EDD 4-1987(Temp), f. & cert. ef. 10-1-87; EDD 13-1988, f. 5-24-88 (and corrected 5-27-88), cert. ef. 5-27-88; EDD 19-2008(Temp), f. 6-9-08 cert. ef. 6-10-08 thru 11-15-08; Administrative correction 12-22-08; EDD 12-2009, f. & cert. ef. 10-1-09; OBDD 32-2010, f. & cert. ef. 10-1-10

Rule Caption: These rules revise the Oregon Business Development Loan Fund to implement the BOOST Fund.

Adm. Order No.: OBDD 33-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Adopted: 123-017-0060, 123-017-0070, 123-017-0080

Rules Amended: 123-017-0008, 123-017-0015, 123-017-0020, 123-017-0025, 123-017-0030, 123-017-0035, 123-017-0055

Rules Repealed: 123-017-0008(T), 123-017-0015(T), 123-017-0020(T), 123-017-0025(T), 123-017-0030(T), 123-017-0035(T), 123-017-0055(T), 123-017-0060(T), 123-017-0070(T), 123-017-0080(T)

Subject: These rules are being revised due to legislation brought forth in the 2010 Special Session of the Legislature through HB 3698. The legislation created the Building Opportunities for Oregon Small Business Today Program or BOOST fund. The newly adopted rules explain eligibility and approval requirements for both loan and grant programs offered by the BOOST fund.

The rules were filed as temporary on May 28, 2010 and are now going through the permanent process.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-017-0008

Delegation

(1) Authority for the day-to-day operation of the fund, including approval of loans and projects, and amendments thereto, is delegated to the Finance Committee.

(2) The Commission shall review and evaluate the operation of the fund with such frequency as it may from time to time determine, and may order any changes that it considers necessary or desirable.

(3) The Commission shall retain final authority over policies and administrative procedures governing the operation of the fund.

(4) The Director or designee is authorized to execute any document reasonably necessary or convenient to close any loan approved by the Finance Committee or, in the case of loans of \$250,000 or less, by the Director.

(5) When applicable, the references to the Finance Committee shall include the Director, acting in regard to loans for business development projects of \$250,000 or less pursuant to ORS 285B.080(3).

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050 - 285B.098

Hist.: EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 9-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0015

Eligibility

(1) Eligible projects are business development projects as defined in OAR 123-017-0010(2). If the Department is unable to obtain a sufficient number of approvable applications to meet the requirements of ORS 285B.059(5), it may, notwithstanding the limitations imposed by 285B.050(2)(g)(B), make loans to service and retail businesses operated by emerging small businesses which are located in or draw their workforces from within distressed areas as determined by the Department, when such

ADMINISTRATIVE RULES

projects provide compelling economic development benefits. The amount of loans the Department may make to service and retail businesses under (1) of this section shall be limited to the amount calculated under the method described in 285B.059(5).

(2) Eligible purposes are the financing of land, buildings, fixture, equipment and machinery, research and development, and the provision of working capital.

(3) Eligible applicants are defined in OAR 123-017-0010(1).

(4) The relocation of a facility from one labor market area to another, if not accompanied by an expansion of the applicant's business or employment, is an eligible activity if:

(a) The relocation is caused by forces beyond the control of the applicant; or

(b) The relocation is necessary for the continued operation of the business; or

(c) There is no resulting loss of employment at the former site of the business.

(5) Relending of funds shall not be an eligible activity, except that the funds may be used for the local injection share of an SBA 503 or 504 Certified Development Company transaction.

(6) In cases where an otherwise eligible company or project has an insignificant (less than 25 percent) ineligible portion, the entire project may be determined eligible for a loan from the fund.

(7) Other than as specified in section (6) and (10) of this rule, Fund financing will be limited to 40 percent of the amount of the eligible costs, except that Fund financing may equal up to 50 percent of eligible costs when the application is submitted through a Financial Institution.

(8) Tourist facilities shall not be eligible unless:

(a) The project can be qualified as a convention center; or

(b) The project can be qualified as a destination attraction with significant regional economic impact.

(9) Refinancing of existing debt, including existing trade payables and delinquent taxes, shall not be eligible unless the applicant demonstrates to the satisfaction of the Finance Committee that:

(a) The applicant contributes significantly to a target population or to a geographical area targeted by the Oregon Business Development Fund;

(b) The applicant requires refinancing to remain viable. Assessment of viability will be made at the sole discretion of the Finance Committee;

(c) Lenders agree to extend due dates, provide additional financing or provide other favorable terms to the applicant; and

(d) The applicant meets all other requirements set forth in statute and administrative rule, including demonstrating to the satisfaction of the Finance Committee that the project is feasible and a reasonable risk, has a reasonable prospect of repayment and can provide good and sufficient collateral.

(10) Except for the Oregon Targeted Development Account, Fund financing may exceed 40 percent of the amount of the eligible project costs and/or may be approved without a commitment from a commercial or private lender, or a local development group, to participate in the financing of the project, if

(a) Two or more Financial Institutions have denied a financing request for the project by the borrower. Such denied financing request must:

(A) Be for a loan for an eligible Fund loan purpose; and

(B) Be evidenced by a written denial from the Financial Institution specifying the reason(s) for the denial. Denial for reasons such as an incomplete application, failure to provide requested information, or the requested loan is for a purpose for which or on terms under which the Financial Institution does not make loans is not acceptable as a denial of financing; and

(b) The applicant certifies that there is no other available financing for the project with documentation as required by the Finance Committee.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059, 285B.080(3) & 285B.092

Hist.: EDD 2-1983(Temp), f. & ef. 5-25-83; EDD 1-1984, f. & ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 25-1990 (Temp), f. & cert. ef. 9-13-90; EDD 29-1990, f. & cert. ef. 12-12-90; EDD 6-1991(Temp), f. & cert. ef. 6-18-91; EDD 8-1996(Temp), f. & cert. ef. 8-13-96; EDD 4-1997, f. & cert. ef. 3-25-97; EDD 9-1997(Temp), f. & cert. ef. 10-7-97; EDD 8-1998, f. & cert. ef. 5-22-98; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 9-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0020

Preference

(1) Except in the case of a loan made from the Oregon Targeted Development Account, the Finance Committee shall give preference to loan applications for projects that demonstrate an overall community benefit and that have one or more of the following characteristics:

(a) Have a ratio of at least one projected job created or saved per \$30,000 sought to be borrowed from the Oregon Business Development Fund.

(b) Are operated by businesses with 100 or fewer employees;

(c) Are located in rural or distressed areas of the state;

(d) Are located in Enterprise Zones designated under ORS 285C.050 – 285C.250;

(e) Employ displaced workers in the area;

(f) Assist in the economic diversification of the area;

(g) Contain a significant amount of owner equity capital. At least ten percent of the project costs for established companies (three years old or more) and 30 percent of project costs for start-ups (firms less than three years old, or firms making the transition from research and development to production) should come from equity or subordinated loans from the owners;

(h) Maximize participation by financial institutions and local development groups;

(i) Produce goods or services for the export market;

(j) Encourage the flow of capital from outside the local area; and

(k) Do not cause severe adverse competitive disadvantages to existing businesses.

(2) The Finance Committee shall be the sole judge of the relative importance of each of the above factors for each individual loan application under consideration. Factors will not necessarily be assigned the same weights under all circumstances.

(3) In the case of a loan made from the Oregon Targeted Development Account, the Finance Committee will strive to fund projects that will create or save at least one job for every \$20,000 of Oregon Business Development Fund investment.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059 & 285B.092

Hist.: EDD 2-1998(Temp), f. & cert. ef. 5-25-83; EDD 1-1984, f. & cert. ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 6-1991(Temp), f. & cert. ef. 6-18-91; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0025

Application Procedure

(1) It is the policy of the Finance Committee to strive for and encourage, throughout the application process:

(a) Maximum participation by financial institutions and local development groups; and

(b) A minimum administrative burden on the applicant and on the local government.

(2) Any applicant may submit an application to the Department on a form approved by the Department, together with an application fee.

(3) If the amount of the loan being sought from the Fund is \$250,000 or less, the Director may in the Director's sole discretion approve or deny the loan request or forward it to the Finance Committee for the Committee's consideration.

(4) If the amount of the loan being sought from the fund exceeds \$250,000 the Department shall make a recommendation to the Finance Committee, which may in its sole discretion approve or deny the loan request.

(5) If a loan request is approved, the Department shall prepare the documents necessary to close the loan transaction. Such documents shall reflect all terms and conditions upon which the Finance Committee or the Director may have conditioned approval of the loan. Any material modifications of those terms and conditions must be approved by the Chair of the Finance Committee or his/her designee, or the Director for loans of \$250,000 or less.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.053 & 285B.092

Hist.: EDD 2-1983(Temp), f. & ef. 5-25-83; EDD 1-1984, f. & ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-87; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 9-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

ADMINISTRATIVE RULES

123-017-0030

Loan Conditions

(1) The Director (for loan requests of \$250,000 or less) or the Finance Committee may approve a loan request if it finds that:

(a) Fund participation in any financing shall not exceed 40 percent of the total amount of the eligible project costs, except that Fund financing may be up to 50 percent when an application is submitted through a Financial institution or Fund financing may exceed 40 percent when two or more Financial Institutions have denied financing as outlined in OAR 123-017-0015(10).

(b) The proposed business development project is feasible and a reasonable risk from practical and economic standpoints, and the loan has reasonable prospect of repayment.

(c) The applicant can provide good and sufficient collateral for the loan, as determined by the Commission. The Commission's security interest may be subordinated to the security interest of other lenders participating in the project. The security interest of loans from the Oregon Targeted Development Account will not be subordinated to the security interest of other lenders, unless the Finance Committee or the Director finds there is an abundance of collateral and/or company or guarantor financial strength. The Business Development Commission may make loans in distressed areas, as defined by the Department, without regard to the requirements for security and collateral under ORS 285B.059 and 285B.062 that are otherwise applicable. Collateral value of out-of-state real property will be significantly discounted from nominal assessed or appraised value.

(d) Monies in the Oregon Business Development Fund are or will be available for the proposed business development project.

(e) There is a need for the proposed business development project.

(f) The applicant's financial resources are adequate to ensure success of the project.

(g) The applicant has not received or entered into a contract or contracts exceeding \$700,000 with the Commission, under authority of ORS 285B.050-285B.098, for the previous 365 days.

(2) The Finance Committee may, in its sole discretion, permit the assumption of an outstanding Oregon Business Development Fund Loan, if the assuming obligor satisfies the Finance Committee or the Director as to its willingness and ability to perform all obligations of the original borrower related to the loan, including but not limited to the obligation to repay the loan in accordance with its terms, and if the State's collateral position is not diminished. Oregon Business Development Fund loans are not, however, necessarily or automatically assumable. A complete application, application fee and supporting documentation are required to initiate review of the request.

(3) The applicant agrees to abide by all laws and regulations applicable to the applicant's project.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.059 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cert. ef. 5-25-83; EDD 1-1984, f. & cert. ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 8-1996(Temp), f. & cert. ef. 8-13-96; EDD 4-1997, f. & cert. ef. 3-25-97; EDD 9-1997(Temp), f. & cert. ef. 10-7-97; EDD 8-1998, f. & cert. ef. 5-22-98; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 9-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0035

Loan Agreement

If the Finance Committee approves the business development project, the Finance Committee or the Director, on behalf of the state, and the borrower may enter into a loan contract of not more than \$700,000, secured by good and sufficient collateral (except as noted in OAR 123-017-0030(1)(c)), as determined by the Finance Committee, that shall set forth, among other matters:

(1) A plan for repayment by the borrower to the Oregon Business Development Fund moneys borrowed from the Fund used for the business development project with interest charged on those moneys at the fixed rate of one percentage point more than the prevailing interest rate on United States Treasury bills, notes or bonds of a comparable maturity. Loans made from the Oregon Targeted Development Account shall be made at a fixed interest rate of four percentage points less than the prevailing prime rate. Loans made under the conditions of OAR 123-0017-0015(10) shall be made at a fixed interest rate of not less than five percentage points over the prevailing prime rate. The rate shall not be less than four percent. For the purposes of this section, the prevailing interest rate shall be the weekly average interest rate as set forth in the most recent Federal Reserve

Statistical Release H.15(519) that the Department has received at the time the loan is approved. The repayment plan, among other matters:

(a) Shall provide for commencement of repayment by the applicant of moneys used for the business development project and interest thereon no later than one year after the date of the loan contract or at such other time as the Finance Committee may provide;

(b) May provide for reasonable extension of the time for making any repayment in emergency or hardship circumstances if approved by the Finance Committee or the Director;

(c) Shall provide for such evidence of debt assurance of, and security for, repayment of the loan as is considered necessary by the Finance Committee;

(d) Shall set forth a schedule of payments and the period of loan which shall not exceed the usable life of the contracted project or 25 years from the date of the contract, whichever is less. The term of the Fund loan will normally be matched to, and not exceed twice that of the commercial or private lender participating in the project. Loans from the Oregon Targeted Development Account shall be for a maximum term of 5 years, with a maximum amortization of 15 years. The term of the loan from the Oregon Targeted Development Account may be extended by the Finance Committee, with any additional terms and conditions, including interest rate, that it may determine. The payment schedule shall include repayment of interest that accrues during any period of delay in repayment authorized by subsection (a) of this section, and the payment schedule may require payments of varying amounts for collection of accrued interest. Loans made under the terms of OAR 123-017-0015(10) shall be for a maximum term of 5 years, with a maximum amortization of 20 years. The term of loans made as a result of OAR 123-017-0015(10) may be extended by the Finance Committee, with any additional terms and conditions, including interest rate, that it may determine.

(e) Shall set forth a procedure for formal declaration of delinquency or default of payment by the Department. Loans shall be declared delinquent when any payment is more than ten days late. Borrower shall be notified in writing of declaration of delinquency, and shall have 31 days from the original payment date to bring the loan current. If the loan is not brought current, or arrangements satisfactory to the Department for bringing the loan current have not been made, the Department may declare the loan in default, declare the entire outstanding indebtedness to be forthwith due and payable and assign the loan to the Attorney General for collection;

(f) May allow for other forms of payment on loans other than scheduled principal and interest payments, as determined by the Finance Committee, or Director in the case of loans of \$250,000 or less.

(2) Provisions satisfactory to the Department for field engineering and inspection, the Department to be the final judge of completion of the contract.

(3) That the liability of the state under the contract is contingent upon the availability of moneys in the Oregon Business Development Fund for use in the business development project.

(4) Such further provisions as the Finance Committee considers necessary to ensure expenditure of the funds for the purposes set forth in the approved application.

(5) That the borrower is responsible for payment of:

(a) All of the expenses of the operation and maintenance of the project, including adequate insurance;

(b) All taxes and special assessments levied with respect to the leased premises and payable during the term of the lease;

(c) Insurance premiums and providing insurance in amount and coverage acceptable to the Finance Committee. Such insurance shall include but shall not be limited to: fire and hazard insurance, liability insurance and flood insurance (if applicable); and

(d) Out-of-pocket costs associated with the loan closing which may include but are not limited to filing and recording fees, title insurance and appraisals, and attorney fees.

(6) That the borrower will provide to the Department on an annual basis, within 120 days of the end of its fiscal year, the same type of financial statements as required by the participating bank. The Finance Committee or the Department may require additional financial information.

(7) The Finance Committee, or Director for loans under \$250,000, may require an assignment of life insurance on active principals in borrower.

(8) The Department, at its sole discretion, may require the execution of a Commitment Letter and receipt of a non-refundable Commitment Fee to secure resources necessary to fund the loan. The Commitment Fee will be applied at closing to the loan fee. If the loan does not close, the Commitment Fee will not be refunded.

ADMINISTRATIVE RULES

(9) In the case of loans of more than \$100,000 that are funded by proceeds from the Oregon Lottery, that the borrower shall make a good faith effort to hire and retain low-income individuals who have received job training assistance from publicly funded job training providers and enter into a first-source hiring agreement with a publicly funded job training provider.

(10) If the loan will result in the construction, expansion, rehabilitation or remodeling of a facility to which the public has access, adequate access for handicapped persons must be provided. This provision applies only to firms that deal directly with the general public in the normal and usual course of their business, and to facilities in which business is customarily transacted by and with members of the general public.

(11) If a project involves building construction, expansion, rehabilitation or modification, a loan from the fund shall be permanent and not interim financing.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.062 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cert. ef. 5-25-83; EDD 1-1984, f. & cert. ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-18-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 9-1989(Temp), f. & cert. ef. 11-3-89; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 25-1990 (Temp), f. & cert. ef. 9-13-90; EDD 29-1990, f. & cert. ef. 12-12-90; EDD 8-1996(Temp), f. & cert. ef. 8-13-96; EDD 4-1997, f. & cert. ef. 3-25-97; EDD 9-1997(Temp), f. & cert. ef. 10-7-97; EDD 8-1998, f. & cert. ef. 5-22-98; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 5-2005, f. & cert. ef. 5-11-05; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 9-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0055

Fees and Charges

(1) The Department shall charge and collect a loan fee of \$200 at the time the application is filed.

(2) In addition, the applicant, immediately upon receiving the loan proceeds, shall pay to the Department one and one-half percent of the principal amount of the loan.

(3) The Department may charge and collect a Commitment Fee, payable to the Department, in an amount up to three quarters of one percent of the principal amount of the loan to be applied to the fee specified in section (2) of this rule at closing of the loan. If the loan does not close, the Commitment Fee will not be refunded.

(4) The Department may charge and collect an Assumption Fee, payable to the Department, in an amount up to one half of one percent of the remaining principal balance of the loan. The individual or entity assuming the obligation will also be responsible for closing costs associated with the transfer of debt including but not limited to document preparation, review of documentation for legal sufficiency, title, escrow, recording or filing fees.

(5) The Department may charge and collect a Loan Modification Fee, payable to the Department, of \$50 at the time of the modification request. A loan modification may include, but, is not limited to, modification to terms of repayment, subordination requests or collateral swaps. The individual or entity requesting the modification will also be responsible for costs associated with the modification including, but, not limited to, document preparation, review of documentation for legal sufficiency, title, escrow, recording or filing fees.

(6) Monies referred to in (1), (2), (3), (4) and (5) of this section shall be paid into the Fund.

(7) The Department may, in its sole discretion, use some or all of the money collected under section (2) of this rule, plus a maximum of an additional one and one-half percent as payment to a local development group, county or municipality for packaging the loan, processing applications, investigating proposed business development projects and servicing outstanding loans. The additional amount of up to one and one-half percent may be paid for projects which are located in an enterprise zone or in a distressed area or for which the OBDF loan being sought is not more than \$100,000. In no case shall the Department make any payment of more than \$10,000 for any one project. In no case shall the Department make any payment to any third party until the loan has been closed and the Department has collected the fee specified in section (2) of this rule.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.056, 285B.068 & 285B.092

Hist.: EDD 2-1983(Temp), f. & cert. ef. 5-25-83; EDD 1-1984, f. & cert. ef. 1-5-84; EDD 10-1988, f. & cert. ef. 3-13-88; EDD 37-1988, f. & cert. ef. 12-15-88; EDD 5-1990, f. & cert. ef. 3-5-90; EDD 11-1999, f. & cert. ef. 10-11-99; EDD 6-2001, f. & cert. ef. 10-9-01; EDD 6-2007(Temp), f. & cert. ef. 8-29-07 thru 2-23-08; EDD 3-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 21-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 22-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0060

Building Opportunities for Oregon Small Business Today Program

The purpose of these rules is to provide procedures, standards and criteria for the making of loans and grants from the Building Opportunities for Oregon Small Business Today (BOOST) Account which is established within the Oregon Business Development Fund. Definitions: For the purpose of rules 123-017-0060 through 123-017-0080, the following terms shall have the following meanings:

(1) "Applicant" means any individual, association of individuals, joint venture, partnership, limited liability company or corporation applying for a loan or a grant from the BOOST Account.

(2) "Comparable Wages" means the average wage per full-time equivalent job provided by the Applicant is at least 85% of the Average Pay for Applicant's NAICS for the County or Counties in which the Applicant has employees, as shown in the most recent Covered Employment and Wages Summary Report from the Oregon Employment Department. The average wage per full-time equivalent job of the Applicant shall be calculated according to the following formula using information obtained by the Department from the Oregon Employment Department or other information determined by Department to be comparable:

(a) $A = W / H$;

(b) A = Represents the Applicant's average wage per full-time equivalent job;

(c) W = Represents the total wages paid to Applicant's employees during the one-year period preceding application; and

(d) H = Represents the total hours worked by Applicant's employees during the same one-year period divided by 1820.

(3) "Health benefit plan" has the meaning as defined in ORS 743.730.

(4) "Full-time Job" means a job which has no foreseeable ending date and is filled by an employee who works a minimum of 35 hours per week or a minimum of 25 hours per week with health benefit plan coverage.

(5) "Employee" is a person:

(a) Paid through the Applicant's normal payroll system;

(b) For whom FICA and state and federal income taxes are deducted from his or her gross wages, which are then forwarded to the appropriate agencies by the Applicant on behalf of the person;

(c) For whom the Applicant pays state and federal unemployment insurance;

(d) For whom the Applicant contributes to FICA tax;

(e) Not hired through a temporary agency; and

(f) Not acting as an independent contractor.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050 - 285B.098

Hist.: OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-017-0070

Building Opportunities for Oregon Small Business Today Loan Program

(1) In order to approve a loan from the BOOST Account, the Department must first find that the Applicant:

(a) Is a traded sector business that meets the requirements set forth in ORS 285.055;

(b) Is legally organized and authorized to conduct business in Oregon;

(c) Has 100 or fewer employees in Oregon at the time of application as demonstrated by:

(A) The average number of workers reported on the most recent Form OQ filed by the Applicant with and as required by the Oregon Employment Department; or,

(B) Other documentation determined to be acceptable by Department.

(d) Demonstrates a reasonable capacity to create or retain Full-time Jobs in Oregon;

(e) Provides Comparable Wages to its employees;

(f) Demonstrates a reasonable prospect of repayment of the loan from the BOOST Account;

(g) Can provide good and sufficient collateral for the loan;

(h) Has a ratio of at least one projected Full-time Job created or retained per \$50,000 sought to be borrowed from the BOOST Account;

(i) Has submitted an application on a form approved by the Department together with the application fee of \$200;

(j) Meets the loan condition requirements in OAR 123-017-0030 except (1)(a) and (d); and,

(k) Demonstrates a need for the loan.

(2) In order to approve a loan from the BOOST Account, the Department must first determine:

ADMINISTRATIVE RULES

(a) Money is or will be available in the BOOST Account to fund the loan;

(b) The loan amount does not exceed \$150,000;

(c) The interest rate on the loan is a fixed rate of not less than the prevailing prime rate plus an annual percentage rate of 5%;

(d) The loan term will not exceed four years;

(e) The loan amortization will not exceed four years; and

(f) The purpose of the BOOST loan is not for the purchase of real estate.

(3) The Department shall give preference to an Applicant that proposes to create Full-time Jobs.

(4) After approval of a loan from the BOOST Account, the Department will enter into a loan contract with the Applicant. At a minimum, the loan contract shall:

(a) Set forth the terms as outlined in OAR 123-017-0035(1)(a), (e), and (f);

(b) Set forth the terms as outlined in OAR 123-017-0035(2), (5), (7), (8), (9), (10), and (11);

(c) Provide for such evidence of debt assurance of, and security for, repayment of the loan as considered necessary by the Finance Committee or the Director;

(d) Set forth a schedule of payments and the period of loan which shall not exceed the usable life of the asset(s) securing the loan or 4 years from the date of the contract, whichever is less. The payment schedule shall include repayment of interest that accrues during any period of delay in prepayment authorized by OAR 123-017-0035(1)(a) and the payment schedule may require payments of varying amounts for collection of accrued interest;

(e) Set forth the liability of the Department under the contract to be contingent upon the availability of moneys in the BOOST Account;

(f) Set forth such further provision as the Finance Committee or the Director considers necessary to ensure expenditure of the funds for the purposes set forth in the approved application; and

(g) Requires the Applicant to provide financial statements to the Department, on an annual basis, within 120 days of the end of its fiscal year and any other additional financial information reasonably requested by Department.

(5) The Applicant will be subject to OAR 123-017-0055.

(6) The Applicant will be subject to OAR 123-017-0037 with the following exception:

(a) The BOOST loan and amortization shall not be extended beyond the terms described in the original loan agreement.

(7) The Director or the Director's designee may, in his sole discretion, approve or deny the loan or forward the loan application to the Finance Committee for the Committee's consideration.

(8) The Department may, in its sole discretion, use some or all of the money collected under section 123-017-0070(5) of this rule as payment to a local development group, county or municipality for packaging the BOOST loan, processing BOOST applications, and servicing outstanding BOOST loans.

(9) The Department will set aside 5% of the total capitalization provided to the BOOST Account to offset collection and administrative expenses of the loans made from the BOOST Account.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050 - 285B.098

Hist.: OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

123-0017-0080

Building Opportunities for Oregon Small Business Today Grant Program

(1) In order to approve a grant from the BOOST Account, the Department must first determine that the Applicant:

(a) Is a traded sector business that meets the requirements set forth in ORS 285A.055;

(b) Is legally organized and authorized to conduct business in Oregon;

(c) Has 100 or fewer employees in Oregon at the time of application as demonstrated by:

(A) The average number of workers reported on the most recent Form OQ filed by the Applicant with and as required by the Oregon Employment Department; or

(B) Other documentation determined to be acceptable by the Department.

(d) Has established goals to create Full-time Jobs in Oregon within 90 days after approval of the grant;

(e) Demonstrates a reasonable capacity of achieving its goals to create Full-time Jobs in Oregon within 90 days after approval of the grant;

(f) Provides Comparable Wages to its employees; and

(g) Has paid the \$50 non-refundable application fee to the Department.

(2) In order to approve a grant from the BOOST Account, the Department must first determine that funds are or will be available in the BOOST Account to fund the grant.

(3) After approval of a grant, the Department will enter into a grant agreement with the Applicant. Among other items, the grant agreement will contain the following provisions:

(a) Grant funds will be disbursed to the Applicant upon receipt of the report described in (3)(b) and a determination by the Department, in the reasonable exercise of its administrative discretion that the Department has sufficient funds in and expenditure authorization for the BOOST Account, to make the disbursement.

(b) No later than 10 months after the date the grant was approved by the Department, the Applicant shall submit a report to the Department for each new employee who:

(A) Was not an employee of the Applicant within the nine months prior to the current date of hire;

(B) Was unemployed for at least the 60 days prior to the date of hire by the Applicant;

(C) Was hired by the Applicant within 90 days after the date the Department approved the grant;

(D) Has signed an affidavit that he or she was unemployed for at least the 60 days prior to the date of hire by the Applicant;

(4) Worked at least:

(a) 35 hours in each of the 26 consecutive weeks since hired by the Applicant; or

(b) 25 hours in each of the consecutive 26 weeks since hired by the Applicant when the Applicant provides a Health Benefit Plan.

(c) The report submitted to the Department will include the following information for each employee who meets the criteria described in (3)(b):

(A) Legal Name;

(B) Social Security Number;

(C) Date of hire;

(D) Date of departure from the applicant if applicable

(E) Number of hours worked in each of the 26 consecutive weeks beginning the week the employee was hired by the Applicant.

(5) The amount of the grant to be disbursed to the Applicant shall be the minimum of:

(a) \$50,000 in a calendar year;

(b) The grant amount approved;

(c) The amount in the BOOST Account available to be disbursed to the Applicant;

(d) The next increase in employment as demonstrated by the formula $G = (A1 - A2) * \$2,500$, where:

(A) G = the amount of the grant to be disbursed;

(B) A1 = the average number of workers reported on the most recent Form OQ filed by the Applicant with and as required by the Oregon Employment Department or as demonstrated by other documentation determined to be acceptable by Department; and,

(C) A2 = the average number of workers determined in accordance with section (1)(c) above.

(6) The net increase in eligible employees as demonstrated by the formula $G = [P - (P - A)] * \$2,500$ where:

(a) G = the amount of the grant to be disbursed;

(b) P = the number of projected Full-time Jobs submitted by the Applicant in the grant application;

(c) A = the total number of employees listed in the report described in (3)(b) above.

(7) The total amount of BOOST grants awarded and made shall not exceed 20% of the total capitalization provided to the BOOST Account from the Tax Enforcement Account.

(8) Applications for a grant from the BOOST Account will be processed on a first come, first served basis. If the Department determines an application for a grant from the BOOST Account is incomplete, the Department shall notify the Applicant in writing of the additional information needed and any deficiencies in the application. The Applicant must submit the information necessary for the Department to determine that the application is complete within thirty days after the date of notification or the application will no longer be considered for a grant award.

ADMINISTRATIVE RULES

(9) Applications for a grant from the BOOST Account may be submitted by an Applicant to the Department at any time until 5:00 P.M. on June 30, 2012

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285B.050 - 285B.098
Hist.: OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10

Rule Caption: These rules revise the Entrepreneurial Development Loan Fund due to legislation in the 2010 Special Session.

Adm. Order No.: OBDD 34-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 123-019-0000, 123-019-0010, 123-019-0020, 123-019-0030, 123-019-0040, 123-019-0050, 123-019-0060, 123-019-0070, 123-019-0080, 123-019-0090, 123-019-0100

Rules Repealed: 123-019-0000(T), 123-019-0010(T), 123-019-0020(T), 123-019-0030(T), 123-019-0040(T), 123-019-0050(T), 123-019-0060(T), 123-019-0070(T), 123-019-0080(T), 123-019-0090(T), 123-019-0100(T)

Subject: These rules are revised to comply with SB 1017 resulting from the 2010 Special Legislative Session. Loan amounts have been raised from up to \$40,000 to \$70,000. The initial amount borrowed from the fund is now not to exceed \$50,000 raised from \$25,000. The percentage value on collateral has also been raised. Eligibility requirements calling for total revenues in the 12 calendar months immediately preceding the date of application to the Fund have been increased to \$500,000 or less. The requirement that applicants must not have been operating for more than 36 months as of the date of the application has been eliminated. Language has been changed to state that the applicant will provide good and sufficient collateral for the loan and the collateral coverage ratio should be at least 1:1.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-019-0000

Purpose

The purpose of these rules is to provide procedures, standards and criteria for the making of loans from the Oregon Entrepreneurial Development Loan Fund for applications received by the Business Development Department.

Stat. Auth.: ORS 285A.075, 285B.740-285B.758, Ch. 765, OL 1993
Stats. Implemented: ORS 285B.740 - 285B.758, Ch. 765, OL 1993
Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. For purposes of this division of administrative rules, unless the context demands otherwise:

(1) "Applicant" means any individual, association of individuals, joint venture, partnership or corporation, person or any combination of persons applying for a loan from the Oregon Entrepreneurial Development Fund.

(2) "Certified Entity" means any entity certified by the Director of the Business Development Department under OAR 123-019-0100.

(3) "Equity" means cash, real and personal property owned or controlled by an applicant and committed to use in the project for which a loan from the fund is being sought. Property other than cash will be conservatively valued by the department.

(4) "Fund" or "EDLF" means the Oregon Entrepreneurial Development Fund as defined and set forth in Section 13, Chapter 688, Oregon Laws 1991.

(5) "Loan Committee" means any loan committee selected by the Director from the Finance Committee or otherwise appointed by the Director. The Loan Committee shall consist of at least three members, and the Director shall select one of its members to be chair. The Loan Committee shall meet at the call of the chair. Two members of the Loan Committee shall constitute a quorum to transact the business of the Loan Committee.

(6) "Project" means the acquisition, improvement, rehabilitation, construction, operation or maintenance of any property, real or personal, that is or will be used or is suitable for use by an economic enterprise, but not including:

(a) A loan for the construction of residential housing;
(b) A loan for the purchase of property that will not be used for the business operation of the applicant;

(c) A loan for the refinancing of an existing loan.

(7) "Severely Disabled Individuals" means individuals certified as severely disabled by the Vocational Rehabilitation Division of the Department of Human Resources or the Commission for the Blind.

(8) "Small Business Development Center" or "SBDC" means any small business development center described in the Small Business Training Assistance Act of 1983.

(9) "Small Business Management Program" means any of the following:

(a) A Going Into Business class;

(b) A Greenhouse program;

(c) A Small Business Management Program;

(d) Any series of classes/seminars/workshops/counseling sessions similar to a Going Into Business, Greenhouse or Small Business Management Program;

(e) Any series of classes/seminars/workshops/counseling sessions that meet the approval of a Small Business Development Center or Certified Entity Director.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285B.740-285B.758, Ch. 688, OL 1991, Ch. 765, OL 1993
Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 8-1995, f. & cert. ef. 10-26-95; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0020

Eligibility

(1) To be eligible for a loan from the fund, each applicant must meet at least one of the criteria in this section:

(a) The applicant must have had total revenues of \$500,000 or less in the 12 calendar months immediately preceding the date application is made to the Fund;

(b) At least 50 percent of the applicant business or proposed business must be owned by an individual or individuals classified as Severely Disabled.

(2) The applicant may not be effectively owned or controlled by another business entity or other person that, either by itself or when combined with the applicant, is not eligible for a loan under this rule. Ownership of 50 percent or more of the applicant would constitute, or a subsidiary which sells a majority of its goods or services to the parent may constitute, effective ownership or control. The Director may, however, make this determination based on the facts of an individual case.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285B.740 - 285B.758
Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; EDD 5-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 4-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0030

Application Procedure

(1) Each Applicant shall certify to SBDC or other Certified Entity and the Department that it is an eligible Applicant for the Fund under OAR 123-019-0020(1) and shall specify which of the criteria outlined in OAR 123-019-0020(1) it meets.

(2) The SBDC or Certified Entity may enroll the Applicant in an appropriate Small Business Management Program. Each Applicant shall have completed a Small Business Management Program or shall be enrolled in a Small business management program operated by an SBDC or Certified Entity prior to Department action on such Applicant's loan request. Each Applicant shall certify to the Department they are enrolled in a Small Business Management Program.

(3) Each Applicant must complete a business plan prior to applying for a loan from the Fund. Such business plan shall use the standard format set forth in Your Business Plan by Dennis J. Sargent or other such format as may be acceptable to the SBDC or Certified Entity and the Department.

(4) The business plan must be reviewed by the Director of the SBDC or Certified Entity, or their designee, where the Applicant is enrolled in a Small Business Management Program or where the Applicant is receiving assistance with the preparation of the business plan. Review of the business plan by the SBDC or Certified Entity does not imply any judgment by the SBDC or Certified Entity as to the accuracy or validity of the plan.

(5) Upon completion and review of the business plan as provided in sections (3) and (4) of this rule, the business plan, together with a credit

ADMINISTRATIVE RULES

application on the form provided by the Department, shall be forwarded to the Department for consideration. The credit application shall contain a detailed list of the proposed uses of the proceeds of the loan being sought from the Fund.

(6) The Department may require such additional information from an Applicant as the Department determines is necessary for a thorough review and analysis of the application.

(7) Upon completion of its review the Department shall forward the application to the Director, with a recommendation for action. The Department may submit the application to the Loan Committee for its recommendation. The Director may:

- (a) Approve the application; or
- (b) Deny the application; or
- (c) Return the application to the Applicant for further information.

(8) If a loan request is approved, the department shall prepare such documents as are necessary to close the loan transaction. Such documents shall reflect all terms and conditions upon which the Director may have conditioned his or her approval of the loan.

(9) A Borrower may apply for and the Director may approve subsequent loans from the Fund. No borrower may receive more than an aggregate amount of \$40,000 in loan proceeds from the fund.

(10) The Department may notify the SBDC or Certified Entity if any Borrower with which the SBDC or Certified Entity has worked becomes delinquent in its payment or otherwise acts in such a manner as to jeopardize the repayment of the loan.

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

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.240 -285B.758, Ch. 688, OL 1991, Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 8-1995, f. & cert. ef. 10-26-95; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0040

Loan Conditions

The Director may approve a loan request if the Director finds that:

(1) The applicant and the project are eligible for a loan from the fund according to the criteria for a loan from the fund according to the criteria set forth in OAR 123-019-0020 and 123-019-0030.

(2) The applicant has available, and has irrevocably committed to the project, Equity funds in the form of cash or property in an amount equal to or greater than 20 percent of the amount of the loan from the fund.

(3) The proposed project is feasible and a reasonable risk from practical and economic standpoints, and the loan has a reasonable prospect of repayment from cash flow and collateral.

(4) The applicant will provide good and sufficient collateral for the loan. The collateral coverage ratio for the loan should be at least 1:1 ratio applying the following advance rates:

(a) Real property will generally be valued for collateral purposes at 70 percent of the tax assessed value or 80 percent of appraised value;

(b) New construction will generally be valued for collateral purposes at 80 percent of cost;

(c) Existing machinery will generally be valued for collateral purposes at 40 percent of depreciated book value;

(d) Newly acquired machinery will generally be valued for collateral purposes at 80 percent of acquisition cost.

(5) Applicants should be aware that the collateral value of out-of-state real property will be significantly discounted from nominal assessed or appraised value. The department may, in its sole discretion, assign a value of more or less than the above percentages.

(6) Monies in the fund are or will be available for the proposed project.

(7) The applicant's financial resources and management capability appear adequate to assure success of the project.

(8) The initial amount borrowed from the fund by any borrower does not exceed \$25,000 and the total amount borrowed does not exceed \$40,000.

(9) The Director may, in his or her sole discretion, permit the assumption of an outstanding EDLF loan, if the assuming obligor satisfies the Director as to its willingness and ability to service the loan, and if the State's collateral position is not diminished. The Director may require the obligor to meet all eligibility requirements set out in OAR 123-019-0020 and 123-019-0030. EDLF loans are not necessarily or automatically assumable.

(10) The applicant agrees to abide by all laws and regulations applicable to the applicant's project and will receive all applicable federal, state

and local permits and licenses before the disbursement of any proceeds from the fund.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.740 - 285B.758

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; EDD 5-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 4-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0050

Loan Agreement

If the Director approves the loan, the Director, on behalf of the state, and the borrower may enter into a loan contract of not more than \$40,000, secured by Collateral, which shall set forth, among other matters:

(1) A plan for repayment by the Borrower to the Fund of monies borrowed from the Fund used for the Project with interest charged on those monies at a fixed rate of two percentage points (2%) more than the prevailing bank prime interest rate. For the purposes of this section, the prevailing bank prime interest rate shall be the rate set forth in the most recent Federal Reserve Statistical Release H.15(519) which the Department has received at the time the loan is approved. Notwithstanding the foregoing, the interest shall not exceed 18 percent per annum. The repayment plan, among other matters:

(a) Shall provide for commencement of repayment by the Applicant of monies used for the Project and interest thereon no later than six months after the date of the loan contract or at such other time as the Director may provide;

(b) May provide for reasonable extension of the time for making any repayment, not to exceed six months, in emergency or hardship circumstances if approved by the Director.

(c) Shall provide for such evidence of debt, assurance of and security for, repayment of the loan as is considered necessary by the Director;

(d) Shall set forth a schedule of payments and the period of the loan which shall not exceed the usable life of the Project or five years from the date of the contract, whichever is less. The payment schedule shall include payment of interest which accrues during any period of delay in repayment authorized by subsection (b) of this section, and the payment schedule may require payments of varying amounts for collection of accrued interest;

(e) Shall set forth a procedure for formal declaration of delinquency or default of payment by the Department. Loans shall be declared delinquent when any payment is more than ten days late. Borrower shall be notified in writing of declaration of delinquency, and shall have 31 days from the original payment date to bring the loan current. If the loan is not brought current, or arrangements satisfactory to the Department for bringing the loan current have not been made, the Department shall declare the loan in default, declare the entire outstanding indebtedness to be forthwith due and payable and assign the loan to the Attorney General for collection. The Department shall inform the borrower and the Director of each default and action taken in connection therewith. The Director may in his or her sole discretion waive or delay such assignment.

(2) Provisions satisfactory to the Department for field engineering and inspection, the Department to be the final judge of completion of the Project;

(3) That the liability of the state under the contract is contingent upon the availability of monies in the Fund for use in the Project;

(4) Such further provisions as the Director considers necessary to insure expenditure of the funds for the purposes set forth in the approved application;

(5) That the Department may institute appropriate action or suit to prevent use of the facilities of a Project financed by the Fund if the Borrower is delinquent in the repayment of any monies due the Fund;

(6) That the Borrower is responsible for payment of:

(a) All of the expenses of the operation and maintenance of the Project, including adequate insurance;

(b) All taxes and special assessments levied with respect to the business or the Project;

(c) Insurance premiums and providing insurance in amount and coverage acceptable to the Department. Such insurance shall include but shall not be limited to: Fire and hazard insurance, liability insurance, worker's compensation and unemployment insurance, flood insurance; and

(d) All out-of-pocket costs associated with the loan closing including but not limited to filing recording fees, title insurance and appraisals.

(7) That the Borrower will provide to the Department on a quarterly basis, within 45 days of the end of each fiscal quarter, financial statements prepared in accordance with generally accepted accounting principles. In addition, copies of federal tax returns may be required to be submitted

ADMINISTRATIVE RULES

annually. The Department may require additional financial information or more frequent financial statements;

(8) In the case of a loan made to an association, corporation or partnership, each partner and each owner of 20 percent or more of the corporation or association will provide a personal guaranty for the payment of all interest and repayment of principal amount of the loan unless the Director in his or her sole discretion, expressly waives such requirement;

(9) The Department may, in its sole discretion, disburse the proceeds of an approved loan in such amounts and at such times as the Department feels necessary to ensure that loan proceeds are used for the stated purposes and to preserve the integrity of the Fund. If the Department in its sole discretion determines that the financial condition of the Borrower has deteriorated since the eligibility and application process was commenced, the Department shall be under no obligation to disburse any loan fund.

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

Stat. Auth.: ORS 285A.075, 285B.740 - 285B.758

Stats. Implemented: ORS 285B.740 - 285B.758

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0060

Appeals, Monitoring, Amendments and Modifications

(1) If the Director denies a loan request, the Director shall inform the Applicant in writing of the reasons for such denial.

(2) A denied Applicant has the right to appeal in writing the Director's denial, whereupon the Department shall schedule an appeal hearing in front of the Director, the Director's designee or the Loan Committee, as the Department may decide. The Applicant may appear in person at the appeal hearing, and may introduce whatever books, documents and data it regards as necessary to support the appeal.

(3) An Applicant whose appeal has been denied must submit a new credit application to be eligible for consideration of a new loan request. This requirement may be waived by the Director, in his or her sole discretion.

(4) All loans shall be monitored by, and all loan repayments shall be made to, the Department or its assignee.

(5) It is the responsibility of the borrower to ensure that its payment arrives in the Department by the due date.

(6) Any request for modification or amendment to any loan condition shall be made in writing to the Department and approved by the Director. The Director may refer a request for modification or amendment to the Loan Committee for recommendation.

(7) If the Director consents to any requested modification or amendment, the borrower shall be responsible for all costs of modifying or amending any loan documents, filings, recordings or financing statements.

Stat. Auth.: ORS 285A.075, 285B.740 - 285B.758

Stats. Implemented: ORS 285A.075, 285B.740 - 285B.758, Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0070

Confidential Records

(1) Upon written request and within a reasonable time, the Director or his designee shall provide nonexempt loan program records for inspection in accordance with ORS Chapter 192.

(2) The person requesting inspection of the records may be charged in advance the Department's cost for locating, compiling, copying, and mailing the records. Such costs shall include but not be limited to costs incurred in locating records, separating exempt and nonexempt records, having a custodian present during the inspection, preparing lists of data, making photocopies, and telefaxing materials. Fees to be collected shall be set forth in the Department's schedule of fees and may be amended from time to time as the Department in its sole discretion may determine.

(3) Except as otherwise provided in ORS Chapter 192, records exempt from disclosure include but are not limited to:

(a) Reports and analyses of reports obtained in confidence from creditors, employers, customers, suppliers, and others which bear on the Applicant's character, finances, management ability, and reliability and which were obtained from persons or firms not required by law to submit them;

(b) Financial statements, tax returns, business records, employment history and other personal data submitted by or for Applicants, or analysis of such data;

(c) Interdepartmental advisory memoranda prior to a loan decision;

(d) Formulas, plans, designs and related information which constitute trade secrets under ORS Chapter 192;

(e) Personal financial statements;

(f) Financial statements of Applicants;

(g) Customer lists;

(h) Information of an Applicant pertaining to litigation to which the Applicant is a party if the complaint has been filed, or if the complaint has not been filed, if the Applicant shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded and nothing in this section shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(i) Production, sales or cost data; and

(j) Marketing strategy information that relates to an Applicant's plan to address specific markets and Applicant's strategy regarding specific competitors.

Stat. Auth.: ORS 192.410-192.505, ORS 285A.075

Stats. Implemented: ORS 192.410 -192.505, 285A.075, Ch.765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0080

Restrictions

(1) If the loan will result in the construction, expansion, rehabilitation or remodeling of a facility to which the public has access, access for handicapped persons must be provided in accordance with ORS 447.210 to 447.280. This provision applies only to firms which deal directly with the general public in the normal and usual course of their business, and to facilities in which business is customarily transacted by and with members of the general public.

(2) Borrowers receiving assistance from the EDLF are required to make a good faith effort to hire low income people who are trained by publicly-funded job training providers. Borrowers may also be required to enter into a First Source Hiring Agreement as defined in OAR 123-070-0300 through 123-070-0370.

Stat. Auth.: ORS 285A.075, 447.210-447.280

Stats. Implemented: ORS 285A.075, 447.210 - 447.280, Ch.765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0090

Payment of Monies for Project

(1) The Director shall be the sole judge of the suitability and eligibility of a Project for financing from the Fund, and approval of such financing shall be in the sole discretion of the Director.

(2) If the Director approves a loan for a Project, the Department shall pay monies for the Project from the Fund, in accordance with the terms of the loan contract as prescribed by the Director.

(3) If the Director determines that a loan should be made, the Director shall also determine the amount of the loan and authorize the disbursement of the funds. The Director may authorize the Department to disburse the funds and execute such documents as may be necessary to conclude the transaction.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075, 285B.740 - 285B.758, Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

123-019-0100

Certification of Entities for Business Plan Review

(1) In addition to SBDCs, the Director may certify an entity for review of business plans, if the Director finds in his or her sole discretion that the entity possesses:

(a) Experience in providing financial counseling to businesses;

(b) Experience in operating a micro lending program.

(2) The Director may establish time periods for certification and review in his or her sole discretion.

Stat. Auth.: ORS 285A.075, 285B.740 - 285B.758

Stats. Implemented: ORS 285B.740 - 285B.758, Ch. 688, OL 1991 & Ch. 765, OL 1993

Hist.: EDD 8-1995, f. & cert. ef. 10-26-95; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10

.....

Rule Caption: These rules revise the Entrepreneurial Development Loan Fund due to legislation on the 2010 Special Session.

Adm. Order No.: OBDD 35-2010

Filed with Sec. of State: 10-14-2010

Certified to be Effective: 10-15-10

Notice Publication Date: 9-1-2010

ADMINISTRATIVE RULES

Rules Amended: 123-019-0010, 123-019-0030, 123-019-0040, 123-019-0050, 123-019-0100

Subject: These rules are revised to comply with SB 1017 resulting from the 2010 Special Legislative Session. Loan amounts have been raised from up to \$40,000 to \$70,000. The initial amount borrowed from the fund is now not to exceed \$50,000 raised from \$25,000. The percentage value on collateral has also been raised. Eligibility requirements calling for total revenues in the 12 calendar months immediately preceding the date of application to the Fund have been increased to \$500,000 or less. The requirement that applicants must not have been operating for more than 36 months as of the date of application has been eliminated. Language has been changed to state that the applicant will provide good and sufficient collateral for the loan and the collateral coverage ratio should be at least 1:1.

These rules are being refiled due to an error in processing.

Rules Coordinator: Mindie Sublette—(503) 986-0036

123-019-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. For purposes of this division of administrative rules, unless the context demands otherwise:

(1) "Applicant" means any individual, association of individuals, joint venture, partnership or corporation, person or any combination of persons applying for a loan from the Oregon Entrepreneurial Development Fund.

(2) "Certified Entity" means any entity certified by the Director of the Business Development Department under OAR 123-019-0100.

(3) "Equity" means cash, real and personal property owned or controlled by an applicant and committed to use in the project for which a loan from the fund is being sought. Property other than cash will be conservatively valued by the department.

(4) "Fund" or "EDLF" means the Oregon Entrepreneurial Development Fund as defined and set forth in Section 13, Chapter 688, Oregon Laws 1991.

(5) "Loan Committee" means any loan committee selected by the Director from the Finance Committee or otherwise appointed by the Director. The Loan Committee shall consist of at least three members, and the Director shall select one of its members to be chair. The Loan Committee shall meet at the call of the chair. Two members of the Loan Committee shall constitute a quorum to transact the business of the Loan Committee.

(6) "Project" means the acquisition, improvement, rehabilitation, construction, operation or maintenance of any property, real or personal, that is or will be used or is suitable for use by an economic enterprise, but not including:

(a) A loan for the construction of residential housing;

(b) A loan for the purchase of property that will not be used for the business operation of the applicant;

(c) A loan for the refinancing of an existing loan.

(7) "Severely Disabled Individuals" means individuals certified as severely disabled by the Vocational Rehabilitation Division of the Department of Human Resources or the Commission for the Blind.

(8) "Small Business Development Center" or "SBDC" means any small business development center described in the Small Business Training Assistance Act of 1983.

(9) "Small Business Management Program" means any of the following:

(a) A going into business class;

(b) A Small Business Management Program offered by an Oregon SBDC;

(c) Any series of classes/seminars/workshops/counseling sessions that meet the approval of a Small Business Development Center or Certified Entity Director.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.740-285B.758, Ch. 688, OL 1991, Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 8-1995, f. & cert. ef. 10-26-95; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10; OBDD 35-2010, f. 10-14-10, cert. ef. 10-15-10

123-019-0030

Application Procedure

(1) Each Applicant shall certify to SBDC or other Certified Entity and the Department that it is an eligible Applicant for the Fund under OAR 123-

019-0020(1) and shall specify which of the criteria outlined in OAR 123-019-0020(1) it meets.

(2) The SBDC or Certified Entity may enroll the Applicant in an appropriate Small Business Management Program. Each Applicant shall have completed a Small Business Management Program or shall be enrolled in a Small Business management program operated by an SBDC or Certified Entity prior to Department action on such Applicant's loan request. Each Applicant shall certify to the Department they are enrolled in a Small Business Management Program.

(3) Each Applicant must complete a business plan prior to applying for a loan from the Fund. Such business plan shall use the standard format set forth in Your Business Plan by Dennis J. Sargent or other such format as may be acceptable to the SBDC or Certified Entity and the Department.

(4) The business plan must be reviewed by the Director of the SBDC or Certified Entity, or their designee, where the Applicant is enrolled in a Small Business Management Program or where the Applicant is receiving assistance with the preparation of the business plan. Review of the business plan by the SBDC or Certified Entity does not imply any judgment by the SBDC or Certified Entity as to the accuracy or validity of the plan.

(5) Upon completion and review of the business plan as provided in sections (3) and (4) of this rule, the business plan, together with a credit application on the form provided by the Department, shall be forwarded to the Department for consideration. The credit application shall contain a detailed list of the proposed uses of the proceeds of the loan being sought from the Fund.

(6) The Department may require such additional information from an Applicant as the Department determines is necessary for a thorough review and analysis of the application.

(7) Upon completion of its review the Department shall forward the application to the Director, with a recommendation for action. The Department may submit the application to the Loan Committee for its recommendation. The Director may:

(a) Approve the application; or

(b) Deny the application; or

(c) Return the application to the Applicant for further information.

(8) If a loan request is approved, the department shall prepare such documents as are necessary to close the loan transaction. Such documents shall reflect all terms and conditions upon which the Director may have conditioned his or her approval of the loan.

(9) A Borrower may apply for and the Director may approve subsequent loans from the Fund. No borrower may receive more than an aggregate amount of \$70,000 in loan proceeds from the fund. Applicants for subsequent loans must meet the eligibility requirements outlined in 123-019-0020.

(10) The Department may notify the SBDC or Certified Entity if any Borrower with which the SBDC or Certified Entity has worked becomes delinquent in its payment or otherwise acts in such a manner as to jeopardize the repayment of the loan.

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

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.240-285B.758, Ch. 688, OL 1991, Ch. 765, OL 1993

Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 7-1993(Temp), f. & cert. ef. 9-17-93; EDD 3-1994, f. 2-4-94, cert. ef. 2-7-94; EDD 8-1995, f. & cert. ef. 10-26-95; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10; OBDD 35-2010, f. 10-14-10, cert. ef. 10-15-10

123-019-0040

Loan Conditions

The Director may approve a loan request if the Director finds that:

(1) The applicant and the project are eligible for a loan from the fund according to the criteria for a loan from the fund according to the criteria set forth in OAR 123-019-0020 and 123-019-0030.

(2) The applicant has available, and has irrevocably committed to the project, Equity funds in the form of cash or property in an amount equal to or greater than 20 percent of the amount of the loan from the fund.

(3) The proposed project is feasible and a reasonable risk from practical and economic standpoints, and the loan has a reasonable prospect of repayment from cash flow and collateral.

(4) The applicant will provide good and sufficient collateral for the loan. The collateral coverage ratio for the loan should be at least 1:1 ratio applying the following advance rates:

(a) Real property will generally be valued for collateral purposes at 80 percent of the tax assessed value or 90 percent of appraised value;

(b) New construction will generally be valued for collateral purposes at 90 percent of cost;

ADMINISTRATIVE RULES

(c) Existing machinery will generally be valued for collateral purposes at 60 percent of depreciated book value;

(d) Newly acquired machinery will generally be valued for collateral purposes at 60 percent of acquisition cost for new equipment and 75% of acquisition cost for used equipment.

(5) Applicants should be aware that the collateral value of out-of-state real property will be significantly discounted from nominal assessed or appraised value. The department may, in its sole discretion, assign a value of more or less than the above percentages.

(6) Monies in the fund are or will be available for the proposed project.

(7) The applicant's financial resources and management capability appear adequate to assure success of the project.

(8) The initial amount borrowed from the fund by any borrower does not exceed \$50,000 and the total amount borrowed does not exceed \$70,000.

(9) The Director may, in his or her sole discretion, permit the assumption of an outstanding EDLF loan, if the assuming obligor satisfies the Director as to its willingness and ability to service the loan, and if the State's collateral position is not diminished. The Director may require the obligor to meet all eligibility requirements set out in OAR 123-019-0020 and 123-019-0030. EDLF loans are not necessarily or automatically assumable.

(10) The applicant agrees to abide by all laws and regulations applicable to the applicant's project and will receive all applicable federal, state and local permits and licenses before the disbursement of any proceeds from the fund.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285B.740 - 285B.758
Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; EDD 5-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 4-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 23-2008, f. 7-31-08, cert. ef. 8-1-08; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10; OBDD 35-2010, f. 10-14-10, cert. ef. 10-15-10

123-019-0050 Loan Agreement

If the Director approves the loan, the Director, on behalf of the state, and the borrower may enter into a loan contract of not more than \$70,000, secured by Collateral, which shall set forth, among other matters:

(1) A plan for repayment by the Borrower to the Fund of monies borrowed from the Fund used for the Project with interest charged on those monies at a fixed rate of two percentage points (2%) more than the prevailing bank prime interest rate. For the purposes of this section, the prevailing bank prime interest rate shall be the rate set forth in the most recent Federal Reserve Statistical Release H.15(519) which the Department has received at the time the loan is approved. Notwithstanding the foregoing, the interest shall not exceed 18 percent per annum. The repayment plan, among other matters:

(a) Shall provide for commencement of repayment by the Applicant of monies used for the Project and interest thereon no later than six months after the date of the loan contract or at such other time as the Director may provide;

(b) May provide for reasonable extension of the time for making any repayment, not to exceed six months, in emergency or hardship circumstances if approved by the Director.

(c) Shall provide for such evidence of debt, assurance of and security for, repayment of the loan as is considered necessary by the Director;

(d) Shall set forth a schedule of payments and the period of the loan which shall not exceed the usable life of the Project or five years from the date of the contract, whichever is less. The payment schedule shall include payment of interest which accrues during any period of delay in repayment authorized by subsection (b) of this section, and the payment schedule may require payments of varying amounts for collection of accrued interest;

(e) Shall set forth a procedure for formal declaration of delinquency or default of payment by the Department. Loans shall be declared delinquent when any payment is more than ten days late. Borrower shall be notified in writing of declaration of delinquency, and shall have 31 days from the original payment date to bring the loan current. If the loan is not brought current, or arrangements satisfactory to the Department for bringing the loan current have not been made, the Department may declare the loan in default, may declare the entire outstanding indebtedness to be forthwith due and payable and may assign the loan to the Attorney General for collection. The Department shall inform the borrower of each default and action taken in connection therewith. The Director may in his or her sole discretion waive or delay such assignment.

(2) Provisions satisfactory to the Department for field engineering and inspection, the Department to be the final judge of completion of the Project;

(3) That the liability of the state under the contract is contingent upon the availability of monies in the Fund for use in the Project;

(4) Such further provisions as the Director considers necessary to insure expenditure of the funds for the purposes set forth in the approved application;

(5) That the Department may institute appropriate action or suit to prevent use of the facilities of a Project financed by the Fund if the Borrower is delinquent in the repayment of any monies due the Fund;

(6) That the Borrower is responsible for payment of:

(a) All of the expenses of the operation and maintenance of the Project, including adequate insurance;

(b) All taxes and special assessments levied with respect to the business or the Project;

(c) Insurance premiums and providing insurance in amount and coverage acceptable to the Department. Such insurance shall include but shall not be limited to: Fire and hazard insurance, liability insurance, and flood insurance if applicable at the sole discretion of the department; and

(d) All out-of-pocket costs associated with the loan closing including but not limited to filing recording fees, title insurance and appraisals.

(7) That the Borrower will provide to the Department on an annual basis, within 120 days of the end of each fiscal year, financial statements prepared in accordance with generally accepted accounting principles. In addition, copies of federal tax returns may be required to be submitted annually. The Department may require additional financial information or more frequent financial statements;

(8) In the case of a loan made to an association, corporation or partnership, each partner and each owner of 20 percent or more of the corporation or association will provide a personal guaranty for the payment of all interest and repayment of principal amount of the loan unless the Director in his or her sole discretion, expressly waives such requirement;

(9) The Department may, in its sole discretion, disburse the proceeds of an approved loan in such amounts and at such times as the Department feels necessary to ensure that loan proceeds are used for the stated purposes and to preserve the integrity of the Fund. If the Department in its sole discretion determines that the financial condition of the Borrower has deteriorated since the eligibility and application process was commenced, the Department shall be under no obligation to disburse any loan fund.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS285A.075, 285B.740 - 285B.758
Stats. Implemented: ORS 285B.740 - 285B.758
Hist.: EDD 16-1991(Temp), f. & cert. ef. 11-8-91; EDD 12-1992, f. & cert. ef. 8-26-92; EDD 11-1997(Temp), f. & cert. ef. 10-7-97; EDD 10-1998, f. & cert. ef. 5-22-98; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10; OBDD 35-2010, f. 10-14-10, cert. ef. 10-15-10

123-019-0100 Certification of Entities for Business Plan Review

(1) In addition to SBDCs, the Director may certify an entity for the review of business plans and for providing a Small Business Management Program if the Director finds in his or her sole discretion that the entity possesses:

(a) Sufficient experience in providing financial counseling to businesses;

(b) Sufficient experience in providing a Small Business Management Program; and

(c) Sufficient experience in reviewing business plans.

(2) The Director may establish time periods for certification and review in his or her sole discretion.

(3) The SBDCs and certified entities will continue to provide small business management services and counseling to the applicant after the loan has been provided to the applicant.

Stat. Auth.: ORS 285A.075, 285B.740 - 285B.758, Ch. 688, OL 1991 & Ch. 765, OL 1993
Stats. Implemented: ORS 285B.740 - 285B.758, Ch. 688, OL 1991 & Ch. 765, OL 1993
Hist.: EDD 8-1995, f. & cert. ef. 10-26-95; OBDD 10-2010(Temp), f. & cert. ef. 4-12-10 thru 10-9-10; OBDD 34-2010, f. & cert. ef. 10-1-10; OBDD 35-2010, f. 10-14-10, cert. ef. 10-15-10

.....

Rule Caption: Renumber of 190-020 to 123-475.

Adm. Order No.: OBDD 36-2010

Filed with Sec. of State: 10-14-2010

Certified to be Effective: 11-1-10

Notice Publication Date:

Rules Renumbered: 190-020-0000 to 123-475-0000, 190-020-0005 to 123-475-0005, 190-020-0010 to 123-475-0010, 190-020-0012 to

ADMINISTRATIVE RULES

123-475-0012, 190-020-0013 to 123-475-0013, 190-020-0015 to 123-475-0015, 190-020-0025 to 123-475-0025, 190-020-0030 to 123-475-0030, 190-020-0035 to 123-475-0035, 190-020-0040 to 123-475-0040, 190-020-0050 to 123-475-0050, 190-020-0055 to 123-475-0055, 190-020-0060 to 123-475-0060, 190-020-0065 to 123-475-0065, 190-020-0074 to 123-475-0074, 190-020-0080 to 123-475-0080, 190-020-0085 to 123-475-0085

Subject: Chapter 190 referencing the Oregon Arts Commission is being renumbered to Chapter 123 under the Oregon Business Development Department. This division of rules relating to the Oregon Cultural Trust, 1% for Art in Public Buildings is being renumbered from 190-020 to 123-475.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-475-0000

Purpose

The purpose of these rules is to:

(1) Establish procedures for acquisition of works of art in an amount of 1% of direct construction costs of any project for the construction or alteration of any State Building in an amount of \$100,000 or more.

(2) Promote placement of visual art of the highest quality where it can be easily viewed by the general public.

(3) Utilize the talent of artists and craftspeople.

(4) Preserve, encourage, and promote public awareness and understanding of the arts.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0000, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0005

Definitions

The words and phrases used in these rules have the same meaning given them in ORS 276.073. In addition, as used in these rules, unless the context requires otherwise:

(1) “Architect” means the person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% provision applies.

(2) “Artist” means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces Works of Art and who is not the Project Architect.

(3) “Capitol Area” means the area defined in ORS 276.028.

(4) “Contracting Agency” means the state agency authorized by law to enter into public contracts.

(4) “Deaccession” means removal of a work of art from the public collection as described in OAR 190-020-0080.

(5) “Designated Agencies” means the Oregon Arts Commission, Department of Administrative Services and, for project located outside of the Capitol Area, the Contracting Agency.

(6) “Program” means the 1% for art program described in ORS 276.073 to 276.090.

(7) “Project” means the construction or alteration of a State Building that costs \$100,000 or more.

(8) “Resident Agency” means the state agency or agencies that will occupy or otherwise use State Building. The Resident Agency may be the Contracting Agency.

(9) “State Building” means any structure built or remodeled by the State of Oregon using legislatively appropriated monies except those excluded in the definition of state building in ORS 276.073. “State Building” does not include a building leased by a state agency, unless under a lease-purchase agreement or under any other agreement whereby ultimate state ownership is contemplated or expected.

(10) “Works of Art” means all forms of original creations of visual art, including and not limited to:

(a) Painting: all media, including both portable and permanently-affixed works such as murals.

(b) Sculpture: in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, and site specific works placed on public lands in any material or combination of materials.

(c) Visual art comprising other two- and three- dimensional media including but not limited to prints, clay, drawings, stained glass, mosaics, photography, fiber and textiles, wood, metal, plastics and other materials or combination of materials, calligraphy, mixed media, film, video, or any

combination of forms of media and documented time-based works or installations.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0005, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0010

Overview of Program

(1) The Oregon Arts Commission coordinates the Program. All Oregon State agencies, upon legislative approval of construction budgets, must notify the Oregon Arts Commission in writing of construction budgets or appropriations approved by the Legislative Assembly for any State Building. Upon written authorization by the Oregon Arts Commission, Oregon Arts Commission staff will meet with the Contracting Agency to plan the art selection process.

(2) Each Project will have its own Selection Committee. The Selection Committee is appointed in accordance with, and carries out the functions described in OAR 190-020-0015.

(3) Title for all Works of Art acquired pursuant to ORS 276.073 to 276.090 shall be in the name of the state on behalf of the Contracting Agency or Resident Agency, as determined by the Department of Administrative Services and the Contracting Agency, if the Contracting Agency is an agency other than the Department of Administrative Services.

(4) Works of Art in the state collection are insured by the State Insurance Fund, through the Department of Administrative Services Risk Management Division.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0010, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0012

Public Art Advisory Committee

The Oregon Arts Commission may establish a Public Art Advisory Committee consisting of two Oregon Arts Commissioners and up to seven arts professionals designated by the Oregon Arts Commission. The Oregon Arts Commission may use the Public Art Advisory Committee to make recommendations regarding general policies of the Program. The Public Art Advisory Committee will serve as a review panel for creation of a Rose of Prequalified Artists, may nominate and review artists for consideration by individual Art Selection Committees, and will serve as a review panel for Relocation or Deaccession requests. The Public Art Advisory Committee will not make selections for individual Program projects.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0012, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0013

Prequalified Artist Roster

Experienced and talented artists may be prequalified by the Oregon Arts Commission for Program projects. The Oregon Arts Commission publishes a prospectus inviting applications. The Public Art Advisory Committee serves as the review panel and makes recommendations to the Oregon Arts Commission for inclusion on the Prequalified Artists Roster. Applications may be filed at any time. All artists must reapply at the end of each three-year cycle. The Roster is available to serve as a resource for other public art programs, architecture firms and others seeking artists for projects.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0013, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0015

Selection Committee

(1)(a) A Selection Committee shall be established for each Program Project. The Selection Committee, on behalf of the Designated Agencies, shall determine the scope, direction, and particular needs of the Project. Except as provided in subsection (b) of this rule, the Selection Committee is solely responsible for artist selection, review of design, execution, placement and acceptance of Works of Art, and shall communicate such progress to the Designated Agencies.

(b) Exception to sole responsibility for review: The Oregon Arts Commission and the Contracting Agency shall identify other review bodies whose oversight may be required by law or agency policy including, without limitation, state or local historic preservation committees, city design

ADMINISTRATIVE RULES

review committees and formalized campus design committees. In such cases, the Selection Committee's recommendation will be submitted for review and approval by these bodies prior to execution of any contracts for Works of Art.

(c) Informal committees established by any of the Designated Agencies, such as user groups of a Project, shall be kept informed of Selection Committee progress, but have no role in approval of the Selection Committee's recommendations. The Designated Agency that establishes an informal committee is responsible for notifying the Selection Committee of the establishment of the informal committee.

(2) The Selection Committee shall consist of up to nine members designated by the Oregon Arts Commission as follows:

(a) The Project Architect;

(b) The Director of the Oregon Arts Commission or designee thereof;

(c) The Director of the contracting agency, or designee thereof, most appropriately the planning/construction project manager;

(d) The Chair of the Capitol Planning Advisory Board, or the Chair's designee, if the project is in Marion or Polk County area (ORS 276 .028);

(e) Up to one representative of each resident agency, or in the case of a University, each program, college or school with significant use of the facility;

(f) Such other people who qualify and are approved by the Designated Agencies.

(3) Up to 5 Non-Voting Advisors may be appointed by the Contracting Agency and Resident Agency of the facility to serve on the screening committee and may include: students, museum director, curator, educator, art historian, collector, and concerned members of the community, or other qualified individuals

(4) Chairman of the Selection Committee: The Public Arts Coordinator of the Oregon Arts Commission shall serve as non-voting chairman.

(5) Voting: Each member of the Selection Committee designated pursuant to Section (2) of this rule will have one vote. A majority vote of members present shall determine the selection recommendations to be made to the Designated Agencies. At least one-half of the members of the Selection Committee must be present to have a vote.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0015, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0025

Selection Committee Procedure

(1) The Selection Committee shall meet to consider the particular needs of the Project including budget, suitable art forms, appropriate locations, and method of artist/artwork selection.

(2) The Selection Committee may use any of the following methods for selection of Works of Art for a Project:

(a) Open Competition: A prospectus will be prepared by the Oregon Arts Commission with the approval of the Selection Committee and will be made broadly available to artists. Artists will be asked to submit images or other materials to the Commission. The Selection Committee may commission new work and also may purchase available work.

(b) Two-state competition. An open competition may occur in two stages whereby a limited number of finalists selected from the first stage of competition will be asked to submit more detailed proposals. Each of the finalists may enter into a contract with the Contracting Agency that provides for payment of a professional fee for preparation of a detailed proposal or consultation interview. The Oregon Arts Commission or Selection Committee may recommend the amount of the professional fee.

(c) Prequalified Artist Roster: The Selection Committee may interview or commission proposals from one or more artists on the Prequalified Artist Roster, or may make direction selection(s) from the Roster.

(d) Nominated Pool: The Selection Committee may designate an informal panel of arts professionals to nominate artists appropriate for consideration for the Project. The resulting pool will be reviewed by the Selection Committee.

(e) The Public Art Advisory Committee may designate an informal panel of arts professionals to nominate artists appropriate for consideration to the State of Oregon Art Collection. The resulting pool(s) may be reviewed by individual Selection Committees.

(f) Limited Competition: In cases when, in the judgment of the Oregon Arts Commission, it is not feasible to conduct an open competition for a specific Work of Art, the Oregon Arts Commission will initiate a Limited Competition by inviting several artists to submit materials to the Selection Committee. If detailed proposals or consultation interviews are

requested, each artist will be paid a professional fee for preparation of the detailed proposal or consultation interview. The Oregon Arts Commission or Selection Committee may recommend the amount of the professional fee.

(g) Direct Selection: When budget constraints or construction schedules are such that the Selection Committee determines that an open competition cannot be held, Direct Selection of the artist(s) or completed work will be made by the Selection Committee.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073-276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0025, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0030

Criteria for Selecting Works of Art

(1) Style and Nature: Works of Art of any aesthetic persuasion that are in scale, material, form and content with their surroundings may be considered.

(2) Diversity of the Collection: The Oregon Arts Commission seeks to encourage and maintain a diverse collection for the state, including site-specific works developed with collaboration between an artist and design team, existing works of art created by an artist and purchased for permanent installation, and, when appropriate, documented time-based works or installations.

(3) Quality: The inherent quality of the work itself will be the highest priority for selection.

(4) Media: All forms of Works of Art may be considered. Works of Art may be either portable or permanently affixed or integral to the building or structure, or part of a temporary exhibition.

(5) Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative protection against theft, vandalism, weathering, or excessive maintenance or repair costs.

(6) Method of Acquisition: Either existing works or those commissioned for specific Projects may be acquired.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0030, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0035

Inclusions

Appropriations under ORS 276.080 for the Program may be spent for:

(1) The Work of Art itself which may include but is not limited to:

(a) Artist's professional fee;

(b) Labor of assistants;

(c) Materials required for production of the Work of Art;

(d) Professional services such as engineering and fabrication necessary to create or install the Work of Art;

(e) Artist's studio and operating costs of the artist, including rent, utilities, insurance, and other direct and indirect costs;

(f) Travel costs for the Artist for site visitation and research;

(g) Transportation of the Work of Art to the site;

(h) Installation of the completed Work of Art;

(i) Documentation of the work in progress or completed Work of Art;

(j) Contractual services for professionals engaged to install, maintain or clean Works of Art, and for conservation, restoration, project management or photography.

(2) Identification plaques, labels, and other such educational materials that promote and accurately credit the Artist(s) or project.

(3) Waterworks and electrical and mechanical devices, equipment and site work which are integral parts of the Work of Art.

(4) Frames, mats or pedestals necessary for the security of the Work of Art.

(5) Anchorages, containments and devices necessary for the security of the Work of Art.

(6) Works of Art which may be an integral part of the building.

(7) Expenses described in OAR 190-020-0055(3).

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 – 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0035, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0040

Exclusions

Appropriations for the Program may not be spent for:

ADMINISTRATIVE RULES

(1) Reproductions, by mechanical or other means, of original Works of Art.

(2) Decorative, ornamental, or functional elements that are designed by the Architect or consultants engaged by the Architect, as opposed to an Artist commissioned for this purpose.

(3) "Art objects" which are mass produced of standard design.

(4) Directional or other functional elements such as supergraphics, signage, color coding, maps, or other similar elements, except where an Artist is employed to produce them and has primary creative control over the Final Art.

(5) Those items which are required to fulfill the basic purpose of the Resident Agency. Examples would be works of art in the collection of a state museum, or Works of Art fulfilling an interpretive or educational role in a state park, the state library, or a college or university art museum or gallery.

(6) Preparation of the site necessary to receive the Work of Art, including, but not limited to, structural reinforcement, landscaping and utility service to the site, except to the extent the Work of Art is integrated into the structure or site and costs related to construction budget. Any such inclusion of costs for the Work of Art in the construction budget or costs of site preparation included in the art budget must be negotiated among the Designated Agencies and approved by the Oregon Arts Commission.

(7) Energy and water costs for operation of electrical and mechanical systems.

(8) Architect services to comply with OAR 123-475-0050(3)(d).

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276 .073 - 276 .090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0040, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0050

Responsibilities

(1) The Oregon Arts Commission shall:

(a) In consultation with the Designated Agencies, be responsible for selection, reviewing of design, execution, placement and acceptance of Works of Art", acquired under the Program;

(b) Appoint the members of the Selection Committee to carry out the functions described in OAR 123-475-0015;

(c) Assist the Contracting Agency in contract negotiations with artists;

(d) In consultation with the Resident Agency and Contracting Agency, may transfer Works of Art between public buildings as provided in OAR 123-475-0080;

(e) With the help of professionals, install portable Works of Art and re-hang or relocate Works of Art when it determines such actions are necessary;

(f) In partnership with the Resident Agency, advise regarding necessary maintenance procedures in accordance with the Oregon Arts Commission's Collection Management System.

(g) Maintain complete records and documentation of the collection with the assistance of the Contracting Agency;

(h) Coordinate public information aspects of the project.

(2) The Contracting Agency shall:

(a) Assist the Oregon Arts Commission with identifying new Projects subject to ORS 276 .073 - 276.090, and shall notify the Oregon Arts Commission when construction budgets are approved and funds are available.

(b) Contract with the Architect for administrative or design services, or both, to be rendered in connection with the commissioning of Works of Art, notify the Architect of the state law requiring a non-deductible allocation for Works of Art and that the Architect will be a member of and must work closely with the Selection Committee for the Project and with the Artist, and include in its contract with the Architect clauses providing for the Architect's compliance with these rules, including without limitation as provided in section (3) of this rule;

(c) Notify the Oregon Arts Commission of the Project details;

(d) Consult with the Oregon Arts Commission and Screening Committee on the determination of budget and selection procedures;

(e) See that payment is made for all costs, professional fees, purchases and commissions in accordance with all applicable law;

(f) Communicate with the Oregon Arts Commission on Project coordination to assure timeliness of completion of the project;

(g) Contract with the Artist for procurement of Works of Art, including without limitation providing for title to the Works of Art to best in the Contracting Agency or Resident Agency in the name of the state no later than upon completion of installation of the Works of Art.

(h) Together with the Resident Agency, be responsible for security and general maintenance of the Works of Art, including without limitation observing if the Work of Art is in good condition, hanging straight, needs dusting, if labels are missing, or if other measures for security or maintenance are necessary or advisable;

(i) Assist the Oregon Arts Commission with public information aspects of the Project;

(j) Review and authorize all changes proposed involving cost, time, or scope before any changes are made to the Work(s) or Art for the Project;

(k) Assist the Oregon Arts Commission with maintaining an Art Inventory and immediately notify the Oregon Arts Commission if a work needs repair or is missing.

(3) The Architect shall:

(a) Recommend to the Arts Commission and the Contracting Agency specific sites for Works of Art and the scale and type of work thought to be most appropriate;

(b) Act as a member of the Selection Committee;

(c) Work closely with the Artist where required, provide engineering information as it pertains to the building structure and technical assistance to the Artist if requested, and shall supervise the delivery and installation of the Work of Art under contract with the Contracting Agency;

(d) Ensure that all service requirements for the Work of Art are met in the design documents and that the Work of Art may be installed with relative ease.

(4) The Artist shall:

(a) When commissioned by the Contracting Agency to create a Work of Art, execute and complete the Work of Art in a timely and professional manner.

(b) Maintain close contact with the Contracting Agency to assist with Project coordination before and during installation;

(c) Transfer title of newly created or an existing Work of Art to the Contracting Agency;

(d) Deal personally with the other parties in all phases of the negotiations. However, the Artists may designate dealers or other agents to represent them in negotiations;

(e) Maintain a close working relationship with the Architect on commissioned pieces;

(f) Submit all plans drawings, detailed proposals and other required materials related to a proposed Work of Art to the Oregon Arts Commission. All preparatory work remains the property of the Oregon Arts Commission until the final Work of Art is installed, at which time ownership of the preparatory materials reverts to the artist;

(g) Copyright: The artist retains those rights specified in ORS 359.355 unless contract indicates otherwise.

Stat. Auth.: ORS 359.025; 359.142

Stats. Implemented: ORS 276 .073 - 276 .090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0050, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0055

Scope and Nature of Expenditures

(1) While no more than 1% of the amount from capital construction appropriations may be dedicated to the Program, a dollar total greater than 1% can be expended for art in a Project if the additional funds are generated from other sources. The 1% figure is a minimum.

(2) If 1% of total state funds appropriated for direct construction costs for a particular building is not required for the Program on that Project, such unrequired amounts can be utilized for either or both of the following as determined by the Oregon Arts Commission in consultation with the Contracting Agency:

(a) Acquiring Works of Art for existing state buildings;

(b) Acquiring Works of Art by transferring the funds to another construction project.

(3) Administrative costs for the Works of Art on any particular Project, up to ten percent of the amounts billed by the Oregon Arts Commission to the Contracting Agency, may be funded through the 1% appropriation areas Administrative Costs may include only:

(a) Supplies and services connected with public information and education;

(b) Artists' prospectuses for specific projects;

(c) Allowable expenses of the Selection Committee;

(d) Salaries of Oregon Arts Commission staff;

(e) Other costs directly related to Program management.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276 .073 - 276 .090

ADMINISTRATIVE RULES

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0055, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0060

General Principles and Procedures

(1) Freedom of Expression: Because of the bold attempt to meld the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. Artists must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may be required.

(2) Integration of Art and Architecture: So that Artists and Architects can gain from each others' design insights, all parties should strive for engagement of the Artist as soon as possible after the approval of the Architect's schematic design phase.

(3) Exhibitions and Educational Outreach: Contracting Agencies should consider undertaking the following exhibition and educational outreach opportunities. The Oregon Arts Commission is available to provide consultative assistance, but these activities must be funded with monies other than Program funds, unless they are a integral part of the Final Art:

(a) Exhibition of sketches and maquettes created in limited or open competitions;

(b) Involvement of students and art instructors in workshops with Artists creating Works of Art;

(c) Tours of those sites which exhibit many Works of Art, conducted by trained docents;

(d) Use of state educational and other facilities by the Artist in developing concepts and creating the Work of Art, so that state employees and students can better understand the creative process. Such facilities might include studio space, foundries, machine, welding, and woodworking shops, printing and photographic facilities;

(e) Filming or videotaping the creation and installation of the Work of Art.

(4) Accessibility of Information: All parties will strive to publicize widely all aspects of the Program. All meetings of Selection Committees are open to the public.

(5) Community Support and Advice: While firmly committed to the principle of selection of Artists by authorities in the design professions -- The Oregon Arts Commission, Department of Administrative Services, and Contracting Agencies welcome participation and advice from the interested public and employees of the Resident Agency.

(6) Conflict of Interest: All procedures will be conducted and all decisions will be made free of any conflict of interest in accordance with ORS chapter 244.

(7) Dedication: If a dedication or "unveiling" of a Work of Art is desired, arrangements shall be the responsibility of the Contracting Agency.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 - 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0060, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0065

Documentation and Evaluation

(1) Documentation:

(a) Identification: The Contracting Agency shall assist the Oregon Arts Commission with identification of the Work of Art which may include, without limitation, that plaques or labels identifying the Work of Art, are securely affixed, unobtrusive, and well designed. Plaques, labels or other identifying media shall included the name of the Artist; title of the Work of Art, if any, medium, and year completed;

(b) Registration: The Oregon Arts Commission shall maintain inventory records. The Oregon Arts Commission provides copies of each Contracting Agency's inventory records upon request by the Contracting Agency;

(c) Publications: Contracting Agencies are encouraged to publish informative folders and booklets on the Works of Art, such as those in the State Library and the Department of Administrative Services. The Oregon Arts Commission is available to assist with editorial and technical assistance.

(2) Evaluation: The Oregon Arts Commission shall annually make a public report on the projects of the previous year and shall conduct periodic evaluations of the Program.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 - 276.090

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91; OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0065, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0074

Relocation and Deaccession

(1) Each Relocation and Deaccession action shall be determined on a case-by-case basis. Standards applied to Deaccession shall be at least as stringent as those applied to the acquisition process.

(2) Changes in fashion, taste, administration or the immediate pressures of public controversy are insufficient to support a Relocation or Deaccession action.

(3) Relocation or Deaccession will not be considered until at least five years have elapsed from the date of completion identified under OAR 123-475-0065(1)(a) of permanent Works of Art and acceptance in the case of portable Works of Art, unless special circumstances exist. Special circumstances include, without limitation, when a Work of Art has been damaged beyond repair.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 - 276.090

Hist.: OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0074, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0080

Criteria for Relocation or Deaccession

The Oregon Arts Commission may approve a request to consider Relocation or Deaccession of a Work of Art for one or more of the following reasons:

(1) The artwork requires unforeseen excessive maintenance or repair, contains failing materials, faults of design or workmanship, or repairing or securing the Work of Art is or becomes impractical or unfeasible;

(2) It would benefit the collection re replace the Work of Art with another more significant Work of Art by the same Artist;

(3) The Work of Art has been the source of significant, documented adverse public reaction over at least five years, and a broad range of people who come into regular contact with the Work of Art support its removal;

(4) The condition or security of the Work of Art cannot reasonably be guaranteed;

(5) The Work of Art has become significantly less appropriate over time, given changes in the function or character of the collection, setting or the community;

(6) The site is going to be demolished or adapted, and it is not possible to successfully incorporate the Work of Art into redevelopment of the site;

(7) The site is not longer publicly accessible;

(8) There is not suitable new site available for the Work of Art in the same facility;

(9) The Work of Art endangers public safety.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276.073 - 276.090

Hist.: OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0080, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

123-475-0085

Procedure for Relocation or Deaccession

(1) The Public Art Advisory Committee will undertake periodic reviews of the collection and review all Relocation and Deaccession requests submitted to the committee by Oregon Arts Commission staff on behalf of the Arts Commission, a Resident Agency, or the public.

(2) The Public Art Advisory Committee shall make recommendations to the Oregon Arts Commission on all Relocation and Deaccession requests.

(3) Sequence of Action.

(a) Upon receipt of a request for Relocation or Deaccession by a Resident Agency, citizen(s), or the Oregon Arts Commission or its staff, Oregon Arts Commission staff shall prepare a report to the Public Arts Advisory Committee that shall include the condition of the Work of Art, recent photographs, estimated value, reasons for considering Relocation or Deaccession and addressing the criteria contained in OAR 123-475-0080, options for relocating or repairing the Work of Art when applicable, opinion of the head of the Resident Agency, and any other supporting or relevant information.

(b) The Public Art Advisory Committee shall review the report and may direct Oregon Arts Commission staff to seek additional information about the Work of Art from the community where it is installed, the Artist, art galleries, curators, conservators, appraisers or other arts professionals.

(c) The Public Art Advisory Committee shall recommend to the Oregon Arts Commission whether the request for Relocation or Deaccession should be denied or granted in whole or in part. The Public Arts Advisory Committee may recommend modifying, relocating, selling,

ADMINISTRATIVE RULES

donating, disposing of or storing the Work of Art. The recommendation must address the following:

(A) Criteria contained in OAR 123-475-0075, if any, that have been met;

(B) Most appropriate action and method of action;

(C) Specific recommendation if the Work of Art is to be traded or sold for the purpose of purchasing another Work of Art by the same Artist;

(d) The Oregon Arts Commission staff shall prepare a report for consideration by the Oregon Arts Commission at a regularly scheduled meeting that includes at least the following:

(A) The Public Art Advisory Committee's recommendations;

(B) The opinion of the head of the Resident Agency;

(C) To the extent required by any contract between the Contracting Agency and the Artist, the opinion of the Artist, if living, if the Artist has provided an opinion.

(e) If the Oregon Arts Commission determines that a Relocation or Deaccession request may be granted, the Oregon Arts Commission will notify the Contracting Agency of its approval.

(4) Method for Relocation: On rare occasions, a Work of Art in the State of Oregon Public Art Collection may be removed from its original location in a State Building. Works of Art will be removed only with the approval of the head of the Resident Agency (or designee), and the Oregon Arts Commission. When considering new locations, the following criteria apply:

(a) The new location must be a State Building;

(b) If the new location is a different facility, the new Resident Agency must be willing to accept the Work of Art on long-term loan, for a period of at least five years.

(c) If the new location is a different facility, the new Resident Agency must be willing to provide for security and maintenance of the Work of Art.

(d) The new location must be viewed by a broad range of citizens.

(5) Methods of Deaccession: Works of Art will be deaccessioned only with the approval of the Head of the Resident Agency (or designee) and the Oregon Arts Commission. Deaccession shall be accomplished in one of the following manners as determined by the Oregon Arts Commission to be in the best interests of the citizens of Oregon, the State of Oregon Public Art Collection, and the public trust invested in the Oregon Arts Commission as the steward of the collection:

(a) Sale or Trade.

(A) If the Work of Art has not been appraised in the past five years, a certified appraisal will be conducted.

(B) If stated in the approved recommendation, the Artist will be given first option to purchase or trade the Work of Art.

(C) Sale may be by auction, gallery resale or direct bidding by individuals, in compliance with state law and policies governing surplus property.

(D) Trade may be through the Artist or gallery, museum or other institution for one or more Works of Art of comparable value by the same Artist.

(E) No Works of Art may be sold or traded to members or staff of the Arts Commission or Public Art Advisory Committee or their immediate families.

(F) Proceeds from the sale of a Work of Art shall be used to purchase artwork in keeping with the definitions and limitations of the Program and in accordance with the Oregon Arts Commission's decision to approve Deaccession. Funds may be expended with the oversight of the Public Art Advisory Committee. Any preexisting contractual agreements between the Artist and the state regarding resale shall apply.

(b) Destruction of a Work of Art that is deteriorated or damaged beyond repair, or beyond value of the Work of Art, and therefore deemed to be of negligible value. Alternatively, the Work of Art may be returned, in present condition, to the Artist, if living, to the state or representative of the Artist, or to an art conservation research or training facility as a disposable Work of Art.

(c) If the Oregon Arts Commission is unable to dispose of the Work of Art in a manner described in this section, the Work of Art may be donated to a non-profit organization or otherwise disposed of as the Oregon Arts Commission determines reasonable.

(6) Costs for Relocation or Deaccession. Unless otherwise requested by a person or agency requesting Relocation or Deaccession and approved by the Public Art Advisory Committee, costs for appraising, cleaning or minor repairs to a Work of Art as needed to be suitable for display should be charged to the original Resident Agency. Transportation to storage or a new location should be charged to the original Resident Agency. Installation or any major conservation, reframing, or similar activity should

be charged to the new Resident Agency. Costs may be negotiated in the best interests of each entity.

(7) Compliance with Applicable Policies and Regulations. Deaccession of Works of Art shall be done in a manner that complies with all other applicable state and federal law. For example, Deaccession must comply with applicable procedures and laws relating to the disposition of State property and with laws protecting Artists' rights.

Stat. Auth.: ORS 359.025, 359.142

Stats. Implemented: ORS 276 .073 - 276 .090

Hist.: OAC 1-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 190-020-0085, OBDD 36-2010, f. 10-14-10, cert. ef. 11-1-10

Oregon Health Licensing Agency Chapter 331

Rule Caption: Establishes purpose for affidavits of licensure as well as protocols for sending and receiving the affidavits.

Adm. Order No.: HLA 6-2010

Filed with Sec. of State: 10-14-2010

Certified to be Effective: 10-15-10

Notice Publication Date: 9-1-2010

Rules Amended: 331-030-0040

Rules Repealed: 331-030-0040(T)

Subject: The rule defines the different types of affidavits of licensure and defines it as a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure.

(1) Incoming — OHLA receives an affidavit that an individual holds an authorization from another regulatory authority. Method for receiving and verifying authenticity of affidavit is prescribed and approved by the agency.

(2) Outgoing — OHLA sends an affidavit that an individual holds an authorization from and OHLA-regulated profession to another regulatory authority or individual designated on the application. Sets requirements to process request including identification and authenticity methods.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-030-0040

Affidavit of Licensure

(1) "Affidavit of Licensure" means an original document or other approved means of verifying an authorization to practice (certification, licensure or registration) status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Affidavit of Licensure may be requested from other regulatory authorities or from the Oregon Health Licensing Agency:

(2) For the purpose of this rule regulatory authority means:

(a) An Oregon health professional regulatory board as defined in ORS 676.160

(b) A regulatory authority in Oregon or another state;

(c) A regulatory authority in another country or territory.

Outgoing Affidavit of Licensure

(3) An applicant may request an affidavit of licensure be sent from the Oregon Health Licensing Agency for programs listed under ORS 676.606 to another regulatory authority or individual designated on the application. The following must be submitted to the agency:

(a) An application on a form prescribed by the agency;

(b) Two forms of identification listed in OAR 331-030-0000 (8); at least one must be photographic;

(c) Photocopies of identification listed in subsection (b) of this section must be submitted with the application if request is made through the mail; the photocopy must be legible; and

(d) The agency may require that an applicant present additional proof of identity pursuant to OAR 331-030-0000 (9).

Incoming Affidavit of Licensure

(4) An applicant applying for an authorization from a program listed under ORS 676.606 must arrange for the originating regulatory authority to forward directly to the agency a current and original "Affidavit of Licensure" signed by an authorized representative of the regulatory authority and affixed with an official seal or stamp to the affidavit of licensure. The applicant is responsible for payment of any fee the originating regulatory authority may assess for producing the affidavit of licensure.

ADMINISTRATIVE RULES

(5) The agency may verify an applicant's authorization to practice and determine an applicant's qualifications and fitness to practice in a program administered under ORS 676.606 by the following:

(a) An affidavit of licensure may be obtained by accessing the regulatory authority's Web site by using an online verification system. The agency may assess a fee for obtaining affidavit of licensure.

(b) An affidavit of licensure may be electronically transmitted to the agency from the regulatory authority. The applicant is responsible for payment of any fee the originating regulatory authority may assess for producing the affidavit of licensure.

(c) An affidavit of licensure document hand delivered or mailed by the applicant and not mailed directly or transmitted through an approved means to the agency from the regulatory authority will invalidate qualification for authorization to practice, scheduling, and examination.

NOTE: The Affidavit of Licensure may be referred to as a "Verification of Licensure", "License Verification", "Certification of Licensure" or "License Certification" by other regulatory authorities. Both terms have the same purpose in disclosing an applicant's licensing status and history.

Stat. Auth.: ORS 676.606, 676.612 & 676.615

Stats. Implemented: ORS 676.606, 676.612 & 676.615

Hist.: HLA 1-2009, f. & cert. ef. 6-1-09; HLA 5-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 1-15-11; HLA 6-2010, f. 10-14-10, cert. ef. 10-15-10

**Oregon Health Licensing Agency,
Board of Cosmetology
Chapter 817**

Rule Caption: Amends the Board of Cosmetology's fees and business authorization renewal term.

Adm. Order No.: BOC 2-2010

Filed with Sec. of State: 10-1-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 7-1-2010

Rules Amended: 817-040-0003

Subject: The Board of Cosmetology (Board) is permanently amending the fee schedule in an effort to prevent revenue shortfall in the current and future biennia. In addition, the Board is returning all business authorizations to a one-year renewal cycle to stabilize the Board's revenue stream.

The fee changes reduce the cost for graduating students to obtain certification in the fields of practice. The reciprocity application and original certificate fees increase due to the time and complexity in processing these applications. At the same time, all business authorizations increase since these authorizations have not been increased for 10 years. The Board's objective is to reduce the financial burden for recent graduates entering the field and to stabilize Board revenues in the current and future biennia.

Fee change implementation will be in two phases, The first phase occurs October 2010 which is reflected above. The second phase will occur in June 2011 and includes decreases to practitioner applications, examinations, and original practitioner certificates.

The Board of Cosmetology monitors more than 65,000 active authorizations held by approximately 35,500 authorization holders, which accounts for 75 percent of the overall health Licensing Agency's budget. Over the last two biennia, the Board's costs have increased due to inflationary factors and personal services increases. These increases have been financed by the Board's ending balance resulting in projected current and future biennia ending balances. Fee adjustments are necessary to increase and stabilize revenue streams in order to address the projected negative ending balances.

Rules Coordinator: Samantha Patnode—(503) 373-1917

817-040-0003

Fees

(1) Applicants and authorization holders are subject to 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) Practitioner certificate: \$25 per field of practice.

(B) Practitioner certificate by reciprocity: \$100 per field of practice.

(C) Independent contractor registration: \$50.

(D) Freelance authorization: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Barbering: \$50.

(C) Hair design: \$50.

(D) Esthetics: \$50.

(E) Nail technology: \$50.

(F) Freelance authorization: \$25

(c) Original issuance of authorization to practice:

(A) Practitioner certificate: \$40 for two years.

(B) Practitioner certificate by reciprocity: \$45 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(d) Permits:

(A) Temporary facility: \$100.

(B) Demonstration: \$50.

(e) Renewal of authorization to practice:

(A) Practitioner certificate: \$45 for two years.

(B) Practitioner certificate: on-line payment: \$40 for two years.

(C) Independent contractor registration: \$100 for one year.

(D) Freelance authorization: \$100 for one year.

(E) Facility license: \$110 for one year.

(f) Other administrative fees:

(A) Delinquency fee: \$30 for each year in expired status up to two years.

(B) Replacement of certificate, license or registration, including name change: \$25.

(C) Duplicate certificate, license or registration document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$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.

(F) Information packets: \$10

Stat. Auth.: ORS 676.605, 676.606, 676.615 & 690.235

Stats. Implemented: ORS 676.605, 676.615, 690.235 & 30.701

Hist.: BH 4-1984, f. & cert. ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1990(Temp), f. 4-20-90 & cert. ef. 6-1-90; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 2-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-25-09; BOC 3-2009(Temp), f. 12-21-09, cert. ef. 12-26-09 thru 5-31-10; BOC 1-2010, f. 3-31-10, cert. ef. 4-1-10; BOC 2-2010, f. & cert. ef. 10-1-10

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

Rule Caption: Grant a \$500 licensure discount to the first 30 fully qualified Direct Entry Midwife applicants seeking licensure in Oregon.

Adm. Order No.: DEM 3-2010(Temp)

Filed with Sec. of State: 9-29-2010

Certified to be Effective: 10-1-10 thru 3-30-11

Notice Publication Date:

Rules Amended: 332-020-0020

Subject: The Oregon Health Licensing Agency (OHLA), Board of Direct Entry Midwifery has set aside \$15,000 for license discounts to qualified applicants. Applicants for original issuance of Direct Entry Midwifery licensure may be granted a \$500 original issuance of license fee discount, upon application for licensure. This license fee discount is available to fully qualified Direct Entry Midwife applicants residing in Oregon, as long as funding remains available, and only to those fully qualified applicants who have not previously held direct entry midwife licensure in Oregon. To be eligible for this discount, applicants must meet all qualifications in accordance with OAR 332-015-0000, 332-015-0010 and 332-015-0030.

License Fee — Discount — Discounts Available

\$630 — \$500 — 30 or until funding is no longer available

Rules Coordinator: Samantha Patnode—(503) 373-1917

ADMINISTRATIVE RULES

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: \$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.

(3) Applicants for original issuance of Direct Entry Midwifery licensure may be granted a \$500 original issuance of license fee discount, upon application for licensure. This license fee discount is available to fully qualified Direct Entry Midwife applicants residing in Oregon, as long as funding remains available, and only to those fully qualified applicants who have not previously held direct entry midwife licensure in Oregon. To be eligible for this discount, applicants must meet all qualifications in accordance with OAR 332-015-0000, 332-015-0010 and 332-015-0030.

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; DEM 3-2010(Temp), f. 9-29-10, cert. ef. 10-1-10 thru 3-30-11

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Clarification of the civil penalty schedule for non-compliance relating to the registration and education requirements.

Adm. Order No.: OHCS 14-2010(Temp)

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 9-23-10 thru 3-21-11

Notice Publication Date:

Rules Adopted: 813-007-0057

Rules Suspended: 813-007-0055, 813-007-0060

Subject: 813-007-0057 — Clarifies the schedule of civil penalties that may be assessed in the event of noncompliance by a landlord or owner for the registration and education requirements. Allows for a modification of a civil penalty in the event of mitigating circumstances. This rule will replace 813-007-0055 and 813-007-0060.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-007-0055

Civil Penalty Assessment for Noncompliance

(1) The department may assess a civil penalty against a manufactured dwelling park landlord or owner if the department finds that the manufactured dwelling park landlord or owner has not complied with section 2 or 3, chapter 619, Oregon Laws 2005 or 2009 Oregon Laws chapter 816.

(2) The civil penalty may not exceed \$1,000.

(3) The department will assess the civil penalty according to the schedule of penalties developed by the department under OAR 813-007-0060. In assessing a civil penalty under this section, the department shall give consideration for good faith efforts by the manufactured dwelling park landlord or owner to comply with section 2 or 3, chapter 619, Oregon Laws 2005 and 2009 Oregon Laws chapter 816.

(4) A civil penalty assessed under this section will be deposited by the department into the Mobile Home parks Account and continuously appropriated to the department for use in carrying out the policies described in ORS 446.515.

Stat. Auth.: 2005 OL Ch. 619, Sec. 2, 3 & 4 & 2009 OL Ch. 816

Stats. Implemented: 2009 OL Ch. 816

Hist.: OHCS 1-2010, f. & cert. ef. 1-7-10; Suspended by OHCS 14-2010(Temp), f. & cert. ef. 9-23-10 thru 3-21-11

813-007-0057

Civil Penalty Schedule

(1) This rule governs the application of a civil penalty under section 4, chapter 619, Oregon Laws 2005, as amended by section 12, chapter 819, Oregon Laws 2009. A landlord or owner is subject to a civil penalty for each act of noncompliance, according to the following schedule of penalties:

(a) Failure to register and to pay registration fee: an amount not to exceed \$1,000

(b) Failure to register only: an amount not to exceed \$500.

(c) Failure to pay registration fee only: an amount not to exceed \$500.

(d) Late submission of a registration or submission of an incomplete or inaccurate registration: an amount not to exceed \$300.

(e) Late submission of registration fee or submission of less than the full amount of the registration fee: an amount not to exceed \$300.

(f) Failure to satisfy continuing education requirements: an amount not to exceed \$1,000.

(2) When the Department notifies a landlord or owner of the Department's intention to impose a civil penalty, the Department may provide for one or more of the following in the notice as the Department determines to be appropriate for facilitating a just resolution of the matter and for furthering the interests of the Department:

(a) That the Department may toll the time provided for the landlord's or owner's response to the notice.

(b) That if the landlord or owner requests a hearing, the Department may toll the date of the hearing if the landlord or owner requests an opportunity to discuss and resolve the matter.

(c) That the Department may toll the effective date of the final order.

(3) When an Administrative Law Judge hears a proposed civil penalty, the Department retains authority to modify the order of the Administrative Law Judge and to issue the final order in the matter.

(4) A civil penalty assessed against a landlord or owner is subject to modification by the Department before the date on which the order becomes final if the Department determines that mitigating circumstances justify the modification. Mitigating circumstances that the Department may consider include but are not limited to the following:

(a) The intent of the landlord or owner regarding the noncompliance;

(b) Good faith efforts by the landlord or owner to subsequently comply in the matter or to otherwise modify behavior;

(c) The degree of harm arising from the noncompliance;

(d) The hardship on the landlord or owner, relating to the landlord's or owner's ability to pay the civil penalty;

(e) The requirements of justice in the particular case; and

(f) Considerations of appropriate consistency in treating incidences of noncompliance.

(5) An order in a civil penalty that becomes final is subject to modification by the Department for correction of errors in the order or for amendment in the event of further negotiations between the Department and the landlord or owner.

Stat. Auth.: Sec. 9, ch. 816, OL 2009

Stats. Implemented: Sec. 4, ch. 619, OL 2005, as amended by sec. 12, ch. 816, OL 2009

Hist.: OHCS 14-2010(Temp), f. & cert. ef. 9-23-10 thru 3-21-11

813-007-0060

Schedule of Penalties for Noncompliance

(1) The department may assess a civil penalty or civil penalties against a manufactured dwelling park landlord or owner if the department finds that the manufactured dwelling park landlord or owners has not complied with section 2 or 3, chapter 619, Oregon Laws 2005 or 2009 Oregon Laws chapter 816. These penalties may be assessed for each occurrence of non-compliance.

(2) The department will follow the schedule of penalties outlined in OAR 813-007-0060(3) in assessing civil penalties — with consideration for "good-faith" efforts given by manufactured dwelling park landlords and owners for effort and accuracy in complying with section 2 or 3, chapter 619, Oregon Laws 2005 or 2009 Oregon Laws chapter 816. In exercising its discretion regarding good faith efforts, the department may choose not to assess a penalty or may choose to assess a penalty below the maximum amount described in subsection (3) of this section.

(3) The department will assess penalties for non-compliance of provisions within OAR 813 division 007 up to the maximum penalty listed on the schedule of penalties below:

ADMINISTRATIVE RULES

- (a) No registration and no registration charge submitted — up to \$1,000.
- (b) No registration submitted — up to \$500.
- (c) Incomplete or inaccurate registration submitted — up to \$300.
- (d) Late registration — up to \$300.
- (e) No registration charge submitted — up to \$500.
- (f) Inaccurate registration charge submitted — up to \$300.
- (g) Continuing Education requirements not fulfilled — up to \$1,000.
- (4) The department may waive penalties under 813-007-0060 or may assess partial penalties at its discretion.
- (5) The department may charge manufactured dwelling park landlords or owners to cover costs associated with the appeal of any charges or penalties under 813-007-0060.

Stat. Auth.: 2005 OL Ch. 619, Sec. 2, 3 & 4 & 2009 OL Ch. 816
Stats. Implemented: 2009 OL Ch. 816
Hist.: OHCS 1-2010, f. & cert. ef. 1-7-10; Suspended by OHCS 14-2010(Temp), f. & cert. ef. 9-23-10 thru 3-21-11

Oregon Liquor Control Commission
Chapter 845

Rule Caption: Repeal obsolete rule regarding license refusal bases.
Adm. Order No.: OLCC 11-2010
Filed with Sec. of State: 9-21-2010
Certified to be Effective: 10-1-10
Notice Publication Date: 7-1-2010
Rules Repealed: 845-005-0327

Subject: This rule contains a decision making tool in the form of a matrix that can be used in lieu of applying license refusal criteria on an individual basis. The Commission has not used this rule in license investigations for many years due to legal problems identified with this specific rule as drafted. The Commission currently utilizes the separate refusal criteria outlined in statute and other rules instead. Commission staff are forming a task force with external stakeholders to identify needed statutory revisions to license denial criteria. Once the task force's work is completed, a new matrixed approach to evaluating a license applicant's qualifications may be addressed by rulemaking.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

Oregon Medical Insurance Pool
Chapter 443

Rule Caption: Update language in rule to mirror current contract language and current policies and procedures for administration.
Adm. Order No.: OMIPB 2-2010(Temp)
Filed with Sec. of State: 9-29-2010
Certified to be Effective: 9-29-10 thru 3-27-11
Notice Publication Date:

Rules Amended: 443-002-0190

Subject: Update language in rule to mirror current contract language and administration. The current language uses the term member or enrolled dependent, which OMIP does not define. However, OMIP does define the term enrollee; therefore, has replaced the terms member or enrolled dependent with the term enrollee.

In addition, we have made a revision to the number of days for which an enrollee can file for a first level of appeal from 180 to 30 calendar days. This requirement was modified in 2009 in all the enrollee contracts and policies.

Rules Coordinator: Linnea Saris—(503) 378-5672

443-002-0190

Grievance, Appeals, External Review

(1) If an enrollee believes that a contract, action, or decision of OMIP is incorrect, the enrollee may file a written grievance or appeal.

(2) The enrollee must first submit a written statement to the Administering Insurers Customer Service Department, within 180 days after the adverse action, containing all the information necessary to explain the issue.

(a) The Administering Insurer will respond to the enrollee within five business days to acknowledge receipt of the grievance and initiate a formal review.

(b) The Administering Insurer will send a written decision to the enrollee within 30 calendar days after receiving the grievance. In the event more extensive review is needed, the Administering Insurer will notify the applicant or member of the delay and will send a written response to the applicant or member within 45 calendar days after receiving the grievance.

(3) If, after filing a grievance, the enrollee is dissatisfied with the Administering Insurer's response to the grievance, the enrollee may file an appeal, within 30 calendar days.

(a) The Administering Insurer will respond to the enrollee within five business days to acknowledge receipt of the appeal.

(b) The Administering Insurer will mail a written decision to the enrollee within 30 calendar days after receiving the appeal.

(4) If, after filing an appeal, the enrollee is dissatisfied with the outcome of the appeal determination, the enrollee may file a second appeal directly to OMIP.

(a) The enrollee must file an appeal in writing directly to OMIP within 30 calendar days from the date of the Administering Insurer's written decision on appeal.

(b) OMIP will respond to the enrollee within five business days to acknowledge receipt of the appeal.

(c) The OMIP administrator will review the appeal. If the appeal is regarding medical necessity, experimental/investigational procedures, or continuity of care, OMIP may request an external review from an Independent Review Organization (IRO), on the enrollee's behalf.

(d) OMIP will be bound by the decision of the IRO. If an appeal goes to an IRO for an external review, it will be considered the final level of appeal.

(e) For appeals not involving and external review, OMIP will mail a written decision to the enrollee within 30 calendar days after receiving the appeal.

Stat. Auth.: ORS 735.610(6)
Stats. Implemented: ORS 735.600 - 735.650
Hist.: OMIPB 2-2004, f. 12-30-04, cert. ef. 1-1-05; OMIPB 2-2010(Temp), f. & cert. ef. 9-29-10 thru 3-27-11

Oregon Public Employees Retirement System
Chapter 459

Rule Caption: Modify Health Insurance Program rules impacted by Senate Bill 897 and clarify standards of eligibility.

Adm. Order No.: PERS 9-2010

Filed with Sec. of State: 9-29-2010

Certified to be Effective: 9-29-10

Notice Publication Date: 7-1-2010

Rules Amended: 459-035-0000, 459-035-0001, 459-035-0020, 459-035-0030, 459-035-0040

Subject: Senate Bill 897, which became effective on February 8, 2010, allows OPSRP Pension Program retired members, their spouses, and eligible dependents to participate in the PERS Health Insurance Program. The proposed rule modifications are necessary to include ORS Chapter 238A in that program's rules.

Eligibility requirements of a dependent child were modified to incorporate changes to the definition of "dependent child" enacted in the Patient Protection and Affordable Care Act (PPACA). The PPACA extended the availability of health insurance coverage to dependents up to age 26 and no longer requires them to be unmarried.

OAR 459-035-0040 is also being amended to clarify the eligibility for receiving RHIPA subsidy, which will benefit members and staff.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-035-0000

Policy and Goals

(1) The health insurance plans of the Public Employees Retirement System (PERS) are established and shall be administered as provided in ORS 238.410, 238.415, 238.420 and 238A.050. The Public Employees Retirement Board (Board) may enter into one or more contracts with health insurance carriers licensed to do business in the State of Oregon, or certified in another state that is operating under the laws of that state, to obtain health insurance coverage for eligible retirees, and their spouses or dependents.

(2) Benefits shall be provided under the Board's health insurance programs for eligible persons through retiree contributions and any other avail-

ADMINISTRATIVE RULES

able funding to cover the Board's costs of health care coverage and administration under insurance contract between the Board and insurance carriers.

Stat. Auth.: ORS 238.410, ORS 238.650 & 238A.450
Stats. Implemented: ORS 238.410, 238.415, 238.420 & 238A.050
Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 5-1999, f. & cert. ef. 11-15-99; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 1-2010(Temp), f. & cert. ef. 4-5-10 thru 9-27-10; PERS 9-2010, f. & cert. ef. 9-29-10

459-035-0001 Definitions

The words and phrases used in this division have the same meaning given them in ORS Chapters 238 and 238A. Additional terms are defined as follows unless the context requires otherwise.

(1) "Board" means the Public Employees Retirement Board as established in ORS 238.630.

(2) "Competitive Negotiation" means the procurement method whereby proposals are requested from a number of sources and the Request for Proposals is publicized.

(3) "Dependent" means a PERS member's or retiree's dependent child. For the purpose of this rule a "child" is defined as follows:

(a) A natural child.

(b) A legally adopted child, or a child placed in the home pending adoption.

(c) A step-child who resides in the household of the stepparent who is an eligible retired member.

(d) A grandchild, provided that at the time of birth, at least one of the grandchild's parents was covered under a PERS-sponsored health insurance plan as a dependent child of the PERS member or retiree and resides in the household of the member or retiree.

(4) "Dependent Domestic Partner" means a person who has a relationship with a PERS retiree that has the characteristics described below. To qualify as a "dependent domestic partner", the person and the PERS retiree must:

(a) Share a close personal relationship and be responsible for each other's common welfare, including but not limited to having joint financial responsibilities;

(b) Be each other's sole domestic partner;

(c) Not be married to anyone, nor have had another domestic partner within the previous 12 months;

(d) Not be related by blood so closely as to bar marriage in the State of Oregon;

(e) Have jointly shared the same regular and permanent residence for at least 12 months immediately preceding the effective date of coverage with the intent to continue doing so indefinitely; and

(f) Have the PERS retiree providing over one-half of the financial support for the person and qualify as a dependent of the PERS retiree as determined under section 105(b) of the Internal Revenue Code, 26 USC 105(b).

(5) "Eligible Person" means a person who is eligible for coverage under a PERS-sponsored health insurance plan. The conditions for such eligibility are set forth in OAR 459-035-0020.

(6) "Eligible Retired Member" means an eligible person who is eligible for payments toward the cost of the Medicare Companion Plan from RHIA. The conditions for such eligibility are set forth in OAR 459-035-0030.

(7) "Eligible Retired State Employee" means an eligible person who is eligible for non-Medicare insurance premium payments from the RHIPA. Conditions for such eligibility are set forth in OAR 459-035-0040.

(8) "Fund" has the same meaning as the Public Employees Retirement Fund in ORS 238.660.

(9) "Medicare" means the federal health care insurance plan established under Title XVIII of the Social Security Act as amended.

(10) "Medicare Companion Plan" means a PERS-sponsored health insurance plan for eligible persons who are eligible for and enrolled in Medicare.

(11) "Non-Competitive Negotiation" means procurement through solicitation of a proposal from only one source.

(12) "PEBB" means the Public Employees' Benefit Board established under ORS 243.061.

(13) "PERS Member" has the same meaning as "member" provided in ORS 238.005(12) and 238A.005(10).

(14) "Plan Year" means a 12-month period beginning January 1 and ending December 31.

(15) "Qualifying Service" means:

(a) Creditable service, as defined in ORS 238.005(5), plus any periods of employment with an employer participating in PERS that are required of the employee before becoming a PERS member; or

(b) Periods of employment in a qualifying position, as that term is defined in OAR 459-010-0003.

(16) "Retiree" means a PERS member who is receiving a service or disability retirement allowance or benefit under PERS or who received a lump sum payment under ORS 238.305(3), 238.315, or 238A.195, or payment(s) under ORS 238A.400, or a person who is receiving retirement pay or pension calculated under ORS 1.314 to 1.380 (1989 Edition).

(17) "RHIA" means the Retirement Health Insurance Account established under ORS 238.420 to help defray the cost of the Medicare Companion Plan.

(18) "RHIPA" means the Retiree Health Insurance Premium Account established under ORS 238.415 to help defray the cost of PERS-sponsored health plans other than the Medicare Companion Plan.

(19) "Small Purchase Procedures" means a simple and informal procurement methods whereby price and rate quotations are obtained from at least three sources and selection is made on the basis of cost and other applicable criteria.

(20) "SRHIA" means the Standard Retiree Health Insurance Account established under ORS 238.410 to administer employee and the employer contributions to the PERS sponsored health insurance program.

(21) "Staff" means the employees of the Public Employees Retirement System.

(22) "Third Party Administrator" means the individual or organization that the Board contracts with to provide administrative services as specified in the contract.

Stat. Auth.: ORS 238.410, 238.650 & 238A.450
Stats. Implemented: ORS 238.410, 238.415, 238.420 & 238A.050
Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 15-1998, f. & cert. ef. 12-17-98; PERS 5-1999, f. & cert. ef. 11-15-99; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 17-2005, f. & cert. ef. 10-3-05; PERS 1-2010(Temp), f. & cert. ef. 4-5-10 thru 9-27-10; PERS 9-2010, f. & cert. ef. 9-29-10

459-035-0020 Eligibility, General

This rule describes the eligibility requirements for a person to be eligible to participate in a PERS-sponsored health insurance plan. An "eligible person" includes a retiree, a spouse, a dependent, a dependent domestic partner, and a surviving spouse or dependent. Each category of "eligible person" is defined as follows:

(1) A retiree as defined in OAR 459-035-0001(16).

(2) The spouse of a retiree.

(3) A dependent means a dependent child as defined in OAR 459-035-0001(3)(b) who satisfies one of the following requirements:

(a) The child is less than 26 years of age; or

(b) The child is 26 years of age or more and has either been continuously dependent upon the retiree since childhood due to disability or physical handicap, or has been covered under a health care insurance plan as the retiree's dependent for at least 24 consecutive months immediately before enrollment in a PERS-sponsored health insurance plan. In either case, the following additional requirements must also be satisfied:

(A) The child is not able to achieve self-support through his or her work due to a developmental disability, mental or physical handicap as verified by a physician and accepted by the carrier; and

(B) The incapacity is continuous and began before the date the child would otherwise have ceased to be an eligible dependent.

(4) A dependent domestic partner as defined in OAR 459-035-0001(4).

(5) A surviving spouse or dependent means a person who is the surviving spouse or dependent of:

(a) A deceased retiree; or

(b) A deceased PERS member who was not retired but who was eligible to retire at the time of death; or

(c) A deceased retiree who was receiving a retirement payment or benefit, or a pension calculated under ORS 1.314 to 1.380 (1989 Edition), provided that the person was covered under a PERS-sponsored health insurance plan at the time of the retiree's death.

(6) In no event shall an eligible person as defined in this rule be entitled to coverage under more than one PERS-sponsored medical, dental, or long term care insurance plan.

(7) In no event shall an eligible person as defined in this rule be entitled to participate as a retiree and as a spouse, dependent, or dependent domestic partner.

Stat. Auth.: ORS 238.410, 238.650 & 238A.450
Stats. Implemented: ORS 238.410 & 238A.050

ADMINISTRATIVE RULES

Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 1-2010(Temp), f. & cert. ef. 4-5-10 thru 9-27-10; PERS 9-2010, f. & cert. ef. 9-29-10

Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 1-2010(Temp), f. & cert. ef. 4-5-10 thru 9-27-10; PERS 9-2010, f. & cert. ef. 9-29-10

459-035-0030

Eligibility, Retirement Health Insurance Account

This rule describes the requirements for an “eligible retired member” participating in a PERS-sponsored Medicare Companion Plan to be eligible for contributions from the RHIA toward the cost of premiums for that plan. The amount of the contribution is defined in OAR 459-035-0060.

(1) An “eligible retired member” includes the following:

(a) A retired member of the Tier One or Tier Two program who is enrolled in Parts A and B of Medicare and who:

(A) Is receiving a PERS service or disability retirement allowance or benefit, and had eight or more years of qualifying service at the time of retirement; or

(B) Is receiving a PERS disability retirement allowance or benefit computed as if he or she had eight years or more of creditable service.

(b) A surviving spouse or dependent of a deceased eligible retired member as described in subsection (a) of this section, who is enrolled in Parts A and B of Medicare, and who:

(A) Is receiving a retirement allowance or benefit from PERS; or

(B) Was covered under the retired member’s PERS-sponsored health insurance plan and the deceased retired member retired before May 1, 1991.

(2) An eligible surviving spouse or dependent receiving benefits under the 15-year certain optional form of benefit payment (ORS 238.305 Option 4) will be entitled to contributions from the RHIA only until the remainder of the 180 monthly benefit payments are paid, unless he or she meets the requirements in subsection (1)(b)(B) of this rule.

(3) If both an eligible surviving spouse and an eligible surviving dependent are receiving benefits at the same time under the 15-year certain optional form of benefit payment (ORS 238.305 Option 4), only the eligible surviving spouse shall be entitled to contributions from the RHIA unless the surviving spouse, in writing, waives the contribution in favor of the eligible surviving dependent.

Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.420

Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 1-2010(Temp), f. & cert. ef. 4-5-10 thru 9-27-10; PERS 9-2010, f. & cert. ef. 9-29-10

459-035-0040

Eligibility, Retiree Health Insurance Premium Account

This rule describes the eligibility requirements for an “eligible retired state employee” participating in a PERS-sponsored health insurance plan, exclusive of dental coverage and long term care coverage, to be eligible for a contribution from the RHIPA toward the cost of premiums for that health insurance plan. The amount of the contribution is established in OAR 459-035-0050.

(1) An “eligible retired state employee” includes:

(a) A Tier One or Tier Two member who is not eligible for Medicare, and whose PERS effective retirement date is the first of the month following termination of state employment, and who:

(A) Is receiving a PERS service or disability retirement allowance or benefit, and had eight or more years of qualifying service at the time of retirement; or

(B) Is receiving a PERS disability retirement allowance computed as if the member had eight or more years of creditable service, and has attained the earliest service retirement age.

(b) A surviving spouse or dependent of a deceased eligible retired state employee, as described in subsection (a) of this section, who is not eligible for Medicare, and who:

(A) Is receiving a retirement allowance or benefit from PERS; or

(B) Was covered under the eligible retired state employee’s PERS-sponsored health insurance plan, and the eligible retired state employee retired on or after September 29, 1991.

(2) An eligible surviving spouse or dependent receiving benefits under the 15-year certain optional form of benefit payment (ORS 238.305 Option 4) will be entitled to contributions from the RHIPA only until the remainder of the 180 monthly benefit payments are paid, unless he or she meets the requirement of paragraph (1)(b)(B) of this rule.

(3) If an eligible surviving spouse and a dependent are receiving benefits under the same 15-year certain optional form of benefit payment (ORS 238.305 Option 4), only the eligible surviving spouse shall be entitled to contributions from the RHIPA unless the surviving spouse, in writing, waives the contribution in favor of the eligible surviving dependent.

Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.415

Rule Caption: New rule to address distribution of IAP accounts at retirement.

Adm. Order No.: PERS 10-2010

Filed with Sec. of State: 9-29-2010

Certified to be Effective: 9-29-10

Notice Publication Date: 7-1-2010

Rules Adopted: 459-080-0260

Subject: The 2003 PERS Reform legislation created the Individual Account Program (IAP) and directed that all members participate, creating a dynamic where every PERS member is in at least two programs. Subsequent amendments, such as the repeal of “Break-in-Service,” and agency actions, like IAP remediation, have addressed some of the complications arising from this dual membership. The new rule attempts to address another complication: retiring from one program but not the other.

The new rule clarifies that distribution under ORS 238A.400 of the member’s Individual Account Program (IAP) account(s) at retirement shall begin only at the time the member retires for service under the PERS Chapter 238 Program or OPSRP Pension Program. Also, the rule provides a member of the IAP who is retired for disability under the PERS Chapter 238 Program may begin distribution of the member’s IAP account(s) upon reaching earliest service retirement age.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-080-0260

Distribution of IAP Accounts at Retirement

(1) Except as provided in this rule, distribution under ORS 238A.400 of a member’s Individual Account Program (IAP) accounts at retirement shall begin only at the time the member retires for service under the PERS Chapter 238 Program or OPSRP Pension Program.

(2) A member of the IAP who is retired for disability under the PERS Chapter 238 Program may begin distribution of the member’s IAP accounts upon reaching earliest service retirement age.

(3) This rule does not apply to a member who retires for service as a judge member or legislator.

(4) This rule is effective January 1, 2011.

Stat. Auth.: ORS 238A.450
Stats. Impl.: ORS 238A.400
Hist.: PERS 10-2010, f. & cert. ef. 9-29-10

Oregon Student Assistance Commission Chapter 575

Rule Caption: Agency authority for adjusting grant awards and setting application deadlines.

Adm. Order No.: OSAC 1-2010

Filed with Sec. of State: 10-6-2010

Certified to be Effective: 10-6-10

Notice Publication Date: 5-1-2010

Rules Amended: 575-031-0020, 575-031-0025

Subject: The proposed rule changes make permanent a temporary emergency rule filed November 24, 2009, that establishes the Commission’s authority to prescribe application deadlines for the Oregon Opportunity Grant and to make per capita mid-year reductions to grant awards if appropriations are insufficient to meet the needs of all eligible applicants. The proposed changes also amend current rule to incorporate a statutory change in House Bill 3702, signed into law on March 4, 2010.

These were adopted by the Commission on May 21, 2010 but there was a delay in filing.

Rules Coordinator: Beverly R. Boyd—(541) 687-7394

575-031-0020

Enrollment

(1) Except for subsections (2) of this rule, a student must be enrolled or accepted for enrollment as at least a half-time undergraduate student at an eligible institution. In addition, except for (2) below, when funds are not available to award grants to all qualified students, the commission may give

ADMINISTRATIVE RULES

priority to applicants who are or plan to be full-time students at the eligible postsecondary institution where the grant is to be used.

(2) Students whose statutory rights provide for a legitimate need to attend school for less than half-time undergraduate status may be eligible to receive an Oregon Opportunity Grant. These students will not be denied priority status.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348
Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 1-2010, f. & cert. ef. 10-6-10

575-031-0025

Opportunity Grant Amount

(1)(a) For students attending a public 2- or 4-year Oregon-based postsecondary institution, award amounts for the 2007-08 academic year are based upon a fixed percentage of the average tuition and standard fees plus the weighted average of nontuition costs across all institutional segments.

(b) For students attending a private nonprofit 4-year Oregon-based postsecondary institution, award amounts for the 2007-08 academic year are based upon a fixed percentage of the average tuition and standard fees at each institution plus the weighted average of nontuition costs across all institutional segments.

(c) An Opportunity Grant may vary in amount from \$100 to an amount that shall not exceed 50 percent of the student's financial need, as determined by the Commission. This provision expires upon full implementation of the Shared Responsibility Model.

(d) Effective starting with the 2008-09 academic year, an Opportunity Grant is based upon the state share, as calculated under provisions of the Shared Responsibility Model.

(2) Within the funds available, an Opportunity Grant for a student who is taking between 6 and 11 credit hours in a term or semester shall be 50 percent of the award made to a full-time student enrolled at the same institution. This section is effective starting with the 2006-07 academic year and expires at the end of the 2007-08 academic year.

(3) For concurrently enrolled students, the amount of the Opportunity Grant will be based on the school disbursing funds, unless otherwise approved by the Commission.

(4) In the event that the Commission determines that the total amount available to award as the state share to all qualified students is not sufficient to cover the total state share amount scheduled to be awarded to all students, the Commission will implement one or more of the following strategies to limit awards. Examples of such strategies may include, but are not limited to, the following:

(a) The Commission may limit awards to only students who are enrolled full time;

(b) The Commission may implement reductions of all awards using progressive prorata reductions based on a percentage of the student's expected family contribution;

(c) The Commission may prescribe a specific date by which a student must apply to the Commission to qualify for a grant and may prescribe an additional date by which the award must be disbursed by school officials to the student.

(d) The Commission may make per capita reductions to future student grants if appropriations are determined to be inadequate to the needs of all eligible students whose applications are received by the announced application deadline for a specific academic year. When future disbursements of student grants are reduced, the Commission will provide notification it deems adequate, to college and university financial aid offices and affected students.

(e) The Commission may base a recipient's maximum authorized award each term on the recipient's fall-term enrollment status if funds are not available to award grants to all qualified students whose applications are received by the announced application deadline for a specific academic year.

(5) Grandfathered awards for academic years 2008-09, 2009-10, and 2010-2011. Notwithstanding paragraph (1)(d) above, a qualified student who attended an eligible postsecondary institution at least half time during the 2007-08 academic year and remains continuously enrolled at least half time at the same institution is eligible for grandfathered awards for the 2008-09, 2009-10, and 2010-2011 academic years. A qualified student who attended more than one eligible postsecondary institutions as at least a half-time student during the 2007-08 academic year and remains continuously enrolled at least half time at one or more of the same institutions is also eligible for grandfathered awards for the 2008-09, 2009-10, and 2010-2011 academic years. For grandfathering-eligible students, awards are calculated using both the method in place during the 2007-08 academic year and the

method for the Shared Responsibility Model, and students shall receive annual awards based on whichever of the two methods for calculating awards grants the student the greater amount of student assistance. Grandfathering of awards expires after the end of the 2010-11 academic year. Continuous enrollment is defined as completion of an academic year within any 12-month period.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348
Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 2-1979, f. 7-24-79, ef. 8-1-79; SSC 2-1985, f. & ef. 4-17-85; SSC 5-1987, f. & ef. 10-23-87; SSC 1-1993(Temp), f. & cert. ef. 9-20-93; SSC 3-1994, f. & cert. ef. 1-25-94; SSC 2-1995, f. & cert. ef. 12-6-95; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 4-2005, f. 9-27-05, cert. ef. 10-1-05; OSAC 5-2007, f. & cert. ef. 11-7-07; OSAC 1-2009(Temp), f. & cert. ef. 11-24-09 thru 5-17-10; Administrative correction 6-25-10; OSAC 1-2010, f. & cert. ef. 10-6-10

Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Amendments to land acquisition grant rules related to due diligence requirements and funds recoverable limits.

Adm. Order No.: OWEB 1-2010

Filed with Sec. of State: 9-22-2010

Certified to be Effective: 9-22-10

Notice Publication Date: 8-1-2010

Rules Amended: 695-045-0120, 695-045-0140, 695-045-0150

Subject: OWEB has adopted rule amendments related to the administration of the land acquisition grant program. These include amendments to the rule describing the due diligence application requirements, including the donation disclosure [695-045-0120(2)(b) and (c)], fair market value appraisal [695-045-0120(2)(d)], preliminary title report [695-045-0120(2)(e)], and environmental site assessment [695-045-0120(2)(f)] requirements. OWEB has also adopted revisions to two rules describing the amount of funds recoverable by OWEB for property misuse or unapproved conveyance [695-045-0140(4)(b) and 695-045-0150(4)].

Rules Coordinator: Melissa Leoni—(503) 986-0179

695-045-0120

Application Requirements: Due Diligence Regarding the Terms of the Proposed Acquisition

(1) To enable the Board to review the legal and financial terms of the proposed acquisition of an interest in land, applicants shall submit the following information as part of a grant application:

(a) The names of and contact information for the grant applicant(s), the current owner(s) of the property interest to be acquired, and partners in the project.

(b) A letter from the current owner(s) stating that they are in discussions with the grant applicant about selling or leasing the property interest.

(c) The address, a legal description, and a map of the land interest proposed for acquisition.

(d) A general description of the physical state of the property, including any current or proposed roads and structures and their location, and any legal encumbrances and their approximate location. A statement regarding whether the physical improvements or legal encumbrances may impact habitat or species proposed for protection or restoration on the property.

(e) The contractually agreed-upon purchase or lease price for the land interest, or if one does not exist, the anticipated price for the land interest and the basis for that anticipated price.

(f) The proposed conservation values to be protected by either OWEB's required easement, covenant or deed restriction described in OAR 695-045-0140(7), or the proposed easement or lease to be acquired.

(2) Submission of the following due diligence information at the request of OWEB staff or the Board is required to complete a land acquisition project grant application:

(a) A copy of the written option, purchase, or lease agreement for the proposed acquisition, or evidence that such an agreement exists. If a copy of the option, purchase, or lease agreement is not submitted, the applicant shall submit a brief statement explaining whether the terms of the option, purchase, or lease agreement limit the proposed transfer or lease in any way, or could affect the proposed use of the land interest for the purposes described in section 4(b), Article XV of the Oregon Constitution.

(b) A written statement, signed by the seller or lessor of the land interest, as to whether the seller or lessor of the land interest is contractually required by the written option, purchase or lease agreement, or other relat-

ADMINISTRATIVE RULES

ed documents, to donate or transfer funds to the buyer, applicant, or a third party who has assisted with or facilitated the proposed acquisition.

(c) Disclosure of the amount of a contractually required donation or payment is required after an initial staff recommendation has been made on the grant application. Disclosure of the amount is required only if the donation or payment will exceed 15 percent of the purchase or lease price for the land interest. Disclosure of the amount of a contractually required donation or payment exceeding 15 percent of the purchase or lease price must be made to the Board in writing, by the seller or lessor of the land interest, prior to the Board's consideration of the proposed funding request, or the grant application will not be considered for funding by the Board.

(d) A fair market value appraisal of the property interest to be acquired, completed within 12 months prior to submittal of the application to OWEB, in a Self-Contained Appraisal Report form. Self-Contained Appraisal Report form is defined in the Uniform Standards of Professional Appraisal Practice (USPAP) 2010-2011 Edition as amended on January 1, 2010, and approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, or the current approved and adopted USPAP edition if the standards have been updated. Summary and Restricted Use appraisal reports will not be accepted. Summary and Restricted Use appraisal reports are defined in the USPAP 2010-2011 Edition, or the current approved and adopted USPAP edition if the standards have been updated. The appraisal must be prepared by an independent State Certified General Appraiser, as defined by OAR 161-002-0000, who is experienced in appraisals of such properties.

(A) If the Board approves funding for the grant application, the Director may require the appraisal to be updated before the transaction closing if:

(1) The independent third-party State Certified General Appraiser contracted by OWEB to review the appraisal determines that changes in market conditions, as evidenced by market sales and real market value information, require an update of the appraisal; or

(2) The valuation date of the appraisal is more than 18 months prior to the transaction closing date or the date the buyer and seller commit to transfer the property at a certain price.

(B) OWEB will inform the applicant in writing that an update is required and the reasons for the update, and if applicable, include a written determination from the independent third-party State Certified General Appraiser.

(e) A preliminary title report for the property. If exceptions are listed on the title report, documentation explaining the exceptions, and a map locating the exceptions on the property.

(f) A phase one environmental site assessment (ESA) conducted by a qualified third party and complying, at a minimum, with American Society for Testing and Materials (ASTM) standard E1527-05 published in November 2006, or the current equivalent ASTM standard if the standard has been updated. If a phase one environmental site assessment indicates that further investigation is necessary, OWEB staff may require later submission of a phase two environmental site assessment. If a phase two environmental site assessment indicates that further investigation is necessary, OWEB staff may require submission of additional assessment information. The Board may require remediation prior to the release of grant funds. If the Board requires remediation, the remediation must be done under Department of Environmental Quality (DEQ) oversight and to DEQ standards. If the Board approves funding for the grant application, the Director may require the final environmental site assessment to be updated before the transaction closing if the date of the environmental site assessment is more than 18 months prior to the date of the transaction closing. The environmental site assessment update will include components determined by OWEB's independent third party reviewer to be necessary to ensure the soundness of OWEB's investment.

(g) If the grant application requests funding for the purchase of land, a draft of the proposed conservation easement, covenant or deed restriction to be held by OWEB, described in OAR 695-045-0140(7), consistent with the template provided by OWEB. If the grant application requests funding to assist with the purchase of a conservation easement or lease, a draft of the proposed conservation easement or lease, giving OWEB a third party right of enforcement, and including the conservation easement or lease elements provided by OWEB in template form. If OWEB's conservation easement or lease elements are not acceptable, then the applicant must describe what modifications are requested and why.

(3) The Director has the discretion to waive one or more of the submission requirements in this subsection if a functional equivalent that provides the same information for the Board's consideration as the document or information required by the rule is submitted.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.375(9)

Hist.: OWEB 1-2005, f. & cert. ef. 2-1-05; OWEB 1-2010, f. & cert. ef. 9-22-10

695-045-0140

Grant Conditions

(1) The grant agreement will require a title insurance policy ensuring title to the interest acquired is vested in the grantee in an amount equal to or greater than the Board grant award to the grantee. The final title insurance policy must be submitted to OWEB within 60 days after closing.

(2) The grant agreement will require title insurance naming the Board as an additional insured, or require another form of assurance that Board funds will be repaid in the event the grantee is unable to carry out the intended use of the property as a result of a defect in title.

(3) Prior to the disbursement of any grant funds, the grantee must sign a grant agreement with the Board containing such terms and conditions as may be deemed necessary by the Director to ensure that the expected benefits of the project are realized, and that applicable legal requirements and any special conditions of the Board with regard to the particular grant are met.

(4) Grant agreements will include, but are not limited to, provisions ensuring that:

(a) The use of the land interest will be consistent with the purposes specified in section 4(b), Article XV of the Oregon Constitution.

(b) If a property interest acquired with Board funding is used in a manner that is not consistent with the purposes specified in section 4(b), Article XV of the Oregon Constitution, Board funds will be repaid and the Board will release its interest in the property. The repayment amount will be the greater of the following:

(A) Board funds with interest due and payable from the effective date of the conservation easement, lease, or other form of covenant or deed restriction at the rate provided for in ORS 82.010. The required repayment will not exceed five times the Board funds; or

(B) The liquidation value, which takes into account both increases and decreases in the fair market value of the property over time. The liquidation value is calculated as the fair market value of the property at the time the liquidation value is to be determined, as if unencumbered by the OWEB conservation easement, lease, or other form of deed restriction, and unencumbered by any other lien or mortgage on the property; less the value (if any) of any capital improvements made to the property after the effective date of the conservation easement, lease, or other form of deed restriction, if the improvements are otherwise permitted pursuant to the conservation easement, lease, or other form of deed restriction; multiplied by the percentage that the consideration paid by OWEB for the conservation easement, lease, or other form of deed restriction bears to the fair market value of the property on the effective date of the conservation easement, lease, or other form of deed restriction.

(c) Applicants must submit a report to the Board for not less than twenty (20) years following a grant award at a schedule determined by the Director of OWEB. The report shall briefly describe the use and management of the land interest, and certify that the land interest is being used and managed in a manner consistent with any conservation easement and the purposes specified under section 4(b), Article XV of the Oregon Constitution.

(d) Provisions to cover the conveyance of the property interest consistent with OAR 695-045-0150.

(5) The Board and/or Director may require other grant conditions in grant agreements as appropriate to ensure the project results in expected outcomes or otherwise complies with applicable law.

(6) Grant agreements are subject to legal sufficiency review by the Oregon Department of Justice, which may include a requirement to review all agreements relating to a proposed acquisition, including applicable options, purchase, or lease agreements, even if not earlier submitted to the Board.

(7) Prior to the disbursement of any grant funds, the Board will require execution of a conservation easement or other form of covenant or deed restriction on the use of the land by the appropriate parties to the grant award to ensure that the purposes underlying the Board grant award are accomplished, and that applicable legal requirements and any special conditions of the Board with regard to the particular grant are met.

(8) The Board has the authority to enforce the terms of a conservation easement or other form of covenant or deed restriction to which it is a party should the terms of the agreement be violated.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.375(9)

Hist.: OWEB 1-2005, f. & cert. ef. 2-1-05; OWEB 1-2010, f. & cert. ef. 9-22-10

ADMINISTRATIVE RULES

695-045-0150

Conveyance of Property Interest Acquired with Assistance of OWEB Funds

(1) An interest in land acquired with the assistance of a grant from OWEB shall not be conveyed to another party without prior OWEB Board approval of the conveyance. The Board shall use the following criteria when determining whether to approve a conveyance:

(a) Whether the ecological benefits, effect on the local and regional community, and terms of the original acquisition supporting the Board grant award also support approval of the proposed conveyance.

(b) Whether the proposed recipient of the interest in land has demonstrated its ability to hold and manage the interest consistent with the provisions of the original grant agreement and current OWEB rules; and

(c) Whether the proposed recipient agrees to the material terms of the original grant agreement, and any new conditions reasonably set by the Board.

(2) The Board shall not approve a conveyance that results in a profit to any person or entity. "Profit" means, for purposes of this rule, the amount by which the price for the purchase of an interest in land in a subsequent conveyance exceeds the purchase price for the same interest in land at the time the Board funds were used, net of usual and customary closing costs and appraisal costs actually incurred by the seller. If there will be a profit from a proposed conveyance, the OWEB Board may make a finding that no profit will occur, and approve a subsequent conveyance, by requiring payment of the amount of the profit to the Board.

(3) The Board will consider approval of a transfer of an interest in land acquired with the assistance of a grant from OWEB at any regularly scheduled public business meeting once it has received sufficient information from the grantee to evaluate the proposed transfer according to the criteria specified in the rules.

(4) Board funds will be repaid with interest due and payable from the effective date of the conservation easement, lease, or other form of covenant or deed restriction at the rate provided for in ORS 82.010 in the event that a property interest acquired with Board funding is transferred or assigned without the Board's prior consent. The required repayment will not exceed the greater of five times the Board funds or the liquidation value. The liquidation value is calculated as the fair market value of the property at the time the liquidation value is to be determined, as if unencumbered by the OWEB conservation easement, lease, or other form of deed restriction, and unencumbered by any other lien or mortgage on the property; less the value (if any) of any capital improvements made to the property after the effective date of the conservation easement, lease, or other form of deed restriction, if the improvements are otherwise permitted pursuant to the conservation easement, lease, or other form of deed restriction; multiplied by the percentage that the consideration paid by OWEB for the conservation easement, lease, or other form of deed restriction bears to the fair market value of the property on the effective date of the conservation easement, lease, or other form of deed restriction.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.375(9)

Hist.: OWEB 1-2005, f. & cert. ef. 2-1-05; OWEB 1-2010, f. & cert. ef. 9-22-10

Oregon Youth Authority Chapter 416

Rule Caption: These rules institute guidelines for acceptable use of electronic networks by offenders within OYA facilities.

Adm. Order No.: OYA 4-2010

Filed with Sec. of State: 10-14-2010

Certified to be Effective: 10-25-10

Notice Publication Date: 7-1-2010

Rules Adopted: 416-040-0005, 416-040-0010, 416-040-0015, 416-040-0020

Subject: These rules institute guidelines for acceptable use of electronic networks by offenders within OYA close custody facilities. An offender is a person in the legal and physical custody of OYA, or a person in the legal custody of the Department of Corrections and the physical custody of the OYA in OYA facilities. Electronic networks provide offenders access to education and employment information to assist in their successful reintegration from confinement into the community. Access to electronic networks may be granted as described in these rules contingent upon the safety, security, and order of the facility.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-040-0005

Purpose

These rules institute guidelines for acceptable use of electronic networks by offenders within OYA close custody facilities. An offender is a person in the legal and physical custody of the OYA, or a person in the legal custody of the Department of Corrections and the physical custody of the OYA in OYA facilities. Electronic networks are specific computers, hardware, software, storage media, and networks accessible to authorized offenders within OYA close custody facilities. Electronic networks provide offenders access to education and employment information to assist in their successful reintegration from confinement into the community. Access to electronic networks may be granted as described in these rules contingent upon the safety, security, and order of the facility.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 4-2010, f. 10-14-10, cert. ef. 10-25-10

416-040-0010

Network Access

(1) Offender electronic network access must be limited to educational or employment-seeking purposes, including classroom activities, job development, and community transitional activities.

(2) The facility superintendent/camp director or designee must determine, in his or her discretion, whether a proposed access is for appropriate educational or employment-seeking purposes.

(3) OYA staff or school personnel must supervise an offender's activity on the electronic network to ensure it is limited to the criteria listed in section (1).

(4) OYA staff must place reasonable restrictions on material that offenders access or post in the network to ensure the material is for appropriate educational or employment-seeking purposes.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 4-2010, f. 10-14-10, cert. ef. 10-25-10

416-040-0015

Written Authorization

(1) An offender must receive written authorization from an OYA manager prior to accessing an electronic network.

(2) OYA staff must notify offenders, in writing, of general acceptable use of electronic networks and any potential consequences of unacceptable use of electronic networks.

(3) Any offender behavior violation associated with an offender's electronic network use must be managed according to OAR chapter 416, division 470 (Prohibited Offender Behaviors and Processing Behavior Violations).

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010 & 420A.108

Hist.: OYA 4-2010, f. 10-14-10, cert. ef. 10-25-10

416-040-0020

Internet Use

(1) Electronic mail

(a) The facility superintendent/camp director or designee may provide access to an electronic mail account to an offender for specific educational or employment-seeking projects or activities as determined appropriate by the superintendent/camp director or designee.

(b) An offender may not directly access the offender's electronic mail account. Only an OYA staff member or school personnel may log onto the offender's account for the offender. The staff member or school personnel must maintain a copy of all electronic messages sent or received by the offender.

(2) Offenders may access the World Wide Web only through sites pre-screened by OYA staff.

(3) Offender access to real-time, interactive communication must:

(a) Be approved in advance by the facility superintendent or camp director;

(b) Occur only under the direct supervision of an OYA staff or school personnel; and

(c) Be for educational or employment-seeking purposes only.

(4) An offender must promptly disclose to OYA staff or school personnel any communication received or Web site visited that the offender believes may be inappropriate or an unacceptable use of the Internet.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 4-2010, f. 10-14-10, cert. ef. 10-25-10

ADMINISTRATIVE RULES

Rule Caption: The rules will govern general media relations for the Oregon Youth Authority.

Adm. Order No.: OYA 5-2010

Filed with Sec. of State: 10-14-2010

Certified to be Effective: 10-25-10

Notice Publication Date: 8-1-2010

Rules Adopted: 416-060-0005, 416-060-0010, 416-060-0015, 416-060-0020, 416-060-0025, 416-060-0030, 416-060-0035, 416-060-0040

Rules Repealed: 416-150-0030

Subject: These rules will govern general media relations for the Oregon Youth Authority (OYA) including responding to information requests and granting access by Media representatives to OYA facilities, programs, ,staff, and offenders.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-060-0005

Purpose and Policy

(1) Purpose: These rules govern general media relations for the Oregon Youth Authority (OYA) including responding to information requests and granting access by Media Representatives to OYA Facilities, programs, staff and Offenders.

(2) Policy:

(a) OYA acknowledges the public's interest in and concern with OYA's mission to protect the public, reduce crime, hold Offenders accountable and provide opportunities for reformation in safe environments.

(b) In recognition of the news media's role in reporting matters of public interest, OYA will work with Media Representatives to provide requested information within OYA's resource limitations and requirements for safety, security and confidentiality; and it is the policy of OYA to permit and assist with access by Media Representatives to OYA facilities, programs, Offenders and staff for the purposes of supporting OYA's mission and goals within the limitations required to ensure Facility security, safety and Offenders' reformation.

(c) Interviews with Offenders may be permitted with their consent and the approval of the appropriate Superintendent/Camp Director or Field Supervisor. When authorized, an interview with an Offender is permitted neither as a matter of right nor as a privilege of the Offender or the Accredited News Media Organization. Instead, an interview may be approved if the appropriate Superintendent/Camp Director or Field Supervisor and the Communications Manager determine it is consistent with OYA's mission and goals and the safe, secure and orderly management and operation of the Facility or program, and is not inconsistent with the Offender's treatment, education, reformation and rehabilitation.

(d) There are inherent risks associated with entering an OYA Facility. Consequently, Media Representatives enter OYA Facilities at their own risk, and are required to comply with all security and control measures of the Facility and with the directions of OYA staff.

(e) OYA may initiate contact and provide access to Media Representatives to report on activities that further OYA's mission and goals.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0010

Definitions

The following definitions apply to rules in OAR chapter 416, division 060.

(1) Accredited News Media Organization:

(a) A newspaper that qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of general circulation if it circulates among the general public and if it publishes news of general interest to the public such as news of political, religious, commercial or social affairs. A key test to determine whether a newspaper qualifies as a general circulation publication is whether it qualifies for the purpose of publishing legal notices in the community in which it is located or the area where it distributes;

(b) A magazine that has a national, state or local circulation and is sold by newsstands and by mail subscription to the general public;

(c) A national or international wire service;

(d) A radio or television program whose primary purpose is to report news and which is part of a broadcast station holding a Federal Communications Commission license;

(e) A corrections or juvenile justice trade publication that reports on industry practices; or

(f) An Internet Web site affiliated with the organizations described in subsections (a)-(e) above, or an unaffiliated Internet Web site with a history of publishing news of general interest.

(2) Communications Manager: The manager of the Office of Communications in the Director's Office, who is the person designated as the official spokesperson for OYA.

(3) Communications Liaison: The person in each Facility or community field office assigned to function as a liaison with the Communications Manager to keep the Office of Communications informed about news and activities at the Facility or OYA field office, and to assist the Communications Manager in responding to Media Representatives.

(4) Facility: Any youth correctional facility, camp or transitional facility including the staff offices and the grounds, operated by the Oregon Youth Authority.

(5) Field Supervisor: An OYA community services supervisor that oversees juvenile parole and probation officers, assistants, field office staff, and field office operations.

(6) Identifiers: Means of identifying an Offender through face, name, age, voice, gender, home community or other information.

(7) Media Representatives:

(a) Persons whose principal employment is with an Accredited News Media Organization;

(b) Unaffiliated persons who produce credentials or other written documentation from an Accredited News Media Organization demonstrating that the media organization has contracted with the person to purchase his or her completed work or project; or

(c) Authors of books who produce credentials or other written documentation demonstrating that a commercial publisher has contracted to purchase their completed work or project.

(8) Offender: (a) A person in the legal and physical custody of OYA, either in an OYA Facility or placed in the community under supervision, or (b) a person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA Facility.

(9) Substitute Care Placement: Any of the out-of-home care and treatment programs authorized by OYA to serve Offenders in OYA's legal custody, including contracted residential treatment programs and certified foster homes. Substitute Care Placements exclude OYA's Facilities.

(10) Substitute Care Providers: Persons authorized by OYA through contract or other written agreement to provide supervision and care for Offenders in OYA's legal custody on parole or probation status in the community. Such persons include, but are not limited to, contracted residential treatment providers and certified foster parents (including respite providers).

(11) Superintendent/Camp Director: The superintendent or camp director, as applicable, of a Facility. References to "Superintendent/Camp Director" throughout these rules refer to the superintendent or camp director of the Facility at which the visit, tour, or interview is being sought.

(12) Unaffiliated Persons: Freelance writers, independent filmmakers, producers, journalism teachers and students, and other persons who do not meet the definition of Media Representatives.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0015

Media Identification of Offenders

Identifying information about Offenders may be used in accordance with these rules and after all appropriate parties have given written permission.

(1) Photographs

(a) Identifiable photographs of Offenders younger than 18 may be used only with written permission of the Offender, Offender's parent(s) or legal guardian(s), and the Superintendent/Camp Director or Field Supervisor.

(b) Identifiable photographs of youth 18 and older may be used with written permission of the Offender and the Superintendent/Camp Director or Field Supervisor.

(2) Other Identifiers

(a) Identifiers of Offenders younger than 18 may be used with written permission of the Offender, Offender's parent(s) or legal guardian(s), and the Superintendent/Camp Director or Field Supervisor. (See OAR 416-060-0010(6)).

(b) Identifiers of Offenders ages 18 and older may be used with written permission of the Offender and Superintendent/Camp Director or Field Supervisor.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

ADMINISTRATIVE RULES

416-060-0020

Media Access to Facilities

(1) Media requests for access Media Representatives who desire to visit a Facility must contact the Communications Manager. Requests to visit a Facility must be made at least 24 hours in advance of the desired appointment time.

(2) Media access to Facilities Consistent with OYA's policy, Media Representatives are encouraged to visit and tour Facilities and learn about programs for the purpose of professional enhancement, observation and reporting.

(a) OYA may accommodate requests by Media Representatives for access to OYA Facilities and programs if the access is consistent with OYA's policies and procedures, the reformation and rehabilitation of Offenders, and the efficient and orderly operation of treatment programs and the Facility as a whole, and with the Superintendent/Camp Director's approval. Whether to approve a request to access OYA Facilities and programs is in the sole discretion of the Superintendent/Camp Director.

(b) The Superintendent/Camp Director must deny a request by a Media Representative for Facility access when the access, in the Superintendent/Camp Director's judgment, may jeopardize the safety and security of the Facility, staff, visitors or Offenders.

(3) Media access outside of regular business hours OYA will generally accommodate access only during regular business hours. When a program or newsworthy event occurs outside of regular business hours, access will be in the sole discretion of the Superintendent/Camp Director, dependent on factors including but not limited to the availability of the Communications Manager or designee and staff designated by the Superintendent/Camp Director.

(4) Media access preparation After Media Representatives' access to a Facility has been approved, the Communications Manager or Facility Communications Liaison will notify the Media Representative of the appropriate date, time and equipment allowed in the Facility and any other pertinent information.

(5) Media access in the event of an emergency OYA may restrict Media Representatives' access to facilities for safety and security purposes during emergencies or when access would disrupt operational activities in the sole discretion of the Superintendent/Camp Director.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0025

Media Facility Visitation Requirements

(1) Media Representatives must identify themselves with a valid form of government-issued photo identification before they will be permitted to enter a Facility.

(2) Media Representatives are subject to the same Facility entrance screening and contraband policies and procedures as are other visitors and in compliance with OAR chapter 416, division 420 (Visitors to OYA Facilities).

(3) Notwithstanding subsection (2) above, Media Representatives granted entrance to a Facility generally will be permitted use of "tools of the trade," subject to the written consent of the Superintendent/Camp Director. However, OYA may limit the number and type of tools of the trade that Media Representatives may bring into a Facility to make still or video pictures and audio recordings.

(4) All approved equipment must be inventoried and searched by OYA staff prior to the Media Representative(s) entering the Facility.

(5) Items not allowed into a Facility must be stored in the Media Representatives' work or personal vehicle(s). OYA will not hold items for Facility visitors.

(6) The Communications Manager, Facility Communications Liaison or other designated staff member must escort Media Representatives through the Facility and be present at all times during the visit or tour.

(7) If at any time before or during the news media visit or tour OYA determines that a potential threat to safety or security exists, the visit or tour must be terminated. The Media Representative(s) must comply with the direction of their OYA escort.

(8) Photographs or other recordings made in a Facility or other OYA property require prior written authorization from the Superintendent/Camp Director. Taking photographs or video footage of control centers or electronic security equipment is strictly prohibited.

(9) Impromptu, unscheduled interviews, video and audio recordings, or photographs of staff, Offenders and others may be permitted if the individuals give their written consent, and the Superintendent/Camp Director, or designee determines that the interview or photo opportunity would not:

(a) Unduly delay a tour;

(b) Be overly disruptive of Facility or program operations;

(c) Compromise Offenders' treatment plans or reformation; or

(d) Present safety or security concerns.

(10) Any attempt by a Media Representative to disregard the conditions for access or directions of staff may result in immediate termination of access to the Facility.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0030

Media Access to Offenders in Facilities

(1) Media Representatives who desire contact with an Offender may seek such contact through written correspondence or by telephone with the Communications Manager. In all cases, Offender participation is voluntary.

(2) Interviews with Offenders may be approved with written consent of the Communications Manager and the Superintendent/Camp Director or designee, and with the Offender's written consent, if in the judgment of the Superintendent/Camp Director or designee the interview is consistent with the following:

(a) OYA's mission and goals;

(b) The Offender's treatment planning and reformation; and

(c) The Facility's safe, secure and orderly operations.

(3) Interviews with Offenders younger than 18 may be approved in accordance with section (2) above, and with written permission of the Offender's parent(s) or legal guardian(s).

(4) Conducting the interview:

(a) The interview must be supervised by staff and take place in a designated area approved by the Superintendent/Camp Director or designee.

(b) The Communications Manager or Facility Communications Liaison, and Offender's treatment manager or other OYA staff designated by the Superintendent/Camp Director, must be present with the Offender during the interview and may limit the scope of questions.

(c) OYA may set reasonable limits for the length of the interview.

(d) Requests for interviews to be broadcast live will be denied.

(e) Requests for Offenders to participate in a taped audience participation show generally will be denied. Exceptions may be made by the Superintendent/Camp Director or designee in extraordinary circumstances in his or her sole discretion.

(f) Other Facility or program access separate from the interview may be granted with the approval of the Communications Manager and the Superintendent/Camp Director or designee.

(5) Offenders may not accept compensation or remuneration for themselves or family members for agreeing to an interview or participating in a media-related activity.

(6) Offenders may not use the news media or enter into agreements with the news media to pass along messages or otherwise communicate with their families, victims, or any person other than the general reading, viewing or listening audience.

(7) Media Representatives may not accompany a visitor, attorney or others on a visit to an Offender. Exceptions may be made by the Communications Manager and the Superintendent/Camp Director in extraordinary circumstances in his or her sole discretion.

(8) Media representatives may not attend depositions of Offenders in an OYA Facility.

Stat. Auth: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0035

Media Access to Offenders in Substitute Care

(1) Media Representatives who desire contact with an Offender may seek such contact through correspondence or by telephone with the Communications Manager. In all cases, Offender participation is voluntary.

(2) Interviews with Offenders in Substitute Care may be approved by the Communications Manager and the Field Supervisor or designee, with the Offender's consent, if in the Field Supervisor's or designee's judgment the interview is consistent with the following:

(a) OYA's mission and goals;

(b) The Offender's treatment planning and reformation; and

(c) The Substitute Care Provider's safe, secure and orderly operations.

(3) Interviews with Offenders younger than 18 may be approved in accordance with section (2) above, and with written permission of the Offender's parent(s) or legal guardian(s).

(4) Conducting the interview

ADMINISTRATIVE RULES

(a) The interview must be supervised by the Substitute Care Provider or OYA and take place in a designated area approved by the Field Supervisor or designee.

(b) OYA may set reasonable limits for the length of the interview.

(c) Requests for interviews to be broadcast live will be denied.

(d) Requests for Offenders to participate in a taped audience participation show generally will be denied. Exceptions may be made by the Field Supervisor or designee in extraordinary circumstances.

(e) Other program or staff access separate from the interview may be granted with the approval of the Communications Manager, Field Supervisor or designee, and Substitute Care Provider.

(5) Media access outside of regular business hours OYA will accommodate access only during regular business hours. When a program or newsworthy event occurs outside of regular business hours, access will be dependent on the availability of the Communications Manager or designee and staff designated by the Field Supervisor.

(6) Offenders may not accept compensation or remuneration for themselves or family members for agreeing to an interview or participating in a media-related activity.

(7) Offenders may not use the news media or enter into agreements with the news media to pass along messages or otherwise communicate with their families, victims, or any person other than the general reading, viewing or listening audience.

(8) Media Representatives may not accompany a visitor, attorney or others on a visit to an Offender in a Substitute Care Placement. Exceptions may be made by the Communications Manager and the Field Supervisor in extraordinary circumstances.

(9) Media Representatives may not attend depositions of Offenders in Substitute Care Placement.

(10) Offenders in the community outside of Substitute Care Placements may be interviewed or photographed in the community (e.g. while playing high school sports) without reference to their OYA involvement. No OYA approval is required.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

416-060-0040

Access to OYA Facilities by Unaffiliated Persons

(1) Unaffiliated Persons may be granted a tour of a Facility or program in accordance with OAR 416-420-0020 (Tours).

(2) Requests made by Unaffiliated Persons to interview Offenders generally will be denied, in the sole discretion of the Superintendent/Camp Director, or Field Supervisor who has purview.

(3) In extraordinary circumstances OYA may, at its sole discretion, grant Unaffiliated Persons access to Facilities and programs for a specific project when, in OYA's judgment, the requested access will substantially further OYA's mission and goals; and is consistent with the safe, secure and orderly management and operation of the Facility or Substitute Care Placement, and with the Offender's treatment planning and reformation.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.010

Hist.: OYA 5-2010, f. 10-14-10, cert. ef. 10-25-10

Parks and Recreation Department Chapter 736

Rule Caption: Hunting at Cottonwood Canyon State Park.

Adm. Order No.: PRD 10-2010

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-13-10

Notice Publication Date: 8-1-2010

Rules Amended: 736-010-0055

Subject: Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the former J.S. Burres site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-010-0055

Cultural, Historic, Natural and Wildlife Resources

(1) A person may not disturb or remove any archaeological, cultural, or historical material from a park area, unless authorized by the director as defined in ORS 390.235.

(2) A person may not, except with the written permission of the park director or park manager:

(a) Dig up, or remove any soil, rock, or fossil materials;

(b) Roll any stones, logs or other objects that may endanger a person or damage park resources; or

(c) Pick, cut, mutilate or remove plants or natural resources of any type from any park area, except as allowed by sections (3) to (5) and (7) of this rule.

(3) A person may collect limited-souvenirs of agate and gem stone rock materials within the boundaries of Succor Creek State Recreation Area away from the developed public use areas and roadways of the park under the following conditions:

(a) No commercial digging, quarrying, or removal of rock is allowed;

(b) No excavating or rock collecting is allowed within a distance of 500 feet from any developed public use picnic area or campground, or 200 feet from an improved highway or park road within the park area; or within the area of an archeological site;

(c) Excavation is restricted to standard hand tools including a hand pick, shovel, or hammer;

(d) The use of mechanical excavators including, but not limited to bulldozers, backhoes, scoops, tractors, or the use of other power tools to excavate or remove materials is prohibited;

(e) Excavation of rock or soil materials around the root zone of trees and shrubs is prohibited.

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on the state and federal lands of this area.

(5) A person may gather for personal consumption berries, fruits, mushrooms, or similar edibles.

A person may not uproot living plants, and roots, tubers, flowers, and stems may not be collected except with a written permit and only for scientific collection or research purposes, or by a Native American for personal consumption as part of their traditional cultural heritage. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(6) A person may not give or offer food items to any wildlife within a park area except when authorized by the park manager.

(7) A person may not hunt, pursue, trap, kill, injure, or molest any wildlife or disturb their habitats within a park area, except under the following provisions:

(a) In those park areas where hunting and trapping is allowed, a person must comply with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) Seasonal hunting of waterfowl is allowed in the following park areas:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle

Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(E) That portion of Government Island State Recreation Area including the perimeter of both

Government and Lemon Islands, not above the mean high water mark as posted;

(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island. Hunting will not be allowed during the special waterfowl hunting season which starts in September as posted;

(G) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

ADMINISTRATIVE RULES

(I) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the former J.S. Burres site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within

500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all

Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.0–18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main

Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2–24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;

(J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;

(L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;

(N) Molalla River State Park, River mile 34.6–36.1, Main Channel, Right Bank when facing downstream;

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;

(R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;

(S) San Salvador Access, River Mile 56.7, Main Channel, Right Bank when facing downstream;

(T) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;

(U) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;

(V) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

(W) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(X) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

(Y) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;

(Z) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(AA) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

OTC 2-1980, f. & ef. 1-4-80; PR 9-19

(BB) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;

(CC) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(DD) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile 17.2, Coast Fork, Left Bank when facing downstream (Closed except for 100 foot strip along river-bank);

(KK) Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

Hist.: 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 10-1991, f. & cert. ef. 6-18-91; Renumbered from 736-015-0065, 736-015-0072, 736-015-0080, 736-015-0090, 736-015-0095, 736-015-0100, 736-015-0130, 736-015-0135, 736-015-0150 & 736-015-0160, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2010(Temp), f. & cert. ef. 2-3-10 thru 7-30-10; PRD 7-2010, f. & cert. ef. 6-15-10; PRD 10-2010, f. & cert. ef. 10-13-10

Rule Caption: Clarify sponsorship agreements and Titles at Oregon Exposition Center.

Adm. Order No.: PRD 11-2010

Filed with Sec. of State: 10-13-2010

Certified to be Effective: 10-15-10

Notice Publication Date: 6-1-2010

Rules Amended: 736-201-0005, 736-201-0130, 736-201-0135, 736-201-0175

Subject: More clearly define "Sponsorship" and how sponsorship agreements may be used within OEC and State Fair.

Make Changes to reflect current Executive Titles at Oregon Exposition Center.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-201-0005

Definitions

(1) "OPRD" is an acronym for Oregon Parks and Recreation Department..

(2) "OSFD" is an acronym for Oregon State Fairgrounds Park District, a division of OPRD.

(3) "Director" means the Director of the Oregon Parks and Recreation Department as appointed under ORS 390.005(3).

(4) "State Fair" is the annual State Fair event held at the OSFD in Salem, Oregon.

(5) "Assistant Director, Oregon Exposition Center" is the person in charge of the daily business and management of OSFD and appointed by the Director.

(6) "Department" is the Oregon Parks and Recreation Department.

(7) "Oregon State Fair Division" is an internal division of OPRD.

(8) "Fair Department(s)" are various sections of State Fair activity that are divided by subject area. OSFD may add or delete Departments as necessary to reflect the interests of its participants.

ADMINISTRATIVE RULES

(9) "Handbook" is the annual publication which lists the rules, procedures, conditions, provisions, information, and fees for participation in certain State Fair department activities and competitions as well as the awards offered.

(10) "Entry Fee" is the fee that participants pay to participate in certain Fair Department activities and/or competitions.

(11) "Permittee" is an individual, group or organization entering into a written agreement with the OSFD for use of buildings, facilities, services and equipment rental costs for a period of time for the purpose of conducting an event, such as but not limited to; expositions, meetings, conferences, tradeshows, concerts, and other types of private and public events.

(12) "Licensee" is an individual, group or organization entering into a written agreement with OSFD for the use of buildings, facilities, services and equipment for the purpose of conducting official business transactions.

(13) "Event" is an activity, meeting, attraction or other occurrence in OSFD with specific opening and closing dates and specific operating hours.

(14) "Paid Exhibit Space," are certain locations on the property during each annual State Fair for the purpose of sales and/or displays of goods and services or the dissemination of information under certain conditions and for certain fees.

(15) "Exhibitors" or "Commercial Exhibitors" are individuals, organizations, companies, or associations occupying Paid Exhibit Space locations during the annual State Fair or during other OSFD managed events.

(16) "Exhibit Areas" are various areas or zones on the OSFD property that are characterized by the type of Exhibitors occupying paid exhibit space. Such exhibit areas include but are not limited to Commercial Exhibit Areas and other commercial-style attractions.

(17) "Schedule of Rates and Fees" are the published fees and charges for facilities, buildings, services, and/or equipment rental or for operating a business on OSFD property that covers a period of time also listed in the Schedule of Rates and Fees.

(18) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.

(19) "Weapon" includes, but is not limited to, any firearm; any destructive device; any dirk or dagger; any knife with a blade of three inches or more in length, and any snap-blade or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any device by whatever name known, which is designed to expel a projectile by the action of compressed air, gas, compressed spring or by any chemical action; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; any cutting, stabbing or bludgeoning weapon or any other device capable of inflicting grievous bodily harm.

(20) "Destructive Device" means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance;

(b) Ammunition, ammunition components including, but not limited to, smokeless powder, black powder, primers and percussion caps;

(c) A bomb, grenade, missile, or similar device or any launching device therefore; or

(d) Any weapon of mass destruction including any device capable of producing injury, death or property damage by way of release or discharge of chemical or biological agents, disease or radiation.

(21) "Agents" are individual volunteers, community service groups or paid contractors officially representing OSFD or OPRD and only when performing official duties assigned by OPRD in writing.

(22) "Non-profit" is a registered non-profit, tax-exempt corporation and community focused organization authorized by IRS 501(c) 3.

Stat. Auth.: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10

736-201-0130

Oregon State Fair Established

Under ORS 565.040, there is a state institution to be designated and know as the OSFD, which shall be administered and operated by the State Parks and Recreation Department (OPRD).

(1) The Director, at the Director's discretion, may present business plans and policies for the operation and management of the OSFD before the OPRD Commission for affirmation and approval or for informational purposes.

(2) The Director may develop and implement policies, process and procedures for the operation and execution of the annual State Fair.

(3) The Director may delegate authority for the day-to-day business decisions to the Assistant Director, Oregon Exposition Center, appointed by the Director.

Stat. Auth.: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10

736-201-0135

State Fair Purposes; Use and Management of Property

(1) The objects and purposes of the OSFD are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. The Director shall operate the business and properties of the OSFD as a year-round fair and exposition center, display historical objects and do all things necessary to expedient for full utilization of the properties and facilities of the annual State Fair and as an exposition center.

(2) The Director, or the Director's designee, shall conduct an annual state fair for a period of not more than 17 days duration beginning and ending on such dates as the Director considers appropriate. The Director or the Director's designee may set the hours of the annual State Fair and other public events.

(3) The Director, or the Director's designee shall have care of the OSFD property and be entrusted with the direction of its business and financial affairs. The Director shall prepare, adopt, publish and enforce all necessary rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.

(4) The Director, or the Director's designee, may appoint all necessary marshals to keep order on the grounds and in buildings of the OSFD during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.

(5) The Director, or the Director's designee, shall establish charges for entrance fees, gate money, lease stalls, parking space, buildings, restaurant sites; conduct shows and concerts, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the Director considers proper in the operation of a year-round fair and exposition center and the annual State Fair.

(6) The Director, or the Director's designee, may enter into sponsorship agreements for the exchange of moneys, services, products or other items of value. A sponsorship agreement entered into under this section is not subject to ORS 279.835 to 279.855 of Chapter 279A or 279B.

(7) The Director, or the Director's designee, may enter into mutually beneficial sponsorship agreements with private business, individuals, corporations or public or non-profit entity. Sponsorship agreements may include the exchange of financial and other valuable consideration as well as promotional, advertising, educational, product and service activities in association with the OSFD programs, activities, events, grounds and facilities.

(8) The Director, or the Director's designee, for the successful sponsorships for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such a sponsor in connection with events, activities and programs, buildings and facilities at the OSFD.

(9) The Director or the Director's designee to help encourage the successful sponsorship for the benefit of the OSFD, may waive fees and charges listed in the Schedule of Rates and Fees for use by the sponsor in order to encourage additional business or sponsorship activities.

Stat. Auth.: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10

736-201-0175

Protest Procedures

(1) Any protest of OPRD or OSFD actions under chapter 736 division 245 must be in writing and delivered in person or by certified mail to the Assistant Director, Oregon Exposition Center within 10 business days of occurrence.

(2) If protester's satisfaction is not achieved, written protest may be delivered in person or by certified mail to the Director within five (5) business days of receipt of response from Assistant Director, Oregon Exposition Center. The decision of the Director shall be final.

Stat. Auth.: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10

ADMINISTRATIVE RULES

Psychiatric Security Review Board Chapter 859

Rule Caption: Adopting new rules for the Juvenile Psychiatric Security Review Board (JPSRB).

Adm. Order No.: PSRB 2-2010

Filed with Sec. of State: 9-28-2010

Certified to be Effective: 9-28-10

Notice Publication Date: 11-1-2008

Rules Adopted: 859-501-0005, 859-501-0010, 859-510-0005, 859-520-0005, 859-520-0010, 859-520-0020, 859-530-0010, 859-540-0005, 859-540-0010, 859-540-0015, 859-540-0020, 859-540-0025, 859-550-0005, 859-550-0010, 859-550-0015, 859-550-0020, 859-550-0025, 859-550-0030, 859-550-0035, 859-550-0040, 859-550-0045, 859-550-0050, 859-550-0055, 859-550-0060, 859-550-0070, 859-550-0075, 859-550-0080, 859-550-0085, 859-550-0090, 859-550-0095, 859-560-0005, 859-560-0010, 859-560-0015, 859-560-0045, 859-560-0050, 859-570-0005, 859-570-0010, 859-570-0015, 859-570-0020, 859-570-0025, 859-570-0030, 859-570-0035, 859-580-0005, 859-580-0010, 859-580-0015, 859-590-0005, 859-600-0005, 859-600-0020, 859-600-0025

Subject: Adopting rules establishing the policies and procedures for the Psychiatric Security Review Board Juvenile Panel.

Rules Coordinator: Mary Claire Buckley — (503) 229-5596

859-501-0005

Notice

Prior to the adoption, amendment or repeal of any rule, the Psychiatric Security Review Board shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(2) By mailing a copy of the notice to persons on the PSRB's mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(3) By mailing or furnishing a copy of the notice to:

(a) The Associated Press;

(b) Department of Human Services and Oregon Health Authority;

(c) Secure Adolescent In-patient Program (SAIP) at Children's Farm

Home;

(d) Secure Children's In-patient Program (SCIP) at Albertina Kerr;

(e) Intensive Treatment Services (ITS) at Albertina Kerr;

(f) Oregon District Attorneys Association;

(g) Oregon Criminal Defense Lawyers Association;

(h) Attorney General;

(i) Attorney for indigent JPSRB youth;

(j) Friends of Forensics, a voluntary association affiliated with

Oregon State Hospital;

(k) Disability Rights Oregon; and

(L) Capitol Press Room

Stat. Auth.: ORS 161.387(1); ORS 183.335(1), (8); OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.387(1), 183.335(1), (8); OL 2007, Ch. 889 § 6 (SB 328)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-501-0010

Cost of Administrative Rules

State employees may receive a printed copy of Oregon Administrative Rules on request at no cost. Any person not employed by the State of Oregon shall pay \$0.25 per page for a printed copy of Juvenile PSRB Administrative Rules. Oregon Administrative Rules are available electronically at no charge from the website of the Oregon Secretary of State.

Stat. Auth.: ORS 161, 183, 419C

Stats. Implemented: ORS 161.387(1), OL 2007, Ch. r 889 § 6 (SB 328)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-510-0005

Definitions

(1) "Administrative Hearing" means a meeting of the Board at which a quorum is present but the youth is not for the purpose of deliberating about a youth's status or conditional release plan based upon the written record before the Board.

(2) "Administrative Meeting" means any meeting of the Board at which a quorum is present for the purpose of considering matters relating to Board policy and administration, at which minutes are taken, and approved at a subsequent administrative meeting by a majority of members present.

(3) "Board" means the juvenile panel of Oregon Psychiatric Security Review Board as constituted under ORS 161.385.

(4) "Burden of proof" means the responsibility of the youth or the state to convince the Board of the truth of its version or interpretation of facts or issues in dispute.

(5) "Commit" means order of placement in a secure facility.

(6) "Conditional Release" means an order by the court or Board authorizing a youth to reside outside a Secure Adolescent In-patient Program (SAIP), Secure Children's In-patient Program (SCIP), or Intensive Treatment Services (ITS), in the community under conditions established for the monitoring and treatment of the youth's mental and physical health.

(7) "Department of Human Services" and "Department" mean the Oregon Department of Human Services as constituted under ORS 409.010.

(8) "Discharge" means the termination of a youth's jurisdiction under the Board because the youth is either no longer affected by a serious mental condition or no longer affected by a mental disease or defect that presents a substantial danger to others and requires regular medical care, medication, supervision or treatment; or term of jurisdiction has lapsed.

(9) "Full Hearing" means a meeting of the Board at which a quorum is present, the youth is present, evidence is received, a youth's status is reviewed pursuant to Chapter 419C and at the conclusion of which the Board makes findings of fact and conclusions of law as required by law from which written orders will issue.

(10) "Mental Defect" means that which is manifested by mental retardation or developmental disability if a mental deficiency exists concurrently with qualitative deficits in activities of daily living and is not otherwise attributable to mental illness or substance abuse or influenced by current situational trauma.

(11) "Mental Disease" is defined as any diagnosis of mental disorder which is a significant behavioral or psychological syndrome or pattern that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual's functioning and is defined in the current Diagnostic and Statistical Manual of Mental Disorders (DSM IV) of the American Psychiatric Association

(12) The term "mental disease or defect" does not include an abnormality manifested solely by repeated criminal or otherwise antisocial conduct; nor constituting solely a conduct or a personality disorder; nor solely an alcohol or drug abuse or dependence diagnosis.

(13) "Mental status" is defined as the mental, emotional, and behavioral functioning of a youth.

(14) "Patient" means any youth under the jurisdiction of the JPSRB, residing in a SAIP or SCIP.

(15) "Proof" means the achievement of a designated legal standard for persuading the trier of fact that a proposition is true. The standard of proof on all issues at hearings of the Board is by the preponderance of the evidence.

(16) "Quorum" means the presence at a hearing or meeting of at least three members of the Board.

(17) "Reasonable medical probability" means the finding by a physician or other qualified health professional that a given condition or illness is more likely than not to exist.

(18) "Responsible Except for Insanity" means the affirmative defense one must successfully assert in order to be placed under the jurisdiction of the JPSRB; or a finding by a judge that a youth, as a result of a mental disease or defect at the time the youth committed the act(s) alleged in the petition, lacked substantial capacity either to appreciate the nature and quality of the act or to conform the youth's conduct to the requirements of law.

(19) "Revocation" means the return to a secure residential adolescent or children's treatment facility of a youth pursuant to an order of the Board when the youth has violated the terms of a conditional release order or has experienced a change in mental status giving reasonable cause to believe that the youth may present a danger to others and cannot be controlled by appropriate interventions.

(20) "SAIP" means secure adolescent in-patient treatment program designated by the Oregon Health Authority.

(21) "SCIP" means secure child in-patient treatment program designated by the Oregon Health Authority.

(22) "SITP" means a secure child and adolescent Seniors and People with Disabilities (SPD) in-patient treatment program designated by Department of Human Services.

(23) "Secure" means that the doors to the facility are locked at all times. Ingress and egress are controlled by staff.

(24) "Secure In-patient Program Pass", means any time a youth is authorized to be away from a secure child or adolescent facility's grounds for any length of time unaccompanied by facility staff.

ADMINISTRATIVE RULES

(25) “Serious mental condition” is one of the three specifically delineated diagnoses listed in 419C.520 (3).

(26) “Substantial danger” means the level of danger exhibited by threats of or engagement in acts of intentional, knowing, reckless or negligent behavior which places another person at risk of physical injury.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.295 - 161.400, 419C.411(2), 419C.520 - 419C.544

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-520-0005

Membership and Terms

The Juvenile panel of the Psychiatric Security Review Board shall consist of five members as constituted in ORS chapter 419C.

Stat. Auth.: ORS 161.385, 161.387; OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-520-0010

Chair

The Board shall elect one of its members as chairperson to serve for a term of one year, with the possibility of re-election.

Stat. Auth.: ORS 161.385, 161.387; OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-520-0020

Executive Director; Powers and Duties

The executive director shall oversee the daily operations of the Board and officially represent the Board and shall perform other duties including but not limited to:

- (1) Hiring and terminating employees.
- (2) Supervising work of the Board’s staff;
- (3) Preparing the budget for approval by the Board;
- (4) Implementing Board policies and decisions;
- (5) Informing the Board of the status of youths under its jurisdiction;
- (6) Presenting to the Board all matters requiring Board action; and
- (7) Performing other duties as authorized or requested by the Board.

Stat. Auth.: ORS 161.385, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-530-0010

Functions and Purpose of JPSRB

The Board shall assume jurisdiction over youths adjudged by the court to be “responsible except for insanity” for a period not to exceed the maximum sentence the court finds the youth could have received had the youth been adjudicated except in murder cases where the maximum is life.

(1) The Board shall maintain jurisdiction over youths who are legally placed under its jurisdiction by any court of the State of Oregon.

(2) The Board shall not consider time spent on unauthorized leave from the custody of a Department of Human Services or Oregon Health Authority contracted facility as part of the youth’s jurisdictional period.

(3) Upon receipt of verified information of time spent in custody, youths placed under the Board’s jurisdiction shall receive credit for:

(a) Time spent in any youth correctional facility for the offense for which the youth was placed under the Board’s jurisdiction; and

(b) Time spent in custody of the Department of Human Services or Oregon Health Authority at a state designated facility for determination of the defendant’s fitness to proceed or under a detainer for the criminal charges for which the youth ultimately was placed under the Board’s jurisdiction.

Stat. Auth.: ORS 161.385, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.327, 161.336, 161.341, 161.346, 161.351, 161.385, 161.387, 419C.529, 419C.532, 419C.538, 419C.540, 419C.544; OL 2007, Ch. 889 § 2 (SB 328)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-540-0005

Hearings and Administrative Meetings

(1) The Board shall hold full hearings at least twice every month unless the chairperson determines that there is not sufficient business before the Board to warrant a hearing at the scheduled time.

(2) The Board may hold administrative hearings to review court conditional releases, secure facility requests’ for conditional release and case manager or client requests for modifications of conditional release orders. Notice for proceeding via an administrative – rather than a full – hearing shall be provided in a similar manner but with less than 10 days notice. The Board shall consider information on the written record only and no oral testimony shall be received.

(a) If an objection is made to the approval, disapproval or modification of the conditional release plan, the youth, qualified mental health or

developmental disabilities treatment provider, or the state has the right to request a hearing;

(b) On its own motion, the Board may require further information, testimony or the presence of the youth and therefore, set the matter for a full hearing.

(3) The Board shall hold administrative meetings to consider matters relating to Board policy and administration as often as necessary.

(4) The agenda for administrative meetings shall be developed by the executive director and the chairperson prior to the meeting. Public notice shall be given in accordance with the Public Meetings Law.

Stat. Auth.: ORS 161.385, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1) 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-540-0010

Quorum and Decisions

The presence of at least three members of the Board constitutes a quorum:

(1) Three concurring votes (affirmative or negative) are required for a Board decision.

(2) When three members cannot agree on a decision, the hearing shall be continued for no longer than 60 days. A recording of the hearing and the exhibits shall be reviewed by the remaining member(s) and a decision by the majority of the members shall be the finding and order of the Board.

(3) If the attorney for the youth objects to the remaining member’s or members’ review as set forth in section (2) of this rule and if good cause is shown, the Board may reschedule the matter for a full hearing before the entire Board.

(4) Prior to commencing a hearing, if an objection for good cause is made to a specific member of the Board sitting on the panel considering a specific case and the Board sustains it, that member shall withdraw and, if necessary, the hearing shall be continued and rescheduled.

Stat. Auth.: ORS 161.385, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-540-0015

Public Meetings Law

All hearings and administrative meetings of the JPSRB are open to the public in accordance with the Public Meetings Law. The deliberations of the Board at hearings are not open to the public, nor are Executive sessions. For purposes of this rule, PSRB staff and employees are not considered members of the “public”.

Stat. Auth.: ORS 161.385, 161.387OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7), 161.387(1)-(2)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-540-0020

Records

(1) A record shall be kept of Board action taken at an administrative meeting by minutes and any decision made at an administrative hearing of the Board by written findings.

(2) All Board hearings, except Board deliberations, shall be recorded by electronic means which can be transcribed. No other record of Board hearings shall be made. All documents considered at a hearing shall be included as exhibits and kept as part of the record.

(a) Audio recordings capable of being transcribed shall be kept by the Board for a minimum of two years from the hearing date.

(b) The recording of the Board hearings shall be transcribed for appeal purposes when a notice of appeal is filed. If transcribed, the transcript may be substituted for the original record.

(c) Any material to which an objection is sustained shall be removed from the record. The objection and ruling of the Board shall be noted on the record.

(d) The audio recording or transcript of the proceedings shall be made available at cost to a party to the proceedings upon request.

Stat. Auth.: ORS 161.385, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346(7), 419C.532(14)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-540-0025

Public Records Law; Confidentiality

(1) The attorneys for the youth shall have the right to review any exhibit to be considered at the hearing. Statutory requirements shall be observed with respect to requests by any other individual/entity to inspect youth records.

(2) Other requests shall be reviewed to determine whether the record is exempt under a specific exception to the public records law, including but not limited to:

ADMINISTRATIVE RULES

(a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual material and are preliminary to any final agency determination of policy or action;

(b) Information of a personal nature such as that kept in personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance.

(c) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by federal or state law.

(3) A medical record shall be withheld from public inspection if the Board determines that the disclosure would interfere with the rehabilitation of the youth and if the public interest in confidentiality clearly outweighs the public interest in disclosure.

(4) Public records, Board orders and information within the Public Records Law shall be made available upon request. All requests shall be made in writing and final determination on disclosure shall be made by the Board. A reasonable charge may be made for copying of material. Appeals of determinations on disclosure shall be made by petition to the Attorney General in accordance with statutory requirements.

Stat. Auth.: ORS 161.385, 161.387, 192.450, 192.500, 192.525, 192.690; OLs 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 161.346, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0005

Notice

Written notice of a hearing shall be given to the persons or agencies listed in ORS 419C.532(12)(a) no less than 10 days prior to the hearing date.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346(4), 419C.532(12)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0010

Information Contained in Notice

Written notice shall contain the information required in ORS 419C.532(12)(b):

(1) Time, place and location of the hearing.

(2) The issues to be considered, reference to statutes and rules involved, and the authority and jurisdiction under which the hearing is to be held.

(3) Statement of rights of the youth at the hearing, including the following:

(a) Right to appear at all proceedings, except Board deliberations;

(b) Right to cross-examine all witnesses appearing to testify at the hearing;

(c) Right to subpoena witnesses and documents as provided in ORS 161.395;

(d) Right to legal counsel and, if indigent as defined by the indigence standard set forth by the State Office of Public Defense Services, to have counsel provided without cost; and

(e) Right to examine all information, documents and reports under consideration.

Stat. Auth.: ORS 161.387, OL 2007, 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346(4), 419C.532(12)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0015

Timing of Hearings

The Board shall hold hearings for all youth under its jurisdiction within the timeframes set forth in its statutes in ORS chapter 419C.

Stat. Auth.: ORS 161.387, OL 2007 889 § 6 (SB 328)

Stats. Implemented: ORS 419C.532, 419C.538, 419C.540 - 419C.544

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0020

Chairperson Conducting Hearing

During hearings of the Board, the chairperson or acting chairperson shall preside. The chairperson shall designate the order of presentation and the order of questioning and scope of questioning. The chairperson may set time limits and interrupt or terminate irrelevant questions or unresponsive answers.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.385(1)-(7)

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0025

Youth's Right to Review Record; Exceptions

Youths shall receive written notice of the hearing directly, or through their attorneys, with a statement of their rights in accordance with ORS 419C.532(12). All exhibits to be considered by the Board shall be disclosed to the youth's attorney as soon as they are available:

(1) Exhibits not available prior to the hearing shall be made available to the youth's attorney at the hearing.

(2) All material relevant and pertinent to the youth and issues before the Board shall be made a part of the record.

(3) Any material not made part of the record shall be separated and a statement to that effect shall be placed in the record.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0030

Evidence Considered; Admissibility

The Board shall consider all evidence available to it which is material, relevant and reliable. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible, including, but not limited to, the following:

(1) The record of trial;

(2) Information supplied by the state's attorney or any interested party, including the youth;

(3) Information concerning the youth's mental condition;

(4) The entire psychiatric and criminal history of the youth, including motor vehicle records;

(5) Psychiatric or psychological reports ordered by the Board under ORS 419C.532, 419C.538 and 419C.540;

(6) Psychiatric and psychological reports under ORS 419C.529, 419C.532, 419C.538 and 419C.540, written by a person chosen by the state or the youth to examine the youth; and

(7) Testimony of witnesses.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 161.341, 161.346, 419C.529, 419C.532; ORS 419C.538, 419C.540

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0035

Motion Practice

Any party bringing a motion before the Board shall submit five copies of the motion and supporting memorandum of law to the Board and one to the opposing party no later than 10 days prior to the hearing date in which the motion will be heard.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0040

Objections to Evidence

The chairperson or acting chairperson shall rule on questions of evidence. Hearsay evidence shall not be excluded unless the chairperson or acting chairperson determines the evidence is not material, relevant or reliable.

(1) In determining whether the evidence is material, relevant or reliable, the Board shall consider the following:

(a) The age and source of documents;

(b) The ability of a witness to have observed and have personal knowledge of an incident;

(c) The credibility of the witness and whether the witness has bias or interest in the matter.

(2) The youth, the youth's attorney or attorney representing the state may object to any evidence. The Board shall then decide to do one of the following:

(a) Sustain the objection and deny the admission and consideration of the evidence on the grounds that it is not material, relevant or reliable;

(b) Overrule the objection and admit the evidence and in considering the weight given to that evidence, consider the reason for the objection; or

(c) Grant a continuance for a period of time not to exceed 60 days to allow a witness to appear or be subpoenaed to testify about the evidence under consideration.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.346, 161.395, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

ADMINISTRATIVE RULES

859-550-0045

Witnesses and Documents; Subpoena

Witnesses or documents may be subpoenaed as provided in ORS 161.395.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 161.395, 419C.532
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0050

Testimony Given on Oath

The Board shall take testimony of a witness upon oath or affirmation of the witness administered by the chairperson or acting chairperson at the hearing.

Stat. Auth.: ORS 161.385, 161.387; OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 161.385, 419C.532
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0055

Standards and Burdens of Proof

(1) The standard of proof on all facts and issues at hearings of the Board shall be by the preponderance of the evidence.

(2) The burden of proof shall depend on the type of hearing. State has the burden at all hearings except at a youth-requested hearing or conditionally released youth requested hearings unless it has been more than two years since the State has had the burden of proof.

(3) If at any hearing the secure facility staff agrees with the youth on the issue of mental disease or defect, dangerousness or fitness for conditional release but no advance notice is given to the Board that the facility requests discharge or conditional release, the burden of proof remains with the youth. The testimony of facility staff will be considered as evidence to assist the Board in deciding whether the youth has met his/her burden.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.336, 161.341, 161.346, 419C.532, 419C.538, 419C.540, 419C.542
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0060

Burden of Going Forward

The party that has the burden of proof shall also have the burden of going forward with the evidence by calling and examining witnesses, proposing conditions of release or bringing other matters before the Board.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532, 419C.538, 419C.540, 419C.542
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0070

Cancellation of Hearing

(1) A youth may request to cancel a youth-requested hearing. However, unless a youth makes such a request in writing and with at least 3 weeks' advance notice, the youth shall not be eligible to request another hearing for six months from the date of the originally scheduled hearing.

(2) The Board shall not allow cancellation of any other type of hearing required by law.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532, 419C.538
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0075

Use of Restraints

(1) It is the Board's preference to have a youth appear at hearing without physical restraints. If, in the judgment of the youth's physician, the youth might need restraint, the Board would request that additional secure facility staff attend the hearing with the youth rather than use mechanical restraints. However, the final decision on use of restraints shall lie with the physician.

(2) Any attorney objecting to the youth appearing in restraints at the hearing may raise the issue and ask the Board to take testimony from the physician to justify the use of restraints.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0080

Decisions of the Board

(1) The Board may issue its decision orally on the record at the hearing.

(2) Within 15 days following the conclusion of a hearing, the Board shall provide the youth, the attorney representing the youth, the youth's parents or guardians, if known, the person having legal custody of the youth, the district attorney of the county in which the youth was adjudicated, the

attorney representing the state, the committing court and all others required by statute, written notice of the Board's decision:

(a) The order of the Board shall be signed by a member present at the hearing.

(b) The formal order of the Board shall contain the findings of facts, conclusions of law, reasons for the decision and notice of the right to appeal under ORS 161.385(8).

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 161.385, 419C.532
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0085

Notification of Right to Appeal

At the conclusion of a Board hearing, the chair or acting chair shall provide the youth and attorney with written notification of the right to appeal an adverse decision within 60 days from the date an order is signed and the right to an attorney for that purpose, if indigent.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.385
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0090

Youth Appearing Pro Se

The Board shall not allow a youth to represent himself or herself.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-550-0095

Examination of Youth

(1) The Board may, on its own motion, appoint a psychiatrist or psychologist to conduct a forensic mental health assessment and to submit a report to the Board, including an opinion as to the mental condition of the youth, whether the youth presents a substantial danger to others and whether the youth could be adequately controlled on conditional release with treatment and supervision. The Board may order the youth placed in temporary custody of any state secure facility or suitable facility for purposes of this examination.

(2) The attorney representing the state may choose, at the state's expense, a psychiatrist or psychologist to conduct a forensic mental health assessment. If that report is offered into evidence, the report shall include a written opinion as to the mental condition of the youth, whether the youth presents a substantial danger to others and whether the youth could be adequately controlled on conditional release with treatment and supervision. The attorney for the state shall file a written notice of intent to conduct such an examination.

(3) The attorney for the youth may file a written request for the Board to appoint a psychiatrist or psychologist to conduct a forensic mental health assessment. The Board shall approve or deny the request, taking into consideration the budget of the Board available for such examinations and the reasons for the request.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532, 419C.538, 419C.540
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-560-0005

Issues

At any hearing before the Board, the issues considered shall be limited to those relevant to the purposes of the hearing. Notice of intent to raise new issues shall be given to the Board in writing at least 10 days prior to the hearing. If new issues are raised, the Board may continue the hearing to consider the issues and give the parties an opportunity to submit legal memoranda and/or additional evidence.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532, 419C.538, 419C.540
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-560-0010

Primary Concern: Protection of Society

In determining whether a youth should be committed to a state secure facility, conditionally released or discharged, the Board shall have as its primary concern the protection of society. In considering the issue of dangerousness, the Board may hear testimony on whether the youth's mental disease or defect may, with reasonable medical probability, occasionally become active, and when active, render the youth a danger to others. The Board shall not discharge a youth for whom there is a finding of dangerousness.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.336, 161.341, 161.346, 161.351, 419C.532, 419C.538, 419C.540
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

ADMINISTRATIVE RULES

859-560-0015

Issues and Findings to Be Addressed At Hearings

(1) Issues To Be Addressed At Hearings:

(a) At each and every hearing before the Board, the Board shall determine whether the youth is affected by a serious mental condition or a mental disease or defect and presents a substantial danger to others, whether the youth can be adequately controlled in the community with treatment and supervision, and whether the necessary supervision and treatment services are available.

(b) At a revocation hearing, the Board shall determine whether the revocation was appropriate based on the reasonable grounds listed in OAR 859-580-0010 and whether the youth may be continued on conditional release or should be committed to a secure facility.

(2) Findings at a hearing: At each statutory hearing before the Board, the Board shall make findings regarding the requisite jurisdictional elements. In addition:

(a) If the Board finds the youth is properly under its jurisdiction and not a proper subject for conditional release, the Board shall order the youth committed to, or retained in, a secure in-patient facility for custody, care and treatment.

(b) If the Board finds the youth is properly under its jurisdiction but can be adequately controlled with treatment and supervision if conditionally released yet a verified conditional release plan has not been developed, the Board shall find the youth appropriate for conditional release.

(c) If the Board finds the youth is properly under its jurisdiction but can be adequately controlled with treatment and supervision and that treatment and supervision are currently available and the Board approves of the plan and proposed conditions, the Board shall order the youth placed on conditional release.

(d) If the Board finds that the youth no longer meets the legal criteria for jurisdiction, the Board shall order the discharge of the youth from jurisdiction.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.346, 419C.532, 419C.538, 419C.540
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-560-0045

Mandatory Hearings

The Board shall have periodic mandatory hearings for all youth pursuant to ORS chapter 419C; annually for youth residing in a secure child or adolescent inpatient program and every 3 years for a youth on conditional release.

(1) In both of these types of hearings:

(a) Youth shall not be allowed to waive this hearing;

(b) If the youth refuses to attend, the Board shall proceed with the hearing in the youth's absence after ascertaining that the youth has received proper notice and is knowingly absenting himself or herself.

(2) The three year hearing shall be set as close to the three-year date as possible, but shall be held no later than 30 days after the expiration of the three-year period, and shall be combined with any other scheduled hearing for the youth.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.336, 419C.542
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-560-0050

Status Hearing

(1) The Board may hold a hearing on its own motion at any time to review the status of a youth to determine whether modification, revocation, any other change in conditional release or a status is warranted.

(2) The Board may order the youth to appear at a status hearing.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 161.346, 419C.532, 419C.538, 419C.540, 419C.542, 419C.544

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0005

Cases of Court Conditional Release

Upon receipt of the judgment order where the court has placed the youth on conditional release, the Board shall review each court conditional release file at a full hearing. In those cases the Board may:

(1) Issue an order continuing the court order of conditional release when all the elements of the conditional release plan are in accordance with procedures set forth in Division 570.

(2) Issue a modification of the court order of conditional release when, upon review, the conditional release plan has changed, has not been set out in sufficient detail or requires additional conditions.

(3) Issue an order of revocation in accordance with provisions set forth in Division 580.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.327, 161.332, 161.336, 161.346, 419C.520, 419C.529, 419C.532, 419C.538, 419C.540

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0010

Conditional Release Planning for Youths in Secure Facilities

(1) In determining whether an order of conditional release is appropriate, the Board shall have as its goals the protection of the public, the best interests of justice, and the welfare of the youth. The Department of Human Services or Oregon Health Authority is responsible for and shall prepare the conditional release plan. In order to carry out the conditional release plan, the Department may contract with a community mental health program, other public agency or Private Corporation, or an individual to provide evaluations for community placement, supervision and treatment.

(2) Conditional Release Evaluation.

(a) If the Board finds the youth may be treated and controlled in the community, the Board shall order an evaluation of the youth by a community mental health or development disabilities agency for community placement.

(b) If staff of the designated secure facility determines that a youth may be ready for conditional release, the staff may request that the Board order an evaluation for community placement. That request shall be accompanied by a current treatment note update signed by the youth's treating psychiatrist.

(c) If the Board orders an evaluation for community placement, the designated evaluator shall review the youth's exhibit file and evaluate the youth in person to determine if the youth is appropriate for conditional release. The evaluator shall provide a written report to the board with its findings.

(A) If the community agency agrees that the youth is appropriate for conditional release and that it has the necessary treatment and is willing to accept supervision for the youth, the evaluation shall include proposed conditions of release. The treatment plan may include, but is not limited to, individual counseling, group counseling, home visits, prescription of medication, and any other treatment for any co-morbid condition such as substance abuse recommended by the provider(s) and approved by the Board. The provider must agree to have a designated individual that will have primary reporting responsibility to the Board, including the following responsibilities:

(i) Notify the Board in writing of the youth's progress at least once a month;

(ii) Notify the Board promptly of any grounds for revocation under OAR 859-080-0010;

(iii) Notify the Board promptly of any significant changes in the youth's mental status;

(iv) Notify the Board promptly of any significant changes in the implementation of the conditional release plan; and

(v) Coordinate and monitor all elements of the conditional release plan. The youth shall sign a form agreeing to comply with the proposed conditions of release. This signed form shall be submitted with the request for conditional release. The conditions shall include notice that if the youth leaves the state without authorization of the Board, the youth may be charged with a new crime of Escape II.

(B) If the community agency does not find that community placement is appropriate for the youth, the evaluator's written report shall outline the reasons for its findings and any recommendations for future treatment.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.341, 161.346, 161.390, 419C.520

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0015

Board Order of Conditional Release

If the Board finds the youth may be treated and controlled in the community and a verified conditional release plan is approved by the Board, the Board may order the youth placed on conditional release. In making that determination, the Board may consider the testimony and exhibits at the hearing regarding the youth's behavior in the secure facility including the youth's progress, insight and responsibility taken for the youth's own behavior.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.346, 161.390, 419C.520, 419C.532, 419C.538, 419C.540

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

ADMINISTRATIVE RULES

859-570-0020

Conditional Release Order

(1) The Board shall impose any or all of the following elements in a conditional release plan that are appropriate and necessary to insure the safety of the public:

(a) Housing: must be available for the youth and may include 24-hour staffed housing, a supervised group home, foster care, supported housing, housing with relatives or independent housing;

(b) Mental health treatment: which may include individual and/or group counseling as well as medication management;

(c) Substance abuse treatment: which may include random urinalysis and attendance at self-help groups;

(d) Structured activity: such as schooling or employment;

(e) Monitoring and supervision: which shall include home visits;

(d) Other conditions including, but not limited to, prohibition of the consumption of alcohol and non-prescribed drugs; observation by a designated individual of each ingestion of medication; sex offender assessment and treatment; and prohibition against driving.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.346, 161.390, 419C.520, 419C.529, 419C.532, 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0025

Modification Of/Discharge From Conditional Release

(1) Modification. Modification of an order of conditional release may be proposed by the youth, the person supervising the youth, or staff of the mental health facility providing treatment to the youth, or the Board on its own motion upon a review of the status of the youth.

(a) Modifications of conditional release may be considered by the Board at a hearing after giving proper notice.

(b) The individual designated by the Board as having primary reporting responsibility shall provide the Board with a written summary of the youth's progress which shall include the specific nature of the request for modification, evidence of recent behavior supporting the modification and any evidence of recent behaviors that would not support modification, as well as what precautions will be taken to off-set any changes in plan.

(c) If the Board considers the request for modification at a full hearing, the designated individual having primary reporting responsibility shall be available to testify, in person, if possible, or telephonically on these issues at the Board hearing.

(2) Discharge.

(a) A request for discharge from Board jurisdiction may be proposed by the youth on conditional release, the person supervising the youth, or the staff of the facility providing treatment to the youth.

(b) This request shall be accompanied by a psychiatric/psychological evaluation of the youth that has been performed within 30-days of the hearing date by his community treatment practitioner. This evaluation shall address what the youth's current diagnosis is; whether the mental disease/defect is active or in remission; and whether the youth's mental disease and defect, with reasonable mental probability, will occasionally become active, and when active, render the youth a substantial danger to others. This report shall be submitted to the Board no later than 10 days prior to hearing. The individual making the request shall be available to testify in person, if possible, or telephonically on these issues at the Board hearing. The psychiatrist/psychologist evaluator shall also be available to testify either in person or by phone.

(c) All requests for discharge shall be considered only at a full hearing.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.346, 161.390, 419C.520, 419C.529, 419C.532, 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0030

Evaluation and Reports

All reports and evaluations received on the youth's fitness for conditional release, modification of conditional release or revocation, and monthly progress shall be made a part of the board's record.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.346, 161.390, 419C.520, 419C.529, 419C.532, 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-570-0035

Out-of-State Conditional Release Order

The Board may consider and approve a conditional release plan to have the youth reside out of state.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.332, 161.336, 161.346, 161.390, 419C.520, 419C.529, 419C.532, 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-580-0005

Revocation of Conditional Release/Affidavit

(1) Revocation of conditional release may be affected by preparation of an affidavit and order of revocation in accordance with procedures set forth in this Division.

(2) As an alternative to revocation of conditional release, a youth may return voluntarily to a secure facility.

(3) Upon the recommendation of the staff of the Board and receipt of an affidavit based on noncompliance with an order of the Board or a change in the youth's conditions of release or mental status, the Board Chair or acting Chairperson may order the youth returned to a state secure facility for evaluation and treatment through an order of revocation.

(4) Emergency Revocation. When a Board member is not available and time is of the essence, the Executive Director of the Board may issue and execute an order of revocation subject to review by a Board member within 72 hours of the execution of the order.

(5) Revocations after office hours shall be achieved pursuant to ORS 161.336(6)

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-580-0010

Reasonable Grounds for Revocation

Reasonable grounds for revocation of a conditional release include:

(1) The youth has violated term(s) of the conditional release plan such that the youth would pose a substantial risk of danger to others; or

(2) The youth's mental status has changed such that the youth would pose a substantial risk of danger to others; or

(3) The youth has absconded from jurisdiction such that the youth would pose a substantial risk of danger to others; or

(4) The community resources required by the conditional release order are no longer available so that the youth would pose a substantial risk of danger to others.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336; ORS 161.346; ORS 419C.532; ORS 419C.538

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-580-0015

Post-Revocation Procedure

Once revocation is effectuated, the Board shall request additional information from the youth's case manager regarding the circumstances and reason for the conditional release failure and a recommendation regarding future treatment and release.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-590-0005

Reconsideration

A party to the hearing may request reconsideration of a Board finding in writing or, on its own motion, the Board may reconsider the finding.

(1) If an issue is appropriately raised, the matter shall be remanded to the Board for hearing on that issue. Reconsideration may be upheld if:

(a) The written findings are found to be inaccurate or do not support the action taken by the Board; or

(b) Substantial information material to the issues which was not known or which could not have been known at the time of the hearing is received; or

(c) A material misrepresentation of facts or concealment of facts occurred; or

(d) The Board decision is contrary to the rules or statutes governing the Board.

(2) If the issues are not appropriately raised, the youth shall receive written notification of the reasons for denial of reconsideration.

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 419C.532

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-600-0005

Compliance

State and/or local mental health and developmentally disabled programs shall comply with any order of the Board.

Stat. Auth.: ORS 137, 161, 192, 428, 428, 161.387, OL 2007, Ch. 889 § 6 (SB 328)

Stats. Implemented: ORS 161.336, 161.346, 419C.532, 419C.538, 419C.540

Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

ADMINISTRATIVE RULES

859-600-0020

Discharge

The Department of Human Services and Oregon Health Authority is responsible for preparation of discharge plans as specified in ORS 161.390(2).

Stat. Auth.: ORS 161.387, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.336, 161.390, 419C.538
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

859-600-0025

Leaves and Passes

(1) A leave of absence or pass from a secure facility may be requested when the physician is of the opinion that a leave of absence or pass from the secure facility would pose no substantial danger to others and would be therapeutic for the youth;

(2) Written documentation should be submitted to the Board in each case:

(3) In case of an emergency, pass requests may be made by telephone to the Board office by the physician or social worker.

(4) Secure facility staff will be contacted by the Board only if the Board has reservations about the pass.

Stat. Auth.: ORS 137.540, 161.327, 161.332, 161.341, 161.387, 161.390, 161.400, 192.690, 428.210, 419C.540, OL 2007, Ch. 889 § 6 (SB 328)
Stats. Implemented: ORS 161.400
Hist.: PSRB 2-2010, f. & cert. ef. 9-28-10

.....

Rule Caption: Establishes Procedures for Requesting/Conducting a Gun Relief hearing for Persons with a Mental Health Determination.

Adm. Order No.: PSRB 3-2010(Temp)

Filed with Sec. of State: 10-5-2010

Certified to be Effective: 10-8-10 thru 4-6-11

Notice Publication Date:

Rules Adopted: 859-300-0010, 859-300-0020, 859-300-0030, 859-300-0040, 859-300-0050, 859-300-0060, 859-300-0070, 859-300-0080, 859-300-0090, 859-300-0100, 859-300-0110, 859-300-0120, 859-300-0130, 859-300-0140, 859-300-0150, 859-300-0160, 859-300-0170, 859-300-0180, 859-300-0190, 859-300-0200, 859-300-0210, 859-300-0220, 859-300-0230

Subject: Oregon Laws 2009, Ch. 826 requires the PSRB to administer a hearings process for persons who are disqualified from transporting, shipping, possessing, or receiving a firearm under federal and certain state laws. If relief is granted, and a petitioner was barred from transporting, shipping, possessing, or receiving a firearm under federal law, the record of relief will be transmitted to the Oregon State Police, who in turn will transmit the record of relief to the federal government for inclusion in the National Instant Criminal Background Check System (NICS) database. If relief is granted, and a petitioner was barred from purchasing or possessing a firearm either under ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f), the record will be transmitted to the Oregon State Police for inclusion and maintenance in its state database. The purpose of these administrative rules is to establish the required administrative hearings process for petitioners to request relief from their respective mental health firearm disqualifies.

Rules Coordinator: Juliet Follansbee—(503) 229-5596

859-300-0010

Rulemaking Procedure; Notice

Prior to the adoption, amendment or repeal of any rule related to the gun relief program, the Psychiatric Security Review Board shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule.

(2) By mailing a copy of the notice to persons on the PSRB's mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule.

(3) By mailing or furnishing a copy of the notice to:

- The Associated Press;
- Department of Human Services and Oregon Health Authority;
- American Civil Liberties Union of Oregon;
- Oregon District Attorneys Association;
- Oregon Criminal Defense Lawyers Association;
- Attorney General, including the Victim Advocate;

- Friends of Forensics;
- Disability Rights Oregon;
- Capitol Press Room;
- National Rifle Association, Oregon Consultant;
- Oregon Firearms Federation;
- Oregon Judicial Department;
- Attorneys for Adult and Juvenile Indigent Clients
- Oregon State Police;
- Oregon Psychiatric Association;
- Oregon Psychological Association;
- Oregon State Sheriff's Association;
- Oregon Association Chiefs of Police; and
- Designated legislators in accordance with ORS 183.335(15).
Stat. Auth.: ORS 161.387(1), 183.335(1), (8), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), 183.335(1), (8), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0020

Cost of Administrative Rules

State employees may receive a printed copy of Oregon Administrative Rules on request at no cost. Any person not employed by the State of Oregon shall pay \$0.25 per page for a printed copy of the Gun Relief Program Administrative Rules. Oregon Administrative Rules are available electronically at no charge from the Internet Web site of the Oregon Secretary of State.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0030

Definitions

(1) "Dangerous". A person is dangerous if the person is a threat to himself or others or is likely to inflict harm to self or others.

(2) "Gun Relief Panel" or "Panel". A three member panel from either the Adult or Juvenile Panel who hears and considers petitions for relief from either a federal ban on transporting, shipping, possessing, or receiving a firearm that occurs as a result of a mental health determination, or a state ban on possessing or purchasing a firearm under ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f).

(3) "Mental Health Determination". Any of the following adjudicated mental health findings by a State of Oregon Court:

(a) A finding by a court that a person lacks fitness to proceed under ORS 161.370;

(b) A finding that a person is guilty except for insanity of a crime under ORS 161.295 or responsible except for insanity of an act under ORS 419C.411 or any determination by the Psychiatric Security Review Board thereafter; or

(c) A commitment by a court to the Oregon Health Authority or Department of Human Services, or an adjudication by a court that a person is mentally ill or mentally retarded, under ORS 426.130 or ORS 427.290.

(4) "NICS". The National Instant Criminal Background Check System maintained by the Federal Bureau of Investigations (FBI) pursuant to the Brady Handgun Violence Prevention Act of 1993 (Pub. L. 103-159, 107 Stat. 1536).

(5) "Public Interest". The interest in protecting society from harm and an individual from self-harm. "Public interest" also includes reducing the impact of crime on victims' lives.

(6) "PSRB" or "Board". The Oregon Psychiatric Security Review Board, including the members of both the Adult and Juvenile Panels.

(7) "Petitioner". Any person who petitions for relief from either a federal prohibition from transporting, shipping, possessing, or receiving a firearm due to a mental health determination or a state prohibition on purchasing or possessing a firearm under ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f).

(8) "Relief Hearing". A hearing for petitioners who petition for relief under Oregon Laws 2009, Chapter 826 from a federal ban on transporting, shipping, possessing, or receiving a firearm that occurs as a result of a mental health determination, or a state ban on possessing or purchasing a firearm under ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f).

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0040

Background and Purpose of Gun Relief Program

(1) The federal Brady Handgun Violence Prevention Act of 1993 ("Brady Act") prohibits any person from selling or otherwise disposing of any firearm or ammunition to any person who has been involuntarily

ADMINISTRATIVE RULES

“committed to a mental institution” (18 U.S.C. Section 922 (d)(4)), or a person that has a mental health determination, and further prohibits any person who has been involuntarily “committed to a mental institution”, or a person that has a mental health determination, from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce (18 U.S.C. Section 922 (g)(4)).

(2) Oregon Laws 2009, Ch. 826 (HB 2853) requires the PSRB, the Judicial Department, and Oregon Health Authority to locate and transmit the names of people that have a mental health determination to the Department of State Police for inclusion in NICS for the purpose of responding to the NICS queries regarding attempts to purchase or otherwise take possession of firearms, as defined in 18 U.S.C. 921(a)(3).

(3) Oregon Laws 2009, Ch. 826 requires the PSRB to administer a “relief from disabilities” process for persons who are disqualified from transporting, shipping, possessing, or receiving a firearm under federal and certain state laws. If relief is granted, and a petitioner was barred from transporting, shipping, possessing, or receiving a firearm under federal law, the record of relief will be transmitted to the Oregon State Police, who in turn will transmit the record of relief to the federal government for inclusion in the NICS database. If relief is granted, and a petitioner was barred from purchasing or possessing a firearm under either ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f), the record of relief will be transmitted to the Oregon State Police for inclusion and maintenance in its state databases. The purpose of these administrative rules is to establish the required administrative “relief” process for petitioners to request relief from their respective mental health firearm disqualifiers.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0050 Petition for Relief

(1) An individual who is barred from transporting, shipping, possessing, or receiving a firearm under federal law due to a State of Oregon mental health determination may petition for relief of the firearm bar to the PSRB for the limited purpose of having his or her federal gun rights restored as it pertains only to the mental health determination firearm disqualification.

(2) An individual who is barred from possessing or purchasing a firearm under ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f), may petition for relief of the firearm bar to the PSRB for the purpose of having his or her state gun rights restored as it pertains only to the firearm disqualification as a result of either a commitment to the Oregon Health Authority or the Department of Human Services under ORS 426.130, or an order of a court under ORS 426.130 after a finding of mental illness that the petitioner is prohibited from purchasing or possessing a firearm as a result of petitioner’s mental illness.

(3) A petition for relief shall be made on forms developed by the PSRB, which shall be available on the PSRB’s public website, e-mail, or through U.S. Mail.

(4) In addition to the forms provided, the petitioner shall submit all additional information in support of the petition for relief, as required by the Board and these rules. The additional information shall include, but is not limited to:

(a) True and certified copies of all mental health records detailing the petitioner’s psychiatric history, which shall include the records pertaining to the disqualifying mental health determination;

(b) True and certified copies of medical records from all of the petitioner’s current and former mental health treatment providers, including alcohol/substance abuse providers if the petitioner is receiving or has received such treatment. The records shall also include a letter from petitioner’s current treating mental health practitioner, if any. The letter shall contain the petitioner’s current medical health diagnosis, a list of psychiatric medicines and dosage, if any, the petitioner is currently prescribed, history of compliance with the medication, and any other information the practitioner deems relevant to petitioner possessing a firearm;

(c) A true and certified copy of all criminal history information, including juvenile records maintained on file at the Oregon State Police and any county law enforcement agency, in any state in which the petitioner has resided or been employed;

(d) If petitioner is currently on probation/parole for a criminal offense, a letter from the petitioner’s probation/parole officer providing a history of petitioner’s compliance with terms of probation/parole and any

other relevant information he or she deems relevant to petitioner’s risk for harm if granted a firearm.

(e) Evidence of the petitioner’s reputation, which may include notarized letters of reference from current and past employers, family members or personal friends, or other character evidence. In lieu of or in addition to documentation regarding Petitioner’s reputation, Petitioner shall include a list of names he or she intends to call as witnesses at the relief hearing;

(f) Any further information specifically requested by the PSRB. Any additional documents or written materials requested by the PSRB shall be certified copies of original documents;

(g) The petitioner must provide an independent forensic mental health assessment performed within 90 calendar days of submitting the petition for relief

to the PSRB. This assessment may not be performed by petitioner’s current or previous mental health provider. The assessment shall be performed by a licensed psychiatrist or psychologist. The assessment shall include at a minimum, an opinion and a basis for that opinion, of petitioner’s interpersonal violence and self-harm risk;

(h) The petition for relief must include a signed valid criminal and medical release of information form(s). Such authorization must comply with applicable federal or state laws governing the privacy of health information;

(i) Certified copies of all court records related to the circumstances surrounding the firearms disability;

(j) Circumstances as to why the petitioner is petitioning for relief; and

(k) Petitioner’s history of firearm use and firearm safety education classes.

(5) In addition to submitting a petition to the PSRB, petitioner shall serve a copy of the petition on the Department of Human Services and the Oregon Health Authority and the district attorney in the county in which the petitioner currently resides and if different, the county from which the court made the mental health determination.

(6) The petitioner shall ensure that all required information accompanies the petition for relief at the time it is submitted to the PSRB. Additional information specifically requested by the PSRB must be received by the PSRB within 30 days after the date the PSRB requests the additional information. Failure to comply with this 30 day deadline will, without an approved extension of time by the Board, result in denial of the petition. No relief hearing will be scheduled until all requested information is received by the Board.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0060 Time Limits; Applying for Relief

Subject to OAR 859-300-0080(3), a petition for relief may not be filed with the Board more than once every two years.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0070 Timing of Relief Hearing

(1) Following receipt of a completed Petition for Relief and all required supporting documents, the Gun Relief Panel shall conduct a relief hearing on the petition within a reasonable time.

(2) The Panel will schedule relief hearings at least one day per month unless the Panel determines that there is not sufficient business before the Panel to warrant a hearing at the scheduled time.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)
Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0080 Notice of Relief Hearing/Request for Continuance/Withdraw of Petition

(1) Following receipt of the petition, the Panel shall provide written notice of the relief hearing to the following persons or agencies within a reasonable time:

(a) Attorney representing the petitioner, if any.

(b) District attorney in which the petitioner resides and the district attorney in the county where petitioner’s mental health determination was adjudicated.

(c) The victim, identified after a reasonable effort is made, associated with the criminal offense that led to the mental health determination, if the court or Panel finds that the victim requests notification.

(d) Department of Human Services and Oregon Health Authority.

ADMINISTRATIVE RULES

(e) The sheriff of the county in which petitioner resides and in the county where petitioner's mental health determination was adjudicated.

(f) The chief of police where petitioner resides and where petitioner's mental health determination was adjudicated, if applicable.

(g) Any other interested person requesting notification.

(2) Upon the request of any party or on its own motion, the Panel may, in its sole discretion, continue a relief hearing to allow the Panel or any party to further prepare or obtain additional information or testimony.

(3) If a petitioner withdraws a petition for relief, the notice of withdrawal shall be served in writing on the Panel no later than three weeks prior to the scheduled relief hearing date. A petitioner who timely submits a notice of withdrawal may re-submit the petition any time after withdrawal.

(4) The Panel shall issue a final order by default denying the petition if a petitioner fails to timely serve the Panel with a notice of withdrawal, or if the petitioner fails to appear at a relief hearing.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0090

Principal Issue Before The Panel/Challenges to the Firearm Disqualification

(1) The sole issue at any Gun Relief hearing shall be whether the petitioner has demonstrated that he or she will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest.

(2) Petitions asserting other grounds for relief, including, but not limited to, erroneously entered mental health determination disqualifications into the NICS database, shall not be heard by the PSRB. Record correction challenges should be directed to the agency that submitted petitioner's name to the Oregon State Police for entry into the firearm disqualification databases or the Oregon State Police Records Unit or the Federal Bureau of Investigation, Criminal Justice Information Services Division NICS Section.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0100

Quorum and Decisions of Panel

(1) The presence of at least three members of the same Panel constitutes a quorum. Members of both the Juvenile Panel and the Adult Panel may serve as the Gun Relief Panel. Three concurring votes (affirmative or negative) are required to make a Panel decision. When three members cannot agree on the decision, the hearing may be continued for no longer than 60 days and the recording of the hearing and the exhibits shall be reviewed by the remaining Panel member(s) and a decision by the majority of the members shall be the finding and order of the Panel.

(2) At the outset of each relief hearing, the Panel members shall select one member to be the presiding officer of the relief hearing. The relief hearing shall be conducted by and under the control of the presiding officer. The presiding officer shall designate the order of presentation and questioning, determine the scope of questioning, and may set time limits and terminate irrelevant questions and irrelevant or unresponsive answers. The officer presiding at the hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the presiding officer in the case and the correct application of the law to those facts. The presiding officer also may limit repetitious and cumulative evidence.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0110

Public Meetings Law

(1) All gun relief hearings shall be open to the public in accordance with the Public Meetings Law.

(2) Deliberations of the Panel shall not be open to the public. For the purposes of this subsection, the term "public" does not include PSRB employees or staff.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0120

Records

(1) A record shall be kept of all gun relief hearings. The hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the

presiding officer in the case and the correct application of the law to those facts.

(2) All gun relief hearings, except Panel deliberations, shall be recorded by manual or electronic means which can be transcribed. No other record of Panel relief hearings shall be made. All documents considered at relief hearings shall be included as exhibits and kept as part of the record:

(a) Electronic recording capable of being transcribed shall be kept by the Board for a minimum period of two years from the relief hearing date;

(b) The gun relief hearings shall be transcribed from the recording when an appeal is filed. Once transcribed, the transcript may be substituted for the original record;

(c) Any material to which an objection is sustained shall not be considered by the Panel. All objections and all rulings of the gun relief panel on objections and motions shall be noted on the record; and

(d) The electronic recording or transcript of the proceedings shall be made available at cost to a party to the proceedings upon request.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0130

Public Records Law; Confidentiality

The parties shall have the right to review any records to be considered at the relief hearing. All parties and their representative attorneys shall sign confidentiality agreements, as necessary, prior to inspecting or reviewing any records that are made confidential under either state or federal law, including but not limited to medical records, drug and alcohol records, and criminal history information records.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0140

Evidence Considered; Admissibility

The Panel shall consider all evidence available to it which is material, relevant and reliable. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible, including, but not limited to, the following:

(1) All materials or witness testimony submitted by petitioner, including information or testimony regarding petitioner's reputation.

(2) Information supplied by the Panel, district attorney, Department of Human Services, Oregon Health Authority, or any interested party, including victims.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0150

Motion Practice

Any party bringing a motion before the Panel shall submit five copies of the motion and memorandum of law to the Panel at least 10 days prior to the date of the hearing in which the motion will be heard.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0160

Independent Examination of Petitioner

(1) The PSRB may require that the petitioner undergo an independent forensic mental health assessment in addition to the one submitted by petitioner. The assessment shall include at a minimum, an opinion and a basis for that opinion, of petitioner's interpersonal violence and self-harm risk. The petitioner shall bear the costs of any independent evaluation and assessment. Failure of petitioner to undergo an assessment ordered by the PSRB will result in denial of the petition for relief.

(2) An attorney representing the state or county may request that the Panel require the petitioner to submit to a forensic mental health assessment by a psychiatrist or psychologist. The party requesting this assessment shall bear the costs of the assessment.

(a) The attorney for the state or county shall file a written notice of intent to conduct an assessment 10 days from receipt of the petition for relief. The notice shall be served on the Panel, petitioner, and any other interested party.

(b) The examination shall include an opinion, and a basis for that opinion, as to whether or not the petitioner would be likely to act in a manner dangerous to public safety if relief was granted, including an evaluation of self-harm risk.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853))

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

ADMINISTRATIVE RULES

859-300-0170

Objections to Evidence

The presiding officer shall rule on questions of evidence. All evidence shall be admitted unless the presiding officer determines the evidence is not material, relevant or reliable.

(1) In determining whether the evidence is material, relevant or reliable, the presiding officer shall consider the following:

(a) Whether the evidence is of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;

(b) The age and source of the documents;

(c) The ability of the witness to have observed and had personal knowledge of the incidents; and

(d) The credibility of the witness and whether the witness has bias or interest in the matter.

(2) Hearsay evidence shall be admissible unless the presiding officer determines that the hearsay evidence is not reliable based upon the quantity and quality of supporting and opposing evidence and on the entire circumstantial setting in which the hearsay evidence is offered. In determining the admissibility of hearsay evidence, the presiding officer shall consider the following factors, including, but not limited to:

(a) The alternative to relying on the hearsay evidence;

(b) The importance of the facts sought to be proved by the hearsay statements to the outcome of the proceeding;

(c) The economy and necessity to the proceeding in using the hearsay evidence;

(d) The ability and efficacy of the petitioner or interested party in cross-examination of the particular hearsay statements or evidence; and

(e) The consequences to either the petitioner or the Panel of admitting the hearsay evidence.

(3) The petitioner, the petitioner's attorney, or an attorney representing the state may object to any evidence offered at the relief hearing. The presiding officer may rule on an objection in the following manner:

(a) To sustain the objection and deny the admission and consideration of the evidence on the grounds that it is not material, relevant or reliable;

(b) To overrule the objection and admit the evidence and in considering the weight given to that evidence, consider the reason for the objection; or

(c) To grant a continuance for a period of time not to exceed 60 days to allow a witness to appear or be subpoenaed to testify about the evidence under consideration.

Stat. Auth.: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0180

Witnesses and Documents; Subpoena

(1) Witnesses or documents may be subpoenaed either by an attorney of record for the petitioner or upon the Panel's own motion.

(2) Petitioner or an interested party may request the Panel issue a subpoena upon a proper showing of the general relevance and reasonable scope of the documentary, physical, or witness evidence sought.

(a) If the petitioner requests that a subpoena be issued by the Panel, the petitioner will be responsible for all costs associated with witness fees and service of the subpoena.

(b) If an interested party requests that a subpoena be issued by the Panel, the interested party will be responsible for all costs associated with witness fees and service of the subpoena.

(4) Upon failure of any person, agency or facility to comply with a subpoena issued by the Panel, the attorney for the petitioner, the Panel, or its designated representative may apply to the judge of a circuit court of any county to compel obedience to the subpoena.

Stat. Auth.: ORS 183.445, 161.395, 161.387(1), OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1), OL 2009, Ch. 826 (HB 2853)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0190

Testimony Given on Oath

The Panel shall take testimony of a witness upon oath or affirmation of the witness administered by the presiding officer at the relief hearing.

Stat. Auth.: ORS 161.387(1); OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1); OL 2009, Ch. 826 (HB 2853)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0200

Standard and Burden of Proof

(1) The standard of proof at the relief hearing shall be whether petitioner has demonstrated by clear and convincing evidence that the petition-

er will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest.

(2) The burden of proof shall be on the petitioner.

Stat. Auth.: ORS 161.387(1); OL 2009, Ch. 826 (HB 2853)

Stats. Implemented: ORS 161.387(1); OL 2009, Ch. 826 (HB 2853)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0210

Mandatory Personal Appearance

Personal appearance by petitioner is required at all stages of a relief hearing. An appearance by an attorney or personal representative on behalf of a petitioner shall not constitute personal appearance.

Stat. Auth.: ORS 161, 183, 419C

Stats. Implemented: ORS 161.387(1), OL 2007, Ch. 889 § 6 (SB 328)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0220

Decisions of the Panel; Final Orders; Appeals

Within 30-days following the conclusion of the relief hearing, or within 30-days of the scheduled date of a relief hearing in the case of default, the Panel shall issue a final order or final order by default to the petitioner, the attorney representing the petitioner, the district attorney representing the state, any interested person, and the Department of Human Services. Final orders and Final orders by default:

(1) Shall be in writing and signed by a panel member of the relief hearing;

(2) Shall contain the findings of facts, conclusions of law, and the reasons for the decision;

(3) If the relief is granted, shall contain a notice to petitioner that substantially provides:

(a) In cases where a state mental health determination resulted in a ban from transporting, shipping, possessing, or receiving a firearm under federal law, the relief granted only removes the firearm disability imposed under 18 U.S.C. §§ 922(d)(4) and (g)(4), and that the relief granted does not otherwise qualify the petitioner to purchase or possess a firearm, and does not fulfill the requirements of the background check pursuant to the Brady Act (Pub. L. 103-159); or

(b) In cases where the petitioner was barred from purchasing or possessing a firearm under either ORS 166.250(1)(c)(D) or (E), or 166.470(1)(e) or (f), the relief granted does not otherwise qualify the petitioner to purchase or possess a firearm under state law; and

(4) Shall advise the petitioner of the right to appeal an adverse decision to the circuit court of the county that originally made the determination that led to the firearm prohibition and that the petitioner may then take an appeal from the circuit court to the Court of Appeals in accordance with ORS 183.500.

Stat. Auth.: ORS 161, 183, 419C

Stats. Implemented: ORS 161.387(1), OL 2007, Ch. 889 § 6 (SB 328)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

859-300-0230

Submission of Final Order of Relief to Oregon State Police

No later than ten days after the date the Panel issues a written final order granting relief from the firearms prohibition, the PSRB shall notify the Department of State Police to either transmit the record of the relief granted by the Panel to the federal government as required under federal law, or to update or modify its state database(s), as provided by the Department of State Police's administrative rules.

Stat. Auth.: ORS 161, 183, 419C

Stats. Implemented: ORS 161.387(1), OL 2007, Ch. 889 § 6 (SB 328)

Hist.: PSRB 3-2010(Temp), f. 10-5-10, cert. ef. 10-8-10 thru 4-6-11

Racing Commission Chapter 462

Rule Caption: Rules for the Oregon Racing Commission amended to reflect current practice and industry standards.

Adm. Order No.: RC 1-2010

Filed with Sec. of State: 9-23-2010

Certified to be Effective: 10-1-10

Notice Publication Date: 9-1-2010

Rules Amended: 462-110-0010, 462-120-0010, 462-120-0020, 462-120-0030, 462-120-0040, 462-120-0050, 462-120-0060, 462-120-0070, 462-120-0090, 462-120-0100, 462-120-0110, 462-120-0120, 462-130-0010, 462-130-0020, 462-130-0030, 462-130-0040, 462-130-0050, 462-130-0060, 462-140-0025, 462-140-0030, 462-140-0040, 462-140-0050, 462-140-0060, 462-140-0070, 462-140-0080,

ADMINISTRATIVE RULES

462-140-0100, 462-140-0130, 462-150-0060, 462-160-0110, 462-160-0130, 462-210-0030, 462-220-0030

Rules Repealed: 462-110-0020, 462-110-0030, 462-120-0080, 462-120-0130, 462-140-0390, 462-140-0400, 462-140-0410, 462-140-0420, 462-140-0430, 462-140-0440, 462-140-0450, 462-140-0460, 462-140-0480, 462-140-0490, 462-140-0500, 462-140-0510, 462-140-0520, 462-140-0530, 462-140-0540, 462-170-0010, 462-170-0020, 462-170-0030, 462-170-0040, 462-170-0050, 462-170-0060, 462-170-0070, 462-170-0080, 462-170-0090, 462-180-0010, 462-180-0020, 462-180-0030, 462-180-0040, 462-180-0050, 462-180-0060, 462-190-0010, 462-190-0020, 462-190-0030, 462-190-0040
Subject: AMEND: (1) 462-110-0010 (General) to become 462-110-0010 Racing Definitions. Combines 462-110-0010 and 462-110-0020 into one definition section. Remove language referring to greyhound racing.

(2) 462-120-0010 (Who Must Be Licensed): Remove language referring “driver,” “dog owner,” “judge,” and other greyhound racing references.

(3) 462-120-0020 (Search Warrant/Warrantless): Remove language referring to “judges” and other greyhound racing references.

(4) 462-120-0020 (1)(a) (Search Warrant/Warrantless): Change number of days’ prior to and after race meets that a search can be conducted.

(5) 462-120-0030 (Minimum Work Age): Remove language referring to “judges” and other greyhound racing references.

(6) 462-120-0040 (Types of Licenses): Remove greyhound racing references.

(7) 462-120-0040(4)(b) (Types of Licenses): Adds language to allow the trainer representing an owner to file an application for a temporary license on their behalf; gives further direction to stable owners regarding requirements.

(8) 462-120-0050 (License Application Procedures; Requirements for Corporations and Partnerships; Stable/Kennel/Assumed Name): Remove greyhound racing references, indicates a training track shall be licensed and adds language detailing what must be included in a license application.

(9) 462-120-0060 (Temporary Licenses): Clarifies exception to the rule by reference to another OAR.

(10) 462-120-0070 (Stable Names): Defines ARCI acronym.

(11) 462-120-0090 (Assumed Names): Remove greyhound racing references; defines the acronym ARCI.

(12) 462-120-0100 (Renewals; Reapplications; Duplicates): Remove greyhound racing references.

(13) 462-120-0100(2)(a) (Renewals; Reapplications; Duplicates): Adds language at the end of the section referring back to and order issued by the board of stewards.

(14) 462-120-0110 (Where and When License valid; Restricted Areas; Use and Display of License): Remove greyhound racing references.

(15) 462-120-0120(4) (Additional Grounds for Refusing a License): Adds language regarding disqualification of a license based on the licensee’s conduct.

(16) 462-130-0010 (Prohibited Conduct; Investigations; Discipline): Remove greyhound racing references.

(17) 462-130-0020 (Reciprocity Suspension): Remove greyhound racing references.

(18) 462-130-0030 (Informal Stewards/Judges’ Hearing): Remove greyhound racing references.

(19) 462-130-0040 (Formal Stewards/Judges’ Hearing): Remove greyhound racing references.

(20) 462-130-0050 (Appeal to the Commission; Stay Pending Appeal): Remove greyhound racing references.

(21) 462-130-0050(1) (Appeal to the Commission; Stay Pending Appeal): Adds language regarding filing date.

(22) 462-130-0060 (Commission Hearing): Remove greyhound racing references.

(23) 462-140-0025 (Photofinish Operator): Remove greyhound racing references.

(24) 462-140-0030 (Vendor): Remove greyhound racing references.

(25) 462-140-0040(1) (Veterinarian): Clarifies language regarding licensing requirements of Veterinarians.

(26) 462-140-0040(2) (Veterinarian): Speaks to timeline of submitting reports.

(27) 462-140-0040(4) (Veterinarian): Wording removed to clarify and update the section.

(28) 462-140-0040(7) (Veterinarian): Specifies that Veterinarians must maintain security of controlled substances.

(29) 462-140-0050 (Racing Officials; Complaints): Remove greyhound racing references.

(30) 462-140-0060(Commission Steward(s)/Judge(s); Authority): Remove greyhound racing references.

(31) 462-140-0070 (Commission Veterinarian): Remove greyhound racing references.

(32) 462-140-0080 (Commission Supervisor of Licensing): Remove greyhound racing references.

(33) 462-140-0100 (Commission Investigator(s)): Remove greyhound racing references.

(34) 462-140-0100(5) (Commission Investigator(s)): Updates section to state that matters will be referred to the board of stewards.

(35) 462-140-0130(31)(j) (Race Meet Licensee): Adds language regarding use of exposed element heating appliances.

(36) 462-150-0060(8)(c) (Weighing Out; Equipment; Paddock Procedures): Adds language to clearly identify riding crop requirements.

(37) 462-150-0060 (8)(f)(Equipment): Amends language regarding use of the Cornell Collar.

(38) 462-160-0110(3)(c) (Veterinary Practices): Changes time requirement for submitting a medication report.

(39) 462-160-0130(4)(a)(A) (Medications and Prohibited Substances): Removes the language “with an M.”

(40) 462-210-0030 (Establishing an Account): Adds language regarding required documentation. Removes social security requirement.

(41) 462-220-0030 (Approval of the License for a Hub Operation): Provides direction regarding submitting an application.

REPEAL: 462-110-0020 (Horse Racing) as it will be combined into 462-110-0010; 462-110-0030 (Greyhound Racing); 462-120-0080 (Kennel Name); 462-120-0130 (Granting Race Meet Licenses for Both Classes of Racing to the Same Licensee or Location); 462-140-0390 (Race Meet Licensee); 462-140-0400 (Director of Racing); 462-140-0410 (Racing Secretary); 462-140-0420 (Kennel Owner); 462-140-0430 (Trainer); 462-140-0440 (Assistant Trainer); 462-140-0450 (Greyhound Owner); 462-140-0460 (Paddock Judge and Kennel Master); 462-140-0470 (Scale Clerk); 462-140-0480 (Lead-out); 462-140-0490 (Starter); 462-140-0500 (Announcer); 462-140-0510 (Chartwriter); 462-140-0520 (Program Editor); 462-140-0530 (Track Superintendent); 462-140-0540 (Compliance Officer); 462-170-0010 (Official Schooling Requirements; Establishing Weight); 462-170-0020 (Weight Changes); 462-170-0030 (Grading System); 462-170-0040 (Entering for Official Racing); 462-170-0050 (Forming the Race; Withdrawals; Stake Races); 462-170-0060 (Weigh-in; Weigh-out; Grooming Requirements; Scratches); 462-170-0070 (Lead Out; Start; Race); 462-170-0080 (Order of Finish; Dead Heats; Prize Dissention); 462-170-0090 (Purses); 462-180-0010 (Purchase, Sale, and Adoption); 462-180-0020 (Greyhound Medical Care); 462-180-0030 (Kennel Housing Facilities; Primary Enclosures; Kennel Crates); 462-180-0040 (Sanitation); 462-180-0050 (Transportation); 462-180-0060 (Care in Transit for More than One Hour); 462-190-0010 (Medication and Testing of Greyhounds); 462-190-0020 (Training Track); 462-190-0030 (Use and Distribution of Breakage and Owner's Bonus Monies); and 462-190-0040 (Kennel Compound) as the rules are specific to greyhound racing and Oregon has not hosted live greyhound racing since 2004

Rules Coordinator: Nancy A. Artmann—(971) 673-0211

ADMINISTRATIVE RULES

462-110-0010

Racing Definitions

The following definitions and interpretations shall apply in these rules unless otherwise indicated or text otherwise requires (Words of the masculine gender include the feminine and neuter. Words in the singular include the plural and vice versa.):

(1) "Added Money": Cash, exclusive of trophy or other award, added by the race meet licensee to stake fees paid by subscribers to form the total purse for a stakes race.

(2) "Age": The age of a horse is calculated as beginning on the first of January in the year in which the horse is foaled.

(3) "Allowance": Weights and other conditions of a race.

(4) "Allowance Race": A race where there are both allowances and penalties, according to the conditions of the race, on monies or races won.

(5) "Appropriate Horse Registry": For Thoroughbreds, the registry office of the Jockey Club (Lexington, Kentucky); for Quarter Horses, the American Quarter Horse Association (Amarillo, Texas); for Appaloosa horses, the Appaloosa Horse Club, Inc. (Moscow, Idaho); for Paint horses, the American Paint Horse Association (Fort Worth, Texas); for Arabians, the Arabian Horse Registry of America (Denver, Colorado); and for mules, the American Donkey and Mule Society (Lewisville, TX).

(6) "Authorized User": A person authorized by the Oregon Racing Commission to receive, to decode and to use for legal purposes the encrypted signal of racing events in Oregon.

(7) "Bleeder": Any horse known to have externally bled from its respiratory tract during a workout or race, and so designated by the commission veterinarian or any horse that has internal bleeding that is observed by the commission veterinarian through endoscopic examination.

(8) "Bleeder List": A tabulation of bleeders to be maintained by the commission.

(9) "Blocked": Where there is no feeling in an injured area.

(10) "Breakage": The odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple to ten cents or to five cents in accordance with ORS 462.140. (11) "Breeder": The owner of the dam of a horse at the time the horse was foaled. A horse is "bred" at the place of its foaling.

(12) "Carded": Scheduled and placed on the daily racing program.

(13) "Claim Certificate" (Open Claim Certificate): A written document issued by the commission which permits a person to enter a claim for a horse without having a foal certificate in the race office. (14) "Claiming Race": A race in which all horses may be claimed and purchased for the amount specified in the conditions for that race by any person meeting the requirements of OAR 462-150-0030(2).

(15) "Combined Pari-Mutuel Pools", "Combined Pools": The pari-mutuel wagers at one or more off-track wagering facilities being contributed into the pari-mutuel pools of an Oregon host race meet licensee.

(16) "Commission": Oregon Racing Commission. Commissioner is a member of the commission.

(17) "Complaint": A written allegation of a violation of these rules or ORS Chapter 462.

(18) "Day" "Race Day" and "Simulcast Day": Any 24 hour period beginning at 12:01 a.m. and ending at midnight. "Racing Day" is a day on which live races are conducted at a race track in Oregon. "Calendar Days" are those consecutive days counted irrespective of number of racing days. "Simulcast Day" is a day that races from an out-of-state track are being simulcast into a track in Oregon on a day that there are no live races being run at the Oregon track. Simulcast days may only occur on days that fall within the period of time for which a race meet license has been granted by the commission. Unless otherwise specified, use of the word "day" shall mean a calendar day. In calculating the average daily handle for race meets, any race day in which some of the day's races are canceled due to natural occurrences, as determined by the commission, will be counted as a partial race day in the same proportion as the number of races actually run by the number of races carded to be run in the day's racing program.

(19) "Decoder": A device and/or means to convert encrypted audiovisual signals and/or data into a form recognizable as the original content of the signals.

(20) "Derby": A race exclusively for 3-year-olds, except for Arabians which is for 4-year-olds.

(21) "Designated Races": Stake and handicap races so designated by the stewards prior to the first day of the race meet.

(22) "Disqualification": An order of the stewards or commission revising the order of finish of a race.

(23) "Divided Race": A race in which there are so many entries that it is made into two separate races. A race becomes a divided race when it is announced by the racing secretary that he/she is dividing the race.

(24) "Drug": As defined in ORS 462.010(5).

(25) "Eligible": A horse which meets the conditions of the race.

(26) "Encryption", "Encrypted", "Encoded": The scrambling or other manipulation of the audiovisual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without using a decoder.

(27) "Engagement": The obligation of a jockey or horse to participate in a race.

(28) "Equipment": As applied to a horse, it includes the whip, blinkers, tongue restraint, muzzle, hood, nose band, bit, shadow role, martingale, breast plate, bandages in excess of six inches in length, boots, tail tie, plates and other items as approved by the Oregon Racing Commission. (29) "Exotic Wager": Any single wager where three or more separate wagering interests are required to be selected.

(30) "Foal Certificate" or "Registration Papers": A document issued by the appropriate horse registry used for the identification and proof of ownership of the horse.

(31) "Forfeit Money": Money due by a licensee because of error, fault, neglect of duty, or penalty imposed by order of the stewards.

(32) "Free Handicap": A race in which no liability for entrance money is incurred.

(33) "Futurity": A race for 2-year-olds, except Arabians which is for 3-year-olds, in which nominations are made a considerable time before the running of the race, often before the entered horse is born.

(34) "Handicap": A race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

(35) "Horse": Any horse (including and designated as a mare, filly, stallion, colt, ridgling, or gelding) registered for racing under the jurisdiction of the commission and which requires a jockey to race.

(36) "Host", "Host Association", "Host Track": The race track licensee conducting a licensed race meet when it is authorized by the Oregon Racing Commission to simulcast racing programs. (37) "Hub": A multi-jurisdictional simulcasting and interactive wagering totalizator hub is a business that, through a qualified subscriber based service, conducts pari-mutuel wagering on the races that it simulcasts and other races that it carries in its wagering menu.

(38) "Ineligible": A horse or person not qualified under these rules or the conditions of a race to participate in a specified racing activity.

(39) "In Today Horse": Any horse which has an opportunity to run in a race and enters again on the next day that entries are taken.

(40) "Inquiry":

(a) Action initiated by the board of stewards involving determination as to whether or not a foul has occurred during the running of a race.

(b) Investigation by the board of stewards of a violation or as a result of objection, to determine if a violation occurred.

(41) "Intrastate Wagering": Pari-mutuel wagering at an off-track wagering facility on Oregon racing events being run at an Oregon host race meet licensee.

(42) "Invitational Handicap": A handicap race for which the racing secretary has selected the contestants and assigned the weights.

(43) "Licensee": Any person or entity holding a currently valid Oregon Racing Commission license to engage in racing or related regulated activities.

(44) "Lessee": A person who holds a contract for the racing of a horse in the person's (lessee's) name.

(45) "Lessor": A person who owns a horse and who leases part or all of it to another person.

(46) "Maiden": A horse which at the time of starting has never won a race on the flat in any country on a recognized track. A maiden which has been disqualified after finishing first is still a maiden.

(47) "Match Race": A private sweepstakes between two or more horses which are the property of different owners. If prior to the running of the race any of the horses entered in the match dies or if any owner dies, the match is void. It remains a match even if money or another award is added to the stakes.

(48) "Maturity": A stakes race for four-year-olds, or four years old or older, except Arabians which is for five-year-olds, or five years old or older.

(49) "Month": A calendar month.

(50) "Mule": The offspring of a male donkey and a female horse. Mules shall race under the same rules as horses, unless otherwise directed by the Board of Stewards.

ADMINISTRATIVE RULES

(51) "Nerve": To cut or remove a portion of a nerve, usually in a horse's leg, to decrease sensation.

(a) "Digital Neurectomy (Heel Nerve)": An operation performed on the digital nerve between the fetlock and the foot.

(b) "Volar Neurectomy (High Nerved)": An operation performed on the volar nerve that lies between the bottom of the knee and the fetlock joint.

(52) "Nomination": The naming of a horse for a stakes race in advance of the race.

(53) "Nominator": The person or persons who nominate a horse.

(54) "Non-starter": A horse that was not in the starting gate when the stall doors open when the starter dispatches the horses, or in the opinion of the stewards, was prevented from receiving a fair start. The stewards may determine any horse to be a non-starter if in their opinion to do so would protect the best interest of racing.

(55) "Objection":

(a) Action initiated by the owner, trainer, or jockey of a horse, claiming foul against another horse or jockey in a race.

(b) Action, initiated by licensee, to the stewards challenging the eligibility of an entered horse, or interpretation of a rule or policy.

(56) "Off-Track Enclosure", "Enclosure-Public": All areas of the off-track wagering facility.

(57) "Off-Track Wagering": Pari-mutuel wagering conducted on a race at a location other than the racecourse where the race is actually held.

(58) "Off-Track Wagering Facility", "Intrastate Wagering Facility", "Extended Wagering Facility": The physical premises, including parking areas, structures and equipment utilized by a race meet licensee for the conduct of pari-mutuel wagering on racing events being run elsewhere. (59) "Oregon Bred": A horse which was foaled in Oregon.

(60) "Original Post Time": For the purposes of medication administration, the "original" post time shall be the advertised post time provided to a commission veterinarian by the association and posted by a commission veterinarian or designee in the race office.

(61) "Out-of-State Wagering": Acceptance of wagers by a race meet licensee authorized by ORS 462.062 or 462.067 on a race or races run outside of the State of Oregon.

(62) "Overnight Race": A race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run, and to which no fees are contributed by horsemen.

(63) "Paddock": The paddock is the confined area where horses are assembled for saddling prior to a race.

(64) "Penalty": Depending upon the context:

(a) The excess of weight a horse must carry in a race because of the race's conditions; or

(b) The fining or suspension of a licensee by the stewards or the governing body having jurisdiction over the race meet.

(65) "Person": Unless the context clearly shows otherwise, person as used in these rules includes individuals, partnerships, corporations, political subdivisions and municipal corporations.

(66) "Post": The starting point of a race.

(67) "Post Position": The starting position assigned to a horse at the time the race is drawn.

(68) "Prize": The combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to the order of finish in a race.

(69) "Produce Race": A race made of the progeny of certain nominated stallions.

(70) "Purse": The gross cash portion of the prize for which a race is run.

(71) "Purse Race": A race for money or any other prize to which the owners of the horses entered do not contribute.

(72) "Race": An official contest among racing animals for purse or other prize at any recognized race meet and in the presence of the officials of the track as defined by ORS 462.010(10).

(73) "Race Meet Licensee": A person, partnership, corporation, or any other body conducting a licensed race meeting in Oregon.

(74) "Racecourse": The entire area licensed to the race meet licensee, as defined in ORS 462.010(11).

(75) "Racing Officials":

(a) Commission officials include the presiding state steward, deputy state steward, commission veterinarians, photofinish operator, commission chief investigator, commission investigators, supervisor of licensing and pari-mutuels, commission auditors and any other commission employee designated by the commission or the executive director.

(b) Race meet licensee officials include the race meet general manager, assistant general manager, association steward, director of racing, racing secretary, paddock judge, patrol judge, jockey room supervisor, placing judges, identifier, starter, clocker, clerk of scales, stall superintendent, track superintendent, paymaster of purses, mutuel manager, assistant mutuel manager, odds maker, outriders, plate inspector, chief of security, TRPB agent and any other person designated by the commission or the executive director.

(76) "Recognized Race Meet": Any race meet which is under the jurisdiction of an official racing commission or other official racing body.

(77) "Recognized Track": A track on which official results are published in the Daily Racing Form, Equibase or other racing publication approved by the commission.

(78) "Restricted Area": Includes, but is not limited to, the office of the racing secretary, stable area enclosure, paddock area, the room occupied by the stewards, photofinish operator, video camera and control system, announcer, the pari-mutuel work areas, totalizator computer room, jockey room and weighing area, test barn area, and any other area designated as "RESTRICTED" by the commission.

(79) "Revocation": The withdrawal of license privileges for all licenses held unless stated otherwise within the order. Revocations also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order. An individual who has had his/her license privileges revoked will remain revoked until such time the commission takes official action to reinstate the license.

(80) "Ruled Off": The act of barring a person or horse from the grounds of a race meet licensee and denying all racing and other privileges.

(81) "Rundown": A bandage on a horse's leg not exceeding six inches in height.

(82) "Runner": As used in many places; designates a horse.

(83) "Scratch": The act of withdrawing an entered horse from a race.

(84) "Scratch Time": The time established and posted by the racing secretary after which no horses may be scratched, except by the stewards, or, when authorized, by the commission veterinarian or the starter.

(85) "Sending Track": The race track from which a simulcast emanates for interstate wagering.

(86) "Simulcast", "Simulcasting":

(a) Live audiovisual electronic signals emanating from a licensed race meeting and transmitted simultaneously with the running of the racing events at that meeting, and includes the transmission of pari-mutuel wagering odds, amounts wagered and payoff on such events, and other racing programming relating to the race animals or participants, or

(b) Such other form of electronic signals of animal racing as is approved by the commission.

(87) "Simulcast Operator": A person with a contract with the host race meet licensee, and authorized by the Oregon Racing Commission to operate a simulcast wagering system.

(88) "Simulcast Service Supplier": A person engaged in providing service, supplies or equipment necessary to the operation of intrastate or out-of-state simulcast wagering for use by the host race meet licensee, authorized user, including pari-mutuel wagering terminals, television receivers and related equipment.

(89) "Stable": A place to house horses.

(a) "Trainer Stable": One or more stalls assigned to a trainer.

(b) "Stable Name": An assumed name licensed to one or more owners.

(c) "Trainers Stable Name": Used for trainers advertising.

(90) "Stakes Race": A race to which nominators of the entries contribute to a purse, to which money or any other award may be added. No overnight race shall be deemed a stakes race.

(91) "Starter": A horse which is in the starting gate when the stall doors open in front of it at the time the starter dispatches the horses. The stewards may, in their discretion, determine a horse to be a nonstarter.

(92) "Starter Allowance Race": An allowance race that includes the condition that a horse must have previously started for a specified claiming price. If a horse has been claimed, it is not eligible to enter a starter allowance race for the price at which it was claimed until it has started in a claiming race in which the claiming price does not exceed the price at which it was claimed. (93) "Starter Race": A race based upon a horse having previously started for a specified claiming price.

(94) "Stewards": The persons employed or approved by the commission who are responsible for the proper conduct of a race meet. The terms stewards and board of stewards are used interchangeably.

(95) "Subscription": The act of nominating a horse to a stakes race.

ADMINISTRATIVE RULES

(96) "Substitute Race": A race which replaces a race already carded, but abandoned because of insufficient entries or too many scratches.

(97) "Suspension": The withdrawal of license privileges for a period of time. Suspensions also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order. (98) "Sweepstakes": Same as "stakes race".

(99) "Unauthorized Area": Includes the stewards' stand, test barn, jockeys' room, scale room, and mutual work areas.

(100) "Wagering Interest": A single horse, or more than one horse joined as a "mutuel entry" or joined in the "mutuel field", on which a single pari-mutuel wager may be placed.

(101) "Weigh In": The presentation of a jockey to the clerk of scales for weighing after a race. (102) "Weigh Out": The presentation of a jockey to the clerk of scales for weighing prior to a race.

(103) "Workout": A training exercise of a horse where the horse is asked for speed over a specific distance.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2003, f. & cert. ef. 4-23-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0010

Who Must Be Licensed

ORS 462.020 states: Licensing required for race meets, persons participating in race meets and public training tracks; licensees to observe rules and orders.

(1) No person shall hold any race meet without having first obtained and having in full force and effect a license therefore issued by the commission.

(2) No trainer, jockey, apprentice jockey, horse owner, exercise rider, agent, authorized agent, jockey's agent, stable foreman, groom, valet, veterinarian, horseshoer, steward, stable watchman, starter, timer or other person acting as a participant or official at any race meet, including all employees of the pari-mutuel department, owners and mutuel managers of off-track establishments, employees of multi-jurisdictional simulcasting and interactive wagering totalizer hubs, who work within the State of Oregon, shall participate in race meets without having first obtained and having in full force and effect a license issued by the commission, pursuant to such rules as the commission shall make. The commission by rule may require other employees of a race meet licensee who are engaged in or performing duties at the race course to obtain a license issued by the commission prior to engaging or performing such duties. The commission by rule may also require persons, including corporations, who are not employees of a race meet licensee, but who are authorized to do business at the race course, to obtain a license issued by the commission prior to conducting such business.

(3) No person shall operate a public training track without having first obtained and having in full force and effect a license issued by the commission.

(4) The commission may require each licensee to be fingerprinted and photographed as part of the licensing procedure.

(5) Each person holding a license under this chapter shall comply with all rules and orders of the commission.

(6) Notwithstanding the requirements of subsection (2) of this section, the commission, upon receipt of a written application for a license on forms provided by the commission, may in its sound discretion issue a temporary license valid for a period not to exceed 10 days pending final approval or disapproval of the written application for a license.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2002, f. 3-29-02, cert. ef. 4-1-02; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0020

Search; Warrant/Warrantless

(1) Any person who applies for or is issued a license by the commission and any person who enters a restricted area is deemed to have given consent to a warrantless search by commission investigators or stewards of the person's personal property (including clothing worn and items carried by the person), the person's vehicle and any premises which the person occupies while the person or the property is in any place under the jurisdiction of the commission, subject to the following:

(a) The investigators or stewards may search during times that the race meet is licensed to conduct racing and for 30 days prior to the beginning and 30 days after the end of the race meet.

(b) The investigators or stewards may search when they have a reasonable suspicion that the person possesses stolen property, a prohibited or injectable drug or medication, controlled substance, unauthorized hypodermic instrument, needle or syringe, unauthorized mechanical or electrical devices, unauthorized equipment, contraband (including illegal gambling paraphernalia), weapon or other evidence of a violation of racing statute or administrative rules.

(c) Notwithstanding the provisions of subsection (b), the investigators may perform a periodic inspection of the jockey room, including the assigned space of any jockey. The investigators may also periodically use a metal detector to inspect each jockey for contraband prior to leaving the jockey area for the saddling paddock. These inspections may be conducted without prior notice.

(d) If the subject of the search is not an applicant for a license or licensed by the commission, the search may be conducted only if the person was given oral or written notice of this rule upon entering the restricted area, or if the person is a trespasser onto the restricted area.

(e) If the search concerns the person or the property of a licensee who is represented by an association pertaining to racing and recognized by the Oregon Racing Commission, the person will be informed that they have the right to have an association representative to witness the search, if one is available at that time or within 15 minutes of the time that the search is requested by the investigator or steward. If the licensee is not informed of the right, it will not invalidate the search. If the representative is not immediately available, the subject of the search must be under the observation of the investigator or steward until the representative arrives or fails to arrive in the prescribed time.

(f) Failure of any person to consent to a search in accordance with this rule will subject the person to appropriate discipline, including, if the person is a licensee, suspension and ruling-off by the stewards, and possible revocation by the commission, or will subject the person to ejection and/or exclusion from places under the jurisdiction of the commission if an applicant or other unlicensed person. All persons to be searched shall be advised that failure to permit a search may result in revocation of their license (if a licensee) or exclusion from restricted premises (if not licensed).

(g) Nothing in this rule prohibits the application for and the execution of an administrative or criminal search warrant if appropriate under the circumstances.

(2) Any person in custody or control of any materials described in subsection (1)(b) of this rule shall immediately surrender those materials to an investigator upon request. Every race meet licensee and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, division, officer, agent, inspector, or other person connected with the United States government or with the State of Oregon or other political subdivision who may be investigating or prosecuting any person suspected of possessing any drug, narcotic, stimulant, depressant, or local anesthetic, hypodermic syringes, hypodermic needles, or any electrical, mechanical, or other device which, in the opinion of the stewards, is of such character as could affect the racing condition of a horse in a race. Upon the specific request of the individual being searched, a split sample of any suspected prohibited drug or medication, or controlled substance, or other material suspected of containing any of them shall be obtained unless there is insufficient specimen for a split sample. Any materials surrendered to an investigator pursuant to this rule will be returned, subject to amounts needed for analysis, if it is later found that the material was lawfully possessed.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.450

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 1-2004, f. & cert. ef. 3-3-04; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0030

Minimum Work Age

(1) Minimum Work Age Requirements. No person under 15 years of age shall be employed on a racecourse during a licensed race meet. However, a licensed parent or legal guardian may be permitted to employ his or her child around the stable area if the child is 14 years of age or older and licensed for the category.

(2) Any applicant for a license or any licensee under the age of 18 must show evidence of active participation in a certified education program within the last five months, have a high school diploma or have a plan acceptable to the stewards.

(3) Exercise riders and pony riders must be at least 15 years of age.

(4) Jockeys and apprentice jockeys must be at least 16 years of age.

(5) Assistant trainers must be at least 17 years of age.

(6) Trainers and racing officials must be at least 18 years of age.

Stat. Auth.: ORS 462.250

ADMINISTRATIVE RULES

Stats. Implemented: ORS 462.250

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0040

Types of Licenses

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.

(3) When the decedent was the owner either in part or in full the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon regardless of whether that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers.

(A) The trainer representing an owner may file a temporary license application on behalf of the owner by signing the application and paying the applicable license fees. The temporary license shall be terminated if the applicant's fingerprints, completed application(s), and such other documentation as may be required for license are not submitted to the Commission within 30 days following the date of issuance of the license. In the event of termination of a temporary license, the occupational license fee shall be forfeited. Termination of a temporary license is without prejudice to the applicant unless the Commission finds that the applicant has made a material misrepresentation or false statement to the Commission to obtain a license privilege. No more than one temporary license shall be issued to an applicant without that applicant first submitting to the Commission such fingerprints and completed applications as required under this article.

(B) The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.

(d) A stable/assumed name owner's license is required if the name appears as an owner on the registration papers of any animal racing in Oregon.

(e) A trainer's license is required of persons employed by a racing animal owner or stable to condition and care for racing animals racing in Oregon.

(f) An assistant trainer's license is required of persons who assist trainers.

(g) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representa-

tive and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3 trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.

(h) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate. Notwithstanding OAR 462-120-0060 the temporary license may be for a period longer than 10 days in order for the stewards to evaluate the applicant's skill. All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes such examination. A physical card or physician's release will be seen as initial proof of such examination; however, the stewards may require additional information on the examination.

(i) An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. The stewards may require evidence of competency.

(j) A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. The stewards may require evidence of competency.

(k) A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.

(l) A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.

(m) A public training track owner's license is required of every person who owns or manages a public training track.

(n) A veterinarian license is required of any veterinarian licensed by the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the commission licensing office.

(o) A valet/assistant starter license is required of any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.

(p) Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except:

(A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.

(B) Other contractors or individuals designated by the commission.

(q) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable owners or trainers on a racecourse.

(r) An authorized agent's license is required of authorized agents.

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for

ADMINISTRATIVE RULES

any racing animal in the absence of a valid power of attorney authorizing such signature.

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(s) A jockey agent's license is required of any person who makes engagements for or manages a jockey.

(t) A racing official license is required of anyone performing the duties of any racing official position.

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.

(5) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

Stat. Auth.: ORS 462.250

Stat. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0050

License Application Procedures; Requirements for Corporations and Partnerships; Stable/Assumed Name

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written communications, including notices, to the address the licensee has on file with the commission. Every person making application for a license to hold a race meet shall file the application with the Oregon Racing Commission in accordance with ORS 462.050. All applications, which will be due thirty days prior to the scheduled commission meeting at which the application is to be presented, should include:

(a) The applicant's legal name;

(A) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided; and

(B) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders must be provided.

(b) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and parimutuel wagering on the product at the time the application is made;

(c) Financial information from the applicant that demonstrates whether the applicant has the financial resources to operate the race meet;

(d) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the race meet's operation during the license period;

(e) The number of days that the applicant is planning to offer live racing during the fiscal year in which they are seeking to be licensed;

(f) A list of all race meet personnel containing the name, position and job location;

(g) A chart illustrating the organizational structure, including reporting lines;

(h) A list of all host contracts for exporting of signal on file at the time of application;

(i) A check representing \$100 per racing day payable to the Oregon Racing Commission;

(j) Documentation supporting current Public liability insurance;

(k) Documentation supporting current Jockey Insurance;

(l) Documentation supporting a current Bond that shows the Oregon Racing Commission as beneficiary equal to the amount of all moneys that escheat under 462.110(2);

(m) Documentation that the applicant and/or parent company are registered to do business in the state of Oregon;

(n) As part of the application for licensure as a race meet, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(A) The manner in which the proposed simulcasting and wagering system will operate;

(B) The take-out rates for wagering during the licensing period;

(C) Programs for responsible wagering;

(D) Physical security controls for the Tote Room;

(E) An agreement between the Oregon Horsemen's Benevolent Protective Association (OHBPA) and the state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission;

(F) A complete listing of all names, operators and addresses of Off-track Betting (OTB) locations; and

(G) Narrative acknowledging tax liabilities as set forth in Chapter 462.

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).

(3) The fee for the first category of licensure is \$10.00 per year. Any person who is required to be licensed under more than one category of license must indicate the desired categories on the application form and pay an additional fee of \$2 per year for each additional category. All licenses shall expire 3 years from the date of issuance. Licenses added after the initial license date shall expire on the same date as the initial license issued. The fees that accompany license applications are non-refundable.

(4) Dual licenses may be denied if, in the opinion of the stewards or commission, there is a conflict of interest in holding more than one license.

(a) When an applicant applies for a license in more than one occupation, the stewards or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.

(b) The following dual licenses shall be prohibited:

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from con-

ADMINISTRATIVE RULES

currently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:

(A) A pony person may not exercise horses if not licensed as an exercise rider.

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person.

(D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.

(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.

(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, or licensed training track, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0060

Temporary Licenses

Upon receipt of a completed application, the commission may issue a temporary license. The temporary license must be in the licensee's possession at all times while on a racecourse. A temporary license, except a temporary owner's license issued under OAR 462-120-0040 (4)(b)(i), is valid for 10 days unless it is replaced by a regular license or until the applicant is served with a ruling denying licensure, whichever occurs first. Another temporary license may be issued and is valid for an additional 10 days unless it is replaced by a regular license or until the applicant is served with a ruling denying licensure.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0070

Stable Names

(1) The commission will not license a stable name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that stable name or a name which is so similar that it could mislead the public, if the stable name is the real name of

any horse owner, or the stable name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under a stable name unless the stable is licensed by the commission. A person may own or have an interest in horses which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable name and wholly owns the horses in the stable.

(3) When applying for a stable name license, the applicant must disclose the identities of all persons having an interest in the stable.

(4) In order to change the name of a stable, without changing the ownership interest of the stable, a person must apply for a new stable name license.

(5) If a partnership with a written agreement is involved in the ownership of a stable, the partnership agreement must be in compliance with the rules covering partnerships.

(6) If a corporation is involved in the ownership of a stable, the corporation must be in compliance with the rules covering corporations.

(7) The stable name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a race meet may have any interest in a stable or stable name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

(9) The commission may refuse to license any stable whose name is misleading to the public or unbecoming to the sport.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0090

Assumed Names

(1) The commission will not license an assumed name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that name or a name which is so similar that it could mislead the public, if the name is the real name of any racing animal owner, or the name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under an assumed name unless the name is licensed by the commission. A person may own or have an interest in racing animals which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable/assumed name and wholly owns the horses in the stable.

(3) When applying for an assumed name license, the applicant must disclose the identities of all persons having an interest in the assumed name.

(4) In order to change the assumed name, without changing the ownership interest of the name, a person must apply for a new assumed name license.

(5) If a partnership with a written agreement is involved in the ownership of an assumed name the rules covering partnerships must be complied with.

(6) If a corporation is involved in the ownership of an assumed name, the rules covering corporations must be complied with.

(7) The assumed name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a horse race meet may have any interest in a stable or assumed name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0100

Renewals; Reapplications; Duplicates

(1) Renewals. The application fee is \$30.00 for the first license category and \$6.00 for each additional category.

(2) Reapplication.

(a) Any person who, for reasons specific to that license category, has had a license application denied by the commission or stewards must wait at least six months before reapplying for that category of license unless otherwise specified in the order.

(b) If a license is denied due to failure of a written or oral exam, the stewards may consider a period of less than six months before the applicant

ADMINISTRATIVE RULES

can reapply for a license. In no case shall the applicant be eligible to reapply within 30 days from the date the application was denied.

(c) Any person who has had a license application denied by the commission or stewards for reasons not specific to a particular license category (such as criminal background, license falsification, or financial irresponsibility) shall not be eligible to apply for a license in any category for a period of at least six months unless otherwise specified in the order.

(3) Duplicates. If a license is lost or destroyed, the licensee must apply for a duplicate license by submitting to the commission a sworn statement explaining in detail the circumstances of the loss or destruction, and by payment of \$10.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.020
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0110

When License Valid; Restricted Areas; Use and Display of License

(1) When License May Be Used. Licensees shall use their license to enter a restricted area only when necessary to perform duties as a participant in a race meet. Any licensee who is employed by or is an authorized agent for a racing animal owner, stable owner, trainer or race meet licensee, shall promptly surrender their license to the commission upon termination of their employment or agent relationship. The commission shall keep the license until the license expires or until the licensee is again employed as a participant in a race meet.

(2) Restricted Area, Unauthorized Area. No one may enter a restricted area without a displayed current license issued by the commission, except commission members or employees, media representatives, and guests displaying a guest pass duly issued by the commission. No person (including licensee) may enter an unauthorized area without a proper credential or license or permission of the stewards. Guests must be accompanied by security personnel, a commission employee or representative, or a representative of the race meet licensee. For stable area only: Owners, trainers, association officials, racing officials, and commission personnel may register guests at the entrance to the stable. Any other licensee wishing to register guests at the entrance must meet the criteria of a guest pass system developed by the race meet licensee and approved by the executive director of the commission. The licensed participant is responsible for the actions of the guest and must accompany the guest around the area.

(3) Possession and Display of License. Licensees who enter a racecourse must carry their license with them at all times and must show the license to any racing official upon request. Licensees who enter any restricted area shall at all times have displayed on their person, with photo visible, their commission license. All guests in a restricted area shall display their guest pass at all times. Guests are not permitted to perform work functions.

(4) Protection of License. Licensees must take all reasonable precautions to safeguard their license, to prevent the license from being lost, misplaced or stolen. No licensee shall allow any other person to use the licensee's license for any purpose whatsoever. Licenses are not transferable.

(5) Possession of a license does not guarantee the right of the license holder to employment at or participation in a race meet or to be within the enclosure. A licensee must have a business purpose to be within any restricted area on a racecourse.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.020
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-120-0120

Additional Grounds for Refusing a License

In addition to the specific licensing criteria listed in ORS 462.075:

(1) An application by a corporation may be denied if any officer, director, or stockholder could be denied a license.

(2) An application by a partnership may be denied if any general or limited partner could be denied a license.

(3) The commission may refuse to license or may suspend the license of anyone who accumulates unpaid obligations, or defaults in obligations, or otherwise displays financial irresponsibility in connection with the feeding, care, maintenance, training, equipment, and racing of racing animals. Financial irresponsibility as used in this rule means the debtor obligation has been reduced to judgment and remains unsatisfied, or the licensee does not dispute the obligations and the obligations remain unpaid.

(4) A license application may be denied for any reason which could constitute grounds for suspension or revocation. A license may be suspended and/or revoked if it is determined, through means of a due process, that the applicant could have been refused a license if the true facts were known

at the time the license was issued or commits an act subsequent to being licensed that would disqualify the licensee from holding that license.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.020
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-130-0010

Prohibited Conduct; Investigations; Discipline

(1) No person (including licensees) shall:

(a) Incite, encourage, instruct, assist, or cause or attempt to cause another person to engage in any violation of ORS chapter 462 or any rule of the commission, or to commit any prohibited act in relation to racing in another racing jurisdiction.

(b) Offer or accept any form of compensation for cashing a pari-mutuel ticket for another.

(c) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any racing official or employee of the commission at any place under the jurisdiction of the racing commission.

(d) Take any action upon a racecourse that creates or causes a clear and present danger of violence.

(e) Initiate any physical altercation with another person on a racecourse.

(f) Threaten another person with physical harm or probable physical harm.

(g) Refuse to obey reasonable orders or directions of a racing official, security personnel of the race meet licensee or Oregon Racing Commission employees.

(h) Sell or offer to sell tip sheets or any other written, electronic or oral predictions as to the outcome of races at any place under the jurisdiction of the commission unless licensed to do so by the commission.

(i) Gamble, bet, or wager on a racecourse except as authorized by the State of Oregon.

(j) Except for the race meet licensee, solicit any wagers from the public.

(k) Give or offer to give any bribe directly or indirectly, to any licensee, racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or racing animal.

(l) Tamper or attempt to tamper with an animal, or apply or aid in applying to an animal or possess on a racecourse any electrical or mechanical device or prohibited medication intended to affect the performance of an animal.

(m) Possess a hypodermic needle or usable injectable syringe on which a needle may be attached on a racecourse, except veterinarians or veterinarian assistants licensed by the Oregon Racing Commission. On a racecourse, veterinarians may use only one-time disposable needles, and shall dispose of them off the racecourse. If a person has a medical condition which makes it necessary to have a syringe on the racecourse, that person must request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to have a syringe on the racecourse, and must comply with any conditions and restrictions set by the stewards.

(n) Administer, offer to administer, or allow to be administered to any racing animal any prohibited drug or medication, or an unauthorized quantity of an approved drug or medication. (o) Alter or forge a prescription for medication for a racing animal, or any legal document including but not limited to: a bill of sale, a claim blank, a license application, a treatment form, a registration certificate, ownership registration certificate, lease certificate, a check, or a license application.

(p) Impersonate any racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or animal in any manner including forging any of these individuals' names or initials on any document.

(q) Submit or knowingly allow to be submitted to the commission, commission personnel, racing secretary or any racing animal registry, any report or document or application which contains false or misleading information.

(r) Mar or alter any identification mark on a racing animal.

(s) With the exception of commission staff and racing officials in the conduct of official business, use cell phones in the paddock, jockeys' room, test barn enclosure/area and on the racing surface when the area is actively in use.

(t) Smoke inside the test barn/storage area, under the covered portion of the stables, including stalls, tack rooms, shedrow, or in designated "No Smoking" areas.

ADMINISTRATIVE RULES

(u) Use any tobacco products or have food or beverages in the designated testing areas.

(v) Test barn commission staff is permitted to have food or beverages in specified areas only under the following conditions:

(A) Test barn staff is to be free of food residues on their person and to wash their hands prior to testing horses or handling samples.

(B) Food or beverage items that contain prohibited substances are not permitted in the test barn enclosure.

(w) Possess on a racecourse any deadly weapon or firearm, a BB gun, blow gun, pellet gun or similar device, except law enforcement officers, commission officials and security personnel.

(x) While employed by the race meet licensee, racing commission or acting as a racing official, wager at the racecourse where employed or working, while on duty, or ask any other person to place a bet on their behalf. This includes individuals working under contract with the race meet licensee during the racing program and the employees of contractors of the race meet licensee who are working during the racing program.

(y) Allow any person under the age of eighteen (18) years to place or collect a wager. Race meet licensee shall turn over to the proper civil authorities any person who violates this rule, to be punished upon conviction of any such violation, according to law. This rule shall be posted conspicuously at entrance gates and throughout wagering areas. The license of any employee participating in any transaction relative to wagering with persons under the age of eighteen (18) years may be summarily, suspended or revoked.

(z) Move, nominate or enter to race a racing animal on a racecourse except with express permission of the trainer, racing secretary, owner, stall superintendent or the stewards.

(aa) Submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(A) Inadequate food, shelter and water as defined by typical industry standards for those animals kept in similar climates and conditions;

(B) Neglect in any manner, including adequate veterinary care and attention when necessary;

(C) Conditions which cause the animal unnecessary physical pain or suffering;

(D) Prohibited conduct described in ORS 167.310 to 167.388 in the form the statute provided on the effective date of this rule.

(bb) Commit theft or buy, sell or possess any stolen property, or buy, sell or possess any illegal contraband.

(cc) Illegally influence or conspire, or attempt to influence or conspire, to affect the result of any race or manipulate the odds in which an animal participates.

(dd) Violate any written agreement entered into with the Oregon Racing Commission, the board of stewards or any other commission employee as a result of an order of the commission or stewards.

(ee) Engage in any lewd, obscene, indecent, or inappropriate conduct.

(2) No licensee shall:

(a) Enter for official racing, official schooling, start, cause or allow to be entered or start, a racing animal that the licensee knows or should know does not meet all entry requirements.

(b) Come onto a racecourse or participate in a race meet while suspended, excluded or ruled off by the official body of any racing jurisdiction unless otherwise ordered by the board of stewards or the Oregon Racing Commission.

(c) Knowingly harbor or otherwise enable the unlawful presence of any individual who is suspended or revoked by the official body of any racing jurisdiction or excluded by the race meet licensee.

(d) Fail to immediately notify the racing secretary when the licensee discovers that any entry or starting requirement for a racing animal under the licensee's control is not met or is no longer being met.

(e) Allow or cause a scratch to become necessary, which could have been avoided by the exercise of reasonable care.

(f) Fail to request a scratch immediately upon learning that a scratch is necessary.

(g) Solicit, offer or accept any bribe in any form, directly or indirectly, to or from any person, in connection with any race meet in any racing jurisdiction which is a member of Association of Racing Commissioners International (ARCI). A conviction is not required in order to prove a violation of this rule.

(h) Commit any corrupt, fraudulent, or unlawful act on any racecourse or in connection with any race meet in any racing jurisdiction which is a member of ARCI.

(i) Fail to cooperate with commission personnel, officials or security personnel when requested to comply with these statutes and rules relating to racing.

(j) Fail to report to the stewards' office promptly upon request.

(k) Be intoxicated or under the influence of controlled substances in a restricted area or on duty. (l) Lodge a frivolous complaint.

(m) Knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.

(n) Fail to properly escort unlicensed individuals after registering them with security personnel as guests.

(o) Fail to immediately report to the commission the unlicensed participation in a race meet of any person who the licensee knows or should know is required to be licensed.

(p) Fail to report promptly to a commission representative any possession or use of a prohibited drug, prohibited medication or prohibited paraphernalia.

(q) Fail to notify the commission in writing of a change of officer, director, stockholder (except for publicly traded corporations), or partner, within 30 days, if the change occurred during a race meet, or prior to the next race meet, if the change occurred after a race meet.

(r) Ride a horse on the racecourse without properly wearing an approved helmet and vest.

(s) Retain any prize or purse money which the person has reason to know was paid in error or lost because of disqualification or commission action as a result of an appeal.

(t) If an owner, assistant trainer, groom or other person having charge, custody or care of a racing animal, fail to protect the racing animal and guard it against the administration of unauthorized drugs or any other illegal conduct.

(u) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.

(v) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.

(w) Allow anyone other than participating jockey, authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room between two hours before post time for the first race of the day and one hour after the last race without consent of the stewards for each time of entry.

(x) Other than a licensed jockey agent, make engagements for a jockey. A jockey may make his/her own engagements if not represented by a jockey agent.

(y) Engage in any dishonest conduct on a racecourse.

(z) Engage in any unprofessional conduct on a racecourse.

(aa) Willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee; nor shall a licensee falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying the payment of the debt or defrauding the person to whom the indebtedness is due.

(bb) Write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is a stop payment check or is written on a closed account or a nonexistent account. The fact that such a check is returned to the payee by the bank as refused, constitutes a rebuttable presumption for a finding of financial irresponsibility.

(3) Substance Abuse:

(a) Alcohol Consumption: No licensee may have present within his/her system an amount of alcohol which would constitute being intoxicated, defined as .08% blood alcohol content or greater, while in a restricted area. No jockey, apprentice jockey, valet, assistant starter, pony person, exercise person, or racing official may have present within his/her system an amount of alcohol which would constitute being impaired, defined as .02% or greater blood alcohol content, while responsible for performing their official duties.

(A) Any licensee may be required to take a breath alcohol test prior to their participation in racing events.

(B) Acting with reasonable suspicion, the stewards, or a designated Racing Commission representative, may direct any licensee to submit to a breathalyzer test to determine blood alcohol content.

ADMINISTRATIVE RULES

(C) Refusal to take a breath test will be considered as positive evidence of a violation of subsection (3)(a).

(D) Sanctions for alcohol violations

(i) Penalties for a first offense may result in a fine and/or a suspension up to 15 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(ii) Penalties for a second offense may result in a fine and suspension up to 30 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iii) Penalties for third and subsequent offenses shall result in a fine and suspension for no less than 90 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iv) A history of substance abuse violations other than alcohol may be considered as aggravating circumstances when considering penalties for alcohol abuse, and may result in penalties greater than those listed in these rules.

(b) Drugs/Controlled Substances: No licensee within any place under the jurisdiction of the racing commission shall have in the licensee's body any controlled substance or drug listed in Schedules I through V of 21 USC Section 812 except for a drug which was obtained or taken pursuant to a valid legal written prescription or order from a licensed physician acting in the course of the physician's professional conduct and which is produced by the licensee upon request.

(A) Acting with reasonable suspicion, the stewards, or a designated racing commission representative, may direct any licensee observed in a restricted area or any racing official acting in their capacity to submit to drug testing for analysis. When so directed, said licensee shall submit to such examination. If the result of the test indicates the presence of a controlled substance as delineated above, or if the person refuses to be tested, either for reasonable suspicion or under random testing criteria, or if the specimen was adulterated as reported by the official testing laboratory, the person may be fined and/or suspended as described in this rule. If the laboratory determines that the sample is dilute, the licensee being tested shall be required to submit another urine sample. To ensure the sample will not be dilute, the licensee will be required to report for testing at a specified time and remain until the sample is acquired.

(B) Controlled Substance Testing Expense: Except for split samples, laboratory analysis will be performed at the racing commission's expense, unless pursuant to a prior order of the stewards or commission reinstating the licensee, or the person produced an adulterated specimen, in which case retesting may be performed only after the person pays the cost of the first test to the commission.

(C) Sanctions for Controlled Substance Violations:

(i) A licensee's first violation shall result in a suspension for not less than 30 days, however, reinstatement shall not occur until the licensee has been evaluated by, and a current written report is received from a drug counselor certified by the State of Oregon and who is approved in advance by the commission or stewards. If the report states that treatment is required, reinstatement shall not occur until the licensee presents documented proof of current enrollment in or completion of an appropriate certified rehabilitation program approved in advance by the commission. Reinstatement is also subject to licensee producing at licensee's expense, a negative test from a laboratory approved in advance by the commission, and the licensee agreeing in writing to submit urine specimens at the request of the stewards, or designated racing commission representative, for not less than five years, or until no longer licensed. Any failure to comply with the certified counselor's and/or stewards' instructions may result in immediate suspension.

(ii) A licensee's second violation within five years of the first violation shall result in an indefinite suspension, but in no case less than six months, and reinstatement shall not occur until the licensee completes all of the contingencies listed above in subsection (i).

(iii) A licensee's third violation within seven years of the second violation shall result in a 365-day suspension by the stewards and immediate referral to the commission for consideration of exclusion and/or revocation

of the license. The stewards may not reinstate the licensee unless the laboratory analysis was proven to be incorrect or a fraud was perpetrated resulting in a mistaken judgment by the stewards.

(iv) A history of alcohol abuse violations may be considered as aggravating circumstances when considering penalties for drug abuse violations and may result in penalties greater than those listed in these rules.

(D) Prescription Medication:

(i) Any licensee who has obtained a medical prescription for any drug listed in Schedules I through V of 21 USC Section 812 may be required to furnish the Commission or the stewards written documentation from the issuing physician that the use of the prescribed drug will not impede the licensee from performing the duties for which they are licensed or threaten the safety or welfare of others or a racing animal.

(ii) If, in the opinion of the board of stewards, the use of any lawfully prescribed drug listed in Schedules I through V of 21 USC Section 812 would or could pose a threat to the health, safety or welfare of the licensee, others or a racing animal, the board of stewards, after having an appropriate hearing, can bar the licensee from entering a restricted area of any racecourse or their handling of any race animal subject to appeal.

(E) Knowledge of a person's voluntary and active participation in an approved rehabilitation program will not constitute grounds for "reasonable suspicion" under this rule.

(4) Any licensee who violates any provision of ORS chapter 462 or any rule adopted there under is subject to further discipline by the board of stewards, up to the limits imposed by law, and also is subject to further discipline by the racing commission, including suspension, revocation, civil penalties, exclusion, probation, and such other discipline as may be appropriate in the case. Whenever a licensee is suspended, the stewards have the commission's authority to also exclude him or her. Any non-licensee who, in the opinion of the stewards, acts in a manner detrimental to racing may be subject to exclusion.

(5) When grounds exist for suspension of a license, the stewards or commission may also impose other appropriate sanctions including, but not limited to, forfeiture of purse, return of prizes, ruling off, or forbidding entry of racing animals.

(6) When a license is suspended, it may be suspended for all categories licensed, including reciprocity suspensions.

(7) Ejection. The race meet licensee may eject any person from the race course for any reasons and in any manner that is not contrary to law. The race meet licensee shall notify the commission within 24 hours of any ejection or arrest occurring on the racecourse, including the details thereof.

(8) All licensees shall report any known irregularities or wrong doings by any person immediately to a commission employee and cooperate in subsequent investigations.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-130-0020

Reciprocity Suspension

The board of stewards or the commission may suspend, prior to any hearing, the license of any person whose license is currently suspended or revoked by an official body of another state or country for violation of the racing laws or regulations of that jurisdiction. However, at the time the board of stewards or commission issues a suspension order, the licensee shall be promptly notified of the right to contest the suspension and request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-130-0030

Informal Stewards' Hearing

The board of stewards, at their discretion, may hold an informal hearing with a licensee and any other appropriate persons in order to discuss an alleged or apparent violation of the statutes or rules of racing by the licensee. Oral notice to the licensee is sufficient to commence an informal hearing. After the hearing, no sanction or penalty may be imposed by the stewards unless all affected parties agree to it.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

ADMINISTRATIVE RULES

462-130-0040

Formal Stewards' Hearing

(1) If the board of stewards has reason to believe that a violation has occurred, they may hold a formal hearing after providing written notice to the licensee. The written notice shall:

- (a) Cite the statutes or rules which were allegedly violated.
- (b) Briefly describe the time, place, and nature of the alleged violation(s).
- (c) Identify the type of penalty or sanction which may be imposed.
- (d) Specify the time and place of the hearing, at least three calendar days after service of the notice excluding Saturdays, Sundays, and legal holidays, unless all parties agree to an earlier time.

(e) State that the licensee may be represented by an attorney licensed to practice in the state of Oregon.

(f) Be personally served within the timeline set forth in OAR 462-130-0040(1)(d) or mailed by first class mail to the current address on file for the licensee at least ten days prior to the hearing. (2) If given the option by the board of stewards, the licensee may waive the right to a formal stewards' hearing by signing a waiver agreeing to the penalty or sanctions listed on the waiver. By signing the waiver the licensee waives the right to appeal the penalty to the commission, as provided by OAR 462-130-0050.

(3) If the licensee does not sign a written waiver, the board of stewards shall hold a formal hearing. At least two stewards shall be present. The fact finding portion of the hearing shall be open. The state steward or designee shall preside, and within reason, shall allow all available evidence to be presented, without regard for technical rules of procedure or rules of evidence. All witnesses must testify under oath. The hearing may be recorded. After hearing the evidence and any closing statements, the stewards may deliberate in private before making a decision. Unless the charges are dismissed, the decision shall be put in the form of a written order either finding the licensee guilty of a violation or referring the case for a formal commission hearing or a combination thereof. If the licensee is found guilty of a violation, the order shall:

- (a) Identify the licensee by name and license classification.
- (b) Identify the specific statutes or rules violated.
- (c) Set forth the findings of fact which establish the violation(s).
- (d) Indicate the penalty or sanctions to be imposed, and when they are to go into effect.
- (e) Inform the licensee of the right to appeal to the commission and to request a stay pending appeal as provided in OAR 462-130-0050.

(4) Notification to the licensee of a written order, for the purpose of this rule, will include efforts to contact the licensee by commission staff using the information supplied by the licensee on his/her license application. Thereafter, copies shall be sent to the commission and posted in a designated area at the racecourse for a period of two racing days. Fines must be paid within ten calendar days of the effective date of the order. Failure to pay a fine within the time limit described by this rule may result in a suspension of up to 30 days after the fine is paid in full.

(5) The licensee may still appeal the matter to the commission for a formal commission hearing, and for good cause may request that the commission executive director stay the stewards' penalty pending the commission hearing. The executive director has discretion whether or not to grant the stay.

(6) Any licensee who fails to appear before the stewards after having been given notice by the stewards, a racing official, or an investigator of the commission, in accordance with these rules or by any ruling or order which has been issued and published directing such appearance, may be suspended and the case may be referred to the commission. Failure to appear in response to such order shall be a separate cause for disciplinary action.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.405
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-130-0050

Appeal to the Commission; Stay Pending Appeal

(1) Any person who is the subject of any stewards' order or ruling may request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter, other than as to the extent of disqualification for a foul in a race. The appeal must be in writing and filed with the commission offices at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the date the order or ruling is served, unless a different time is expressly specified. The filing date will be the postmark date on the envelope or other credible documentation of the date the appeal was sent to the com-

mission. Any appeal concerning the board of stewards' decision regarding a claim of foul or inquiry must be filed with the commission offices at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within 72 hours of the action or inaction which provides the basis of the appeal. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

- (a) The order, ruling, or decision to be reviewed and the date thereof.
- (b) The specific acts or failure to act which gave cause to the appeal and the dates thereof.
- (c) The reasons for the appeal.
- (d) The address to which any notices from the commission may be mailed to the appealing party.

(2) An appeal from an order or ruling of the stewards to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction.

(3) At the time a licensee submits a written appeal to the commission, the licensee may request in writing that the commission stay the effective date of any penalty or sanction imposed by the stewards. The request should state any good cause that supports the request. The executive director or commissioner in the absence of the executive director may, in his/her discretion, grant the stay for good cause shown.

(4) An appeal may not be withdrawn except with the approval of the executive director.

(5) Appeals to the commission shall be heard within 90 days from the date the appeal request is received in the commission's main office, unless a continuance is requested by the licensee or the assistant attorney general and approved by the executive director or the hearings officer.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.405
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-130-0060

Commission Hearing

The commission may initiate a formal hearing on its own motion, or shall have a formal hearing held as a result of receipt of an appeal as provided in OAR 462-130-0050 or upon referral from the stewards. Commission hearings shall be conducted by an administrative law judge from the Office of Administrative Hearings under ORS 183 (the Oregon Administrative Procedures Act). Commission hearings conducted by the Office of Administrative Hearings will be de novo, which means the commission will consider anew all evidence and charges against the licensee. Subject to objections which may be made at the hearing, the commission may incorporate all or part of the stewards' record into its own record. If the commission concludes that a violation occurred, it may order any appropriate penalty or sanction, including but not limited to warning, letter of reprimand, probation, fine, suspension, license revocation, exclusion, or any combination. Final orders of the commission may be appealed to the Oregon Court of Appeals as provided in ORS 183.480.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.405
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0025

Photofinish Operator

(1) The photofinish operator shall maintain the photofinish and timing equipment in proper working order, shall photograph each race, and shall notify the stewards if lighting is insufficient to take adequate photos.

(2) When the "photo" sign is posted by the stewards, the photofinish operator shall prepare a photograph which shall be promptly made available for public viewing.

(3) The photofinish operator shall keep all digital files for each race. These digital files shall be available for reference or reproduction at the commission office for 90 days after the last day of the race meet.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.270
Hist.: RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0030

Vendor

Vendors must have a list of products they sell attached to the license application and a current copy of all state permits and licenses to dispense such products. The list of products and any changes to that list must be approved by a commission veterinarian and/or stewards.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.270

ADMINISTRATIVE RULES

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0040

Veterinarian

(1) No one shall practice veterinary medicine on a racecourse unless licensed by the Oregon Board of Veterinary Medical Examiners (OBVME), with a current copy annually of said license on file with the Oregon Racing Commission. Veterinarians with an active-status license issued by the OBVME shall also obtain a license with the Oregon Racing Commission. Veterinary assistants shall only perform their duties under the direct supervision of a licensed veterinarian.

(2) Veterinarians performing services on a racecourse shall report all animals nerved, all treatments and all medicines given and prescribed each day on forms provided by the commission. These reports shall be mailed or hand-delivered to a commission veterinarian or designee or placed in the locked receptacle provided by the commission veterinarian within 2 days of the report date. In the case of lasix, treatments shall be recorded on a program, overnight, or other form approved by the commission veterinarian.

(3) Veterinarians on a racecourse shall use one-time disposable needles and shall dispose of all medical waste, i.e., needles, syringes, used bottles and/or other medication containers, etc., off the racecourse.

(4) No person, other than a veterinarian licensed by the Oregon Racing Commission, shall dispense, sell or furnish any feed supplement, veterinary preparation, medication or any other substance containing a prohibited drug or prescription medication to any person within the licensed enclosure. Any such products must be properly labeled as required by state law specifying the name, address and phone number of the dispensing veterinarian, the name of the trainer or owner of the animal, the name of the animal for which the product is prescribed, the name and strength of drug/medication and complete directions for use of the medication.

(5) Every racing animal which suffers a breakdown on the race track in training or in competition and is destroyed, and every other racing animal which expires while on a racecourse under the jurisdiction of the commission, shall undergo an examination to the extent that satisfies a commission veterinarian and that is reasonably necessary to determine the injury or sickness which resulted in euthanasia or natural death:

(a) The examination required under this rule will be conducted by a licensed veterinarian employed by the owner or trainer in consultation with the commission veterinarian, who may be present at such examination.

(b) A commission veterinarian has the ultimate decision, with or without the consent of the owner or trainer, to require further examination and testing on any expired horse for reasons including but not limited to those that would impact or be a threat to humans or animals. Should the commission veterinarian require such an examination or testing, the Oregon Racing Commission shall be responsible for the cost incurred.

(c) Test samples must be obtained from the carcass as directed by the commission veterinarian during the postmortem examination and sent to a laboratory approved by the commission for testing for foreign substances or their metabolites and natural substances at abnormal levels. When practical, samples shall be taken from the racing animal prior to euthanasia.

(d) The cost of laboratory testing of postmortem samples shall be borne by the commission.

(6) All veterinarians must conform their practice, at the least, to the minimum standards of the Oregon Veterinary Practice Act.

(7) Veterinarians must maintain security of controlled substances as required by law.

(8) All veterinarians shall provide the commission veterinarian and track security with current office and emergency telephone numbers five (5) days before the opening of each race meet at which they intend to practice.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0050

Racing Officials; Complaints

(1) All racing officials, except commission employees, shall be appointed by the race meet licensee, subject to confirmation by the commission. The commission may, for good cause, require the removal of any racing official.

(2) No racing official or assistant to a racing official shall wager on any race in the race meet or have any other interest in the outcome of any race or in any racing animal racing in the race meet. No racing official or assistant shall engage in any business transaction with, or accept anything

of more than nominal value from, any licensee participating in the race meet.

(3) It is the duty of every racing official to report immediately to the stewards every violation of ORS chapter 462 or the rules of racing observed by the racing official.

(4) Complaints against a racing official other than a steward shall be made in writing to the stewards. Complaints against a steward shall be made in writing to the commission. All complaints shall be signed and dated by the complainant and show the complainant's current address and a copy of the complaint shall be forwarded to the commission.

(5) No racing official shall express disagreement with a ruling or order of any other racing official, except in private to the racing official involved, to other racing officials, to the race meet licensee, to the board of stewards or to the commission.

(6) Racing officials may be licensed in more than one official category if in the opinion of the stewards or the commission the duties of the official positions can be performed properly by the person and do not cause a conflict of interest. Racing officials may also hold a license in another category if in the opinion of the stewards or the commission the dual license assists the person to better perform the duties of the official position and is not specifically prohibited.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0060

Commission Steward(s); Authority

(1) Accreditation: To qualify for appointment as a steward, the appointee may be required by the commission to be accredited and current with the Racing Officials Accreditation Program in association with the Universities of Arizona and Louisville and be in good standing with all racing jurisdictions.

(2) Except for small fair meets, the board of stewards shall consist of the presiding state steward, deputy state steward, and a race meet licensee steward, approved by the commission. The board of stewards is responsible for the proper conduct of the race meet and for the enforcement of the statutes and rules of racing. During the temporary absence of one or more stewards, the remaining steward(s) or the executive director of the commission may appoint a deputy or deputies to act temporarily for those absent. All decisions, rulings, and orders of the board of stewards must be made by a majority of the stewards. The stewards' authority begins 30 days before, and extends 30 days after the conclusion of the race meet unless shortened, extended, or re-instituted by the executive director of the commission.

(3) The board of stewards has the authority to take any action expressly authorized by ORS chapter 462 or the rules of racing. The board of stewards also has the authority to take any appropriate action not expressly authorized by these rules in order to ensure a fair race and to protect the best interests of racing.

(4) The stewards have authority over licensees of the commission and all persons on a racecourse. Persons entering racing animals or allowing racing animals to be entered to run at licensed Oregon racecourses agree in so doing to accept the decision of the stewards on any questions relating to a race or racing, subject to their right to hearings and right of appeal as provided in these rules. The board of stewards may override the decision of any racing official with regard to the rules of racing, subject to review by the commission.

(5) The stewards may suspend on an emergency basis the license of any person whose actions are detrimental to the best interests of racing and which are seriously dangerous to the health or safety of the person, the public or another person involved in racing. An emergency suspension or a penalty suspension following a hearing may include ruling off of the licensee. When based upon evidence that the person is currently ruled off by an official body of another racing jurisdiction, the person may be ruled off whether the person is licensed or not. If an emergency suspension is imposed under this rule, the person is entitled to a post-suspension hearing. The suspension may not exceed 365 days unless so ordered by the commission.

(6) The stewards have the authority to investigate any matter relating to racing. The stewards shall have control over and be granted immediate access to all areas of the racecourse.

(7) The stewards have the authority to order a prompt examination of any racing animal which has been entered or which has run a race, and may disqualify any racing animal which appears to have been the subject of corrupt or illegal practices, which has interfered with another racing animal during an official race or official schooling race, or whose jockey has interfered with another horse or jockey.

ADMINISTRATIVE RULES

(a) The stewards may examine or have examined any horse registered for racing. The stewards may scratch any ineligible horse.

(8) The stewards have the authority to impose penalties and sanctions under the procedures set forth in these rules, but only for specific violations of ORS chapter 462 or these rules. They may not impose sanctions against commission employees, but may investigate and recommend disciplinary action to the executive director or commission.

(9) The stewards have the authority to review license applications and corresponding results of their subsequent background investigations, and based on those reviews, to either approve or deny licensure. Any applicant that is ineligible to apply due to a commission order, such as a previous denial or revocation, shall have his/her application automatically denied.

(10) The stewards may, at their discretion, hold informal hearings on matters other than violations, using the same procedures set forth in these rules for violations.

(11) In the event of an emergency which prevents an owner or trainer from performing his/her necessary duties, the stewards may appoint a qualified person to temporarily perform those duties. For good cause, the stewards may substitute a jockey of their choice on any horse or place a horse temporarily in charge of a trainer of their choice.

(12) When a racing official other than a steward or commission employee is absent, the race meet licensee may appoint a temporary or permanent replacement, subject to approval by the stewards, or, in exigent circumstances, the stewards may appoint a temporary replacement. All appointments are subject to confirmation by the commission, but appointees may exercise their appointed duties pending confirmation.

(13) The stewards shall investigate promptly and render a decision on every objection and on every complaint made to them. The stewards shall report all objections and complaints to the commission as soon as received by them, and shall make prompt written report of their investigation and decision to the commission's executive director.

(14) The stewards, being duly notified in writing of financial irresponsibility by a licensee, shall conduct an investigation into the matter, including but not limited to a hearing. If the result of such investigation or hearing clearly shows a licensee to be financially irresponsible and remiss concerning his/her just debts as provided in this section of this rule, the stewards may impose such ruling as may be consistent with the circumstances in conformity with the best interests of racing.

(15) One steward must be on duty each morning from scratch time until conclusion of the draw.

(16) During each racing day at least one of the stewards shall be on the racecourse not later than weigh-in time.

(17) No person other than the commissioners or executive director shall be allowed in the stewards' stand unless previous permission is obtained from the stewards.

(18) The presiding state steward or deputy state steward or appointee shall sound the bell closing the pari-mutuel machines no later than the opening of the starting gate.

(a) In the event of a mishap at the start, the stewards shall make a final decision as to whether a start was fair after consultation with the starter. Also, after consulting with the starter, the stewards shall make the final decision as to whether any racing animal was prevented from starting in a race through failure of the starting gate to open.

(19) The stewards have final authority to decide the order of finish of any race. They shall promptly display the numbers of the first three racing animals in each race in the order of finish and shall not declare the race official until they have made a final determination as to which racing animal finished first, second and third.

(20) The stewards may place any horse on the "Stewards' List" or suspend any horse for poor performance or other good cause. The stewards may at any time require proof that a horse is qualified for a particular race or proof that a horse is owned only by qualified persons. If satisfactory proof is not offered, the stewards may disqualify the horse.

(21) The board of stewards shall determine the condition of the track's running surface.

(22) The presiding state steward shall immediately report to the commission any "No-Race" declared by the stewards, with a detailed explanation as to its cause.

(23) The stewards shall maintain a daily log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(24) The presiding state steward is responsible for making sure that all reports required by this rule are promptly submitted to the commission.

(25) When placing judges are not appointed, the stewards shall perform the placing judge functions.

(26) The board of stewards shall establish post times; however, post times may be established by the race meet licensee subject to approval by the board of stewards.

(27) Rules for Small Meets:

(a) These rules shall apply for all small fair meets of 10 days or less except as otherwise directed by the commission, or unless circumstances require a change and the state steward approves the change.

(b) The board of stewards are granted jurisdiction for a period of 90 days after the conclusion of a small fair meet to hold hearings and take action with regard to any aspect of racing at the meet.

(c) Hearings may be conducted by a single knowledgeable person designated by the commission if it is deemed by the commission to be more practical or convenient for the parties concerned. Any person acting in lieu of the board of stewards under this rule shall have all of the authority granted to the board of stewards under OAR 462-130-0030 and 462-130-0040 or any other applicable rule. A party may appeal any action taken in the same manner as an appeal may be submitted as a result of action taken at a stewards' hearing.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0070

Commission Veterinarian

(1) A commission veterinarian is responsible, to the extent possible, for ensuring that horses coming upon the race course do not pose a health or safety problem to themselves or other racing animals. A commission veterinarian is authorized to check all animals coming on to the racecourse and to exclude and/or scratch any animal that may pose a health or safety problem in his/her opinion.

(2) A commission veterinarian shall be granted immediate access to any racing animal on or off the racecourse which has recently run a race or has been entered in a race. A commission veterinarian may examine or cause to be examined any racing animal on the racecourse and may take or cause to be taken blood, urine, saliva or other body fluids or samples for examination.

(3) A commission veterinarian shall observe all racing animals to ensure that all racing animals allowed to participate are, in his/her opinion, in sound racing condition and that its participation in a race is not contrary to the best interest of the racing animal.

(4) A commission veterinarian is authorized to scratch a racing animal from a race if, in the commission veterinarian's opinion, the animal is not in sound racing condition, may pose a health or safety problem to itself or others, or that its participation in a race is contrary to the best interest of the racing animal. The commission veterinarian shall immediately notify the stewards of the scratch.

(5) A commission veterinarian shall maintain a list, to be known as the "Vet's List", of racing animals that the commission veterinarian has reason to believe are uncontrollable, sick, injured, illegally medicated, are a danger to themselves or other racing animals, or are not in sound racing condition. Racing animals may only be removed from the "Vet's List" with the approval of a commission veterinarian.

(6) When necessary, a commission veterinarian is authorized to take immediate steps without approval of a racing animal's owner or trainer to protect the health and safety of the racing animal or other racing animals. This includes administering drugs and/or medications for treatment and/or humane euthanasia. In any other situation in which a commission veterinarian determines that a racing animal should be removed from the racecourse or scratched from a race, a commission veterinarian may order the racing animal removed or scratched.

(7) Except in the case of an emergency, a commission veterinarian, while employed by the commission, may not prescribe any medication for or treat any animal which will race on a racecourse in Oregon, with or without compensation. When emergency treatment is given a commission veterinarian shall make a complete written report to the stewards.

(8) A commission veterinarian or designated assistant shall secure blood, urine or other samples, as specified by the commission, of winning racing animals and of other racing animals designated by the stewards or commission veterinarian. Unused sealed containers furnished by the official laboratory designated by the state must be used for collecting specimens for analysis.

(9) A commission veterinarian will not conduct searches but may be involved in searches conducted by the commission investigators.

ADMINISTRATIVE RULES

(10) A commission veterinarian shall verify the conditions of all horses reported to be nerved prior to the horse's first entry in a race meet or continuous race meet.

(11) A commission veterinarian shall be available, by telephone, radio or in person, to the stewards and racing secretary at scratch time, until the close of entries, and at least one hour prior to the first post. A commission veterinarian shall leave the paddock as the last horse leaves the paddock, or as a commission veterinarian deems practical, for each race and shall observe the horses during the post parade, warm up, and at the starting gate.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0080

Commission Supervisor of Licensing

(1) The commission may appoint a supervisor of licensing to audit and report on the licensing of participants during each race meet. The supervisor of licensing shall have access to all necessary forms, papers, records or any other information which pertain to licensing by the Oregon Racing Commission.

(2) The supervisor of licensing shall be empowered to direct the race meet licensee to adopt such procedures and to install such methods and such systems as he/she deems necessary to ensure compliance with the law and rules regarding licensing of participants by the commission. The supervisor of licensing shall report to the stewards any failure of the race meet licensee or a participant to comply with the provisions, or any violation of the law or rules regarding licensing which may come to his/her attention. The supervisor of licensing may include in such reports to the stewards any recommendations he/she may have with respect to the revocation or denial of licenses of any employee of the race meet licensee, participant of the race meet or any other licensee for failure to comply with the law and/or the rules regarding licensing by the commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0100

Commission Investigator(s)

(1) The Oregon Racing Commission investigative staff will consist of a chief investigator and investigators.

(2) The investigative staff has the authority to investigate all violations of ORS chapter 462 and administrative rules as they pertain to racing and pari-mutuel wagering. The investigative staff shall be granted immediate access to all areas of the racecourse, off-track wagering sites, hubs and licensed training tracks.

(a) The investigative staff has the authority to conduct background investigations on any licensee or person requesting to be licensed.

(b) The investigative staff will investigate any matter referred to it by the Oregon Racing Commission, executive director or board of stewards.

(3) The investigative staff will enforce all of the laws and rules specified in ORS chapter 462 and administrative rules as they pertain to racing.

(4) The investigative staff will collect and preserve evidence in all matters in which the Oregon Racing Commission is or may be a party of interest.

(a) For purpose of OAR 462-130-0010(3)(a) the investigative staff are designated racing commission representatives for the purpose of directing any licensee to submit to a breathalyzer test or to submit a urine specimen for analysis.

(b) For purpose of OAR 462-130-0010(3)(b) the investigative staff are designated racing commission representatives for the purpose of directing any licensee to deliver in the presence of a steward or commission representative a sample of urine for laboratory analysis.

(5) The investigative staff will refer all matters which may be a violation of ORS Chapter 462 or rules of racing to the board of stewards or commission upon the completion of an investigation. (6) The investigators shall monitor and inspect the off-track wagering facilities (OTBs) as the Oregon Racing Commission's direct representative. The investigators monitoring the off-track wagering facilities will have general regulatory authority over all wagering activities at the facility and are authorized to stop all wagering activities in the case of any malfunction of the simulcast system at the facility, or other reason set forth in these rules.

(7) The investigators may, under circumstances requiring immediate attention, take any appropriate action not expressly authorized by these rules or ORS chapter 462 in order to protect the best interests of racing. Any

action taken by the investigator not expressly authorized by these rules or the statute is subject to review by the Oregon Racing Commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-140-0130

Race Meet Licensee

(1) License Application. Applications for racing dates must be in the office of the commission when required by the commission.

(2) Race Meet Licensee Employees. The race meet licensee shall be responsible for ensuring that all employees are properly licensed and current. The race meet licensee shall provide the licensing department with a complete list of employees at the start of each race meet and thereafter shall maintain and provide the licensing department with any subsequent changes.

(3) Racing Officials. The race meet licensee shall hire all necessary racing officials and shall submit to the commission for approval the names of all proposed racing officials and their assistants, except commission employees, at least 45 days prior to the proposed race meet. This deadline may be waived by the commission for good cause. Substitutions of racing officials may be made from time to time as provided in OAR 462-140-0060(10). The race meet licensee shall provide the commission, for confirmation, timely updates of the list of officials and their assistants when changes are made. The commission may appoint an employee of the commission to serve as a racing official for any race meet and may require the race meet licensee to pay the employee's compensation.

(4) Safe and Clean Facilities. The race meet licensee shall provide all facilities necessary for the proper conduct of the race meet and shall take every reasonable precaution to make all areas of the racecourse safe and shall ensure that the paddocks, starting gate, test barn and other equipment with which racing animals may come in contact are kept in a clean condition and free of dangerous surfaces. The race meet licensee shall keep the grounds of the racecourse in a clean condition.

(5) Commission Offices. The race meet licensee shall provide adequate office space properly equipped and maintained for the use of the commission and its designated representatives. Office space includes, but is not limited to, general offices and stewards' office. Upon request, the race meet licensee shall furnish suitable space and accommodations for fingerprinting and photographing license applicants.

(6) First Aid. During racing hours the race meet licensee shall provide and equip a first aid room within the racecourse and shall have present on the premises a licensed physician or registered nurse unless otherwise authorized by the board of stewards.

(7) Equine Ambulance.

(a) The race meet licensee shall provide an equine ambulance attached to a tractor or vehicle for the immediate removal of an injured animal from the racecourse. The ambulance shall be available during racing and training hours and the period preceding the official opening of the race meet.

(b) The race meet licensee shall require a licensed veterinarian to be on the grounds during racing hours for the immediate treatment of an injured animal on the racecourse.

(c) The race meet licensee shall have available either a licensed veterinarian on the grounds and/or a list of available veterinary clinics with emergency contacts and phone numbers for timely treatment of an injured animal on the racecourse during training hours.

(8) Every race meet licensee shall operate its own pari-mutuel department, and in no event shall subcontract or let to concessionaires the operation of the pari-mutuel department or any part thereof without commission approval.

(9) Totalizator. The race meet licensee shall maintain a satisfactory totalizator system, including a tote board.

(10) Post-Race Test Area. The race meet licensee shall furnish a post-race receiving area approved by the commission veterinarian, with sufficient facilities to safely collect, store and secure saliva, urine, and/or blood samples from racing animals.

(11) The race meet licensee shall provide adequate racing silks, saddlecloths, head numbers, lead weights, and other standard equipment.

(12) Photofinish; Timing Devices. The race meet licensee shall provide a sufficient amount of light at the finish line for nighttime and twilight racing and shall install two automatic timing devices approved by the commission, and shall provide a photofinish booth meeting standards set by the commission. (The cost of photofinish services for pari-mutuel races shall be an expense of the commission)

ADMINISTRATIVE RULES

(13) Tip Sheets. The race meet licensee may contract with no more than two persons to sell tip sheets on the racecourse during a race meet. Tip sheets obtained from out-of-state host tracks which are part of the race meet licensee's simulcast program shall not count against the limit of two tip sheets. The race meet licensee shall provide booths and utilities for the tip sheet sellers, and may charge a reasonable fee for their use. The race meet licensee shall not allow anyone to sell tip sheets who is not licensed by the commission and shall not allow tip sheets to be sold in wagering areas. Tip sheets must be sold from a booth, and the previous day's sheets and outcomes must be displayed on the front of each booth. Tip sheets must be independently handicapped, and each handicapper must sign and deliver such sheet at least one hour before post time to the commission office located on the racecourse.

(14) Security. The race meet licensee shall provide a sufficient number of security personnel to provide adequate security for all areas of the racecourse, including parking lots, test barn, and stable areas, and shall ensure that unlicensed individuals do not enter restricted areas. The race meet licensee and its security personnel shall cooperate with local authorities and with commission personnel in enforcing the rules of racing and the laws of this state, and shall promptly inform commission stewards of all violations of ORS chapter 462 and the rules of racing. All security reports and records will be made available in a timely manner to commission investigators, the board of stewards and/or the executive director.

(15) Commission Access. Members, employees, and representatives of the commission shall be given full and complete access to any and all areas of the racecourse at which a race meet is being held.

(16) Transmission. Any person desiring to broadcast, televise or transmit from the track by press wire pertinent information relating to any feature race run at the track shall first file with the commission, for its approval, an application stating the particular feature races and dates that it desires to broadcast, televise or transmit, together with the name and address of the representative of the public press, radio, or television authorized to broadcast, televise or transmit the requested information. Other than at approved off-track wagering facilities, shall the exact odds be announced, nor shall pay off of winners be given until the result of the race has been declared "official".

(17) Attendance Report. The race meet licensee may make a daily attendance report to the commission, unless otherwise authorized by the commission.

(18) Conflict of Interest. No employee, officer, or director of a race meet licensee shall be permitted to own, lease, or have any other interest in any racing animal entered for racing on the race meet licensee's racecourse, unless approved by the commission.

(19) Waste Disposal. The race meet licensee shall provide, secure and maintain medical waste containers as approved by the commission or commission designee.

(20) Parking Permits. When requested by the commission, the race meet licensee shall designate a parking area for commission members, employees, and special guests who are in possession of parking permits issued by the commission. Parking in the designated area shall be free.

(21) Communication System. The race meet licensee shall provide an adequate on track/outside communication system as required by the commission.

(22) Stalls. The race meet licensee shall attempt to be fair and equitable in assigning stall space, and shall provide receiving stalls for horses which are brought onto the racecourse from outside stable space for a race.

(23) Records of Horse Movements. The race meet licensee shall maintain a record of arrival and departure of all horses from the stable area.

(24) Numbered Buildings. All stables, barns and stalls shall be numbered or otherwise clearly identified.

(25) Track Kitchen. The race meet licensee, or other person approved by the race meet licensee, may maintain and supervise a kitchen in the stable area and shall supervise any other area where food or drink is dispensed. All food service facilities shall comply with state and local health and sanitation requirements.

(26) Distance Pole Markers. Distance pole markers must be 10 feet from the rail and shall be painted as follows:

- (a) 1/4 poles — red and white;
- (b) 1/8 poles — green and white;
- (c) 1/16 poles — black and white.

(27) Horseman's Accounts. Unless otherwise authorized by the commission, the race meet licensee shall keep a separate account, to be known as the "horseman's account", with sufficient funds to cover all monies due horsemen in regard to purses, stakes, rewards, claims, and deposits. Only

those persons in whose name the account is established, or their duly authorized agent, may make withdrawals from the account.

(28) Race Track Safety Standards. Any racetrack on which a licensed race meet is conducted must meet the following standards unless otherwise authorized by the commission for good cause:

(a) Rails. All racing surfaces must have inner and outer rails of a design and construction approved by the commission:

(A) Permanent rails must be made of a material which will take the impact of a horse without breaking away. All rail posts must be set in concrete at least 6 inches below the surface and at least 24 inches deep. The height of the rail must be 40 inches plus or minus 2 inches from the top of the cushion to the top of the rail. The top rail must be bolted or welded to the posts and should be smooth with no jagged edges.

(B) For race meets or continuous race meets that are licensed to run 25 days or more per fiscal year, the inside rail shall be permanent of goose-neck design and have no less than 24-inch overhang with a continuous smooth elevated cover which entirely covers the overhang.

(C) For race meets or continuous race meets which are licensed to run for 24 days or less during a fiscal year, the design of the rail is subject to the approval of the commission during the licensing hearing, with consultation from the executive director, the stewards, the race meet licensee(s), and the jockeys riding at the meet or their representative. In order to facilitate this provision the executive director, the director or racing for the race meet(s), the stewards and the jockeys or their representative shall discuss needed improvements for the next year's race meet during or at the conclusion of each meet.

(b) Gates (Gaps). No gate openings in a rail may be over 10 feet long without a center support. The top rail of the gate must be secured to the top of the rail. Gate openings should not look any different from the rest of the rail. All gates, other than the "On" and the "Off" gates during training, must be closed during racing and training. "On" and "Off" gates for horse access during training should be placed at least 50 feet apart.

(c) Morning Starting Gate. The starting gate used for morning schooling shall be placed far enough from the "On" and "Off" gates (gaps) so that horses coming on and going off the track will not interfere with or distract morning schooling or breaking from the gate.

(d) Obstacles. No obstacle or device, such as distance pole markers, electrical boxes, timers, starter's stands, patrol judge's stands, etc. shall be placed within 10 feet of the back of the bottom of the rail post unless made flexible or break-away.

(e) Drainage Ditches or Holes. Any drainage ditch or hole behind the inside rail must be covered with soft material level with the ground surface.

(f) Lighting. All race track lighting systems for nighttime racing must have an operational emergency generator or battery back-up system which is serviced and tested at least once a month during the track's racing season. Servicing and testing of the emergency lighting system must be documented in writing and available to the commission staff upon request.

(g) Ambulance.

(A) The race meet licensee shall provide an ambulance with standard medical equipment and certified paramedics or Emergency Medical Technicians (EMT) for protection of patrons and racing personnel during the conduct of a race meet, including workouts, and during the training period preceding the official opening of the race meet.

(B) During racing, the ambulance and/or a certified paramedic or EMT must be at the starting gate before horses are loaded. If the ambulance is being used to transport an individual, the race meet licensee may not conduct a race until the ambulance is replaced.

(C) During racing the ambulance shall follow the field either on the track or in the infield unless otherwise directed by the stewards. The ambulance must be staffed by certified paramedics or EMTs, be properly equipped and otherwise be suitable for transporting an injured person from the track to a roadworthy ambulance for transport to a hospital. A back-up ambulance is to be in attendance during the absence of the main ambulance.

(h) Safety Committee. Any race track location which has 15 or more race days per year, regardless of the number of race meet licensees, will have a safety committee. The safety committee will be made up of two (2) representatives from the management of the race meet licensee, two (2) representatives from the jockeys riding at the track, two (2) representatives from the horsemen with papers in the race office at the track, and at least one (1) of the state stewards. This committee will be responsible for addressing unsafe conditions on the racecourse including the racing surface and recommending solutions to the conditions to the race meet licensee management, the racing commission executive director and/or the commission.

ADMINISTRATIVE RULES

(29) Assistant Starters. The race meet licensee shall ensure that there is one assistant starter per horse in the race plus at least one assistant starter to shut the tailgates.

(30) Valets. There shall be at least one valet for every three horses in the maximum field size approved by the commission.

(31) Fire Safety in Stable Areas:

(a) Every race meet licensee shall cause to be posted in the stable area of its premises the fire regulations applicable on its grounds and such posted notice shall also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices shall be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No race meet licensee, management or person shall violate the posted fire regulations specified by the commission.

(b) All trainers or their assistants and all concessionaires or their assistants shall acquaint themselves with and brief their employees as to the following:

(A) Smoking regulations.

(B) Location of fire notification system in immediate area of assigned barn.

(C) Location of all fire extinguishers and extinguishing equipment in assigned barn area.

(D) Regulations regarding occupancy, use of extension cords for extending electrical circuits, and use of electrical appliances.

(E) Regulations regarding storage and use of feed, straw, tack, and supplies.

(F) Track regulations with regard to fire and security, copies of which shall be provided to all trainers or their assistants and concessionaires or their assistants. These regulations shall be used in instructing members of the trainers' and concessionaires' staffs assigned to the barn area.

(c) Signs shall be posted in every barn and associated buildings dealing with the following information:

(A) Location of manual fire alarm stations, emergency telephones, or other methods of fire alert.

(B) Location of fire protection first-aid appliances.

(C) Emergency procedures specific to the particular track facilities.

(D) Location of nearest medical waste disposal containers.

(d) No open burning shall be permitted in the barn area.

(e) Smoking shall be prohibited except in designated safe areas.

Proper warning signs shall be posted.

(f) Use of any portable electrical appliance shall be restricted to the following conditions:

(A) Multiple-outlet adapters shall be prohibited.

(B) Not more than one continuous extension cord shall be used to connect one appliance to the fixed receptacle, and such cord shall be listed for hard service and properly sized for the intended application.

(g) Extension cords shall not be supported by any metal object such as nails, screws, hooks, and pipes.

(h) Portable cooking and heating appliances shall be used only in spaces designated for such use provided they are separated from the stabling and storage areas of the barn.

(i) Portable electrical heating and cooking appliances shall be of a type that automatically interrupts electrical current to the heating element when the appliance is not in the normal operating position (tip-over disconnect).

(j) Use of exposed element heating appliances such as immersion heaters shall be prohibited except as used in accordance with the race meet licensee guidelines.

(k) The storage of flammable and combustible liquids, except those used for medicinal purposes, shall be prohibited.

(l) The water supply shall be capable of providing pressure and discharge capacity required for automatically supplying sprinklers, hydrants, and hose lines.

(m) Fire protection must meet the local fire regulations.

(32) The race meet licensee shall have available current telephone numbers for twenty-four (24) hour emergency veterinarian care. The race meet licensee shall post an established procedure, approved by the commission veterinarian, for providing emergency veterinarian care five (5) days prior to until five (5) days past their race meet.

(33) Any race meet licensee failing to enforce these rules may be subject to fine or revocation of license.

Stat. Auth.: ORS462.250

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-150-0060

Weighing Out; Equipment; Paddock Procedures

(1) All jockeys in a race must be weighed out by the clerk of scales prior to going to the paddock for that race.

(2) If overweight is in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at least one hour before post time of the first race of the day, and the clerk of scales shall have the overweight announced immediately.

(3) Seven pounds is the maximum overweight any horse may carry unless waived by the board of stewards.

(4) A jockey's weight shall include the running equipment for the mount, including saddle with attachments and clothing, but shall not include the riding crop, helmet, safety vest or the horse's bridle.

(5) The trainer shall be responsible for the weight assigned to be carried by the horse. If the jockey scheduled to ride the horse is more than two pounds overweight, the jockey may be replaced by the owner or trainer without any liability for a mount fee to the overweight jockey if replaced with a rider of less weight.

(6) No jockey shall be weighed out for any race unless the jockey's fee for a losing mount in the race has been deposited or guaranteed to the paymaster of purses. Failure to deposit or guarantee the fee for the engaged jockey may result in an involuntary scratch of the horse the jockey was to ride.

(7) The only attendants who will be permitted to assist jockeys in weighing out are valets.

(8) Equipment:

(a) Helmets: Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meets one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015; or, Australian/New Zealand Standard (AS/NZ 3838).

(b) Safety Vests: A safety vest, approved for use by the commission, must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.

(c) Riding Crops: Each jockey in a race shall carry a riding crop as part of his or her equipment. The board of stewards may, for good cause, grant permission not to carry and use a riding crop. Riding crops and blinkers may be used on two-year-olds and all other first-time starters if schooled before the starter with that equipment and approved by the starter before the time of entry.

(A) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows:

(i) Maximum weight of eight ounces;

(ii) Maximum length, including flap of 30 inches;

(iii) Minimum diameter of the shaft of one-half inch; and

(iv) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.

(B) The flap is the only allowable attachment to the shaft and must meet these specifications:

(i) Length beyond the end of the shaft a maximum of one inch;

(ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches;

(iii) No reinforcements or additions beyond the end of the shaft;

(iv) No binding within seven inches of the end of the shaft; and

(v) Shock absorbing characteristics similar to those on the contact area of the shaft.

(d) Permission to use or discontinue the use of a tongue restraint must be obtained from the paddock judge. Material to be used as a tongue restraint may not be furnished by anyone other than the trainer of the horse. Only the trainer or assistant trainer shall be permitted to tie the tongue or replace or repair a tongue restraint, except at the starting gate under the supervision of the commission veterinarian.

(e) Any change in equipment from that which a horse carried in its previous race must be approved by the paddock judge. Any change shall be announced or posted for public information. "Rundowns" are not considered to be equipment. All bandages in excess of 6 inches in length shall be considered part of the horse's equipment. Permission for a horse to add blinkers, screens, or goggles to his equipment or discontinue the use of them must be made prior to entry with approval from the starter and noted on the entry form.

(f) The Cornell Collar®, a throat support device which research indicates can assist those horses believed to suffer intermittent displacement of

ADMINISTRATIVE RULES

the soft palate during running, may be used in horse racing subject to the following conditions:

(A) Prior to a horse being entered to race for the first time with the Cornell Collar® in Oregon, the trainer must:

(i) Submit a letter from a commission licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar® is justified and appropriate; and

(ii) Have the horse, with the Cornell Collar® properly in place, perform one official work in the presence of a commission veterinarian.

(B) A horse that has previously raced in Oregon or another jurisdiction with the Cornell Collar® may enter to race with the Cornell Collar®.

(C) Any trainer of a horse that races with a Cornell Collar® must consult with an commission licensed veterinarian to become educated and proficient in the appropriate use and placement of the throat support device.

(D) The use of the Cornell Collar® must be declared at the time of entry of the first race (or any change thereafter) a horse races with the Cornell Collar®.

(E) Once a horse races with the Cornell Collar®; the use of the device must be continued in each subsequent race unless the trainer submits a letter from a licensed veterinarian to the commission veterinarian stating that the collar is no longer appropriate for the horse. It is at the Commission Veterinarian's discretion to allow a horse to again race with a Cornell Collar® once it has been deemed that it is no longer appropriate.

(F) Only the original Vet-Aire™ Cornell Collar® is approved for use. Any other throat support device must be approved for use by the Oregon Racing Commission veterinarian.

(G) The commission veterinarian may check for proper placement of the Cornell Collar® in the paddock and/or post parade.

(g) Every horse in a race shall have a head number which shall be attached in the junction of the brow band, and the head piece of the bridle, unless waived by the stewards for good cause. This number shall correspond to the saddle cloth number of the horse as shown on the program.

(h) Racing silks, caps, and saddle towels shall be the following color, unless a change is approved by the stewards:

- (A) No. 1 — Red with White;
- (B) No. 1A — Red with White Bands;
- (C) No. 2 — White with Black;
- (D) No. 2B — White with Black Bands;
- (E) No. 3 — Blue with White;
- (F) No. 4 — Yellow with Black;
- (G) No. 5 — Green with White;
- (H) No. 6 — Black with Yellow;
- (I) No. 7 — Orange with Black;
- (J) No. 8 — Pink with Black;
- (K) No. 9 — Turquoise with Black;
- (L) No. 10 — Purple with White;
- (M) No. 11 — Gray with Red Stripes;
- (N) No. 12 — Lime with Black.

(i) All jockeys must wear white color pants in any race on which pari-mutuel wagering is conducted, unless otherwise approved by the board of stewards.

(j) Racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. Front toe grabs shall not exceed 4 mm.

(k) No training devices, such as iron halters, shall be used to approve a horse from the gate, to be schooled from the Starter's List, to get removed from the Paddock List, to work for time, to be removed from the Stewards' List or used during the running of a race.

(9) Paddock: Horses must be in the paddock at least 15 minutes before scheduled post time unless otherwise authorized by the stewards. Every horse must be saddled in the paddock by, or supervised by, the horse's trainer or assistant trainer as shown in the program unless expressly authorized by the stewards, in which case a licensed trainer or assistant trainer approved by the stewards may saddle the horse.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.270
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-160-0110

Veterinary Practices

(1) Veterinarians under Authority of Commission Veterinarians:

(a) Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of commission veterinarians and the stewards:

(b) The commission veterinarian(s) shall recommend to the stewards or the commission the discipline that may be imposed upon a veterinarian who violates the rules.

(2) Treatment Restrictions:

(a) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer, via injection, topical application, inhalant, per os or per rectum, a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission;

(b) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in race day samples or as they may interfere with race day testing:

(A) A recognized non-injectable nutritional supplement or other substance approved by a commission veterinarian;

(B) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or (C) A non-injectable non-prescription medication or substance.

(c) No person shall possess a hypodermic needle, syringe or injectable of any kind on association grounds, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission;

(d) Veterinarians shall not treat an entered horse within the 24 hours prior to the original post time in which the horse is entered except for the administration of furosemide under the guidelines set forth in OAR 462-160-0130(5) unless approved by a commission veterinarian and if so treated, that horse shall be scratched from racing on that day.

(e) Any horse entered for racing must be present on the grounds 5-hours prior to the post time of the race they are entered in unless that horse is not entered to race with furosemide in which case that horse must be on the grounds no later than one hour prior to the post time of the race for which the horse is entered.

(3) Veterinarians' Reports:

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on the Medication Report Form prescribed by the commission, report to a commission veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by a commission veterinarian;

(b) The Medication Report Form shall be signed by the practicing veterinarian;

(c) The Medication Report Form must be filed by the treating veterinarian within 48-hours of any treatments in section (a) and not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment;

(d) A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

(4) Veterinary Licenses. Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(5) The stewards in consultation with a commission veterinarian may adjust the medication administration time to accommodate a significantly delayed post time.

Stat. Auth.: ORS 462.270(3)
Stats. Implemented: ORS 462.270 & 462.415
Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

ADMINISTRATIVE RULES

462-160-0130

Medications and Prohibited Substances

(1) No horse may be administered any substance, other than foods, by any route or method less than 24 hours before the original post time for the race in which the horse is entered except furosemide (by the manner described in these rules) unless approved by a commission veterinarian:

(a) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer;

(b) The licensed trainer is responsible for notifying the licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding of any hearings and any resulting action. In addition their presence may be required at any and all hearings relative to the case;

(c) Any veterinarian found to be involved in the administration of any drug with an RCI Classification of 1, 2, or 3, involved in a prohibited practice as outlined in OAR 462-160-0120, or involved in an ORS 462 violation shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission;

(d) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission;

(e) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2) Medication Restrictions:

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a race day test, was present in the horse's body on race day. Prohibited substances include:

(A) Drugs or medications for which no acceptable threshold concentration has been established; (B) Therapeutic medications in excess of established threshold concentrations;

(C) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(D) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter less than 24-hours before post time for the race in which the horse is entered.

(3) Medical Labeling:

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(A) The name of the product;

(B) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(C) The name of each patient (horse) for whom the product is intended/prescribed;

(D) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(E) The name of the person (trainer) to whom the product was dispensed.

(4) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs):

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions: (A) The approved NSAIDs shall be authorized medication at race meets at which the average daily gross mutuel wagering during the preceding year exceeded \$150,000. If a race meet with average

daily gross mutuel wagering during the preceding year of \$150,000 or less desires NSAIDs be authorized medications at their race meet they may petition the commission to approve the use of permitted NSAIDs at their race meet. The commission may approve the use of permitted NSAIDs at such race meet, if in the opinion of the commission the race meet can provide for the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer the program adequately. Horses on any permitted NSAID will be designated on the overnight and the daily racing program;

(B) No horse utilizing a permitted NSAID may be entered into a race unless the presence of the specific NSAID is stated on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

(C) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection not less than 24-hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone (or its metabolite oxyphenylbutazone) — 5 micrograms per milliliter;

(ii) Flunixin — 50 nanograms per milliliter;

(iii) Ketoprofen — 10 nanograms per milliliter.

(D) These or any other NSAID are prohibited to be administered within the 24-hours before the original post time for the race in which the horse is entered;

(E) The presence of more than one of the three approved NSAIDs in serum or plasma is not permitted in a race day sample; however, the presence of two approved NSAIDs in a race day sample is allowed if one of them is phenylbutazone with a serum or plasma concentration less than one microgram per milliliter (mcg/ml).

(F) The presence of any unapproved NSAID in serum, plasma or urine sample is not permitted in a race day sample.

(b) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a commission veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s);

(c) When listed to race on a permitted NSAID, the approved laboratory must be able to detect the presence of a permitted NSAID in serum, plasma or urine by the routine methods of detection; (d) If a permitted NSAID is detected in the urine or in any other specimen taken from a horse not stated to have permitted medication in its system on the entry form and/or program, the violation will result in a penalty to the horse's trainer and may result in loss of purse;

(e) If the same horse has three (3) overages of any permitted NSAID during a 365 day period a commission veterinarian may rule the horse off all NSAIDs for a period of one year (365 days); (f) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

(5) Furosemide:

(a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer a furosemide program;

(b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only if the following process is followed:

(A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.

(B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.

(C) Furosemide shall only be administered on association grounds;

(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.

(c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

ADMINISTRATIVE RULES

(A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix®" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";

(B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.

(d) The use of furosemide shall be permitted under the following circumstances:

(A) Furosemide shall be administered no more than five hours but not less than four hours prior to the original scheduled post time for the race for which the horse is entered;

(B) The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg;

(C) Furosemide shall be administered by a single, intravenous injection;

(D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:

(i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide;

(iv) Violations of this subsection (subsection (d)) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.

(e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:

(A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.

(B) The specific gravity of race day urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010.

(f) Unauthorized use of furosemide shall result in a penalty to the horse's trainer;

(g) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian;

(h) A commission veterinarian may rule a horse off furosemide if in his/her opinion it is in the horse's best interest, the interest of the citizens of the state or the best interest of horse racing.

(6) Bleeder List:

(a) The commission veterinarians shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by a commission veterinarian;

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to enter for the following time periods:

(A) First incident — 14 days;

(B) Second incident within 365 day period — 30 days;

(C) Third incident within 365 day period — 180 days;

(D) Fourth incident within 365-day period — barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to be entered for a race, the day the horse bled externally is the first day of the recovery period;

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy;

(e) A horse may be removed from the Bleeder List only upon the direction of a commission veterinarian;

(f) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

(7) Anti-Ulcer Medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the post time for a race in which the horse is entered:

(a) Cimetidine — 8-20 mg/kg by mouth two to three times a day; and

(b) Omeprazole — 2.2 grams by mouth once a day; and

(c) Ranitidine — 6.6 mg/kg by mouth three times a day.

(8) Environmental Contaminants and Substances of Human Use:

(a) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases: Polyethylene glycol (PEG), PEG-like substances, Hordenine; (b) Regulatory thresholds have been set for the following substances: Caffeine — 100 nanograms of caffeine per milliliter of serum or plasma;

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer. (9) Dimethylsulfoxide (DMSO): The use of DMSO shall be permitted under the following conditions:

(a) It is only administered as an external topical application;

(b) A test sample shall not exceed 10 micrograms / ml. in serum of DMSO or its analogs.

(10) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations equal to or less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations in total (free drug; or metabolite and drug; or metabolite liberated from its conjugates):

(A) 16beta-hydroxystanozolol (metabolite of stanozolol (Winstrol)): 1 ng/ml for all horses regardless of sex.

(B) Boldenone (Equipoise® is the undecylenate ester of boldenone) in:

(i) Male horses other than geldings — 15 ng/ml

(ii) No boldenone shall be permitted in geldings or female horses

(C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:

(i) Geldings — 1 ng/ml

(ii) Fillies and mares — 1 ng/ml

(iii) In male horses other than geldings — forty-five (45) ng/ml of nandrolone metabolite,

5 α -oestrane-3 β 17 α -diol

(D) Testosterone in:

(i) Geldings — 20 ng/ml

(ii) Fillies and mares — 55 ng/ml

(iii) Male horses other than geldings — Testosterone will not be tested

(c) All other AAS are prohibited in racing horses.

(d) Race day urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the urine concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-210-0030

Establishing An Account

(1) An established account is necessary to place account wagers. An account may be established at either an account wagering center or by mail to a race meet licensee:

(a) For establishing the account with an account wagering center an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

(A) The applicant's full legal name;

ADMINISTRATIVE RULES

- (B) Principal residence address;
- (C) Telephone number; and
- (D) Any other information required by the commission.

(b) Each application submitted will be subject to electronic verification with respect to name, principal residence address and date of birth by either a national, independent, individual reference service company or another technology which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies. An account wagering center may require the applicant's social security number to complete the verification process and for tax reporting purposes. If there is a discrepancy between the application submitted and the information provided by the electronic verification described above or if no information on the applicant is available from such electronic verification, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If these measures prove unsatisfactory, then the applicant will be contacted by the account wagering center and given instructions as to how to resolve the matter.

(c) All account holder identities must be verified via electronic means or copies of other documents before a wager can occur.

(2) In establishing an account a minimum deposit of \$25 is required.

(3) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the account wagering center provided the account wagering center informs the account holder in writing prior to the change.

(4) The applicant shall supply the account wagering center with an alpha-numeric code, to be used as a secure personal identification code when the account holder is placing an account wager. The account holder has the right to change this code at any time.

(5) The account wagering center may not establish an account for any person whose principal residence address is not within the State of Oregon. The principal residence address shall be established by reliance on the information submitted on the application form provided and certified by the applicant.

(6) The holder of the account shall receive at the time the account is approved:

(a) Unique account identification number;

(b) Copy of the account wagering rules and such other information and material that is pertinent to the operation of the account; and

(c) Such other information as the account wagering center or commission may deem appropriate. (7) The account wagering center shall accept accounts in the name of a natural person only.

(8) The account is nontransferable between natural persons.

(9) The account wagering center may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2002, f. & cert. ef. 1-3-02; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

462-220-0030

Approval of the License for a Hub Operation

(1) Prior to operating a hub the entity must apply for and be granted a license from the commission to conduct simulcasting and pari-mutuel wagering in accordance with ORS 462.725 and these rules as a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub."

(2) An applicant for a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub" license must provide the following information as part of the application thirty days prior to the scheduled commission meeting at which the application is to be presented:

(a) The applicant's legal name;

(b) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided;

(c) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders must be provided;

(d) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in subsection (2)(b) and (2)(c) of this rule shall be

required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(e) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product;

(f) Financial information from the applicant that demonstrates whether the applicant has the financial resources to install and operate a hub;

(g) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the hub's operation during the license period;

(h) The number of days that the applicant is planning to operate the hub during the fiscal year in which they are seeking to be licensed;

(i) A list of all hub personnel containing the name, position, job location, license number and expiration date. All current gaming licenses should be listed, regardless of jurisdiction;

(j) A chart illustrating the organizational structure, including reporting lines;

(k) A list of all states where the hub is operating; and

(l) Documentation of proper filing that the Hub applicant and/or parent company is registered to do business in the state of Oregon.

(3) As part of the application for licensure as a hub, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate;

(b) The requirements for a "qualified subscriber based service" or "closed loop subscriber based system" set out in OAR 462-220-0010(2);

(c) Programs for responsible wagering;

(d) Mitigation for the effects of account wagering on the source market in Oregon. In addition to the source market mitigation plan as outlined in the application, more detailed source market information shall be provided by the hub at the commission's request. A mitigation plan must include one of the following options:

(A) An agreement with a state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission; or

(B) A written agreement with the Oregon HBPA, a copy of which has been submitted to the commission; or

(C) A written plan submitted to, and approved by, the commission that mitigates the effect of account wagering and provides equitable compensation to the commercial race meet licensee as defined in ORS 462.062. Source market fees shall be paid statewide on Oregon accounts. Accounts must be available to Oregon residents if a hub is licensed in Oregon.

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Oregon. The commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

(f) A list of any affiliate sites or potential affiliate sites of the hub. The operating plan must provide the following information and meet the following affiliate guidelines:

(A) The name and web address of the affiliate site.

(B) The person or companies involved in the affiliate agreement.

(C) That the affiliate site agreement is clearly noted as either a marketing or service agreement. (D) Customers using the affiliate site will be customers of the licensed hub, subject to the same verification process and account operational procedures as any other customer of said hub licensee.

(E) The wagers placed through the affiliate site will be processed through equipment owned and operated by the licensed hub and their commission approved tote provider.

(F) The commission approved totalizator provider will incorporate the handle of the affiliate site into the handle report for the licensed hub, or generate a separate daily report for this handle. In either case, the handle will count as part of the hub licensee's handle, and the hub licensee will be responsible for all taxes on the handle generated from their own site and any affiliate sites. (G) The affiliate site will be branded in some form to indicate to the customer that they will be wagering through systems operated by the licensed hub. The commission reserves the right to approve or deny any affiliate sites. Additionally, the commission may determine a handle level at which an affiliate site may need to apply for its own hub license, or at which the hub licensee must be subject to the tax rate described in OAR 462-220-0040(3)(c).

ADMINISTRATIVE RULES

(4) The commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.

(5) The fee of \$200 per day that the hub is scheduled to operate must accompany the application. If the license is denied by the commission the fee will be refunded less the amount equal to the amount that the commission expended in conducting investigations and inspections which was in excess of the expenses that would have otherwise been incurred by the commission.

(6) To ensure that the funds of an applicant's account holders will be properly held and maintained by the applicant:

(a) The applicant must provide evidence to the commission that the applicant has established a segregated account (the Bank Account) with an FDIC insured bank in which all funds of its account holders will be deposited solely for the benefit of the account holders:

(A) No hub shall use the funds deposited in the Bank Account for any purpose except to facilitate the wagering activities and other instructions or agreements of account holders. The funds of an account holder held in the Bank Account shall remain the property of the account holder for all purposes until wagered by the account holder or otherwise withdrawn or used in accordance with the account holder's instruction or agreement;

(B) The hub shall maintain a record of each deposit, withdrawal or other use of funds held in the Bank Account for each account holder (the Customer Record);

(C) Any account holder, who claims that any credit or debit to his or her Customer Record is incorrect or who claims that any deposit, withdrawal or use of the account holder's funds is incorrect, may file a claim with the commission. The commission shall investigate all claims and provide the hub with an opportunity to respond to such claim. The hub may submit any information, documentation or other evidence supporting its position with respect to the claim. If the commission determines that the Customer Record is incorrect or that any deposit, withdrawal or use of an account holder's funds was incorrect, the hub shall have 10 days to correct same as instructed by the commission. Such correction may require the hub to correct the Customer Record for the account holder, to deposit additional funds into the Bank Account for the account holder, to remit funds directly to the account holder, or any combination thereof.

(b) The applicant must provide a \$50,000 irrevocable bond, letter of credit, or other security instrument to the commission, in a form acceptable to the commission, which designates the commission as the beneficiary thereof (the Security Instrument). The Security Instrument shall permit the commission to make draws to cover such amounts as the commission finds is necessary. For example, if a hub fails to deposit funds into the Bank Account for an account holder or to remit funds directly to the account holder, as described in subsection 6(a)(C) above, within 10 days of the commission's decision, the commission may draw down on or take other appropriate action against the Security Instrument to ensure the account holder is immediately made whole.

(7) An applicant licensed under this section may enter into such agreements, as for what it deems good and sufficient reasons, that are necessary to promote, advertise and further the sport of racing or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services.

(8) An applicant must maintain an operational presence within the State of Oregon. A call center for customer wagering, a sub-contract with an existing call center for customer wagering, or a business office is required. In addition, totalizator equipment must be located in Oregon, and services must be provided by a totalizator vendor identified in the hub operating plan as approved by the commission.

(9) An applicant with a customer call center not located in Oregon must provide the following to the commission:

(a) Access to customer call monitoring and electronic wagering data;

(b) On site regulatory visits of the call center by authorized commission staff; and

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Deletes contradictory language regarding the civil rights test for the International Visiting Teacher License.

Adm. Order No.: TSPC 8-2010(Temp)

Filed with Sec. of State: 10-4-2010

Certified to be Effective: 10-4-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 584-060-0220

Rules Suspended: 584-060-0220(T)

Subject: 584-060-0220 — International Visiting Teacher License — Deletes rule language requiring passage of the civil rights test for the one-year renewal.

Rules Coordinator: Victoria Chamberlain — (503) 378-6813

584-060-0220

International Visiting Teacher License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified and eligible applicant may be granted an International Visiting Teacher License. The intent of this license is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) This license is issued for one year and is renewable up to two times.

(3) This license is valid for substitute teaching only at the grade authorization levels and subject-matter endorsement areas listed on the license.

(4) The International Visiting Teacher License is restricted to use within the district that has applied for it jointly with the teacher and is valid for teaching with the requesting employer only at the designated grade authorization levels and subject-matter endorsement areas requested by the employer and listed on the license. If the license is endorsed in a core academic area, the licensee may be considered to be "highly qualified" pursuant to federal law.

(5) To be eligible for the International Visiting Teacher License, the applicant must co-apply with the requesting district and submit the following materials as part of the application packet:

(a) A letter from the co-applying district specifying the grade levels and subject-matter endorsement areas in which the district would like the applicant to teach and a brief description of the plan for supervision and mentoring the district has in place including the name of the mentor assigned to the applicant once licensed;

(b) Transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(c) A copy of all professional teaching credentials held by the applicant;

(d)(A) Evidence that the applicant has completed the equivalent of three full years, (not less than 27 months) of teaching experience; or

(B) Proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education;

(e) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics; and

(f) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) To be eligible for a one-year renewal of the International Visiting Teaching License, an applicant must:

(a) Submit an application packet for renewal;

(b) A PEER form verifying the applicant's assignment; and

(c) Submit a letter from the co-applying school district attesting to the following:

(A) That the teacher's assignment will remain within the scope of grades and subjects on the license;

(B) The plan for supervision and mentoring remains in place and update the name of the mentor if appropriate.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 8-2010(Temp), f. & cert. ef. 10-4-10 thru 12-31-10

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-001-0010	10-1-2010	Repeal	11-1-2010	104-080-0050	2-5-2010	Amend	3-1-2010
101-002-0005	10-1-2010	Amend	11-1-2010	104-080-0060	2-5-2010	Amend	3-1-2010
101-002-0010	10-1-2010	Amend	11-1-2010	104-080-0070	2-5-2010	Amend	3-1-2010
101-002-0015	10-1-2010	Repeal	11-1-2010	105-040-0010	6-1-2010	Amend(T)	7-1-2010
101-002-0020	10-1-2010	Repeal	11-1-2010	105-040-0015	1-1-2010	Amend	2-1-2010
101-005-0010	10-1-2010	Amend	11-1-2010	105-040-0020	6-1-2010	Amend(T)	7-1-2010
101-005-0020	10-1-2010	Amend	11-1-2010	105-040-0020	10-5-2010	Amend(T)	11-1-2010
101-005-0030	10-1-2010	Amend	11-1-2010	105-040-0020(T)	10-5-2010	Suspend	11-1-2010
101-005-0040	10-1-2010	Amend	11-1-2010	105-040-0030	6-1-2010	Amend(T)	7-1-2010
101-005-0050	10-1-2010	Amend	11-1-2010	105-040-0060	6-1-2010	Amend(T)	7-1-2010
101-005-0060	10-1-2010	Repeal	11-1-2010	105-050-0025	1-1-2010	Adopt	2-1-2010
101-005-0070	10-1-2010	Amend	11-1-2010	105-050-0030	1-1-2010	Adopt	2-1-2010
101-005-0090	10-1-2010	Amend	11-1-2010	111-010-0015	12-17-2009	Amend	2-1-2010
101-005-0105	10-1-2010	Amend	11-1-2010	111-010-0015	8-3-2010	Amend(T)	9-1-2010
101-005-0110	10-1-2010	Amend	11-1-2010	111-010-0015	10-1-2010	Amend(T)	11-1-2010
101-005-0120	10-1-2010	Amend	11-1-2010	111-010-0015(T)	12-17-2009	Repeal	2-1-2010
101-005-0130	10-1-2010	Amend	11-1-2010	111-010-0015(T)	10-1-2010	Suspend	11-1-2010
101-005-0140	10-1-2010	Amend	11-1-2010	111-020-0001	3-15-2010	Amend	4-1-2010
101-006-0010	10-1-2010	Repeal	11-1-2010	111-030-0001	12-17-2009	Amend	2-1-2010
101-006-0020	10-1-2010	Repeal	11-1-2010	111-030-0001(T)	12-17-2009	Repeal	2-1-2010
101-010-0005	6-1-2010	Amend(T)	7-1-2010	111-030-0005	12-17-2009	Amend	2-1-2010
101-015-0011	6-1-2010	Amend(T)	7-1-2010	111-030-0005	8-3-2010	Amend(T)	9-1-2010
101-015-0012	6-1-2010	Adopt(T)	7-1-2010	111-030-0005(T)	12-17-2009	Repeal	2-1-2010
101-015-0012	6-3-2010	Adopt(T)	7-1-2010	111-030-0010	8-3-2010	Adopt(T)	9-1-2010
101-015-0012	10-1-2010	Suspend	11-1-2010	111-030-0020	12-17-2009	Adopt	2-1-2010
101-015-0012(T)	6-3-2010	Suspend	7-1-2010	111-030-0020(T)	12-17-2009	Repeal	2-1-2010
101-015-0013	10-1-2010	Adopt(T)	11-1-2010	111-030-0025	12-17-2009	Adopt	2-1-2010
101-015-0025(T)	10-1-2010	Suspend	11-1-2010	111-030-0025(T)	12-17-2009	Repeal	2-1-2010
101-015-0026	10-1-2010	Adopt(T)	11-1-2010	111-030-0030	12-17-2009	Adopt	2-1-2010
101-020-0015	10-1-2010	Amend	11-1-2010	111-030-0030	8-3-2010	Suspend	9-1-2010
101-020-0066	10-1-2010	Adopt	11-1-2010	111-030-0030(T)	12-17-2009	Repeal	2-1-2010
101-050-0005	10-1-2010	Amend	11-1-2010	111-030-0035	8-3-2010	Adopt(T)	9-1-2010
101-050-0010	10-1-2010	Amend	11-1-2010	111-030-0040	8-3-2010	Adopt(T)	9-1-2010
101-050-0015	10-1-2010	Amend	11-1-2010	111-030-0045	8-3-2010	Adopt(T)	9-1-2010
101-050-0020	10-1-2010	Amend	11-1-2010	111-030-0050	8-3-2010	Adopt(T)	9-1-2010
101-050-0025	10-1-2010	Repeal	11-1-2010	111-040-0001	12-17-2009	Amend	2-1-2010
104-030-0000	1-21-2010	Adopt	3-1-2010	111-040-0001	8-3-2010	Amend(T)	9-1-2010
104-030-0010	1-21-2010	Adopt	3-1-2010	111-040-0001	10-1-2010	Amend(T)	11-1-2010
104-030-0020	1-21-2010	Adopt	3-1-2010	111-040-0001(T)	12-17-2009	Repeal	2-1-2010
104-030-0030	1-21-2010	Adopt	3-1-2010	111-040-0001(T)	10-1-2010	Suspend	11-1-2010
104-030-0040	1-21-2010	Adopt	3-1-2010	111-040-0005	10-1-2010	Amend(T)	11-1-2010
104-030-0050	1-21-2010	Adopt	3-1-2010	111-040-0015	8-3-2010	Amend(T)	9-1-2010
104-030-0060	1-21-2010	Adopt	3-1-2010	111-040-0015	10-1-2010	Amend(T)	11-1-2010
104-030-0070	1-21-2010	Adopt	3-1-2010	111-040-0015(T)	10-1-2010	Suspend	11-1-2010
104-030-0080	1-21-2010	Adopt	3-1-2010	111-040-0020	10-1-2010	Amend(T)	11-1-2010
104-080-0000	2-5-2010	Amend	3-1-2010	111-040-0025	12-17-2009	Amend	2-1-2010
104-080-0010	2-5-2010	Amend	3-1-2010	111-040-0025	8-3-2010	Amend(T)	9-1-2010
104-080-0020	2-5-2010	Amend	3-1-2010	111-040-0025(T)	12-17-2009	Repeal	2-1-2010
104-080-0021	2-5-2010	Amend	3-1-2010	111-040-0030	12-17-2009	Amend	2-1-2010
104-080-0022	2-5-2010	Amend	3-1-2010	111-040-0030	8-3-2010	Amend(T)	9-1-2010
104-080-0024	2-5-2010	Amend	3-1-2010	111-040-0030(T)	12-17-2009	Repeal	2-1-2010
104-080-0025	2-5-2010	Amend	3-1-2010	111-040-0040	12-17-2009	Amend	2-1-2010
104-080-0026	2-5-2010	Amend	3-1-2010	111-040-0040	3-3-2010	Amend(T)	4-1-2010
104-080-0027	2-5-2010	Amend	3-1-2010	111-040-0040	8-3-2010	Amend	9-1-2010
104-080-0030	2-5-2010	Amend	3-1-2010	111-040-0040	8-3-2010	Amend(T)	9-1-2010
104-080-0040	2-5-2010	Amend	3-1-2010	111-040-0040	10-1-2010	Amend(T)	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-040-0040(T)	12-17-2009	Repeal	2-1-2010	122-060-0040	9-21-2010	Adopt(T)	11-1-2010
111-040-0040(T)	8-3-2010	Repeal	9-1-2010	123-008-0005	12-1-2009	Amend	1-1-2010
111-040-0040(T)	10-1-2010	Suspend	11-1-2010	123-008-0010	12-1-2009	Amend	1-1-2010
111-040-0050	12-17-2009	Amend	2-1-2010	123-008-0015	12-1-2009	Amend	1-1-2010
111-040-0050	8-3-2010	Amend(T)	9-1-2010	123-008-0020	12-1-2009	Amend	1-1-2010
111-040-0050(T)	12-17-2009	Repeal	2-1-2010	123-008-0025	12-1-2009	Amend	1-1-2010
111-050-0001	10-1-2010	Amend(T)	11-1-2010	123-008-0030	12-1-2009	Amend	1-1-2010
111-050-0010	2-1-2010	Amend	3-1-2010	123-011-0021	5-1-2010	Amend	6-1-2010
111-050-0010	8-3-2010	Amend(T)	9-1-2010	123-011-0025	5-1-2010	Amend	6-1-2010
111-050-0010(T)	2-1-2010	Repeal	3-1-2010	123-011-0027	5-1-2010	Amend	6-1-2010
111-050-0015	2-1-2010	Amend	3-1-2010	123-011-0030	5-1-2010	Amend	6-1-2010
111-050-0015	10-1-2010	Amend(T)	11-1-2010	123-011-0035	5-1-2010	Amend	6-1-2010
111-050-0015(T)	2-1-2010	Repeal	3-1-2010	123-011-0040	5-1-2010	Amend	6-1-2010
111-050-0016	2-1-2010	Adopt	3-1-2010	123-016-0000	5-1-2010	Amend	6-1-2010
111-050-0016	8-3-2010	Amend(T)	9-1-2010	123-016-0010	5-1-2010	Amend	6-1-2010
111-050-0020	2-1-2010	Amend	3-1-2010	123-016-0020	5-1-2010	Amend	6-1-2010
111-050-0020	8-3-2010	Amend(T)	9-1-2010	123-016-0030	5-1-2010	Amend	6-1-2010
111-050-0020(T)	2-1-2010	Repeal	3-1-2010	123-016-0060	10-1-2010	Amend	11-1-2010
111-050-0025	2-1-2010	Amend	3-1-2010	123-017-0007	12-1-2009	Amend	1-1-2010
111-050-0025	8-3-2010	Amend(T)	9-1-2010	123-017-0008	12-1-2009	Amend	1-1-2010
111-050-0025(T)	2-1-2010	Repeal	3-1-2010	123-017-0008	4-12-2010	Amend(T)	5-1-2010
111-050-0030	8-3-2010	Amend(T)	9-1-2010	123-017-0008	5-28-2010	Amend(T)	7-1-2010
111-050-0030	10-1-2010	Amend(T)	11-1-2010	123-017-0008	10-1-2010	Amend	11-1-2010
111-050-0030(T)	10-1-2010	Suspend	11-1-2010	123-017-0008(T)	5-28-2010	Suspend	7-1-2010
111-050-0035	8-3-2010	Amend(T)	9-1-2010	123-017-0008(T)	10-1-2010	Repeal	11-1-2010
111-050-0045	10-1-2010	Amend(T)	11-1-2010	123-017-0010	12-1-2009	Amend	1-1-2010
111-050-0050	8-3-2010	Amend(T)	9-1-2010	123-017-0010	4-12-2010	Amend(T)	5-1-2010
111-050-0050	10-1-2010	Amend(T)	11-1-2010	123-017-0015	12-1-2009	Amend	1-1-2010
111-050-0050(T)	10-1-2010	Suspend	11-1-2010	123-017-0015	4-12-2010	Amend(T)	5-1-2010
111-050-0060	8-3-2010	Amend(T)	9-1-2010	123-017-0015	5-28-2010	Amend(T)	7-1-2010
111-050-0065	8-3-2010	Amend(T)	9-1-2010	123-017-0015	10-1-2010	Amend	11-1-2010
111-050-0070	8-3-2010	Amend(T)	9-1-2010	123-017-0015(T)	5-28-2010	Suspend	7-1-2010
111-050-0075	8-3-2010	Amend(T)	9-1-2010	123-017-0015(T)	10-1-2010	Repeal	11-1-2010
111-050-0080	2-1-2010	Amend	3-1-2010	123-017-0020	5-28-2010	Amend(T)	7-1-2010
111-050-0080	8-3-2010	Amend(T)	9-1-2010	123-017-0020	10-1-2010	Amend	11-1-2010
111-050-0080(T)	2-1-2010	Repeal	3-1-2010	123-017-0020(T)	10-1-2010	Repeal	11-1-2010
111-060-0001	12-17-2009	Amend	2-1-2010	123-017-0025	12-1-2009	Amend	1-1-2010
111-060-0001(T)	12-17-2009	Repeal	2-1-2010	123-017-0025	4-12-2010	Amend(T)	5-1-2010
111-070-0001	3-15-2010	Adopt	4-1-2010	123-017-0025	5-28-2010	Amend(T)	7-1-2010
111-070-0005	3-15-2010	Adopt	4-1-2010	123-017-0025	10-1-2010	Amend	11-1-2010
111-070-0015	3-15-2010	Adopt	4-1-2010	123-017-0025(T)	5-28-2010	Suspend	7-1-2010
111-070-0020	3-15-2010	Adopt	4-1-2010	123-017-0025(T)	10-1-2010	Repeal	11-1-2010
111-070-0030	3-15-2010	Adopt	4-1-2010	123-017-0030	12-1-2009	Amend	1-1-2010
111-070-0030	10-1-2010	Amend(T)	11-1-2010	123-017-0030	4-12-2010	Amend(T)	5-1-2010
111-070-0040	3-15-2010	Adopt	4-1-2010	123-017-0030	5-28-2010	Amend(T)	7-1-2010
111-070-0040	10-1-2010	Amend(T)	11-1-2010	123-017-0030	10-1-2010	Amend	11-1-2010
111-070-0050	3-15-2010	Adopt	4-1-2010	123-017-0030(T)	5-28-2010	Suspend	7-1-2010
111-070-0060	3-15-2010	Adopt	4-1-2010	123-017-0030(T)	10-1-2010	Repeal	11-1-2010
111-070-0070	3-15-2010	Adopt	4-1-2010	123-017-0035	12-1-2009	Amend	1-1-2010
111-080-0030	4-26-2010	Amend(T)	6-1-2010	123-017-0035	4-12-2010	Amend(T)	5-1-2010
111-080-0030	10-1-2010	Amend	11-1-2010	123-017-0035	5-28-2010	Amend(T)	7-1-2010
111-080-0030(T)	10-1-2010	Repeal	11-1-2010	123-017-0035	10-1-2010	Amend	11-1-2010
115-025-0060	4-13-2010	Amend(T)	5-1-2010	123-017-0035(T)	5-28-2010	Suspend	7-1-2010
115-025-0060	10-1-2010	Amend	11-1-2010	123-017-0035(T)	10-1-2010	Repeal	11-1-2010
122-060-0030	6-22-2010	Adopt(T)	8-1-2010	123-017-0037	12-1-2009	Amend	1-1-2010
122-060-0030	9-21-2010	Suspend	11-1-2010	123-017-0040	12-1-2009	Repeal	1-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-017-0055	12-1-2009	Amend	1-1-2010	123-019-0100	10-1-2010	Amend	11-1-2010
123-017-0055	5-28-2010	Amend(T)	7-1-2010	123-019-0100	10-15-2010	Amend	11-1-2010
123-017-0055	10-1-2010	Amend	11-1-2010	123-019-0100(T)	10-1-2010	Repeal	11-1-2010
123-017-0055(T)	10-1-2010	Repeal	11-1-2010	123-021-0020	5-1-2010	Amend	6-1-2010
123-017-0060	5-28-2010	Adopt(T)	7-1-2010	123-022-0070	12-1-2009	Amend	1-1-2010
123-017-0060	10-1-2010	Adopt	11-1-2010	123-022-0080	12-1-2009	Amend	1-1-2010
123-017-0060(T)	10-1-2010	Repeal	11-1-2010	123-022-0090	12-1-2009	Amend	1-1-2010
123-017-0070	5-28-2010	Adopt(T)	7-1-2010	123-022-0100	12-1-2009	Amend	1-1-2010
123-017-0070	10-1-2010	Adopt	11-1-2010	123-022-0110	12-1-2009	Amend	1-1-2010
123-017-0070(T)	10-1-2010	Repeal	11-1-2010	123-023-1000	5-1-2010	Am. & Ren.	6-1-2010
123-017-0080	5-28-2010	Adopt(T)	7-1-2010	123-023-1100	5-1-2010	Am. & Ren.	6-1-2010
123-017-0080	10-1-2010	Adopt	11-1-2010	123-023-1200	5-1-2010	Renumber	6-1-2010
123-017-0080(T)	10-1-2010	Repeal	11-1-2010	123-023-1250	5-1-2010	Renumber	6-1-2010
123-018-0010	5-1-2010	Amend	6-1-2010	123-023-1300	5-1-2010	Renumber	6-1-2010
123-018-0020	5-1-2010	Amend	6-1-2010	123-023-1400	5-1-2010	Am. & Ren.	6-1-2010
123-018-0080	5-1-2010	Amend	6-1-2010	123-023-1500	5-1-2010	Am. & Ren.	6-1-2010
123-018-0085	5-1-2010	Amend	6-1-2010	123-023-1525	5-1-2010	Renumber	6-1-2010
123-018-0100	5-1-2010	Amend	6-1-2010	123-023-1550	5-1-2010	Am. & Ren.	6-1-2010
123-018-0120	5-1-2010	Amend	6-1-2010	123-023-1600	5-1-2010	Am. & Ren.	6-1-2010
123-018-0150	5-1-2010	Amend	6-1-2010	123-023-1700	5-1-2010	Am. & Ren.	6-1-2010
123-018-0160	5-1-2010	Amend	6-1-2010	123-023-1800	5-1-2010	Am. & Ren.	6-1-2010
123-019-0000	4-12-2010	Amend(T)	5-1-2010	123-023-1900	5-1-2010	Am. & Ren.	6-1-2010
123-019-0000	10-1-2010	Amend	11-1-2010	123-023-1950	5-1-2010	Am. & Ren.	6-1-2010
123-019-0000(T)	10-1-2010	Repeal	11-1-2010	123-023-2000	5-1-2010	Am. & Ren.	6-1-2010
123-019-0010	4-12-2010	Amend(T)	5-1-2010	123-023-3000	5-1-2010	Am. & Ren.	6-1-2010
123-019-0010	10-1-2010	Amend	11-1-2010	123-023-3100	5-1-2010	Am. & Ren.	6-1-2010
123-019-0010	10-15-2010	Amend	11-1-2010	123-023-3200	5-1-2010	Am. & Ren.	6-1-2010
123-019-0010(T)	10-1-2010	Repeal	11-1-2010	123-023-3300	5-1-2010	Renumber	6-1-2010
123-019-0020	4-12-2010	Amend(T)	5-1-2010	123-023-3400	5-1-2010	Am. & Ren.	6-1-2010
123-019-0020	10-1-2010	Amend	11-1-2010	123-023-4000	5-1-2010	Am. & Ren.	6-1-2010
123-019-0020(T)	10-1-2010	Repeal	11-1-2010	123-023-4100	5-1-2010	Am. & Ren.	6-1-2010
123-019-0030	4-12-2010	Amend(T)	5-1-2010	123-024-0011	12-1-2009	Amend	1-1-2010
123-019-0030	10-1-2010	Amend	11-1-2010	123-024-0031	12-1-2009	Amend	1-1-2010
123-019-0030	10-15-2010	Amend	11-1-2010	123-024-0046	12-1-2009	Adopt	1-1-2010
123-019-0030(T)	10-1-2010	Repeal	11-1-2010	123-030-0050	5-1-2010	Amend	6-1-2010
123-019-0040	4-12-2010	Amend(T)	5-1-2010	123-043-0000	12-1-2009	Amend	1-1-2010
123-019-0040	10-1-2010	Amend	11-1-2010	123-043-0010	12-1-2009	Amend	1-1-2010
123-019-0040	10-15-2010	Amend	11-1-2010	123-043-0010	1-14-2010	Amend(T)	2-1-2010
123-019-0040(T)	10-1-2010	Repeal	11-1-2010	123-043-0015	12-1-2009	Amend	1-1-2010
123-019-0050	4-12-2010	Amend(T)	5-1-2010	123-043-0015	1-14-2010	Amend(T)	2-1-2010
123-019-0050	10-1-2010	Amend	11-1-2010	123-043-0015	7-1-2010	Amend	8-1-2010
123-019-0050	10-15-2010	Amend	11-1-2010	123-043-0015(T)	7-1-2010	Repeal	8-1-2010
123-019-0050(T)	10-1-2010	Repeal	11-1-2010	123-043-0025	12-1-2009	Amend	1-1-2010
123-019-0060	4-12-2010	Amend(T)	5-1-2010	123-043-0025	1-14-2010	Amend(T)	2-1-2010
123-019-0060	10-1-2010	Amend	11-1-2010	123-043-0035	12-1-2009	Amend	1-1-2010
123-019-0060(T)	10-1-2010	Repeal	11-1-2010	123-043-0035	1-14-2010	Amend(T)	2-1-2010
123-019-0070	4-12-2010	Amend(T)	5-1-2010	123-043-0035	7-1-2010	Amend	8-1-2010
123-019-0070	10-1-2010	Amend	11-1-2010	123-043-0035(T)	7-1-2010	Repeal	8-1-2010
123-019-0070(T)	10-1-2010	Repeal	11-1-2010	123-043-0041	1-14-2010	Adopt(T)	2-1-2010
123-019-0080	4-12-2010	Amend(T)	5-1-2010	123-043-0041	7-1-2010	Amend	8-1-2010
123-019-0080	10-1-2010	Amend	11-1-2010	123-043-0041(T)	7-1-2010	Repeal	8-1-2010
123-019-0080(T)	10-1-2010	Repeal	11-1-2010	123-043-0045	12-1-2009	Repeal	1-1-2010
123-019-0090	4-12-2010	Amend(T)	5-1-2010	123-043-0055	12-1-2009	Amend	1-1-2010
123-019-0090	10-1-2010	Amend	11-1-2010	123-043-0055	1-14-2010	Amend(T)	2-1-2010
123-019-0090(T)	10-1-2010	Repeal	11-1-2010	123-043-0055	7-1-2010	Amend	8-1-2010
123-019-0100	4-12-2010	Amend(T)	5-1-2010	123-043-0055(T)	7-1-2010	Repeal	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-043-0065	12-1-2009	Amend	1-1-2010	123-065-1530	6-14-2010	Repeal	7-1-2010
123-043-0075	12-1-2009	Amend	1-1-2010	123-065-1540	6-14-2010	Repeal	7-1-2010
123-043-0075	7-1-2010	Amend	8-1-2010	123-065-1550	6-14-2010	Repeal	7-1-2010
123-043-0075(T)	7-1-2010	Repeal	8-1-2010	123-065-1553	6-14-2010	Repeal	7-1-2010
123-043-0085	12-1-2009	Amend	1-1-2010	123-065-1557	6-14-2010	Repeal	7-1-2010
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
123-065-0240	6-14-2010	Repeal	7-1-2010	123-065-3360	6-14-2010	Repeal	7-1-2010
123-065-0255	6-14-2010	Repeal	7-1-2010	123-065-3400	6-14-2010	Repeal	7-1-2010
123-065-0300	6-14-2010	Repeal	7-1-2010	123-065-3430	6-14-2010	Repeal	7-1-2010
123-065-0310	6-14-2010	Repeal	7-1-2010	123-065-3445	6-14-2010	Repeal	7-1-2010
123-065-0320	6-14-2010	Repeal	7-1-2010	123-065-3460	6-14-2010	Repeal	7-1-2010
123-065-0330	6-14-2010	Repeal	7-1-2010	123-065-3480	6-14-2010	Repeal	7-1-2010
123-065-0350	6-14-2010	Repeal	7-1-2010	123-065-3500	6-14-2010	Repeal	7-1-2010
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
123-065-1050	6-14-2010	Repeal	7-1-2010	123-065-3560	6-14-2010	Repeal	7-1-2010
123-065-1060	6-14-2010	Repeal	7-1-2010	123-065-3600	6-14-2010	Repeal	7-1-2010
123-065-1070	6-14-2010	Repeal	7-1-2010	123-065-3800	6-14-2010	Repeal	7-1-2010
123-065-1080	6-14-2010	Repeal	7-1-2010	123-065-3830	6-14-2010	Repeal	7-1-2010
123-065-1500	6-14-2010	Repeal	7-1-2010	123-065-3850	6-14-2010	Repeal	7-1-2010
123-065-1510	6-14-2010	Repeal	7-1-2010	123-065-4000	6-14-2010	Repeal	7-1-2010
123-065-1520	6-14-2010	Repeal	7-1-2010	123-065-4010	6-14-2010	Repeal	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-065-4020	6-14-2010	Repeal	7-1-2010	123-065-4630	6-14-2010	Repeal	7-1-2010
123-065-4050	6-14-2010	Repeal	7-1-2010	123-065-4640	6-14-2010	Repeal	7-1-2010
123-065-4060	6-14-2010	Repeal	7-1-2010	123-065-4700	6-14-2010	Repeal	7-1-2010
123-065-4070	6-14-2010	Repeal	7-1-2010	123-065-4710	6-14-2010	Repeal	7-1-2010
123-065-4100	6-14-2010	Repeal	7-1-2010	123-065-4720	6-14-2010	Repeal	7-1-2010
123-065-4110	6-14-2010	Repeal	7-1-2010	123-065-4730	6-14-2010	Repeal	7-1-2010
123-065-4120	6-14-2010	Repeal	7-1-2010	123-065-4740	6-14-2010	Repeal	7-1-2010
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
123-065-4240	6-14-2010	Repeal	7-1-2010	123-065-4970	6-14-2010	Repeal	7-1-2010
123-065-4250	6-14-2010	Repeal	7-1-2010	123-065-4980	6-14-2010	Repeal	7-1-2010
123-065-4260	6-14-2010	Repeal	7-1-2010	123-065-4990	6-14-2010	Repeal	7-1-2010
123-065-4270	6-14-2010	Repeal	7-1-2010	123-065-7000	6-14-2010	Repeal	7-1-2010
123-065-4280	6-14-2010	Repeal	7-1-2010	123-065-7100	6-14-2010	Repeal	7-1-2010
123-065-4300	6-14-2010	Repeal	7-1-2010	123-065-7200	6-14-2010	Repeal	7-1-2010
123-065-4310	6-14-2010	Repeal	7-1-2010	123-065-7300	6-14-2010	Repeal	7-1-2010
123-065-4313	6-14-2010	Repeal	7-1-2010	123-065-7400	6-14-2010	Repeal	7-1-2010
123-065-4315	6-14-2010	Repeal	7-1-2010	123-065-7500	6-14-2010	Repeal	7-1-2010
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
123-065-4325	6-14-2010	Repeal	7-1-2010	123-065-8100	6-14-2010	Repeal	7-1-2010
123-065-4328	6-14-2010	Repeal	7-1-2010	123-065-8200	6-14-2010	Repeal	7-1-2010
123-065-4330	6-14-2010	Repeal	7-1-2010	123-065-8300	6-14-2010	Repeal	7-1-2010
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
123-065-4440	6-14-2010	Repeal	7-1-2010	123-070-1600	12-1-2009	Amend	1-1-2010
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
123-065-4480	6-14-2010	Repeal	7-1-2010	123-070-2000	12-1-2009	Repeal	1-1-2010
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
123-065-4565	6-14-2010	Repeal	7-1-2010	123-080-0010	1-1-2010	Amend	2-1-2010
123-065-4570	6-14-2010	Repeal	7-1-2010	123-080-0030	1-1-2010	Amend	2-1-2010
123-065-4580	6-14-2010	Repeal	7-1-2010	123-080-0040	1-1-2010	Amend	2-1-2010
123-065-4590	6-14-2010	Repeal	7-1-2010	123-087-0010	1-1-2010	Amend	2-1-2010
123-065-4600	6-14-2010	Repeal	7-1-2010	123-087-0030	1-1-2010	Amend	2-1-2010
123-065-4610	6-14-2010	Repeal	7-1-2010	123-087-0040	1-1-2010	Repeal	2-1-2010
123-065-4620	6-14-2010	Repeal	7-1-2010	123-090-0000	1-1-2010	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
123-135-0087	4-1-2010	Amend	5-1-2010	123-200-0180	5-1-2010	Adopt	6-1-2010
123-135-0090	4-1-2010	Amend	5-1-2010	123-200-0190	5-1-2010	Adopt	6-1-2010
123-135-0100	4-1-2010	Amend	5-1-2010	123-200-0200	5-1-2010	Adopt	6-1-2010
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
123-140-0020	5-21-2010	Amend(T)	7-1-2010	123-500-0020	3-1-2010	Am. & Ren.	4-1-2010
123-140-0030	4-1-2010	Amend	5-1-2010	123-500-0030	3-1-2010	Am. & Ren.	4-1-2010
123-140-0030	5-21-2010	Amend(T)	7-1-2010	123-500-0035	3-1-2010	Adopt	4-1-2010
123-140-0050	4-1-2010	Amend	5-1-2010	123-500-0040	3-1-2010	Am. & Ren.	4-1-2010
123-155-0000	2-1-2010	Amend	3-1-2010	123-500-0045	3-1-2010	Adopt	4-1-2010
123-155-0050	2-1-2010	Amend	3-1-2010	123-500-0050	3-1-2010	Am. & Ren.	4-1-2010
123-155-0100	2-1-2010	Amend	3-1-2010	123-500-0055	3-1-2010	Adopt	4-1-2010
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
123-155-0270	2-1-2010	Amend	3-1-2010	123-500-0150	3-1-2010	Adopt	4-1-2010
123-155-0300	2-1-2010	Amend	3-1-2010	123-500-0160	3-1-2010	Adopt	4-1-2010
123-155-0350	2-1-2010	Amend	3-1-2010	123-500-0170	3-1-2010	Adopt	4-1-2010
123-155-0400	2-1-2010	Amend	3-1-2010	123-500-0175	3-1-2010	Adopt	4-1-2010
123-165-0010	1-14-2010	Adopt(T)	2-1-2010	123-650-0001	6-14-2010	Adopt	7-1-2010
123-165-0010	5-1-2010	Adopt	6-1-2010	123-650-0059	6-14-2010	Adopt	7-1-2010
123-165-0010(T)	5-1-2010	Repeal	6-1-2010	123-650-0100	6-14-2010	Adopt	7-1-2010
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
123-165-0040	5-1-2010	Adopt	6-1-2010	123-650-2200	6-14-2010	Adopt	7-1-2010
123-165-0040(T)	5-1-2010	Repeal	6-1-2010	123-650-2300	6-14-2010	Adopt	7-1-2010
123-165-0045	1-14-2010	Adopt(T)	2-1-2010	123-650-2400	6-14-2010	Adopt	7-1-2010
123-165-0045	5-1-2010	Adopt	6-1-2010	123-650-2500	6-14-2010	Adopt	7-1-2010
123-165-0045(T)	5-1-2010	Repeal	6-1-2010	123-650-2600	6-14-2010	Adopt	7-1-2010
123-165-0050	1-14-2010	Adopt(T)	2-1-2010	123-650-3000	6-14-2010	Adopt	7-1-2010
123-165-0050	5-1-2010	Adopt	6-1-2010	123-650-3100	6-14-2010	Adopt	7-1-2010
123-165-0050(T)	5-1-2010	Repeal	6-1-2010	123-650-3200	6-14-2010	Adopt	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-690-4400	6-14-2010	Adopt	7-1-2010	125-247-0110	1-1-2010	Adopt	2-1-2010
123-690-4600	6-14-2010	Adopt	7-1-2010	125-247-0200	1-1-2010	Amend	2-1-2010
123-690-5000	6-14-2010	Adopt	7-1-2010	125-247-0255	1-1-2010	Amend	2-1-2010
123-690-5200	6-14-2010	Adopt	7-1-2010	125-247-0256	1-1-2010	Repeal	2-1-2010
123-690-6000	6-14-2010	Adopt	7-1-2010	125-247-0260	1-1-2010	Amend	2-1-2010
123-690-6200	6-14-2010	Adopt	7-1-2010	125-247-0261	1-1-2010	Repeal	2-1-2010
123-690-8000	6-14-2010	Adopt	7-1-2010	125-247-0270	1-1-2010	Amend	2-1-2010
123-690-8100	6-14-2010	Adopt	7-1-2010	125-247-0275	1-1-2010	Amend	2-1-2010
123-690-8500	6-14-2010	Adopt	7-1-2010	125-247-0280	1-1-2010	Amend	2-1-2010
125-045-0210	11-19-2009	Amend	1-1-2010	125-247-0287	1-1-2010	Amend	2-1-2010
125-045-0215	11-19-2009	Amend	1-1-2010	125-247-0288	1-1-2010	Amend	2-1-2010
125-045-0225	11-19-2009	Amend	1-1-2010	125-247-0296	1-1-2010	Amend	2-1-2010
125-055-0005	10-8-2010	Amend	11-1-2010	125-247-0305	1-1-2010	Amend	2-1-2010
125-055-0010	10-8-2010	Amend	11-1-2010	125-247-0310	1-1-2010	Amend	2-1-2010
125-055-0015	10-8-2010	Amend	11-1-2010	125-247-0320	1-1-2010	Amend	2-1-2010
125-055-0016	10-8-2010	Adopt	11-1-2010	125-247-0340	1-1-2010	Amend	2-1-2010
125-055-0017	10-8-2010	Adopt	11-1-2010	125-247-0470	1-1-2010	Amend	2-1-2010
125-055-0020	10-8-2010	Amend	11-1-2010	125-247-0500	1-1-2010	Amend	2-1-2010
125-055-0025	10-8-2010	Amend	11-1-2010	125-247-0550	1-1-2010	Amend	2-1-2010
125-055-0030	10-8-2010	Amend	11-1-2010	125-247-0600	1-1-2010	Amend	2-1-2010
125-055-0035	10-8-2010	Amend	11-1-2010	125-247-0610	1-1-2010	Amend	2-1-2010
125-055-0040	10-8-2010	Amend	11-1-2010	125-247-0630	1-1-2010	Amend	2-1-2010
125-055-0045	10-8-2010	Amend	11-1-2010	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-249-0390	1-1-2010	Amend	2-1-2010	137-049-0200	1-1-2010	Amend	1-1-2010
125-249-0420	1-1-2010	Amend	2-1-2010	137-049-0210	1-1-2010	Amend	1-1-2010
125-249-0430	1-1-2010	Amend	2-1-2010	137-049-0220	1-1-2010	Amend	1-1-2010
125-249-0440	1-1-2010	Amend	2-1-2010	137-049-0260	1-1-2010	Amend	1-1-2010
125-249-0450	1-1-2010	Amend	2-1-2010	137-049-0270	1-1-2010	Amend	1-1-2010
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	10-1-2010	Amend(T)	11-1-2010
137-048-0200	1-1-2010	Amend	1-1-2010	137-050-0700(T)	7-1-2010	Amend	8-1-2010
137-048-0210	1-1-2010	Amend	1-1-2010	137-050-0710	1-4-2010	Adopt	1-1-2010
137-048-0220	1-1-2010	Amend	1-1-2010	137-050-0710	2-12-2010	Amend(T)	3-1-2010
137-048-0250	1-1-2010	Amend	1-1-2010	137-050-0710	7-1-2010	Amend	8-1-2010
137-048-0260	1-1-2010	Amend	1-1-2010	137-050-0710(T)	7-1-2010	Amend	8-1-2010
137-048-0300	1-1-2010	Amend	1-1-2010	137-050-0715	1-4-2010	Adopt	1-1-2010
137-048-0310	1-1-2010	Amend	1-1-2010	137-050-0715	2-12-2010	Amend(T)	3-1-2010
137-048-0320	1-1-2010	Amend	1-1-2010	137-050-0715	7-1-2010	Amend	8-1-2010
137-049-0150	1-1-2010	Amend	1-1-2010	137-050-0715(T)	7-1-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-050-0720	1-4-2010	Adopt	1-1-2010	137-055-4640	1-4-2010	Amend	2-1-2010
137-050-0725	1-4-2010	Adopt	1-1-2010	137-055-5110	1-4-2010	Amend	2-1-2010
137-050-0730	1-4-2010	Adopt	1-1-2010	137-055-5220	1-4-2010	Amend	2-1-2010
137-050-0730	7-1-2010	Amend	8-1-2010	137-055-6022	1-4-2010	Amend	2-1-2010
137-050-0735	1-4-2010	Adopt	1-1-2010	137-055-6024	1-4-2010	Amend	2-1-2010
137-050-0740	1-4-2010	Adopt	1-1-2010	137-055-6260	1-4-2010	Amend	2-1-2010
137-050-0745	1-4-2010	Adopt	1-1-2010	137-060-0110	3-12-2010	Amend	4-1-2010
137-050-0750	1-4-2010	Adopt	1-1-2010	137-060-0120	3-12-2010	Amend	4-1-2010
137-050-0755	1-4-2010	Adopt	1-1-2010	137-060-0130	3-12-2010	Amend	4-1-2010
137-050-0760	1-4-2010	Adopt(T)	1-1-2010	137-060-0150	3-12-2010	Amend	4-1-2010
137-050-0760	1-8-2010	Amend(T)	2-1-2010	137-060-0210	3-12-2010	Amend	4-1-2010
137-050-0760	2-12-2010	Adopt(T)	3-1-2010	137-060-0220	3-12-2010	Amend	4-1-2010
137-050-0760	7-1-2010	Adopt	8-1-2010	137-060-0230	3-12-2010	Amend	4-1-2010
137-050-0760(T)	1-8-2010	Suspend	2-1-2010	137-060-0250	3-12-2010	Amend	4-1-2010
137-050-0760(T)	2-12-2010	Suspend	3-1-2010	137-060-0310	3-12-2010	Amend	4-1-2010
137-050-0760(T)	7-1-2010	Amend	8-1-2010	137-060-0320	3-12-2010	Amend	4-1-2010
137-050-0765	1-4-2010	Adopt	1-1-2010	137-060-0330	3-12-2010	Amend	4-1-2010
137-055-1020	1-4-2010	Amend	2-1-2010	137-060-0350	3-12-2010	Amend	4-1-2010
137-055-1070	1-4-2010	Amend(T)	2-1-2010	137-060-0410	3-12-2010	Amend	4-1-2010
137-055-1070	4-1-2010	Amend	5-1-2010	137-060-0420	3-12-2010	Amend	4-1-2010
137-055-1070(T)	4-1-2010	Repeal	5-1-2010	137-060-0430	3-12-2010	Amend	4-1-2010
137-055-1090	1-4-2010	Amend	2-1-2010	137-060-0450	3-12-2010	Amend	4-1-2010
137-055-1120	1-4-2010	Amend	2-1-2010	137-078-0000	8-2-2010	Amend(T)	9-1-2010
137-055-1140	1-4-2010	Amend	2-1-2010	137-078-0005	8-2-2010	Amend(T)	9-1-2010
137-055-1145	1-4-2010	Amend	2-1-2010	137-078-0010	8-2-2010	Amend(T)	9-1-2010
137-055-1160	9-1-2010	Amend(T)	8-1-2010	137-078-0015	8-2-2010	Amend(T)	9-1-2010
137-055-1160	10-1-2010	Amend	11-1-2010	137-078-0020	8-2-2010	Amend(T)	9-1-2010
137-055-1160(T)	10-1-2010	Repeal	11-1-2010	137-078-0025	8-2-2010	Amend(T)	9-1-2010
137-055-1320	10-1-2010	Amend	11-1-2010	137-078-0030	8-2-2010	Amend(T)	9-1-2010
137-055-1360	10-1-2010	Amend	11-1-2010	137-078-0035	8-2-2010	Amend(T)	9-1-2010
137-055-2160	1-4-2010	Amend(T)	2-1-2010	137-078-0040	8-2-2010	Amend(T)	9-1-2010
137-055-2160	7-1-2010	Amend	8-1-2010	137-078-0041	8-2-2010	Adopt(T)	9-1-2010
137-055-2160(T)	7-1-2010	Amend	8-1-2010	137-078-0045	8-2-2010	Amend(T)	9-1-2010
137-055-2360	1-4-2010	Amend	2-1-2010	137-078-0050	8-2-2010	Amend(T)	9-1-2010
137-055-2380	1-4-2010	Amend	2-1-2010	137-078-0051	8-2-2010	Adopt(T)	9-1-2010
137-055-3020	1-4-2010	Amend	2-1-2010	137-105-0050	4-19-2010	Adopt(T)	6-1-2010
137-055-3020	10-1-2010	Amend	11-1-2010	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-085-0685	1-1-2010	Amend	1-1-2010	150-308.205-(B)	7-31-2010	Am. & Ren.	9-1-2010
141-085-0690	1-1-2010	Amend	1-1-2010	150-308.225	7-31-2010	Adopt	9-1-2010
141-085-0700	1-1-2010	Amend	1-1-2010	150-308.234	7-31-2010	Amend	9-1-2010
141-085-0705	1-1-2010	Amend	1-1-2010	150-308.875-(A)	1-1-2010	Amend	2-1-2010
141-085-0720	1-1-2010	Amend	1-1-2010	150-309.100-(D)	1-1-2010	Adopt	2-1-2010
141-085-0725	1-1-2010	Amend	1-1-2010	150-311.668(1)(a)-(A)	1-1-2010	Amend	2-1-2010
141-085-0730	1-1-2010	Amend	1-1-2010	150-311.668(1)(a)-(B)	1-1-2010	Amend	2-1-2010
141-085-0735	1-1-2010	Amend	1-1-2010	150-311.688	1-1-2010	Amend	2-1-2010
141-085-0745	1-1-2010	Amend	1-1-2010	150-311.689	1-1-2010	Amend	2-1-2010
141-085-0750	1-1-2010	Amend	1-1-2010	150-311.691	1-1-2010	Amend	2-1-2010
141-089-0095	1-1-2010	Adopt	1-1-2010	150-311.706	1-1-2010	Amend	2-1-2010
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.OL2010.CH66	7-23-2010	Adopt(T)	9-1-2010
141-142-0025	12-15-2009	Adopt	1-1-2010	150-317.013	7-31-2010	Amend	9-1-2010
141-142-0030	12-15-2009	Adopt	1-1-2010	150-317.063	7-31-2010	Adopt	9-1-2010
141-142-0035	12-15-2009	Adopt	1-1-2010	150-317.090	2-19-2010	Amend	4-1-2010
141-142-0040	12-15-2009	Adopt	1-1-2010	150-317.097	1-1-2010	Amend	2-1-2010
150-118.140	7-31-2010	Amend	9-1-2010	150-317.326	1-1-2010	Repeal	2-1-2010
150-118.160-(B)	2-19-2010	Amend(T)	4-1-2010	150-323.107	7-31-2010	Amend	9-1-2010
150-118.160-(B)	7-31-2010	Amend	9-1-2010	150-323.130	7-31-2010	Amend	9-1-2010
150-118.225	1-1-2010	Amend	2-1-2010	150-323.500(9)	1-1-2010	Adopt	2-1-2010
150-118.NOTE	5-7-2010	Adopt(T)	6-1-2010	150-323.500(9)	6-30-2010	Amend(T)	7-1-2010
150-118.NOTE	7-31-2010	Adopt	9-1-2010	150-323.500(9)(T)	1-1-2010	Repeal	2-1-2010
150-118.NOTE(T)	7-31-2010	Repeal	9-1-2010	150-323.530	7-31-2010	Amend	9-1-2010
150-285C.170	7-31-2010	Repeal	9-1-2010	150-358.505	1-1-2010	Adopt	2-1-2010
150-294.175(2)-(B)	3-9-2010	Amend(T)	4-1-2010	150-457.430	7-31-2010	Amend	9-1-2010
150-294.450(3)	7-31-2010	Amend	9-1-2010	150-457.440(2)	7-31-2010	Adopt	9-1-2010
150-305.100-(C)	3-19-2010	Adopt	4-1-2010	150-457.440(9)	7-31-2010	Amend	9-1-2010
150-305.100-(C)(T)	3-19-2010	Repeal	4-1-2010	150-465.101(5)-(B)	8-19-2010	Adopt(T)	10-1-2010
150-305.220(1)	1-1-2010	Amend	2-1-2010	160-001-0000	2-1-2010	Amend	3-1-2010
150-305.220(2)	1-1-2010	Amend	2-1-2010	160-005-0008	1-1-2010	Adopt	2-1-2010
150-305.230	7-31-2010	Amend	9-1-2010	160-010-0010	7-1-2010	Amend	8-1-2010
150-305.290	1-1-2010	Repeal	2-1-2010	160-010-0013	7-1-2010	Amend	8-1-2010
150-306.126(2)	1-1-2010	Amend	2-1-2010	160-010-0014	7-1-2010	Amend	8-1-2010
150-307.110	7-31-2010	Repeal	9-1-2010	160-010-0200	1-1-2010	Amend	2-1-2010
150-307.250(1)(b)	1-1-2010	Am. & Ren.	2-1-2010	160-010-0210	1-1-2010	Adopt	2-1-2010
150-307.270(1)-(A)	1-1-2010	Amend	2-1-2010	160-010-0220	1-1-2010	Adopt	2-1-2010
150-307.330	1-1-2010	Amend	2-1-2010	160-010-0230	1-1-2010	Adopt	2-1-2010
150-307.340	7-31-2010	Repeal	9-1-2010	160-010-0240	1-1-2010	Adopt	2-1-2010
150-307.547	1-1-2010	Adopt	2-1-2010	160-040-0103	1-1-2010	Amend	2-1-2010
150-308.027	7-31-2010	Repeal	9-1-2010	160-040-0104	1-1-2010	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
160-040-0311	1-1-2010	Amend	2-1-2010	161-020-0110(T)	4-23-2010	Repeal	6-1-2010
160-040-0507	1-1-2010	Adopt	2-1-2010	161-020-0130	2-1-2010	Amend(T)	3-1-2010
160-050-0140	2-27-2010	Amend(T)	3-1-2010	161-020-0130	4-23-2010	Amend	6-1-2010
160-050-0140	4-2-2010	Amend	5-1-2010	161-020-0130(T)	4-23-2010	Repeal	6-1-2010
160-050-0140(T)	4-2-2010	Repeal	5-1-2010	161-020-0150	2-1-2010	Amend(T)	3-1-2010
160-050-0215	2-27-2010	Amend(T)	3-1-2010	161-020-0150	4-23-2010	Amend	6-1-2010
160-050-0215	4-2-2010	Amend	5-1-2010	161-020-0150(T)	4-23-2010	Repeal	6-1-2010
160-050-0215(T)	4-2-2010	Repeal	5-1-2010	161-025-0025	2-1-2010	Amend(T)	3-1-2010
160-100-0040	1-1-2010	Amend	2-1-2010	161-025-0025	4-23-2010	Amend	6-1-2010
160-100-0040	5-3-2010	Amend	6-1-2010	161-025-0025(T)	4-23-2010	Repeal	6-1-2010
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	Renumber	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
165-001-0055	12-31-2009	Amend	2-1-2010	173-001-0005	9-14-2010	Amend	10-1-2010
165-001-0065	12-31-2009	Repeal	2-1-2010	173-001-0005(T)	9-14-2010	Repeal	10-1-2010
165-001-0080	12-31-2009	Amend	2-1-2010	173-001-0010	3-25-2010	Amend(T)	5-1-2010
165-002-0010	12-31-2009	Amend	2-1-2010	173-001-0010	9-14-2010	Amend	10-1-2010
165-002-0020	12-31-2009	Amend	2-1-2010	173-001-0010(T)	9-14-2010	Repeal	10-1-2010
165-005-0130	12-31-2009	Amend	2-1-2010	173-001-0015	3-25-2010	Amend(T)	5-1-2010
165-005-0160	2-26-2010	Adopt	4-1-2010	173-001-0015	9-14-2010	Amend	10-1-2010
165-007-0035	12-31-2009	Amend	2-1-2010	173-001-0015(T)	9-14-2010	Repeal	10-1-2010
165-007-0290	12-31-2009	Amend	2-1-2010	173-001-0020	3-25-2010	Adopt(T)	5-1-2010
165-007-0300	12-4-2009	Adopt	1-1-2010	173-001-0020	9-14-2010	Adopt	10-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
173-011-0000	3-25-2010	Amend(T)	5-1-2010	177-098-0000	3-21-2010	Adopt	5-1-2010
173-011-0000	9-14-2010	Amend	10-1-2010	177-098-0010	3-21-2010	Adopt	5-1-2010
173-011-0000(T)	9-14-2010	Repeal	10-1-2010	177-098-0020	3-21-2010	Adopt	5-1-2010
173-012-0000	3-25-2010	Amend(T)	5-1-2010	177-098-0030	3-21-2010	Adopt	5-1-2010
173-012-0000	9-14-2010	Amend	10-1-2010	177-098-0040	3-21-2010	Adopt	5-1-2010
173-012-0000(T)	9-14-2010	Repeal	10-1-2010	177-098-0050	3-21-2010	Adopt	5-1-2010
173-012-0005	3-25-2010	Amend(T)	5-1-2010	177-098-0060	3-21-2010	Adopt	5-1-2010
173-012-0005	9-14-2010	Amend	10-1-2010	177-098-0070	3-21-2010	Adopt	5-1-2010
173-012-0005(T)	9-14-2010	Repeal	10-1-2010	177-098-0080	3-21-2010	Adopt	5-1-2010
173-014-0000	3-25-2010	Amend(T)	5-1-2010	177-098-0090	3-21-2010	Adopt	5-1-2010
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	190-020-0000	10-15-2010	Renumber	11-1-2010
177-065-0005	6-27-2010	Repeal	8-1-2010	190-020-0005	7-1-2010	Amend	8-1-2010
177-065-0015	6-27-2010	Repeal	8-1-2010	190-020-0005	10-15-2010	Renumber	11-1-2010
177-065-0020	6-27-2010	Repeal	8-1-2010	190-020-0010	7-1-2010	Amend	8-1-2010
177-065-0025	6-27-2010	Repeal	8-1-2010	190-020-0010	10-15-2010	Renumber	11-1-2010
177-065-0030	6-27-2010	Repeal	8-1-2010	190-020-0012	7-1-2010	Adopt	8-1-2010
177-065-0035	6-27-2010	Repeal	8-1-2010	190-020-0012	10-15-2010	Renumber	11-1-2010
177-065-0040	6-27-2010	Repeal	8-1-2010	190-020-0013	7-1-2010	Adopt	8-1-2010
177-065-0045	6-27-2010	Repeal	8-1-2010	190-020-0013	10-15-2010	Renumber	11-1-2010
177-065-0055	6-27-2010	Repeal	8-1-2010	190-020-0015	7-1-2010	Amend	8-1-2010
177-065-0065	6-27-2010	Repeal	8-1-2010	190-020-0015	10-15-2010	Renumber	11-1-2010
177-065-0075	6-27-2010	Repeal	8-1-2010	190-020-0025	7-1-2010	Amend	8-1-2010
177-065-0080	6-27-2010	Repeal	8-1-2010	190-020-0025	10-15-2010	Renumber	11-1-2010
177-070-0005	3-21-2010	Amend	5-1-2010	190-020-0030	7-1-2010	Amend	8-1-2010
177-070-0025	2-1-2010	Amend	3-1-2010	190-020-0030	10-15-2010	Renumber	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
190-020-0035	7-1-2010	Amend	8-1-2010	213-003-0001(T)	1-1-2010	Repeal	2-1-2010
190-020-0035	10-15-2010	Renumber	11-1-2010	213-008-0002	4-15-2010	Amend(T)	5-1-2010
190-020-0040	7-1-2010	Amend	8-1-2010	213-008-0002	7-1-2010	Amend	8-1-2010
190-020-0040	10-15-2010	Renumber	11-1-2010	213-008-0002(T)	7-1-2010	Repeal	8-1-2010
190-020-0045	7-1-2010	Repeal	8-1-2010	213-017-0004	12-13-2009	Amend	1-1-2010
190-020-0050	7-1-2010	Amend	8-1-2010	213-017-0004	1-1-2010	Amend	2-1-2010
190-020-0050	10-15-2010	Renumber	11-1-2010	213-017-0004(T)	12-13-2009	Repeal	1-1-2010
190-020-0055	7-1-2010	Amend	8-1-2010	213-017-0005	1-1-2010	Amend	2-1-2010
190-020-0055	10-15-2010	Renumber	11-1-2010	213-017-0006	12-13-2009	Amend	1-1-2010
190-020-0060	7-1-2010	Amend	8-1-2010	213-017-0006	1-1-2010	Amend	2-1-2010
190-020-0060	10-15-2010	Renumber	11-1-2010	213-017-0006	6-30-2010	Amend(T)	8-1-2010
190-020-0065	7-1-2010	Amend	8-1-2010	213-017-0006(T)	12-13-2009	Repeal	1-1-2010
190-020-0065	10-15-2010	Renumber	11-1-2010	213-017-0009(T)	1-1-2010	Suspend	1-1-2010
190-020-0070	7-1-2010	Repeal	8-1-2010	213-018-0022	12-13-2009	Adopt	1-1-2010
190-020-0074	7-1-2010	Adopt	8-1-2010	213-018-0022(T)	12-13-2009	Repeal	1-1-2010
190-020-0074	10-15-2010	Renumber	11-1-2010	213-018-0058	1-1-2010	Adopt	2-1-2010
190-020-0080	7-1-2010	Adopt	8-1-2010	250-010-0154	1-15-2010	Amend	2-1-2010
190-020-0080	10-15-2010	Renumber	11-1-2010	250-010-0650	1-5-2010	Amend(T)	2-1-2010
190-020-0085	7-1-2010	Adopt	8-1-2010	250-010-0650	1-15-2010	Amend(T)	2-1-2010
190-020-0085	10-15-2010	Renumber	11-1-2010	250-010-0650	5-6-2010	Amend	6-1-2010
199-001-0000	3-15-2010	Amend	4-1-2010	250-010-0650(T)	1-15-2010	Suspend	2-1-2010
199-001-0005	3-15-2010	Amend	4-1-2010	250-010-0650(T)	5-6-2010	Repeal	6-1-2010
199-001-0007	3-15-2010	Adopt	4-1-2010	250-020-0033	6-1-2010	Amend(T)	6-1-2010
199-001-0010	3-15-2010	Amend	4-1-2010	250-020-0151	6-15-2010	Amend(T)	7-1-2010
199-001-0014	3-15-2010	Adopt	4-1-2010	250-020-0221	1-15-2010	Amend	2-1-2010
199-001-0015	3-15-2010	Adopt	4-1-2010	250-020-0221	5-6-2010	Amend(T)	6-1-2010
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	255-030-0013	9-29-2010	Amend	11-1-2010
199-005-0010	3-15-2010	Amend	4-1-2010	255-030-0027	7-6-2010	Amend(T)	8-1-2010
199-005-0015	3-15-2010	Amend	4-1-2010	255-032-0005	3-26-2010	Amend	5-1-2010
199-005-0020	3-15-2010	Amend	4-1-2010	255-032-0005(T)	3-26-2010	Repeal	5-1-2010
199-005-0025	3-15-2010	Amend	4-1-2010	255-032-0011	3-26-2010	Amend	5-1-2010
199-005-0027	3-15-2010	Adopt	4-1-2010	255-032-0011(T)	3-26-2010	Repeal	5-1-2010
199-005-0030	8-4-2010	Amend	9-1-2010	255-032-0015	3-26-2010	Amend	5-1-2010
199-005-0035	3-15-2010	Amend	4-1-2010	255-032-0015(T)	3-26-2010	Repeal	5-1-2010
199-010-0005	3-15-2010	Amend	4-1-2010	255-032-0025	3-26-2010	Amend	5-1-2010
199-010-0025	3-15-2010	Amend	4-1-2010	255-032-0025(T)	3-26-2010	Repeal	5-1-2010
199-010-0035	3-15-2010	Amend	4-1-2010	255-032-0026	3-26-2010	Repeal	5-1-2010
199-010-0060	3-15-2010	Amend	4-1-2010	255-032-0029	3-26-2010	Amend	5-1-2010
199-010-0070	3-15-2010	Amend	4-1-2010	255-032-0029(T)	3-26-2010	Repeal	5-1-2010
199-010-0075	3-15-2010	Amend	4-1-2010	255-062-0005	1-5-2010	Adopt(T)	2-1-2010
199-010-0080	3-15-2010	Amend	4-1-2010	255-062-0006	7-6-2010	Adopt(T)	8-1-2010
199-010-0085	3-15-2010	Amend	4-1-2010	255-062-0006	9-29-2010	Adopt	11-1-2010
199-010-0090	3-15-2010	Amend	4-1-2010	255-062-0006(T)	9-29-2010	Repeal	11-1-2010
199-010-0095	3-15-2010	Amend	4-1-2010	255-062-0010	1-5-2010	Adopt(T)	2-1-2010
199-010-0100	3-15-2010	Amend	4-1-2010	255-062-0011	7-6-2010	Adopt(T)	8-1-2010
199-010-0150	3-15-2010	Amend	4-1-2010	255-062-0011	9-29-2010	Adopt	11-1-2010
199-020-0005	3-15-2010	Amend	4-1-2010	255-062-0011(T)	9-29-2010	Repeal	11-1-2010
199-020-0008	3-15-2010	Adopt	4-1-2010	255-062-0015	1-5-2010	Adopt(T)	2-1-2010
213-003-0001	1-1-2010	Amend	2-1-2010	255-062-0016	7-6-2010	Adopt(T)	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
255-062-0016	9-29-2010	Adopt	11-1-2010	257-050-0060(T)	6-30-2010	Repeal	7-1-2010
255-062-0016(T)	9-29-2010	Repeal	11-1-2010	257-050-0070	1-1-2010	Amend(T)	2-1-2010
255-062-0020	1-5-2010	Adopt(T)	2-1-2010	257-050-0070	6-30-2010	Amend	7-1-2010
255-062-0021	7-6-2010	Adopt(T)	8-1-2010	257-050-0070(T)	6-30-2010	Repeal	7-1-2010
255-062-0021	9-29-2010	Adopt	11-1-2010	257-050-0090	1-1-2010	Amend(T)	2-1-2010
255-062-0021(T)	9-29-2010	Repeal	11-1-2010	257-050-0090	6-30-2010	Amend	7-1-2010
255-062-0025	1-5-2010	Adopt(T)	2-1-2010	257-050-0090(T)	6-30-2010	Repeal	7-1-2010
255-062-0026	7-6-2010	Adopt(T)	8-1-2010	257-050-0095	1-1-2010	Amend(T)	2-1-2010
255-062-0026	9-29-2010	Adopt	11-1-2010	257-050-0095	6-30-2010	Amend	7-1-2010
255-062-0026(T)	9-29-2010	Repeal	11-1-2010	257-050-0095(T)	6-30-2010	Repeal	7-1-2010
255-062-0030	1-5-2010	Adopt(T)	2-1-2010	257-050-0100	1-1-2010	Amend(T)	2-1-2010
255-062-0031	7-6-2010	Adopt(T)	8-1-2010	257-050-0100	6-30-2010	Amend	7-1-2010
255-062-0031	9-29-2010	Adopt	11-1-2010	257-050-0100(T)	6-30-2010	Repeal	7-1-2010
255-062-0031(T)	9-29-2010	Repeal	11-1-2010	257-050-0110	1-1-2010	Amend(T)	2-1-2010
255-070-0001	1-1-2010	Amend	2-1-2010	257-050-0110	6-30-2010	Amend	7-1-2010
255-094-0000	2-26-2010	Am. & Ren.	4-1-2010	257-050-0110(T)	6-30-2010	Repeal	7-1-2010
255-094-0002	2-26-2010	Adopt	4-1-2010	257-050-0115	1-1-2010	Amend(T)	2-1-2010
255-094-0010	2-26-2010	Amend	4-1-2010	257-050-0115	6-30-2010	Amend	7-1-2010
255-094-0015	2-26-2010	Amend	4-1-2010	257-050-0115(T)	6-30-2010	Repeal	7-1-2010
255-094-0020	2-26-2010	Amend	4-1-2010	257-050-0125	1-1-2010	Amend(T)	2-1-2010
257-001-0005	1-1-2010	Amend(T)	2-1-2010	257-050-0125	6-30-2010	Amend	7-1-2010
257-001-0005	6-30-2010	Amend	7-1-2010	257-050-0125(T)	6-30-2010	Repeal	7-1-2010
257-001-0005(T)	6-30-2010	Repeal	7-1-2010	257-050-0130	1-1-2010	Amend(T)	2-1-2010
257-010-0015	7-1-2010	Amend(T)	8-1-2010	257-050-0130	6-30-2010	Amend	7-1-2010
257-010-0020	7-1-2010	Amend(T)	8-1-2010	257-050-0130(T)	6-30-2010	Repeal	7-1-2010
257-010-0025	7-1-2010	Amend(T)	8-1-2010	257-050-0140	1-1-2010	Amend(T)	2-1-2010
257-010-0045	7-1-2010	Amend(T)	8-1-2010	257-050-0140	6-30-2010	Amend	7-1-2010
257-010-0050	7-1-2010	Amend(T)	8-1-2010	257-050-0140(T)	6-30-2010	Repeal	7-1-2010
257-010-0055	5-28-2010	Amend(T)	7-1-2010	257-050-0145	1-1-2010	Amend(T)	2-1-2010
257-045-0010	1-1-2010	Adopt(T)	2-1-2010	257-050-0145	6-30-2010	Amend	7-1-2010
257-045-0010	6-30-2010	Adopt	7-1-2010	257-050-0145(T)	6-30-2010	Repeal	7-1-2010
257-045-0010(T)	6-30-2010	Repeal	7-1-2010	257-050-0150	1-1-2010	Amend(T)	2-1-2010
257-045-0020	1-1-2010	Adopt(T)	2-1-2010	257-050-0150	6-30-2010	Amend	7-1-2010
257-045-0020	6-30-2010	Adopt	7-1-2010	257-050-0150(T)	6-30-2010	Repeal	7-1-2010
257-045-0020(T)	6-30-2010	Repeal	7-1-2010	257-050-0155	1-1-2010	Amend(T)	2-1-2010
257-045-0030	1-1-2010	Adopt(T)	2-1-2010	257-050-0155	6-30-2010	Amend	7-1-2010
257-045-0030	6-30-2010	Adopt	7-1-2010	257-050-0155	7-14-2010	Amend(T)	8-1-2010
257-045-0030(T)	6-30-2010	Repeal	7-1-2010	257-050-0155(T)	6-30-2010	Repeal	7-1-2010
257-045-0040	1-1-2010	Adopt(T)	2-1-2010	257-050-0157	1-1-2010	Amend(T)	2-1-2010
257-045-0040	6-30-2010	Adopt	7-1-2010	257-050-0157	6-30-2010	Amend	7-1-2010
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	259-008-0011	10-15-2010	Amend(T)	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
259-008-0015	1-11-2010	Amend	2-1-2010	291-038-0005	9-8-2010	Amend	10-1-2010
259-008-0015	3-15-2010	Amend	4-1-2010	291-038-0015	9-8-2010	Amend	10-1-2010
259-008-0017	5-1-2010	Adopt	5-1-2010	291-058-0046	2-24-2010	Amend	4-1-2010
259-008-0020	8-1-2010	Amend	8-1-2010	291-059-0010	9-8-2010	Repeal	10-1-2010
259-008-0025	12-15-2009	Amend	1-1-2010	291-059-0020	9-8-2010	Repeal	10-1-2010
259-008-0025	5-1-2010	Amend	5-1-2010	291-059-0030	9-8-2010	Repeal	10-1-2010
259-008-0025(T)	12-15-2009	Repeal	1-1-2010	291-070-0130	11-20-2009	Amend	1-1-2010
259-008-0030	8-1-2010	Amend	8-1-2010	291-075-0010	9-15-2010	Amend	10-1-2010
259-008-0040	5-1-2010	Amend	5-1-2010	291-075-0015	9-15-2010	Amend	10-1-2010
259-008-0060	1-11-2010	Amend	2-1-2010	291-084-0010	11-20-2009	Repeal	1-1-2010
259-008-0060	3-15-2010	Amend	4-1-2010	291-084-0020	11-20-2009	Repeal	1-1-2010
259-008-0060	6-2-2010	Amend	7-1-2010	291-084-0030	11-20-2009	Repeal	1-1-2010
259-008-0060	8-1-2010	Amend	8-1-2010	291-084-0040	11-20-2009	Repeal	1-1-2010
259-008-0060	8-13-2010	Amend	9-1-2010	291-097-0005	11-20-2009	Amend	1-1-2010
259-008-0064	1-11-2010	Amend	2-1-2010	291-097-0005	4-14-2010	Amend(T)	5-1-2010
259-008-0064	3-15-2010	Amend	4-1-2010	291-097-0005	7-14-2010	Amend	8-1-2010
259-008-0064	8-1-2010	Amend	8-1-2010	291-097-0005(T)	7-14-2010	Repeal	8-1-2010
259-008-0065	8-1-2010	Amend	8-1-2010	291-097-0010	11-20-2009	Amend	1-1-2010
259-008-0067	8-1-2010	Amend	8-1-2010	291-097-0010	4-14-2010	Amend(T)	5-1-2010
259-008-0075	5-1-2010	Amend	5-1-2010	291-097-0010	7-14-2010	Amend	8-1-2010
259-008-0076	8-1-2010	Amend	8-1-2010	291-097-0010(T)	7-14-2010	Repeal	8-1-2010
259-009-0005	12-15-2009	Amend(T)	1-1-2010	291-097-0015	11-20-2009	Amend	1-1-2010
259-009-0005	6-14-2010	Amend	7-1-2010	291-097-0015	4-14-2010	Amend(T)	5-1-2010
259-009-0062	12-15-2009	Amend(T)	1-1-2010	291-097-0015	7-14-2010	Amend	8-1-2010
259-009-0062	6-14-2010	Amend	7-1-2010	291-097-0015(T)	7-14-2010	Repeal	8-1-2010
259-009-0070	8-1-2010	Amend	8-1-2010	291-097-0020	11-20-2009	Amend	1-1-2010
259-020-0015	11-1-2010	Amend	11-1-2010	291-097-0020	4-14-2010	Amend(T)	5-1-2010
259-030-0000	6-2-2010	Amend	7-1-2010	291-097-0020	7-14-2010	Amend	8-1-2010
259-060-0500	7-1-2010	Amend(T)	7-1-2010	291-097-0020(T)	7-14-2010	Repeal	8-1-2010
274-006-0001	1-1-2010	Adopt	2-1-2010	291-097-0023	11-20-2009	Adopt	1-1-2010
274-006-0002	1-1-2010	Adopt	2-1-2010	291-097-0023	4-14-2010	Amend(T)	5-1-2010
274-006-0004	1-1-2010	Adopt	2-1-2010	291-097-0023	7-14-2010	Amend	8-1-2010
274-006-0005	1-1-2010	Adopt	2-1-2010	291-097-0023(T)	7-14-2010	Repeal	8-1-2010
274-006-0010	1-1-2010	Adopt	2-1-2010	291-097-0025	11-20-2009	Amend	1-1-2010
274-006-0011	1-1-2010	Adopt	2-1-2010	291-097-0025	4-14-2010	Amend(T)	5-1-2010
274-006-0012	1-1-2010	Adopt	2-1-2010	291-097-0025	7-14-2010	Amend	8-1-2010
274-006-0013	1-1-2010	Adopt	2-1-2010	291-097-0025(T)	7-14-2010	Repeal	8-1-2010
274-006-0014	1-1-2010	Adopt	2-1-2010	291-097-0030	4-14-2010	Amend(T)	5-1-2010
274-006-0015	1-1-2010	Adopt	2-1-2010	291-097-0030	7-14-2010	Amend	8-1-2010
274-006-0018	1-1-2010	Adopt	2-1-2010	291-097-0030(T)	7-14-2010	Repeal	8-1-2010
274-006-0020	1-1-2010	Adopt	2-1-2010	291-097-0040	11-20-2009	Amend	1-1-2010
274-007-0001	6-1-2010	Adopt(T)	7-1-2010	291-097-0040	4-14-2010	Amend(T)	5-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-157-0035	4-6-2010	Amend	5-1-2010	309-016-0035	3-4-2010	Amend(T)	4-1-2010
291-157-0035(T)	4-6-2010	Repeal	5-1-2010	309-016-0035	8-25-2010	Repeal	10-1-2010
291-157-0041	4-6-2010	Repeal	5-1-2010	309-016-0035(T)	7-1-2010	Suspend	7-1-2010
291-157-0055	4-6-2010	Repeal	5-1-2010	309-016-0040	3-4-2010	Amend(T)	4-1-2010
291-180-0274	1-4-2010	Adopt(T)	2-1-2010	309-016-0040	8-25-2010	Repeal	10-1-2010
291-180-0274	6-10-2010	Adopt	7-1-2010	309-016-0040(T)	7-1-2010	Suspend	7-1-2010
291-206-0005	2-24-2010	Adopt	4-1-2010	309-016-0070	3-4-2010	Amend(T)	4-1-2010
291-206-0005	3-23-2010	Amend(T)	5-1-2010	309-016-0070	8-25-2010	Repeal	10-1-2010
291-206-0005	9-8-2010	Amend	10-1-2010	309-016-0070(T)	7-1-2010	Suspend	7-1-2010
291-206-0005(T)	9-8-2010	Repeal	10-1-2010	309-016-0072	3-4-2010	Amend(T)	4-1-2010
291-206-0010	2-24-2010	Adopt	4-1-2010	309-016-0072	8-25-2010	Repeal	10-1-2010
291-206-0010	3-23-2010	Amend(T)	5-1-2010	309-016-0072(T)	7-1-2010	Suspend	7-1-2010
291-206-0010	9-8-2010	Amend	10-1-2010	309-016-0075	3-4-2010	Amend(T)	4-1-2010
291-206-0010(T)	9-8-2010	Repeal	10-1-2010	309-016-0075	8-25-2010	Repeal	10-1-2010
291-206-0015	2-24-2010	Adopt	4-1-2010	309-016-0075(T)	7-1-2010	Suspend	7-1-2010
291-206-0015	3-23-2010	Amend(T)	5-1-2010	309-016-0077	3-4-2010	Amend(T)	4-1-2010
291-206-0015	9-8-2010	Amend	10-1-2010	309-016-0077	8-25-2010	Repeal	10-1-2010
291-206-0015(T)	9-8-2010	Repeal	10-1-2010	309-016-0077(T)	7-1-2010	Suspend	7-1-2010
291-206-0020	2-24-2010	Adopt	4-1-2010	309-016-0080	3-4-2010	Amend(T)	4-1-2010
291-206-0020	3-23-2010	Amend(T)	5-1-2010	309-016-0080	8-25-2010	Repeal	10-1-2010
291-206-0020	9-8-2010	Amend	10-1-2010	309-016-0080(T)	7-1-2010	Suspend	7-1-2010
291-206-0020(T)	9-8-2010	Repeal	10-1-2010	309-016-0085	3-4-2010	Amend(T)	4-1-2010
291-206-0025	2-24-2010	Adopt	4-1-2010	309-016-0085	8-25-2010	Repeal	10-1-2010
291-206-0025	3-23-2010	Amend(T)	5-1-2010	309-016-0085(T)	7-1-2010	Suspend	7-1-2010
291-206-0025	9-8-2010	Amend	10-1-2010	309-016-0088	3-4-2010	Amend(T)	4-1-2010
291-206-0025(T)	9-8-2010	Repeal	10-1-2010	309-016-0088	8-25-2010	Repeal	10-1-2010
291-206-0030	2-24-2010	Adopt	4-1-2010	309-016-0088(T)	7-1-2010	Suspend	7-1-2010
309-011-0105	7-1-2010	Adopt	8-1-2010	309-016-0095	3-4-2010	Amend(T)	4-1-2010
309-011-0110	7-1-2010	Adopt	8-1-2010	309-016-0095	8-25-2010	Repeal	10-1-2010
309-011-0115	7-1-2010	Adopt	8-1-2010	309-016-0095(T)	7-1-2010	Suspend	7-1-2010
309-011-0120	7-22-2010	Adopt	9-1-2010	309-016-0100	3-4-2010	Amend(T)	4-1-2010
309-011-0125	7-22-2010	Adopt	9-1-2010	309-016-0100	8-25-2010	Repeal	10-1-2010
309-011-0130	7-22-2010	Adopt	9-1-2010	309-016-0100(T)	7-1-2010	Suspend	7-1-2010
309-011-0135	7-22-2010	Adopt	9-1-2010	309-016-0102	3-4-2010	Amend(T)	4-1-2010
309-011-0140	7-22-2010	Adopt	9-1-2010	309-016-0102	8-25-2010	Repeal	10-1-2010
309-016-0000	3-4-2010	Amend(T)	4-1-2010	309-016-0102(T)	7-1-2010	Suspend	7-1-2010
309-016-0000	8-25-2010	Repeal	10-1-2010	309-016-0105	3-4-2010	Amend(T)	4-1-2010
309-016-0000(T)	7-1-2010	Suspend	7-1-2010	309-016-0105	8-25-2010	Repeal	10-1-2010
309-016-0005	3-4-2010	Amend(T)	4-1-2010	309-016-0105(T)	7-1-2010	Suspend	7-1-2010
309-016-0005	8-25-2010	Repeal	10-1-2010	309-016-0110	3-4-2010	Amend(T)	4-1-2010
309-016-0005(T)	7-1-2010	Suspend	7-1-2010	309-016-0110	8-25-2010	Repeal	10-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-016-0170	3-4-2010	Suspend	4-1-2010	309-016-0620	8-25-2010	Adopt	10-1-2010
309-016-0170	8-25-2010	Repeal	10-1-2010	309-016-0625	7-1-2010	Adopt(T)	7-1-2010
309-016-0180	3-4-2010	Suspend	4-1-2010	309-016-0625	8-25-2010	Adopt	10-1-2010
309-016-0180	8-25-2010	Repeal	10-1-2010	309-016-0630	7-1-2010	Adopt(T)	7-1-2010
309-016-0190	3-4-2010	Suspend	4-1-2010	309-016-0630	8-25-2010	Adopt	10-1-2010
309-016-0190	8-25-2010	Repeal	10-1-2010	309-016-0635	7-1-2010	Adopt(T)	7-1-2010
309-016-0200	3-4-2010	Suspend	4-1-2010	309-016-0635	8-25-2010	Adopt	10-1-2010
309-016-0200	8-25-2010	Repeal	10-1-2010	309-016-0640	7-1-2010	Adopt(T)	7-1-2010
309-016-0210	3-4-2010	Suspend	4-1-2010	309-016-0640	8-25-2010	Adopt	10-1-2010
309-016-0210	8-25-2010	Repeal	10-1-2010	309-016-0645	7-1-2010	Adopt(T)	7-1-2010
309-016-0220	3-4-2010	Amend(T)	4-1-2010	309-016-0645	8-25-2010	Adopt	10-1-2010
309-016-0220	8-25-2010	Repeal	10-1-2010	309-016-0650	7-1-2010	Adopt(T)	7-1-2010
309-016-0220(T)	7-1-2010	Suspend	7-1-2010	309-016-0650	8-25-2010	Adopt	10-1-2010
309-016-0230	3-4-2010	Suspend	4-1-2010	309-016-0660	7-1-2010	Adopt(T)	7-1-2010
309-016-0230	8-25-2010	Repeal	10-1-2010	309-016-0660	8-25-2010	Adopt	10-1-2010
309-016-0300	3-4-2010	Suspend	4-1-2010	309-016-0665	7-1-2010	Adopt(T)	7-1-2010
309-016-0300	8-25-2010	Repeal	10-1-2010	309-016-0665	8-25-2010	Adopt	10-1-2010
309-016-0310	3-4-2010	Suspend	4-1-2010	309-016-0670	7-1-2010	Adopt(T)	7-1-2010
309-016-0310	8-25-2010	Repeal	10-1-2010	309-016-0670	8-25-2010	Adopt	10-1-2010
309-016-0320	3-4-2010	Suspend	4-1-2010	309-016-0675	7-1-2010	Adopt(T)	7-1-2010
309-016-0320	8-25-2010	Repeal	10-1-2010	309-016-0675	8-25-2010	Adopt	10-1-2010
309-016-0330	3-4-2010	Suspend	4-1-2010	309-016-0680	7-1-2010	Adopt(T)	7-1-2010
309-016-0330	8-25-2010	Repeal	10-1-2010	309-016-0680	8-25-2010	Adopt	10-1-2010
309-016-0340	3-4-2010	Suspend	4-1-2010	309-016-0685	7-1-2010	Adopt(T)	7-1-2010
309-016-0340	8-25-2010	Repeal	10-1-2010	309-016-0685	8-25-2010	Adopt	10-1-2010
309-016-0350	3-4-2010	Suspend	4-1-2010	309-016-0690	7-1-2010	Adopt(T)	7-1-2010
309-016-0350	8-25-2010	Repeal	10-1-2010	309-016-0690	8-25-2010	Adopt	10-1-2010
309-016-0360	3-4-2010	Suspend	4-1-2010	309-016-0695	7-1-2010	Adopt(T)	7-1-2010
309-016-0360	8-25-2010	Repeal	10-1-2010	309-016-0695	8-25-2010	Adopt	10-1-2010
309-016-0370	3-4-2010	Suspend	4-1-2010	309-016-0700	7-1-2010	Adopt(T)	7-1-2010
309-016-0370	8-25-2010	Repeal	10-1-2010	309-016-0700	8-25-2010	Adopt	10-1-2010
309-016-0380	3-4-2010	Suspend	4-1-2010	309-016-0705	7-1-2010	Adopt(T)	7-1-2010
309-016-0380	8-25-2010	Repeal	10-1-2010	309-016-0705	8-25-2010	Adopt	10-1-2010
309-016-0390	3-4-2010	Suspend	4-1-2010	309-016-0710	7-1-2010	Adopt(T)	7-1-2010
309-016-0390	8-25-2010	Repeal	10-1-2010	309-016-0710	8-25-2010	Adopt	10-1-2010
309-016-0400	3-4-2010	Suspend	4-1-2010	309-016-0715	7-1-2010	Adopt(T)	7-1-2010
309-016-0400	8-25-2010	Repeal	10-1-2010	309-016-0715	8-25-2010	Adopt	10-1-2010
309-016-0410	3-4-2010	Suspend	4-1-2010	309-016-0720	7-1-2010	Adopt(T)	7-1-2010
309-016-0410	8-25-2010	Repeal	10-1-2010	309-016-0720	8-25-2010	Adopt	10-1-2010
309-016-0420	3-4-2010	Suspend	4-1-2010	309-016-0725	7-1-2010	Adopt(T)	7-1-2010
309-016-0420	8-25-2010	Repeal	10-1-2010	309-016-0725	8-25-2010	Adopt	10-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-034-0205	3-4-2010	Amend(T)	4-1-2010	309-041-0780	12-9-2009	Renumber	1-1-2010
309-034-0210	3-4-2010	Amend(T)	4-1-2010	309-041-0790	12-9-2009	Renumber	1-1-2010
309-034-0240	3-4-2010	Amend(T)	4-1-2010	309-041-0800	12-9-2009	Renumber	1-1-2010
309-034-0250	3-4-2010	Amend(T)	4-1-2010	309-041-0805	12-9-2009	Renumber	1-1-2010
309-034-0260	3-4-2010	Amend(T)	4-1-2010	309-041-0810	12-9-2009	Renumber	1-1-2010
309-034-0270	3-4-2010	Amend(T)	4-1-2010	309-041-0820	12-9-2009	Renumber	1-1-2010
309-034-0290	3-4-2010	Amend(T)	4-1-2010	309-041-0830	12-9-2009	Renumber	1-1-2010
309-034-0310	3-4-2010	Amend(T)	4-1-2010	309-114-0000	9-9-2010	Amend	10-1-2010
309-034-0320	3-4-2010	Amend(T)	4-1-2010	309-114-0005	12-28-2009	Amend	2-1-2010
309-034-0400	3-4-2010	Amend(T)	4-1-2010	309-114-0005	3-12-2010	Amend(T)	4-1-2010
309-034-0410	3-4-2010	Amend(T)	4-1-2010	309-114-0005	9-9-2010	Amend	10-1-2010
309-034-0420	3-4-2010	Amend(T)	4-1-2010	309-114-0010	9-9-2010	Amend	10-1-2010
309-034-0430	3-4-2010	Amend(T)	4-1-2010	309-114-0015	9-9-2010	Amend	10-1-2010
309-034-0440	3-4-2010	Amend(T)	4-1-2010	309-114-0020	3-24-2010	Amend(T)	5-1-2010
309-034-0450	3-4-2010	Amend(T)	4-1-2010	309-114-0020	9-9-2010	Amend	10-1-2010
309-034-0460	3-4-2010	Amend(T)	4-1-2010	309-114-0020(T)	9-9-2010	Repeal	10-1-2010
309-034-0470	3-4-2010	Amend(T)	4-1-2010	309-114-0025	9-9-2010	Amend	10-1-2010
309-034-0480	3-4-2010	Amend(T)	4-1-2010	309-114-0030	9-9-2010	Amend	10-1-2010
309-034-0490	3-4-2010	Amend(T)	4-1-2010	325-030-0001	4-26-2010	Adopt	6-1-2010
309-035-0155	12-17-2009	Amend	2-1-2010	325-030-0005	4-26-2010	Adopt	6-1-2010
309-035-0380	12-17-2009	Amend	2-1-2010	325-030-0010	4-26-2010	Adopt	6-1-2010
309-036-0100	6-7-2010	Amend	7-1-2010	325-030-0015	4-26-2010	Adopt	6-1-2010
309-036-0105	6-7-2010	Amend	7-1-2010	325-030-0020	4-26-2010	Adopt	6-1-2010
309-036-0110	6-7-2010	Amend	7-1-2010	325-030-0025	4-26-2010	Adopt	6-1-2010
309-036-0115	6-7-2010	Amend	7-1-2010	325-030-0030	4-26-2010	Adopt	6-1-2010
309-036-0120	6-7-2010	Amend	7-1-2010	325-030-0035	4-26-2010	Adopt	6-1-2010
309-036-0125	6-7-2010	Repeal	7-1-2010	325-030-0040	4-26-2010	Adopt	6-1-2010
309-036-0130	6-7-2010	Adopt	7-1-2010	325-030-0045	4-26-2010	Adopt	6-1-2010
309-036-0135	6-7-2010	Adopt	7-1-2010	325-030-0050	4-26-2010	Adopt	6-1-2010
309-036-0140	6-7-2010	Adopt	7-1-2010	325-030-0055	4-26-2010	Adopt	6-1-2010
309-040-0410	1-29-2010	Amend	3-1-2010	325-030-0060	4-26-2010	Adopt	6-1-2010
309-040-0410(T)	1-29-2010	Repeal	3-1-2010	330-001-0005	1-27-2010	Amend	3-1-2010
309-041-0550	12-9-2009	Renumber	1-1-2010	330-001-0025	1-27-2010	Adopt	3-1-2010
309-041-0560	12-9-2009	Renumber	1-1-2010	330-063-0000	7-1-2010	Adopt	8-1-2010
309-041-0570	12-9-2009	Renumber	1-1-2010	330-063-0010	7-1-2010	Adopt	8-1-2010
309-041-0580	12-9-2009	Renumber	1-1-2010	330-063-0020	7-1-2010	Adopt	8-1-2010
309-041-0590	12-9-2009	Renumber	1-1-2010	330-063-0030	7-1-2010	Adopt	8-1-2010
309-041-0600	12-9-2009	Renumber	1-1-2010	330-063-0040	7-1-2010	Adopt	8-1-2010
309-041-0610	12-9-2009	Renumber	1-1-2010	330-070-0010	7-1-2010	Amend(T)	8-1-2010
309-041-0620	12-9-2009	Renumber	1-1-2010	330-070-0013	7-1-2010	Amend(T)	8-1-2010
309-041-0630	12-9-2009	Renumber	1-1-2010	330-070-0019	7-30-2010	Adopt(T)	9-1-2010
309-041-0640	12-9-2009	Renumber	1-1-2010	330-070-0022	7-1-2010	Amend(T)	8-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
330-075-0035(T)	6-16-2010	Repeal	8-1-2010	331-515-0030	4-1-2010	Amend	5-1-2010
330-090-0105	4-30-2010	Amend	6-1-2010	331-520-0000	4-1-2010	Amend	5-1-2010
330-090-0105	5-27-2010	Amend(T)	7-1-2010	331-520-0010	4-1-2010	Amend	5-1-2010
330-090-0105(T)	4-30-2010	Repeal	6-1-2010	331-520-0030	4-1-2010	Amend	5-1-2010
330-090-0110	4-30-2010	Amend	6-1-2010	331-520-0040	4-1-2010	Amend	5-1-2010
330-090-0110	5-27-2010	Amend(T)	7-1-2010	331-520-0060	4-1-2010	Repeal	5-1-2010
330-090-0110(T)	4-30-2010	Repeal	6-1-2010	331-520-0070	4-1-2010	Amend	5-1-2010
330-090-0120	4-30-2010	Amend	6-1-2010	331-525-0020	4-1-2010	Amend	5-1-2010
330-090-0120	5-27-2010	Amend(T)	7-1-2010	331-525-0035	4-1-2010	Amend	5-1-2010
330-090-0120(T)	4-30-2010	Repeal	6-1-2010	331-525-0038	4-1-2010	Amend	5-1-2010
330-090-0130	4-30-2010	Amend	6-1-2010	331-525-0040	4-1-2010	Amend	5-1-2010
330-090-0130	5-27-2010	Amend(T)	7-1-2010	331-525-0055	4-1-2010	Amend	5-1-2010
330-090-0130(T)	4-30-2010	Repeal	6-1-2010	331-525-0060	4-1-2010	Amend	5-1-2010
330-090-0133	4-30-2010	Adopt	6-1-2010	331-525-0065	4-1-2010	Amend	5-1-2010
330-090-0133	5-27-2010	Amend(T)	7-1-2010	331-530-0000	4-1-2010	Amend	5-1-2010
330-090-0133(T)	4-30-2010	Repeal	6-1-2010	331-530-0020	4-1-2010	Amend	5-1-2010
330-090-0135	4-30-2010	Amend	6-1-2010	331-535-0000	4-1-2010	Amend	5-1-2010
330-090-0135(T)	4-30-2010	Repeal	6-1-2010	331-535-0010	4-1-2010	Amend	5-1-2010
330-090-0140	1-8-2010	Amend	2-1-2010	331-535-0020	4-1-2010	Amend	5-1-2010
330-090-0140	5-27-2010	Amend(T)	7-1-2010	331-535-0030	4-1-2010	Amend	5-1-2010
330-090-0140(T)	1-8-2010	Repeal	2-1-2010	331-535-0040	4-1-2010	Amend	5-1-2010
330-090-0150	4-30-2010	Amend	6-1-2010	331-535-0050	4-1-2010	Amend	5-1-2010
330-090-0150	5-27-2010	Amend(T)	7-1-2010	331-535-0060	4-1-2010	Amend	5-1-2010
330-090-0150(T)	4-30-2010	Repeal	6-1-2010	331-535-0070	4-1-2010	Amend	5-1-2010
330-090-0350	5-27-2010	Adopt(T)	7-1-2010	331-535-0080	4-1-2010	Amend	5-1-2010
330-090-0450	5-27-2010	Adopt(T)	7-1-2010	331-540-0000	4-1-2010	Amend	5-1-2010
330-112-0000	7-1-2010	Adopt(T)	8-1-2010	331-540-0010	4-1-2010	Amend	5-1-2010
330-112-0010	7-1-2010	Adopt(T)	8-1-2010	331-540-0020	4-1-2010	Amend	5-1-2010
330-112-0020	7-1-2010	Adopt(T)	8-1-2010	331-540-0030	4-1-2010	Amend	5-1-2010
330-112-0030	7-1-2010	Adopt(T)	8-1-2010	331-545-0000	4-1-2010	Amend	5-1-2010
330-112-0040	7-1-2010	Adopt(T)	8-1-2010	331-545-0020	4-1-2010	Amend	5-1-2010
330-112-0050	7-1-2010	Adopt(T)	8-1-2010	331-550-0000	4-1-2010	Amend	5-1-2010
330-112-0060	7-1-2010	Adopt(T)	8-1-2010	331-555-0010	4-1-2010	Amend	5-1-2010
330-112-0070	7-1-2010	Adopt(T)	8-1-2010	331-555-0030	4-1-2010	Amend	5-1-2010
330-112-0080	7-1-2010	Adopt(T)	8-1-2010	331-555-0040	4-1-2010	Amend	5-1-2010
330-112-0090	7-1-2010	Adopt(T)	8-1-2010	331-560-0000	4-1-2010	Amend	5-1-2010
330-112-0100	7-1-2010	Adopt(T)	8-1-2010	331-560-0010	4-1-2010	Amend	5-1-2010
330-130-0500	10-1-2010	Adopt	11-1-2010	331-560-0020	4-1-2010	Amend	5-1-2010
330-160-0015	8-31-2010	Amend(T)	10-1-2010	331-560-0030	4-1-2010	Amend	5-1-2010
330-160-0040	8-31-2010	Adopt(T)	10-1-2010	331-560-0050	4-1-2010	Repeal	5-1-2010
330-170-0010	7-1-2010	Adopt(T)	8-1-2010	331-560-0060	4-1-2010	Amend	5-1-2010
330-170-0020	7-1-2010	Adopt(T)	8-1-2010	331-565-0000	4-1-2010	Amend	5-1-2010
330-170-0030	7-1-2010	Adopt(T)	8-1-2010	331-565-0020	4-1-2010	Amend	5-1-2010
330-170-0040	7-1-2010	Adopt(T)	8-1-2010	331-565-0025	4-1-2010	Amend	5-1-2010
330-170-0050	7-1-2010	Adopt(T)	8-1-2010	331-565-0030	4-1-2010	Amend	5-1-2010
330-170-0060	7-1-2010	Adopt(T)	8-1-2010	331-565-0040	4-1-2010	Amend	5-1-2010
330-170-0070	7-1-2010	Adopt(T)	8-1-2010	331-565-0050	4-1-2010	Amend	5-1-2010
331-030-0040	7-26-2010	Amend(T)	9-1-2010	331-565-0060	4-1-2010	Amend	5-1-2010
331-030-0040	10-15-2010	Amend	11-1-2010	331-565-0075	4-1-2010	Repeal	5-1-2010
331-030-0040(T)	10-15-2010	Repeal	11-1-2010	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
331-575-0010	4-1-2010	Amend	5-1-2010	333-008-0060	9-13-2010	Amend	10-1-2010
331-575-0020	4-1-2010	Amend	5-1-2010	333-008-0080	9-13-2010	Amend	10-1-2010
331-575-0030	4-1-2010	Amend	5-1-2010	333-011-0106	2-3-2010	Amend	3-1-2010
331-575-0050	4-1-2010	Amend	5-1-2010	333-012-0250	10-1-2010	Amend(T)	11-1-2010
331-580-0000	4-1-2010	Amend	5-1-2010	333-012-0500	1-14-2010	Amend	2-1-2010
331-580-0010	4-1-2010	Amend	5-1-2010	333-015-0035	1-14-2010	Amend	2-1-2010
331-580-0020	4-1-2010	Amend	5-1-2010	333-015-0040	1-14-2010	Amend	2-1-2010
331-580-0030	4-1-2010	Amend	5-1-2010	333-015-0075	1-14-2010	Amend	2-1-2010
331-585-0000	4-1-2010	Amend	5-1-2010	333-015-0085	1-14-2010	Amend	2-1-2010
331-585-0010	4-1-2010	Amend	5-1-2010	333-015-0100	1-1-2010	Adopt	2-1-2010
331-585-0020	4-1-2010	Amend	5-1-2010	333-015-0105	1-1-2010	Adopt	2-1-2010
331-585-0030	4-1-2010	Amend	5-1-2010	333-015-0110	1-1-2010	Adopt	2-1-2010
331-585-0040	4-1-2010	Amend	5-1-2010	333-015-0115	1-1-2010	Adopt	2-1-2010
331-590-0000	4-1-2010	Amend	5-1-2010	333-015-0120	1-1-2010	Adopt	2-1-2010
331-590-0020	4-1-2010	Amend	5-1-2010	333-015-0125	1-1-2010	Adopt	2-1-2010
331-705-0060	12-1-2009	Amend(T)	1-1-2010	333-015-0130	1-1-2010	Adopt	2-1-2010
331-705-0060	3-1-2010	Amend	4-1-2010	333-015-0135	1-1-2010	Adopt	2-1-2010
331-705-0060(T)	3-1-2010	Repeal	4-1-2010	333-015-0140	1-1-2010	Adopt	2-1-2010
331-800-0010	3-15-2010	Amend	4-1-2010	333-015-0145	1-1-2010	Adopt	2-1-2010
331-800-0010	5-18-2010	Amend	7-1-2010	333-015-0150	1-1-2010	Adopt	2-1-2010
331-800-0020	3-15-2010	Amend	4-1-2010	333-015-0155	1-1-2010	Adopt	2-1-2010
331-800-0020	5-18-2010	Amend	7-1-2010	333-015-0160	1-1-2010	Adopt	2-1-2010
331-810-0020	3-15-2010	Amend	4-1-2010	333-015-0165	1-1-2010	Adopt	2-1-2010
331-810-0020	5-18-2010	Amend	7-1-2010	333-017-0000	3-11-2010	Amend	4-1-2010
331-810-0035	3-15-2010	Repeal	4-1-2010	333-017-0005	3-11-2010	Amend	4-1-2010
331-810-0035	5-18-2010	Repeal	7-1-2010	333-018-0000	3-11-2010	Amend	4-1-2010
331-810-0040	3-15-2010	Amend	4-1-2010	333-018-0010	3-11-2010	Amend	4-1-2010
331-810-0040	5-18-2010	Amend	7-1-2010	333-018-0013	3-11-2010	Adopt	4-1-2010
331-840-0070	3-15-2010	Adopt	4-1-2010	333-018-0015	3-11-2010	Amend	4-1-2010
331-840-0070	5-18-2010	Adopt	7-1-2010	333-018-0017	3-11-2010	Adopt	4-1-2010
332-020-0020	4-1-2010	Amend(T)	5-1-2010	333-018-0018	3-11-2010	Amend	4-1-2010
332-020-0020	9-9-2010	Amend	10-1-2010	333-019-0017	3-11-2010	Amend	4-1-2010
332-020-0020	10-1-2010	Amend(T)	11-1-2010	333-019-0027	3-11-2010	Amend	4-1-2010
332-020-0020(T)	9-9-2010	Repeal	10-1-2010	333-019-0036	3-11-2010	Amend	4-1-2010
333-002-0040	7-15-2010	Amend(T)	8-1-2010	333-026-0030	3-11-2010	Adopt	4-1-2010
333-002-0060	7-15-2010	Amend(T)	8-1-2010	333-029-0025	12-23-2009	Amend	2-1-2010
333-003-0100	8-12-2010	Amend	9-1-2010	333-029-0030	12-23-2009	Repeal	2-1-2010
333-003-0105	8-12-2010	Amend	9-1-2010	333-029-0045	12-23-2009	Amend	2-1-2010
333-003-0110	8-12-2010	Amend	9-1-2010	333-029-0050	12-23-2009	Amend	2-1-2010
333-003-0115	8-12-2010	Amend	9-1-2010	333-029-0060	12-23-2009	Amend	2-1-2010
333-003-0116	8-12-2010	Adopt	9-1-2010	333-029-0070	12-23-2009	Amend	2-1-2010
333-003-0118	8-12-2010	Adopt	9-1-2010	333-029-0080	12-23-2009	Amend	2-1-2010
333-003-0120	8-12-2010	Amend	9-1-2010	333-029-0115	12-23-2009	Amend	2-1-2010
333-003-0125	8-12-2010	Amend	9-1-2010	333-035-0045	9-1-2010	Adopt	10-1-2010
333-003-0130	8-12-2010	Amend	9-1-2010	333-035-0050	9-1-2010	Adopt	10-1-2010
333-003-0135	8-12-2010	Repeal	9-1-2010	333-035-0055	9-1-2010	Adopt	10-1-2010
333-003-0140	8-12-2010	Amend	9-1-2010	333-035-0060	9-1-2010	Adopt	10-1-2010
333-003-0210	8-12-2010	Adopt	9-1-2010	333-035-0065	9-1-2010	Adopt	10-1-2010
333-004-0010	6-30-2010	Amend	8-1-2010	333-035-0070	9-1-2010	Adopt	10-1-2010
333-004-0060	6-30-2010	Amend	8-1-2010	333-035-0075	9-1-2010	Adopt	10-1-2010
333-004-0070	6-30-2010	Amend	8-1-2010	333-035-0080	9-1-2010	Adopt	10-1-2010
333-008-0010	9-13-2010	Amend	10-1-2010	333-035-0085	9-1-2010	Adopt	10-1-2010
333-008-0020	7-6-2010	Amend(T)	8-1-2010	333-035-0090	9-1-2010	Adopt	10-1-2010
333-008-0030	9-13-2010	Amend	10-1-2010	333-035-0095	9-1-2010	Adopt	10-1-2010
333-008-0040	9-13-2010	Amend	10-1-2010	333-035-0100	9-1-2010	Adopt	10-1-2010
333-008-0050	9-13-2010	Amend	10-1-2010	333-035-0105	9-1-2010	Adopt	10-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-049-0050	9-30-2010	Amend	11-1-2010	333-061-0265	4-19-2010	Amend	6-1-2010
333-050-0010	9-30-2010	Amend	11-1-2010	333-061-0272	3-16-2010	Amend(T)	5-1-2010
333-050-0020	12-21-2009	Amend(T)	2-1-2010	333-061-0272	8-12-2010	Amend	9-1-2010
333-050-0020	9-30-2010	Amend	11-1-2010	333-061-0272(T)	8-12-2010	Repeal	9-1-2010
333-050-0030	9-30-2010	Amend	11-1-2010	333-061-0274	3-16-2010	Adopt(T)	5-1-2010
333-050-0040	9-30-2010	Amend	11-1-2010	333-061-0290	4-19-2010	Amend	6-1-2010
333-050-0050	12-21-2009	Amend(T)	2-1-2010	333-061-0295	4-19-2010	Repeal	6-1-2010
333-050-0050	9-30-2010	Amend	11-1-2010	333-061-0305	4-19-2010	Amend	6-1-2010
333-050-0060	9-30-2010	Amend	11-1-2010	333-061-0310	4-19-2010	Amend	6-1-2010
333-050-0070	9-30-2010	Amend	11-1-2010	333-061-0315	4-19-2010	Repeal	6-1-2010
333-050-0080	9-30-2010	Amend	11-1-2010	333-061-0320	4-19-2010	Repeal	6-1-2010
333-050-0090	9-30-2010	Amend	11-1-2010	333-061-0324	4-19-2010	Adopt	6-1-2010
333-050-0095	9-30-2010	Amend	11-1-2010	333-061-0325	4-19-2010	Amend	6-1-2010
333-050-0110	9-30-2010	Amend	11-1-2010	333-061-0330	4-19-2010	Amend	6-1-2010
333-050-0120	12-21-2009	Amend(T)	2-1-2010	333-061-0335	4-19-2010	Amend	6-1-2010
333-050-0120	9-30-2010	Amend	11-1-2010	333-062-0100	12-23-2009	Amend	2-1-2010
333-050-0130	9-30-2010	Amend	11-1-2010	333-062-0103	12-23-2009	Adopt	2-1-2010
333-050-0140	9-30-2010	Amend	11-1-2010	333-069-0005	9-24-2010	Amend(T)	11-1-2010
333-060-0125	12-23-2009	Amend	2-1-2010	333-069-0015	9-24-2010	Amend(T)	11-1-2010
333-060-0128	12-23-2009	Adopt	2-1-2010	333-069-0020	9-24-2010	Amend(T)	11-1-2010
333-060-0505	12-23-2009	Amend	2-1-2010	333-069-0040	9-24-2010	Amend(T)	11-1-2010
333-060-0510	12-23-2009	Amend	2-1-2010	333-069-0050	9-24-2010	Amend(T)	11-1-2010
333-061-0005	4-19-2010	Amend	6-1-2010	333-069-0060	9-24-2010	Amend(T)	11-1-2010
333-061-0010	4-19-2010	Amend	6-1-2010	333-069-0085	9-24-2010	Amend(T)	11-1-2010
333-061-0015	4-19-2010	Amend	6-1-2010	333-069-0090	9-24-2010	Amend(T)	11-1-2010
333-061-0020	4-19-2010	Amend	6-1-2010	333-070-0075	4-26-2010	Adopt	6-1-2010
333-061-0030	4-19-2010	Amend	6-1-2010	333-070-0075	9-24-2010	Amend(T)	11-1-2010
333-061-0032	4-19-2010	Amend	6-1-2010	333-070-0080	4-26-2010	Adopt	6-1-2010
333-061-0034	4-19-2010	Amend	6-1-2010	333-070-0085	4-26-2010	Adopt	6-1-2010
333-061-0036	4-19-2010	Amend	6-1-2010	333-070-0090	4-26-2010	Adopt	6-1-2010
333-061-0040	4-19-2010	Amend	6-1-2010	333-070-0095	4-26-2010	Adopt	6-1-2010
333-061-0042	4-19-2010	Amend	6-1-2010	333-070-0100	4-26-2010	Adopt	6-1-2010
333-061-0043	4-19-2010	Amend	6-1-2010	333-070-0105	4-26-2010	Adopt	6-1-2010
333-061-0045	4-19-2010	Amend	6-1-2010	333-070-0110	4-26-2010	Adopt	6-1-2010
333-061-0050	4-19-2010	Amend	6-1-2010	333-070-0115	4-26-2010	Adopt	6-1-2010
333-061-0055	4-19-2010	Amend	6-1-2010	333-070-0120	4-26-2010	Adopt	6-1-2010
333-061-0057	4-19-2010	Amend	6-1-2010	333-070-0125	4-26-2010	Adopt	6-1-2010
333-061-0058	4-19-2010	Amend	6-1-2010	333-070-0130	4-26-2010	Adopt	6-1-2010
333-061-0060	4-19-2010	Amend	6-1-2010	333-070-0135	4-26-2010	Adopt	6-1-2010
333-061-0061	4-19-2010	Amend	6-1-2010	333-070-0140	4-26-2010	Adopt	6-1-2010
333-061-0062	4-19-2010	Amend	6-1-2010	333-070-0145	4-26-2010	Adopt	6-1-2010
333-061-0063	4-19-2010	Amend	6-1-2010	333-070-0150	4-26-2010	Adopt	6-1-2010
333-061-0064	4-19-2010	Amend	6-1-2010	333-070-0155	4-26-2010	Adopt	6-1-2010
333-061-0065	4-19-2010	Amend	6-1-2010	333-070-0160	4-26-2010	Adopt	6-1-2010
333-061-0070	4-19-2010	Amend	6-1-2010	333-092-0000	12-21-2009	Repeal	2-1-2010
333-061-0071	4-19-2010	Amend	6-1-2010	333-092-0005	12-21-2009	Repeal	2-1-2010
333-061-0072	4-19-2010	Amend	6-1-2010	333-092-0010	12-21-2009	Repeal	2-1-2010
333-061-0073	4-19-2010	Amend	6-1-2010	333-092-0015	12-21-2009	Repeal	2-1-2010
333-061-0076	4-19-2010	Amend	6-1-2010	333-092-0020	12-21-2009	Repeal	2-1-2010
333-061-0077	4-19-2010	Amend	6-1-2010	333-092-0025	12-21-2009	Repeal	2-1-2010
333-061-0090	4-19-2010	Amend	6-1-2010	333-092-0030	12-21-2009	Repeal	2-1-2010
333-061-0215	4-19-2010	Repeal	6-1-2010	333-092-0035	12-21-2009	Repeal	2-1-2010
333-061-0228	4-19-2010	Amend	6-1-2010	333-092-0040	12-21-2009	Repeal	2-1-2010
333-061-0230	4-19-2010	Amend	6-1-2010	333-092-0045	12-21-2009	Repeal	2-1-2010
333-061-0235	4-19-2010	Amend	6-1-2010	333-092-0050	12-21-2009	Repeal	2-1-2010
333-061-0245	4-19-2010	Amend	6-1-2010	333-092-0055	12-21-2009	Repeal	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
333-102-0020	2-16-2010	Repeal	4-1-2010	333-118-0052	2-16-2010	Adopt	4-1-2010
333-102-0025	9-1-2010	Amend	10-1-2010	333-118-0053	2-16-2010	Adopt	4-1-2010
333-102-0030	9-1-2010	Amend	10-1-2010	333-118-0070	2-16-2010	Amend	4-1-2010
333-102-0032	9-1-2010	Adopt	10-1-2010	333-118-0110	2-16-2010	Amend	4-1-2010
333-102-0035	2-16-2010	Amend	4-1-2010	333-118-0120	2-16-2010	Amend	4-1-2010
333-102-0035	9-1-2010	Amend	10-1-2010	333-118-0125	2-16-2010	Adopt	4-1-2010
333-102-0105	2-16-2010	Amend	4-1-2010	333-118-0140	2-16-2010	Amend	4-1-2010
333-102-0110	2-16-2010	Amend	4-1-2010	333-118-0150	2-16-2010	Amend	4-1-2010
333-102-0115	2-16-2010	Amend	4-1-2010	333-118-0160	2-16-2010	Amend	4-1-2010
333-102-0115	9-1-2010	Amend	10-1-2010	333-118-0162	2-16-2010	Adopt	4-1-2010
333-102-0125	9-1-2010	Amend	10-1-2010	333-118-0190	2-16-2010	Amend	4-1-2010
333-102-0190	2-16-2010	Amend	4-1-2010	333-118-0200	2-16-2010	Amend	4-1-2010
333-102-0190	9-1-2010	Amend	10-1-2010	333-119-0010	2-16-2010	Amend	4-1-2010
333-102-0245	2-16-2010	Amend	4-1-2010	333-119-0010	9-1-2010	Amend	10-1-2010
333-102-0250	9-1-2010	Amend	10-1-2010	333-119-0020	2-16-2010	Amend	4-1-2010
333-102-0285	2-16-2010	Amend	4-1-2010	333-119-0020	9-1-2010	Amend	10-1-2010
333-102-0285	9-1-2010	Amend	10-1-2010	333-119-0060	9-1-2010	Amend	10-1-2010
333-102-0290	2-16-2010	Amend	4-1-2010	333-119-0080	2-16-2010	Amend	4-1-2010
333-102-0305	2-16-2010	Amend	4-1-2010	333-119-0080	9-1-2010	Amend	10-1-2010
333-102-0305	9-1-2010	Amend	10-1-2010	333-119-0090	2-16-2010	Amend	4-1-2010
333-102-0325	2-16-2010	Amend	4-1-2010	333-119-0100	2-16-2010	Amend	4-1-2010
333-102-0340	2-16-2010	Amend	4-1-2010	333-119-0120	9-1-2010	Amend	10-1-2010
333-102-0340	9-1-2010	Amend	10-1-2010	333-119-0200	9-1-2010	Amend	10-1-2010
333-102-0900	9-1-2010	Amend	10-1-2010	333-120-0015	2-16-2010	Amend	4-1-2010
333-103-0001	2-16-2010	Amend	4-1-2010	333-120-0015	9-1-2010	Amend	10-1-2010
333-103-0003	9-1-2010	Amend	10-1-2010	333-120-0500	9-1-2010	Amend	10-1-2010
333-103-0010	2-16-2010	Amend	4-1-2010	333-120-0545	9-1-2010	Adopt	10-1-2010
333-103-0010	9-1-2010	Amend	10-1-2010	333-120-0550	9-1-2010	Amend	10-1-2010
333-103-0015	9-1-2010	Amend	10-1-2010	333-120-0800	2-16-2010	Amend	4-1-2010
333-103-0030	9-1-2010	Amend	10-1-2010	333-124-0001	2-16-2010	Adopt	4-1-2010
333-103-0035	9-1-2010	Amend	10-1-2010	333-124-0010	2-16-2010	Adopt	4-1-2010
333-106-0005	2-16-2010	Amend	4-1-2010	333-250-0010	7-1-2010	Amend	8-1-2010
333-106-0005	9-1-2010	Amend	10-1-2010	333-250-0020	7-1-2010	Amend	8-1-2010
333-106-0055	9-1-2010	Amend	10-1-2010	333-250-0040	7-1-2010	Amend	8-1-2010
333-106-0215	2-16-2010	Amend	4-1-2010	333-250-0041	7-1-2010	Amend	8-1-2010
333-106-0320	2-16-2010	Amend	4-1-2010	333-250-0042	7-1-2010	Amend	8-1-2010
333-106-0325	9-1-2010	Amend	10-1-2010	333-250-0043	7-1-2010	Amend	8-1-2010
333-116-0020	2-16-2010	Amend	4-1-2010	333-250-0044	7-1-2010	Amend	8-1-2010
333-116-0035	2-16-2010	Amend	4-1-2010	333-250-0045	7-1-2010	Amend	8-1-2010
333-116-0140	2-16-2010	Amend	4-1-2010	333-250-0046	7-1-2010	Amend	8-1-2010
333-116-0170	2-16-2010	Amend	4-1-2010	333-250-0047	7-1-2010	Amend	8-1-2010
333-116-0190	2-16-2010	Amend	4-1-2010	333-250-0048	7-1-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-250-0049	7-1-2010	Amend	8-1-2010	333-540-0015	7-1-2010	Adopt	8-1-2010
333-250-0060	7-1-2010	Amend	8-1-2010	333-540-0020	7-1-2010	Adopt	8-1-2010
333-250-0070	7-1-2010	Amend	8-1-2010	333-540-0025	7-1-2010	Adopt	8-1-2010
333-255-0000	7-1-2010	Amend	8-1-2010	333-540-0030	7-1-2010	Adopt	8-1-2010
333-255-0010	7-1-2010	Amend	8-1-2010	333-540-0035	7-1-2010	Adopt	8-1-2010
333-255-0030	7-1-2010	Amend	8-1-2010	333-540-0040	7-1-2010	Adopt	8-1-2010
333-255-0060	7-1-2010	Amend	8-1-2010	333-540-0045	7-1-2010	Adopt	8-1-2010
333-255-0070	7-1-2010	Amend	8-1-2010	333-540-0050	7-1-2010	Adopt	8-1-2010
333-255-0070	7-16-2010	Amend(T)	9-1-2010	333-540-0055	7-1-2010	Adopt	8-1-2010
333-255-0071	7-1-2010	Amend	8-1-2010	333-540-0060	7-1-2010	Adopt	8-1-2010
333-255-0072	7-1-2010	Amend	8-1-2010	333-540-0065	7-1-2010	Adopt	8-1-2010
333-255-0073	7-1-2010	Amend	8-1-2010	333-540-0070	7-1-2010	Adopt	8-1-2010
333-255-0081	7-1-2010	Amend	8-1-2010	333-540-0075	7-1-2010	Adopt	8-1-2010
333-255-0082	7-1-2010	Amend	8-1-2010	333-540-0080	7-1-2010	Adopt	8-1-2010
333-255-0091	7-1-2010	Amend	8-1-2010	333-540-0085	7-1-2010	Adopt	8-1-2010
333-255-0092	7-1-2010	Amend	8-1-2010	333-540-0090	7-1-2010	Adopt	8-1-2010
333-265-0000	7-1-2010	Amend	8-1-2010	334-001-0055	4-12-2010	Adopt	5-1-2010
333-265-0012	7-1-2010	Amend	8-1-2010	334-001-0055	7-26-2010	Amend(T)	9-1-2010
333-265-0014	7-1-2010	Amend	8-1-2010	335-060-0010	8-11-2010	Amend(T)	9-1-2010
333-265-0015	7-1-2010	Adopt	8-1-2010	335-070-0065	11-16-2009	Amend	1-1-2010
333-265-0016	7-1-2010	Amend	8-1-2010	335-095-0030	8-11-2010	Amend(T)	9-1-2010
333-265-0018	7-1-2010	Amend	8-1-2010	335-095-0040	8-11-2010	Amend(T)	9-1-2010
333-265-0020	7-1-2010	Amend	8-1-2010	335-095-0055	8-11-2010	Suspend	9-1-2010
333-265-0022	7-1-2010	Amend	8-1-2010	335-095-0060	11-16-2009	Amend	1-1-2010
333-265-0023	7-1-2010	Amend	8-1-2010	337-001-0000	6-15-2010	Amend	7-1-2010
333-265-0025	7-1-2010	Amend	8-1-2010	337-001-0005	6-15-2010	Amend	7-1-2010
333-265-0030	7-1-2010	Amend	8-1-2010	337-010-0006	6-15-2010	Amend	7-1-2010
333-265-0040	7-1-2010	Amend	8-1-2010	337-010-0007	6-15-2010	Adopt	7-1-2010
333-265-0050	7-1-2010	Amend	8-1-2010	337-010-0008	6-15-2010	Amend	7-1-2010
333-265-0060	7-1-2010	Amend	8-1-2010	337-010-0009	6-15-2010	Adopt	7-1-2010
333-265-0070	7-1-2010	Amend	8-1-2010	337-010-0010	6-15-2010	Amend	7-1-2010
333-265-0080	7-1-2010	Amend	8-1-2010	337-010-0011	6-15-2010	Amend	7-1-2010
333-265-0083	7-1-2010	Adopt	8-1-2010	337-010-0012	6-15-2010	Repeal	7-1-2010
333-265-0085	7-1-2010	Adopt	8-1-2010	337-010-0013	6-15-2010	Adopt	7-1-2010
333-265-0087	7-1-2010	Adopt	8-1-2010	337-010-0014	6-15-2010	Adopt	7-1-2010
333-265-0090	7-1-2010	Amend	8-1-2010	337-010-0015	6-15-2010	Amend	7-1-2010
333-265-0090	7-16-2010	Amend(T)	9-1-2010	337-010-0016	6-15-2010	Adopt	7-1-2010
333-265-0100	7-1-2010	Amend	8-1-2010	337-010-0020	6-15-2010	Repeal	7-1-2010
333-265-0105	7-1-2010	Adopt	8-1-2010	337-010-0023	6-15-2010	Adopt	7-1-2010
333-265-0105	7-16-2010	Amend(T)	9-1-2010	337-010-0025	6-15-2010	Amend	7-1-2010
333-265-0110	7-1-2010	Amend	8-1-2010	337-010-0026	6-15-2010	Adopt	7-1-2010
333-265-0140	7-1-2010	Amend	8-1-2010	337-010-0030	6-15-2010	Amend	7-1-2010
333-265-0150	7-1-2010	Amend	8-1-2010	337-010-0031	6-15-2010	Amend	7-1-2010
333-265-0160	7-1-2010	Amend	8-1-2010	337-010-0036	6-15-2010	Repeal	7-1-2010
333-265-0180	7-1-2010	Repeal	8-1-2010	337-010-0045	6-15-2010	Amend	7-1-2010
333-270-0010	12-3-2009	Adopt	1-1-2010	337-010-0055	6-15-2010	Repeal	7-1-2010
333-270-0020	12-3-2009	Adopt	1-1-2010	337-010-0060	6-15-2010	Repeal	7-1-2010
333-270-0030	12-3-2009	Adopt	1-1-2010	337-010-0061	6-15-2010	Repeal	7-1-2010
333-270-0040	12-3-2009	Adopt	1-1-2010	337-010-0065	6-15-2010	Repeal	7-1-2010
333-270-0050	12-3-2009	Adopt	1-1-2010	337-010-0075	6-15-2010	Repeal	7-1-2010
333-270-0060	12-3-2009	Adopt	1-1-2010	337-020-0010	6-15-2010	Repeal	7-1-2010
333-270-0070	12-3-2009	Adopt	1-1-2010	337-020-0015	6-15-2010	Amend	7-1-2010
333-270-0080	12-3-2009	Adopt	1-1-2010	337-020-0040	6-15-2010	Amend	7-1-2010
333-300-0000	12-21-2009	Repeal	2-1-2010	337-021-0005	6-15-2010	Amend	7-1-2010
333-540-0005	7-1-2010	Adopt	8-1-2010	337-021-0010	6-15-2010	Amend	7-1-2010
333-540-0010	7-1-2010	Adopt	8-1-2010	337-021-0020	6-15-2010	Amend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
337-021-0030	6-15-2010	Amend	7-1-2010	340-225-0050	9-1-2010	Amend(T)	10-1-2010
337-021-0040	6-15-2010	Amend	7-1-2010	340-225-0060	9-1-2010	Amend(T)	10-1-2010
337-021-0070	6-15-2010	Amend	7-1-2010	340-225-0090	9-1-2010	Amend(T)	10-1-2010
337-030-0002	6-15-2010	Adopt	7-1-2010	340-228-0606	12-16-2009	Amend	2-1-2010
337-030-0005	6-15-2010	Adopt	7-1-2010	340-228-0621	12-16-2009	Amend	2-1-2010
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
340-054-0025	5-4-2010	Amend(T)	6-1-2010	340-244-0242	12-16-2009	Amend	2-1-2010
340-054-0065	5-4-2010	Amend(T)	6-1-2010	340-244-0246	12-16-2009	Amend	2-1-2010
340-071-0140	1-4-2010	Amend	2-1-2010	340-246-0090	8-31-2010	Amend	10-1-2010
340-071-0140	9-1-2010	Amend	10-1-2010	340-252-0020	3-5-2010	Repeal	4-1-2010
340-093-0030	5-14-2010	Amend	6-1-2010	340-252-0030	3-5-2010	Amend	4-1-2010
340-093-0260	5-14-2010	Adopt	6-1-2010	340-252-0040	3-5-2010	Repeal	4-1-2010
340-093-0270	5-14-2010	Adopt	6-1-2010	340-252-0050	3-5-2010	Repeal	4-1-2010
340-093-0280	5-14-2010	Adopt	6-1-2010	340-252-0060	3-5-2010	Amend	4-1-2010
340-093-0290	5-14-2010	Adopt	6-1-2010	340-252-0070	3-5-2010	Amend	4-1-2010
340-097-0120	5-14-2010	Amend	6-1-2010	340-252-0080	3-5-2010	Repeal	4-1-2010
340-200-0020	5-21-2010	Amend	7-1-2010	340-252-0090	3-5-2010	Repeal	4-1-2010
340-200-0020	9-1-2010	Amend(T)	10-1-2010	340-252-0100	3-5-2010	Repeal	4-1-2010
340-200-0025	5-21-2010	Amend	7-1-2010	340-252-0110	3-5-2010	Repeal	4-1-2010
340-200-0040	12-16-2009	Amend	2-1-2010	340-252-0120	3-5-2010	Repeal	4-1-2010
340-200-0040	3-5-2010	Amend	4-1-2010	340-252-0130	3-5-2010	Repeal	4-1-2010
340-200-0040	5-21-2010	Amend	7-1-2010	340-252-0140	3-5-2010	Repeal	4-1-2010
340-202-0060	5-21-2010	Amend	7-1-2010	340-252-0150	3-5-2010	Repeal	4-1-2010
340-202-0090	5-21-2010	Amend	7-1-2010	340-252-0160	3-5-2010	Repeal	4-1-2010
340-202-0130	5-21-2010	Amend	7-1-2010	340-252-0170	3-5-2010	Repeal	4-1-2010
340-202-0210	9-1-2010	Amend(T)	10-1-2010	340-252-0180	3-5-2010	Repeal	4-1-2010
340-204-0010	5-21-2010	Amend	7-1-2010	340-252-0190	3-5-2010	Repeal	4-1-2010
340-204-0030	5-21-2010	Amend	7-1-2010	340-252-0200	3-5-2010	Repeal	4-1-2010
340-206-0010	5-21-2010	Amend	7-1-2010	340-252-0210	3-5-2010	Repeal	4-1-2010
340-206-0030	5-21-2010	Amend	7-1-2010	340-252-0220	3-5-2010	Repeal	4-1-2010
340-209-0030	12-16-2009	Amend	2-1-2010	340-252-0230	3-5-2010	Amend	4-1-2010
340-210-0100	12-16-2009	Amend	2-1-2010	340-252-0240	3-5-2010	Repeal	4-1-2010
340-210-0110	12-16-2009	Amend	2-1-2010	340-252-0250	3-5-2010	Repeal	4-1-2010
340-210-0120	12-16-2009	Amend	2-1-2010	340-252-0260	3-5-2010	Repeal	4-1-2010
340-215-0050	1-1-2010	Adopt(T)	2-1-2010	340-252-0270	3-5-2010	Repeal	4-1-2010
340-216-0020	12-16-2009	Amend	2-1-2010	340-252-0280	3-5-2010	Repeal	4-1-2010
340-216-0020	1-1-2010	Amend(T)	2-1-2010	340-252-0290	3-5-2010	Repeal	4-1-2010
340-216-0020	9-1-2010	Amend(T)	10-1-2010	340-266-0010	8-27-2010	Amend	10-1-2010
340-216-0060	12-16-2009	Amend	2-1-2010	340-266-0020	8-27-2010	Amend	10-1-2010
340-216-0062	12-16-2009	Adopt	2-1-2010	340-266-0030	8-27-2010	Amend	10-1-2010
340-216-0064	12-16-2009	Amend	2-1-2010	340-266-0040	8-27-2010	Amend	10-1-2010
340-220-0050	1-1-2010	Amend(T)	2-1-2010	340-266-0050	8-27-2010	Amend	10-1-2010
340-224-0010	9-1-2010	Amend(T)	10-1-2010	340-266-0060	8-27-2010	Amend	10-1-2010
340-224-0050	9-1-2010	Amend(T)	10-1-2010	340-266-0065	8-27-2010	Adopt	10-1-2010
340-224-0070	9-1-2010	Amend(T)	10-1-2010	340-266-0070	8-27-2010	Amend	10-1-2010
340-225-0020	9-1-2010	Amend(T)	10-1-2010	340-266-0075	8-27-2010	Adopt	10-1-2010
340-225-0030	9-1-2010	Amend(T)	10-1-2010	340-266-0080	8-27-2010	Amend	10-1-2010
340-225-0045	9-1-2010	Amend(T)	10-1-2010	340-266-0090	8-27-2010	Amend	10-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
407-007-0370	1-1-2010	Amend	2-1-2010	409-015-0012	10-1-2010	Amend	11-1-2010
407-007-0400	3-29-2010	Adopt	5-1-2010	409-015-0015	10-1-2010	Amend	11-1-2010
407-007-0400(T)	3-29-2010	Repeal	5-1-2010	409-023-0000	7-1-2010	Amend	8-1-2010
407-007-0410	3-29-2010	Adopt	5-1-2010	409-023-0010	7-1-2010	Amend	8-1-2010
407-007-0410(T)	3-29-2010	Repeal	5-1-2010	409-024-0000	7-1-2010	Adopt	8-1-2010
407-007-0420	3-29-2010	Adopt	5-1-2010	409-024-0110	7-1-2010	Adopt	8-1-2010
407-007-0420(T)	3-29-2010	Repeal	5-1-2010	409-024-0120	7-1-2010	Adopt	8-1-2010
407-007-0430	3-29-2010	Adopt	5-1-2010	409-024-0130	7-1-2010	Adopt	8-1-2010
407-007-0430(T)	3-29-2010	Repeal	5-1-2010	409-025-0100	3-1-2010	Adopt	4-1-2010
407-007-0440	1-8-2010	Adopt(T)	2-1-2010	409-025-0110	3-1-2010	Adopt	4-1-2010
407-007-0440	3-29-2010	Adopt	5-1-2010	409-025-0120	3-1-2010	Adopt	4-1-2010
407-007-0440(T)	3-29-2010	Repeal	5-1-2010	409-025-0130	3-1-2010	Adopt	4-1-2010
407-007-0450	3-29-2010	Adopt	5-1-2010	409-025-0140	3-1-2010	Adopt	4-1-2010
407-007-0450(T)	3-29-2010	Repeal	5-1-2010	409-025-0150	3-1-2010	Adopt	4-1-2010
407-007-0460	3-29-2010	Adopt	5-1-2010	409-025-0160	3-1-2010	Adopt	4-1-2010
407-007-0460(T)	3-29-2010	Repeal	5-1-2010	409-025-0170	3-1-2010	Adopt	4-1-2010
407-043-0010	1-1-2010	Amend	2-1-2010	409-026-0100	1-1-2010	Adopt	2-1-2010
407-043-0010(T)	1-1-2010	Repeal	2-1-2010	409-026-0110	1-1-2010	Adopt	2-1-2010
407-045-0250	6-29-2010	Amend	8-1-2010	409-026-0120	1-1-2010	Adopt	2-1-2010
407-045-0260	1-1-2010	Amend(T)	2-1-2010	409-026-0120	1-1-2010	Adopt	2-1-2010
407-045-0260	6-29-2010	Amend	8-1-2010	409-026-0140	1-1-2010	Adopt	2-1-2010
407-045-0260	8-5-2010	Amend(T)	9-1-2010	409-030-0065	4-21-2010	Amend(T)	6-1-2010
407-045-0260(T)	6-29-2010	Repeal	8-1-2010	409-030-0065	10-1-2010	Amend	11-1-2010
407-045-0280	6-29-2010	Amend	8-1-2010	409-030-0065(T)	10-1-2010	Repeal	11-1-2010
407-045-0290	1-1-2010	Amend(T)	2-1-2010	409-040-0100	1-1-2010	Adopt	2-1-2010
407-045-0290	6-29-2010	Amend	8-1-2010	409-040-0105	1-1-2010	Adopt	2-1-2010
407-045-0290(T)	6-29-2010	Repeal	8-1-2010	409-040-0110	1-1-2010	Adopt	2-1-2010
407-045-0300	6-29-2010	Amend	8-1-2010	409-040-0115	1-1-2010	Adopt	2-1-2010
407-045-0310	6-29-2010	Amend	8-1-2010	410-050-0861	7-1-2010	Amend	8-1-2010
407-045-0320	6-29-2010	Amend	8-1-2010	410-120-0030	1-1-2010	Amend	1-1-2010
407-045-0330	6-29-2010	Amend	8-1-2010	410-120-0030	7-1-2010	Amend	8-1-2010
407-045-0340	6-29-2010	Amend	8-1-2010	410-120-0030	9-1-2010	Amend	10-1-2010
407-045-0350	1-1-2010	Amend(T)	2-1-2010	410-120-0030(T)	1-1-2010	Repeal	1-1-2010
407-045-0350	6-29-2010	Amend	8-1-2010	410-120-0045	7-1-2010	Adopt	7-1-2010
407-045-0350(T)	6-29-2010	Repeal	8-1-2010	410-120-1200	1-1-2010	Amend	1-1-2010
407-045-0360	6-29-2010	Amend	8-1-2010	410-120-1210	1-1-2010	Amend	1-1-2010
407-045-0370	6-29-2010	Adopt	8-1-2010	410-120-1230	1-1-2010	Amend	1-1-2010
407-045-0800	7-1-2010	Amend	8-1-2010	410-120-1295	12-4-2009	Amend(T)	1-1-2010
407-045-0810	7-1-2010	Amend	8-1-2010	410-120-1295	1-1-2010	Amend	1-1-2010
407-045-0820	7-1-2010	Amend	8-1-2010	410-120-1295	3-26-2010	Amend	5-1-2010
407-045-0820	7-12-2010	Amend(T)	8-1-2010	410-120-1295(T)	12-4-2009	Suspend	1-1-2010
407-045-0830	7-1-2010	Amend	8-1-2010	410-120-1340	1-1-2010	Amend	1-1-2010
407-045-0850	7-1-2010	Amend	8-1-2010	410-120-1380	1-1-2010	Amend	1-1-2010
407-045-0860	7-1-2010	Amend	8-1-2010	410-120-1505	9-1-2010	Am. & Ren.	10-1-2010
407-045-0870	7-1-2010	Amend	8-1-2010	410-120-1570	1-1-2010	Amend	1-1-2010
407-045-0880	7-1-2010	Amend	8-1-2010	410-120-1600	1-1-2010	Amend	1-1-2010
407-045-0890	7-1-2010	Amend	8-1-2010	410-121-0000	1-1-2010	Amend	1-1-2010
407-045-0900	7-1-2010	Amend	8-1-2010	410-121-0000	7-1-2010	Amend	7-1-2010
407-045-0910	7-1-2010	Amend	8-1-2010	410-121-0030	1-1-2010	Amend	1-1-2010
407-045-0920	7-1-2010	Amend	8-1-2010	410-121-0030	7-1-2010	Amend	7-1-2010
407-045-0930	7-1-2010	Amend	8-1-2010	410-121-0032	1-1-2010	Amend	1-1-2010
407-045-0940	7-1-2010	Amend	8-1-2010	410-121-0040	1-1-2010	Amend	1-1-2010
407-045-0950	7-1-2010	Amend	8-1-2010	410-121-0040	7-1-2010	Amend	7-1-2010
407-045-0960	7-1-2010	Amend	8-1-2010	410-121-0060	1-1-2010	Amend	1-1-2010
407-045-0970	7-1-2010	Amend	8-1-2010	410-121-0100	1-1-2010	Amend	1-1-2010
407-045-0980	7-1-2010	Amend	8-1-2010	410-121-0100	7-1-2010	Amend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-121-0135	1-1-2010	Amend	1-1-2010	410-130-0595	4-15-2010	Amend(T)	5-1-2010
410-121-0144	7-1-2010	Repeal	7-1-2010	410-130-0595	9-1-2010	Amend	10-1-2010
410-121-0145	2-5-2010	Amend	3-1-2010	410-130-0595(T)	9-1-2010	Repeal	10-1-2010
410-121-0146	4-1-2010	Amend(T)	5-1-2010	410-136-0245	1-1-2010	Adopt	1-1-2010
410-121-0146	7-1-2010	Amend	7-1-2010	410-136-0245	4-1-2010	Amend(T)	5-1-2010
410-121-0147	7-1-2010	Amend	7-1-2010	410-136-0245	7-1-2010	Amend	8-1-2010
410-121-0185	7-1-2010	Amend	7-1-2010	410-138-0000	7-1-2010	Amend	8-1-2010
410-121-0420	1-1-2010	Amend	1-1-2010	410-138-0005	7-1-2010	Amend	8-1-2010
410-122-0010	7-1-2010	Amend	7-1-2010	410-138-0007	7-1-2010	Amend	8-1-2010
410-122-0020	7-1-2010	Amend	7-1-2010	410-138-0009	1-1-2010	Amend	1-1-2010
410-122-0040	7-1-2010	Amend	7-1-2010	410-138-0009	7-1-2010	Amend	8-1-2010
410-122-0055	7-1-2010	Amend	7-1-2010	410-138-0020	1-1-2010	Amend	1-1-2010
410-122-0080	7-1-2010	Amend	7-1-2010	410-138-0020	7-1-2010	Amend	8-1-2010
410-122-0080	10-1-2010	Amend(T)	11-1-2010	410-138-0040	7-1-2010	Amend	8-1-2010
410-122-0080	10-7-2010	Amend(T)	11-1-2010	410-138-0060	7-1-2010	Amend	8-1-2010
410-122-0080	10-13-2010	Amend(T)	11-1-2010	410-138-0080	7-1-2010	Amend	8-1-2010
410-122-0080(T)	10-7-2010	Suspend	11-1-2010	410-138-0300	11-16-2009	Amend(T)	1-1-2010
410-122-0080(T)	10-13-2010	Suspend	11-1-2010	410-138-0300	1-1-2010	Amend	1-1-2010
410-122-0180	10-1-2010	Amend(T)	11-1-2010	410-138-0300	7-1-2010	Amend	8-1-2010
410-122-0182	1-1-2010	Amend	1-1-2010	410-138-0300(T)	1-1-2010	Repeal	1-1-2010
410-122-0184	7-1-2010	Amend	7-1-2010	410-138-0320	1-1-2010	Repeal	1-1-2010
410-122-0202	7-1-2010	Amend	7-1-2010	410-138-0340	11-16-2009	Suspend	1-1-2010
410-122-0203	1-1-2010	Amend	1-1-2010	410-138-0340	1-1-2010	Repeal	1-1-2010
410-122-0203	7-1-2010	Amend	7-1-2010	410-138-0360	11-16-2009	Amend(T)	1-1-2010
410-122-0205	7-1-2010	Amend	7-1-2010	410-138-0360	1-1-2010	Amend	1-1-2010
410-122-0207	7-1-2010	Amend	7-1-2010	410-138-0360	7-1-2010	Amend	8-1-2010
410-122-0208	7-1-2010	Amend	7-1-2010	410-138-0360(T)	1-1-2010	Repeal	1-1-2010
410-122-0210	7-1-2010	Amend	7-1-2010	410-138-0380	11-16-2009	Amend(T)	1-1-2010
410-122-0211	7-1-2010	Amend	7-1-2010	410-138-0380	1-1-2010	Amend	1-1-2010
410-122-0280	7-1-2010	Amend	7-1-2010	410-138-0380	7-1-2010	Amend	8-1-2010
410-122-0325	7-1-2010	Amend	7-1-2010	410-138-0380(T)	1-1-2010	Repeal	1-1-2010
410-122-0340	7-1-2010	Amend	7-1-2010	410-138-0390	11-16-2009	Adopt(T)	1-1-2010
410-122-0540	7-1-2010	Amend	7-1-2010	410-138-0390	1-1-2010	Adopt	1-1-2010
410-122-0560	7-1-2010	Amend	7-1-2010	410-138-0390	7-1-2010	Amend	8-1-2010
410-122-0625	7-1-2010	Amend	7-1-2010	410-138-0390(T)	1-1-2010	Repeal	1-1-2010
410-122-0630	7-1-2010	Amend	7-1-2010	410-138-0400	7-1-2010	Adopt	8-1-2010
410-122-0655	7-1-2010	Amend	7-1-2010	410-138-0420	7-1-2010	Adopt	8-1-2010
410-122-0658	7-1-2010	Amend	7-1-2010	410-138-0440	7-1-2010	Adopt	8-1-2010
410-122-0660	1-1-2010	Amend	1-1-2010	410-138-0460	7-1-2010	Adopt	8-1-2010
410-122-0662	1-1-2010	Amend	1-1-2010	410-138-0500	7-1-2010	Amend	8-1-2010
410-122-0662	7-1-2010	Amend	7-1-2010	410-138-0520	1-1-2010	Repeal	1-1-2010
410-122-0680	7-1-2010	Amend	7-1-2010	410-138-0530	7-1-2010	Repeal	8-1-2010
410-122-0720	7-1-2010	Amend	7-1-2010	410-138-0540	7-1-2010	Amend	8-1-2010
410-123-1000	1-1-2010	Amend	1-1-2010	410-138-0560	1-1-2010	Amend	1-1-2010
410-123-1000	7-1-2010	Amend	7-1-2010	410-138-0560	7-1-2010	Amend	8-1-2010
410-123-1160	1-1-2010	Amend	1-1-2010	410-138-0600	7-1-2010	Amend	8-1-2010
410-123-1160	7-1-2010	Amend	7-1-2010	410-138-0610	7-1-2010	Repeal	8-1-2010
410-123-1220	1-1-2010	Amend	1-1-2010	410-138-0620	1-1-2010	Repeal	1-1-2010
410-123-1220	7-1-2010	Amend	7-1-2010	410-138-0640	7-1-2010	Amend	8-1-2010
410-123-1260	1-1-2010	Amend	1-1-2010	410-138-0660	7-1-2010	Amend	8-1-2010
410-123-1260	7-1-2010	Amend	7-1-2010	410-138-0680	1-1-2010	Amend	1-1-2010
410-129-0220	10-1-2010	Amend(T)	11-1-2010	410-138-0700	7-1-2010	Amend	8-1-2010
410-130-0200	7-1-2010	Amend	7-1-2010	410-138-0710	7-1-2010	Amend	8-1-2010
410-130-0220	7-1-2010	Amend	7-1-2010	410-138-0720	1-1-2010	Repeal	1-1-2010
410-130-0245	7-1-2010	Amend	7-1-2010	410-138-0740	7-1-2010	Amend	8-1-2010
410-130-0255	7-1-2010	Amend	7-1-2010	410-138-0760	7-1-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-138-0780	7-1-2010	Amend	8-1-2010	411-001-0100	1-1-2010	Amend	2-1-2010
410-140-0050	1-1-2010	Amend	1-1-2010	411-001-0110	1-1-2010	Amend	2-1-2010
410-140-0115	1-1-2010	Repeal	1-1-2010	411-001-0115	1-1-2010	Adopt	2-1-2010
410-140-0140	1-1-2010	Amend	1-1-2010	411-001-0118	1-1-2010	Adopt	2-1-2010
410-140-0160	1-1-2010	Amend	1-1-2010	411-001-0120	1-1-2010	Amend	2-1-2010
410-140-0200	1-1-2010	Amend	1-1-2010	411-020-0000	7-1-2010	Amend	8-1-2010
410-140-0260	1-1-2010	Amend	1-1-2010	411-020-0002	1-1-2010	Amend(T)	2-1-2010
410-141-0000	1-1-2010	Amend	1-1-2010	411-020-0002	7-1-2010	Amend	8-1-2010
410-141-0000	7-1-2010	Amend	7-1-2010	411-020-0002(T)	7-1-2010	Repeal	8-1-2010
410-141-0070	7-1-2010	Amend	7-1-2010	411-020-0010	7-1-2010	Amend	8-1-2010
410-141-0160	7-1-2010	Amend	7-1-2010	411-020-0015	7-1-2010	Amend	8-1-2010
410-141-0200	7-1-2010	Amend	7-1-2010	411-020-0020	1-1-2010	Amend(T)	2-1-2010
410-141-0220	7-1-2010	Amend	7-1-2010	411-020-0020	7-1-2010	Amend	8-1-2010
410-141-0261	1-1-2010	Amend	1-1-2010	411-020-0020(T)	7-1-2010	Repeal	8-1-2010
410-141-0263	1-1-2010	Amend	1-1-2010	411-020-0025	1-1-2010	Adopt(T)	2-1-2010
410-141-0264	1-1-2010	Amend	1-1-2010	411-020-0025	7-1-2010	Adopt	8-1-2010
410-141-0300	7-1-2010	Amend	7-1-2010	411-020-0025(T)	7-1-2010	Repeal	8-1-2010
410-141-0405	1-1-2010	Amend	1-1-2010	411-020-0030	1-1-2010	Amend(T)	2-1-2010
410-141-0405	7-1-2010	Amend	7-1-2010	411-020-0030	7-1-2010	Amend	8-1-2010
410-141-0407	7-1-2010	Amend	7-1-2010	411-020-0030(T)	7-1-2010	Repeal	8-1-2010
410-141-0420	1-1-2010	Amend	1-1-2010	411-020-0040	7-1-2010	Amend	8-1-2010
410-141-0420	7-1-2010	Amend	7-1-2010	411-020-0060	7-1-2010	Amend	8-1-2010
410-141-0480	6-3-2010	Amend(T)	7-1-2010	411-020-0070	7-1-2010	Amend	8-1-2010
410-141-0480	9-1-2010	Amend	10-1-2010	411-020-0080	7-1-2010	Amend	8-1-2010
410-141-0480(T)	9-1-2010	Repeal	10-1-2010	411-020-0085	1-1-2010	Adopt(T)	2-1-2010
410-141-0520	1-1-2010	Amend(T)	1-1-2010	411-020-0085	7-1-2010	Adopt	8-1-2010
410-141-0520	1-15-2010	Amend(T)	2-1-2010	411-020-0085(T)	7-1-2010	Repeal	8-1-2010
410-141-0520	3-17-2010	Amend	4-1-2010	411-020-0090	7-1-2010	Amend	8-1-2010
410-141-0520	4-1-2010	Amend(T)	5-1-2010	411-020-0100	1-1-2010	Amend(T)	2-1-2010
410-141-0520	4-26-2010	Amend	6-1-2010	411-020-0100	7-1-2010	Amend	8-1-2010
410-141-0520	10-1-2010	Amend(T)	11-1-2010	411-020-0100(T)	7-1-2010	Repeal	8-1-2010
410-141-0520(T)	1-1-2010	Suspend	1-1-2010	411-020-0110	7-1-2010	Amend	8-1-2010
410-141-0520(T)	1-15-2010	Suspend	2-1-2010	411-020-0120	1-1-2010	Amend(T)	2-1-2010
410-141-0520(T)	3-17-2010	Repeal	4-1-2010	411-020-0120	7-1-2010	Amend	8-1-2010
410-141-0520(T)	4-26-2010	Repeal	6-1-2010	411-020-0120(T)	7-1-2010	Repeal	8-1-2010
410-141-0740	7-1-2010	Amend	7-1-2010	411-020-0130	7-1-2010	Amend	8-1-2010
410-146-0021	1-1-2010	Amend	1-1-2010	411-021-0000	7-1-2010	Repeal	8-1-2010
410-146-0085	1-1-2010	Amend	1-1-2010	411-021-0005	7-1-2010	Repeal	8-1-2010
410-146-0240	1-1-2010	Amend	1-1-2010	411-021-0010	7-1-2010	Repeal	8-1-2010
410-146-0340	1-1-2010	Repeal	1-1-2010	411-021-0015	7-1-2010	Repeal	8-1-2010
410-147-0120	1-1-2010	Amend	1-1-2010	411-021-0020	7-1-2010	Repeal	8-1-2010
410-147-0320	1-1-2010	Amend	1-1-2010	411-021-0025	7-1-2010	Repeal	8-1-2010
410-147-0365	5-1-2010	Amend(T)	5-1-2010	411-026-0000	8-1-2010	Amend	9-1-2010
410-147-0365	7-1-2010	Amend	8-1-2010	411-026-0010	8-1-2010	Amend	9-1-2010
410-147-0365(T)	7-1-2010	Repeal	8-1-2010	411-026-0020	8-1-2010	Amend	9-1-2010
410-147-0400	1-1-2010	Amend	1-1-2010	411-026-0030	8-1-2010	Amend	9-1-2010
410-147-0620	1-1-2010	Repeal	1-1-2010	411-026-0040	8-1-2010	Repeal	9-1-2010
410-149-0000	1-1-2010	Repeal	1-1-2010	411-026-0050	8-1-2010	Amend	9-1-2010
410-149-0020	1-1-2010	Repeal	1-1-2010	411-026-0060	8-1-2010	Amend	9-1-2010
410-149-0040	1-1-2010	Repeal	1-1-2010	411-026-0070	8-1-2010	Amend	9-1-2010
410-149-0060	1-1-2010	Repeal	1-1-2010	411-026-0080	8-1-2010	Amend	9-1-2010
410-149-0080	1-1-2010	Repeal	1-1-2010	411-031-0020	5-30-2010	Amend	7-1-2010
410-150-0080	1-1-2010	Amend	1-1-2010	411-031-0020	7-1-2010	Amend(T)	8-1-2010
410-150-0120	1-1-2010	Repeal	1-1-2010	411-031-0030	5-30-2010	Amend	7-1-2010
410-150-0160	1-1-2010	Repeal	1-1-2010	411-031-0040	12-1-2009	Amend(T)	1-1-2010
410-150-0240	1-1-2010	Repeal	1-1-2010	411-031-0040	5-30-2010	Amend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	411-054-0005	10-5-2010	Amend(T)	11-1-2010
411-032-0001(T)	7-1-2010	Suspend	8-1-2010	411-054-0012	10-5-2010	Amend(T)	11-1-2010
411-032-0001(T)	7-30-2010	Suspend	9-1-2010	411-054-0013	7-1-2010	Amend	8-1-2010
411-034-0000	6-30-2010	Amend(T)	8-1-2010	411-054-0016	1-1-2010	Amend(T)	2-1-2010
411-034-0000	7-29-2010	Amend(T)	9-1-2010	411-054-0016	7-1-2010	Amend	8-1-2010
411-034-0000(T)	7-29-2010	Suspend	9-1-2010	411-054-0016(T)	7-1-2010	Repeal	8-1-2010
411-050-0400	1-1-2010	Amend(T)	2-1-2010	411-054-0025	1-1-2010	Amend(T)	2-1-2010
411-050-0400	7-1-2010	Amend	8-1-2010	411-054-0025	3-11-2010	Amend(T)	4-1-2010
411-050-0400(T)	7-1-2010	Repeal	8-1-2010	411-054-0025	7-1-2010	Amend	8-1-2010
411-050-0405	7-1-2010	Amend	8-1-2010	411-054-0025(T)	3-11-2010	Suspend	4-1-2010
411-050-0408	7-1-2010	Amend	8-1-2010	411-054-0025(T)	7-1-2010	Repeal	8-1-2010
411-050-0410	1-1-2010	Amend(T)	2-1-2010	411-054-0065	1-1-2010	Amend(T)	2-1-2010
411-050-0410	7-1-2010	Amend	8-1-2010	411-054-0065	7-1-2010	Amend	8-1-2010
411-050-0410(T)	7-1-2010	Repeal	8-1-2010	411-054-0065(T)	7-1-2010	Repeal	8-1-2010
411-050-0412	1-1-2010	Amend(T)	2-1-2010	411-054-0105	1-1-2010	Amend(T)	2-1-2010
411-050-0412	3-11-2010	Amend(T)	4-1-2010	411-054-0105	7-1-2010	Amend	8-1-2010
411-050-0412	7-1-2010	Amend	8-1-2010	411-054-0105(T)	7-1-2010	Repeal	8-1-2010
411-050-0412(T)	3-11-2010	Suspend	4-1-2010	411-054-0120	1-1-2010	Amend(T)	2-1-2010
411-050-0412(T)	7-1-2010	Repeal	8-1-2010	411-054-0120	7-1-2010	Amend	8-1-2010
411-050-0415	1-1-2010	Amend(T)	2-1-2010	411-054-0120(T)	7-1-2010	Repeal	8-1-2010
411-050-0415	7-1-2010	Amend	8-1-2010	411-054-0133	1-1-2010	Adopt(T)	2-1-2010
411-050-0415(T)	7-1-2010	Repeal	8-1-2010	411-054-0133	7-1-2010	Adopt	8-1-2010
411-050-0420	1-1-2010	Amend(T)	2-1-2010	411-054-0133(T)	7-1-2010	Repeal	8-1-2010
411-050-0420	7-1-2010	Amend	8-1-2010	411-057-0000	11-1-2010	Repeal	10-1-2010
411-050-0420(T)	7-1-2010	Repeal	8-1-2010	411-057-0010	11-1-2010	Repeal	10-1-2010
411-050-0430	7-1-2010	Amend	8-1-2010	411-057-0020	11-1-2010	Repeal	10-1-2010
411-050-0435	7-1-2010	Amend	8-1-2010	411-057-0030	11-1-2010	Repeal	10-1-2010
411-050-0440	1-1-2010	Amend(T)	2-1-2010	411-057-0040	11-1-2010	Repeal	10-1-2010
411-050-0440	7-1-2010	Amend	8-1-2010	411-057-0045	11-1-2010	Repeal	10-1-2010
411-050-0440(T)	7-1-2010	Repeal	8-1-2010	411-057-0050	11-1-2010	Repeal	10-1-2010
411-050-0443	7-1-2010	Amend	8-1-2010	411-057-0060	11-1-2010	Repeal	10-1-2010
411-050-0444	1-1-2010	Amend(T)	2-1-2010	411-057-0100	11-1-2010	Adopt	10-1-2010
411-050-0444	7-1-2010	Amend	8-1-2010	411-057-0110	11-1-2010	Adopt	10-1-2010
411-050-0444(T)	7-1-2010	Repeal	8-1-2010	411-057-0120	11-1-2010	Adopt	10-1-2010
411-050-0445	7-1-2010	Amend	8-1-2010	411-057-0130	11-1-2010	Adopt	10-1-2010
411-050-0447	7-1-2010	Amend	8-1-2010	411-057-0140	11-1-2010	Adopt	10-1-2010
411-050-0455	1-1-2010	Amend(T)	2-1-2010	411-057-0150	11-1-2010	Adopt	10-1-2010
411-050-0455	7-1-2010	Amend	8-1-2010	411-057-0160	11-1-2010	Adopt	10-1-2010
411-050-0455(T)	7-1-2010	Repeal	8-1-2010	411-057-0170	11-1-2010	Adopt	10-1-2010
411-050-0460	1-1-2010	Amend(T)	2-1-2010	411-057-0180	11-1-2010	Adopt	10-1-2010
411-050-0460	7-1-2010	Amend	8-1-2010	411-057-0190	11-1-2010	Adopt	10-1-2010
411-050-0460(T)	7-1-2010	Repeal	8-1-2010	411-070-0000	12-1-2009	Amend	1-1-2010
411-050-0465	7-1-2010	Amend	8-1-2010	411-070-0005	12-1-2009	Amend	1-1-2010
411-050-0480	1-1-2010	Amend(T)	2-1-2010	411-070-0005(T)	12-1-2009	Repeal	1-1-2010
411-050-0480	7-1-2010	Amend	8-1-2010	411-070-0010	12-1-2009	Amend	1-1-2010
411-050-0480(T)	7-1-2010	Repeal	8-1-2010	411-070-0025	12-1-2009	Amend	1-1-2010
411-050-0481	1-1-2010	Amend(T)	2-1-2010	411-070-0027	12-1-2009	Amend	1-1-2010
411-050-0481	7-1-2010	Amend	8-1-2010	411-070-0029	12-1-2009	Amend	1-1-2010
411-050-0481(T)	7-1-2010	Repeal	8-1-2010	411-070-0033	12-1-2009	Amend	1-1-2010
411-050-0487	1-1-2010	Amend(T)	2-1-2010	411-070-0035	12-1-2009	Amend	1-1-2010
411-050-0487	7-1-2010	Amend	8-1-2010	411-070-0040	12-1-2009	Amend	1-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
411-85-0005	1-1-2010	Amend(T)	2-1-2010	411-305-0115	1-1-2010	Amend(T)	2-1-2010
411-85-0005	7-1-2010	Amend	8-1-2010	411-305-0115	3-18-2010	Amend(T)	5-1-2010
411-85-0005(T)	7-1-2010	Repeal	8-1-2010	411-305-0115	7-1-2010	Amend	8-1-2010
411-85-0020	1-1-2010	Amend	2-1-2010	411-305-0115(T)	3-18-2010	Suspend	5-1-2010
411-85-0020	1-1-2010	Amend(T)	2-1-2010	411-305-0115(T)	7-1-2010	Repeal	8-1-2010
411-85-0020	7-1-2010	Amend	8-1-2010	411-305-0140	1-1-2010	Amend(T)	2-1-2010
411-85-0020(T)	7-1-2010	Repeal	8-1-2010	411-305-0140	3-18-2010	Amend(T)	5-1-2010
411-89-0030	1-1-2010	Amend(T)	2-1-2010	411-305-0140	7-1-2010	Amend	8-1-2010
411-89-0030	7-1-2010	Amend	8-1-2010	411-305-0140(T)	3-18-2010	Suspend	5-1-2010
411-89-0030(T)	7-1-2010	Repeal	8-1-2010	411-305-0140(T)	7-1-2010	Repeal	8-1-2010
411-89-0070	7-1-2010	Adopt	8-1-2010	411-308-0010	12-28-2009	Adopt	2-1-2010
411-89-0075	1-1-2010	Adopt(T)	2-1-2010	411-308-0010(T)	12-28-2009	Repeal	2-1-2010
411-89-0075	7-1-2010	Adopt	8-1-2010	411-308-0020	12-28-2009	Adopt	2-1-2010
411-89-0075(T)	7-1-2010	Repeal	8-1-2010	411-308-0020	1-1-2010	Amend(T)	2-1-2010
411-89-0140	1-1-2010	Amend(T)	2-1-2010	411-308-0020	7-1-2010	Amend	8-1-2010
411-89-0140	7-1-2010	Amend	8-1-2010	411-308-0020(T)	12-28-2009	Repeal	2-1-2010
411-89-0140(T)	7-1-2010	Repeal	8-1-2010	411-308-0020(T)	7-1-2010	Repeal	8-1-2010
411-89-0150	1-1-2010	Suspend	2-1-2010	411-308-0030	12-28-2009	Adopt	2-1-2010
411-89-0150	7-1-2010	Repeal	8-1-2010	411-308-0030	1-1-2010	Amend(T)	2-1-2010
411-300-0110	1-1-2010	Amend(T)	2-1-2010	411-308-0030	7-1-2010	Amend	8-1-2010
411-300-0110	7-1-2010	Amend	8-1-2010	411-308-0030(T)	12-28-2009	Repeal	2-1-2010
411-300-0110(T)	7-1-2010	Repeal	8-1-2010	411-308-0030(T)	7-1-2010	Repeal	8-1-2010
411-300-0155	1-1-2010	Amend(T)	2-1-2010	411-308-0040	12-28-2009	Adopt	2-1-2010
411-300-0155	3-18-2010	Amend(T)	5-1-2010	411-308-0040(T)	12-28-2009	Repeal	2-1-2010
411-300-0155	7-1-2010	Amend	8-1-2010	411-308-0050	12-28-2009	Adopt	2-1-2010
411-300-0155(T)	3-18-2010	Suspend	5-1-2010	411-308-0050(T)	12-28-2009	Repeal	2-1-2010
411-300-0155(T)	7-1-2010	Repeal	8-1-2010	411-308-0060	12-28-2009	Adopt	2-1-2010
411-300-0170	1-1-2010	Amend(T)	2-1-2010	411-308-0060(T)	12-28-2009	Repeal	2-1-2010
411-300-0170	3-18-2010	Amend(T)	5-1-2010	411-308-0070	12-28-2009	Adopt	2-1-2010
411-300-0170	7-1-2010	Amend	8-1-2010	411-308-0070(T)	12-28-2009	Repeal	2-1-2010
411-300-0170(T)	3-18-2010	Suspend	5-1-2010	411-308-0080	12-28-2009	Adopt	2-1-2010
411-300-0170(T)	7-1-2010	Repeal	8-1-2010	411-308-0080(T)	12-28-2009	Repeal	2-1-2010
411-300-0200	1-1-2010	Amend(T)	2-1-2010	411-308-0090	12-28-2009	Adopt	2-1-2010
411-300-0200	3-18-2010	Amend(T)	5-1-2010	411-308-0090	1-1-2010	Amend(T)	2-1-2010
411-300-0200	7-1-2010	Amend	8-1-2010	411-308-0090	7-1-2010	Amend	8-1-2010
411-300-0200(T)	3-18-2010	Suspend	5-1-2010	411-308-0090(T)	12-28-2009	Repeal	2-1-2010
411-300-0200(T)	7-1-2010	Repeal	8-1-2010	411-308-0090(T)	7-1-2010	Repeal	8-1-2010
411-300-0220	1-1-2010	Amend(T)	2-1-2010	411-308-0100	12-28-2009	Adopt	2-1-2010
411-300-0220	7-1-2010	Amend	8-1-2010	411-308-0100	1-1-2010	Amend(T)	2-1-2010
411-300-0220(T)	7-1-2010	Repeal	8-1-2010	411-308-0100	7-1-2010	Amend	8-1-2010
411-305-0005	7-9-2010	Adopt(T)	8-1-2010	411-308-0100(T)	12-28-2009	Repeal	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
411-320-0030(T)	3-18-2010	Suspend	5-1-2010	411-330-0140(T)	7-1-2010	Repeal	8-1-2010
411-320-0030(T)	7-1-2010	Repeal	8-1-2010	411-330-0160	1-1-2010	Amend(T)	2-1-2010
411-320-0080	7-4-2010	Amend(T)	8-1-2010	411-330-0160	7-1-2010	Amend	8-1-2010
411-320-0140	1-1-2010	Amend(T)	2-1-2010	411-330-0160(T)	7-1-2010	Repeal	8-1-2010
411-320-0140	7-1-2010	Amend	8-1-2010	411-335-0020	1-1-2010	Amend(T)	2-1-2010
411-320-0140(T)	7-1-2010	Repeal	8-1-2010	411-335-0020	7-1-2010	Amend	8-1-2010
411-320-0175	7-4-2010	Amend(T)	8-1-2010	411-335-0020(T)	7-1-2010	Repeal	8-1-2010
411-325-0020	1-1-2010	Amend(T)	2-1-2010	411-335-0030	1-1-2010	Amend(T)	2-1-2010
411-325-0020	7-1-2010	Amend	8-1-2010	411-335-0030	3-18-2010	Amend(T)	5-1-2010
411-325-0020(T)	7-1-2010	Repeal	8-1-2010	411-335-0030	7-1-2010	Amend	8-1-2010
411-325-0100	1-1-2010	Amend(T)	2-1-2010	411-335-0030(T)	3-18-2010	Suspend	5-1-2010
411-325-0100	7-1-2010	Amend	8-1-2010	411-335-0030(T)	7-1-2010	Repeal	8-1-2010
411-325-0100(T)	7-1-2010	Repeal	8-1-2010	411-335-0100	1-1-2010	Amend(T)	2-1-2010
411-325-0160	1-1-2010	Amend(T)	2-1-2010	411-335-0100	7-1-2010	Amend	8-1-2010
411-325-0160	3-18-2010	Amend(T)	5-1-2010	411-335-0100(T)	7-1-2010	Repeal	8-1-2010
411-325-0160	7-1-2010	Amend	8-1-2010	411-340-0020	1-1-2010	Amend(T)	2-1-2010
411-325-0160(T)	3-18-2010	Suspend	5-1-2010	411-340-0020	7-1-2010	Amend	8-1-2010
411-325-0160(T)	7-1-2010	Repeal	8-1-2010	411-340-0020(T)	7-1-2010	Repeal	8-1-2010
411-325-0190	1-1-2010	Amend(T)	2-1-2010	411-340-0030	1-1-2010	Amend(T)	2-1-2010
411-325-0190	7-1-2010	Amend	8-1-2010	411-340-0030	7-1-2010	Amend	8-1-2010
411-325-0190(T)	7-1-2010	Repeal	8-1-2010	411-340-0030(T)	7-1-2010	Repeal	8-1-2010
411-328-0560	1-1-2010	Amend(T)	2-1-2010	411-340-0040	1-1-2010	Amend(T)	2-1-2010
411-328-0560	7-1-2010	Amend	8-1-2010	411-340-0040	7-1-2010	Amend	8-1-2010
411-328-0560(T)	7-1-2010	Repeal	8-1-2010	411-340-0040(T)	7-1-2010	Repeal	8-1-2010
411-328-0610	1-1-2010	Amend(T)	2-1-2010	411-340-0050	1-1-2010	Amend(T)	2-1-2010
411-328-0610	7-1-2010	Amend	8-1-2010	411-340-0050	7-1-2010	Amend	8-1-2010
411-328-0610(T)	7-1-2010	Repeal	8-1-2010	411-340-0050(T)	7-1-2010	Repeal	8-1-2010
411-328-0670	1-1-2010	Amend(T)	2-1-2010	411-340-0070	1-1-2010	Amend(T)	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
411-345-0100(T)	7-1-2010	Repeal	8-1-2010	411-350-0120	7-1-2010	Amend	8-1-2010
411-345-0210	1-1-2010	Amend(T)	2-1-2010	411-350-0120(T)	7-1-2010	Repeal	8-1-2010
411-345-0210	3-18-2010	Amend(T)	5-1-2010	411-355-0010	1-1-2010	Amend(T)	2-1-2010
411-345-0210	7-1-2010	Amend	8-1-2010	411-355-0010	7-1-2010	Amend	8-1-2010
411-345-0210(T)	3-18-2010	Suspend	5-1-2010	411-355-0010(T)	7-1-2010	Repeal	8-1-2010
411-345-0210(T)	7-1-2010	Repeal	8-1-2010	411-355-0040	1-1-2010	Amend(T)	2-1-2010
411-345-0230	1-1-2010	Amend(T)	2-1-2010	411-355-0040	7-1-2010	Amend	8-1-2010
411-345-0230	7-1-2010	Amend	8-1-2010	411-355-0040(T)	7-1-2010	Repeal	8-1-2010
411-345-0230(T)	7-1-2010	Repeal	8-1-2010	411-355-0050	1-1-2010	Amend(T)	2-1-2010
411-345-0290	1-1-2010	Amend(T)	2-1-2010	411-355-0050	3-18-2010	Amend(T)	5-1-2010
411-345-0290	7-1-2010	Amend	8-1-2010	411-355-0050	7-1-2010	Amend	8-1-2010
411-345-0290(T)	7-1-2010	Repeal	8-1-2010	411-355-0050(T)	3-18-2010	Suspend	5-1-2010
411-346-0100	7-1-2010	Amend	8-1-2010	411-355-0050(T)	7-1-2010	Repeal	8-1-2010
411-346-0110	1-1-2010	Amend(T)	2-1-2010	411-355-0060	1-1-2010	Amend(T)	2-1-2010
411-346-0110	7-1-2010	Amend	8-1-2010	411-355-0060	7-1-2010	Amend	8-1-2010
411-346-0110(T)	7-1-2010	Repeal	8-1-2010	411-355-0060(T)	7-1-2010	Repeal	8-1-2010
411-346-0120	7-1-2010	Amend	8-1-2010	411-355-0090	1-1-2010	Amend(T)	2-1-2010
411-346-0130	7-1-2010	Amend	8-1-2010	411-355-0090	3-18-2010	Amend(T)	5-1-2010
411-346-0140	7-1-2010	Amend	8-1-2010	411-355-0090	7-1-2010	Amend	8-1-2010
411-346-0150	1-1-2010	Amend(T)	2-1-2010	411-355-0090(T)	3-18-2010	Suspend	5-1-2010
411-346-0150	3-18-2010	Amend(T)	5-1-2010	411-355-0090(T)	7-1-2010	Repeal	8-1-2010
411-346-0150	7-1-2010	Amend	8-1-2010	411-355-0120	1-1-2010	Amend(T)	2-1-2010
411-346-0150(T)	3-18-2010	Suspend	5-1-2010	411-355-0120	7-1-2010	Amend	8-1-2010
411-346-0150(T)	7-1-2010	Repeal	8-1-2010	411-355-0120(T)	7-1-2010	Repeal	8-1-2010
411-346-0160	7-1-2010	Amend	8-1-2010	411-360-0010	7-1-2010	Amend	8-1-2010
411-346-0165	7-1-2010	Amend	8-1-2010	411-360-0020	1-1-2010	Amend(T)	2-1-2010
411-346-0170	7-1-2010	Amend	8-1-2010	411-360-0020	7-1-2010	Amend	8-1-2010
411-346-0180	1-1-2010	Amend(T)	2-1-2010	411-360-0020(T)	7-1-2010	Repeal	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
411-360-0160	7-1-2010	Amend	8-1-2010	413-015-1220	7-1-2010	Adopt	8-1-2010
411-360-0170	7-1-2010	Amend	8-1-2010	413-015-1230	7-1-2010	Adopt	8-1-2010
411-360-0180	7-1-2010	Amend	8-1-2010	413-020-0200	12-29-2009	Amend	2-1-2010
411-360-0190	7-1-2010	Amend	8-1-2010	413-020-0210	12-29-2009	Amend	2-1-2010
411-360-0200	7-1-2010	Amend	8-1-2010	413-020-0230	12-29-2009	Amend	2-1-2010
411-360-0210	1-1-2010	Amend(T)	2-1-2010	413-020-0233	12-29-2009	Amend	2-1-2010
411-360-0210	7-1-2010	Amend	8-1-2010	413-020-0236	12-29-2009	Amend	2-1-2010
411-360-0210(T)	7-1-2010	Repeal	8-1-2010	413-020-0240	12-29-2009	Amend	2-1-2010
411-360-0220	7-1-2010	Amend	8-1-2010	413-020-0245	12-29-2009	Amend	2-1-2010
411-360-0230	7-1-2010	Amend	8-1-2010	413-020-0255	12-29-2009	Amend	2-1-2010
411-360-0240	7-1-2010	Amend	8-1-2010	413-040-0000	12-29-2009	Amend	2-1-2010
411-360-0250	7-1-2010	Amend	8-1-2010	413-040-0005	12-29-2009	Amend	2-1-2010
411-360-0260	7-1-2010	Amend	8-1-2010	413-040-0006	12-29-2009	Amend	2-1-2010
411-360-0270	1-1-2010	Amend(T)	2-1-2010	413-040-0008	12-29-2009	Amend	2-1-2010
411-360-0270	3-18-2010	Amend(T)	5-1-2010	413-040-0009	12-29-2009	Amend	2-1-2010
411-360-0270	7-1-2010	Amend	8-1-2010	413-040-0010	12-29-2009	Amend	2-1-2010
411-360-0270(T)	3-18-2010	Suspend	5-1-2010	413-040-0011	12-29-2009	Amend	2-1-2010
411-360-0270(T)	7-1-2010	Repeal	8-1-2010	413-040-0013	12-29-2009	Amend	2-1-2010
411-360-0275	7-1-2010	Amend	8-1-2010	413-040-0016	12-29-2009	Amend	2-1-2010
411-360-0280	7-1-2010	Amend	8-1-2010	413-040-0017	12-29-2009	Amend	2-1-2010
411-360-0290	7-1-2010	Amend	8-1-2010	413-040-0024	12-29-2009	Amend	2-1-2010
411-360-0300	7-1-2010	Amend	8-1-2010	413-040-0032	12-29-2009	Amend	2-1-2010
411-360-0310	7-1-2010	Amend	8-1-2010	413-040-0240	3-15-2010	Amend(T)	4-1-2010
411-540-0005(T)	7-1-2010	Repeal	8-1-2010	413-040-0240	9-2-2010	Amend	10-1-2010
413-010-0055	7-19-2010	Amend(T)	9-1-2010	413-040-0240(T)	9-2-2010	Repeal	10-1-2010
413-010-0081	7-1-2010	Amend(T)	8-1-2010	413-070-0060	7-1-2010	Amend	8-1-2010
413-010-0082	7-1-2010	Amend(T)	8-1-2010	413-070-0063	7-1-2010	Amend	8-1-2010
413-010-0083	7-1-2010	Amend(T)	8-1-2010	413-070-0066	7-1-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-070-0067	7-1-2010	Suspend	8-1-2010	413-070-0939	2-1-2010	Amend(T)	3-1-2010
413-070-0067	10-1-2010	Repeal	11-1-2010	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
413-070-0645	12-29-2009	Amend	2-1-2010	413-080-0052	12-29-2009	Amend	2-1-2010
413-070-0900	12-16-2009	Amend(T)	2-1-2010	413-080-0055	12-29-2009	Amend	2-1-2010
413-070-0900	6-15-2010	Amend	7-1-2010	413-080-0059	12-29-2009	Amend	2-1-2010
413-070-0905	12-16-2009	Amend(T)	2-1-2010	413-080-0063	12-29-2009	Amend	2-1-2010
413-070-0905	2-1-2010	Amend(T)	3-1-2010	413-080-0067	12-29-2009	Amend	2-1-2010
413-070-0905	6-15-2010	Amend	7-1-2010	413-090-0000	12-29-2009	Amend	2-1-2010
413-070-0905(T)	2-1-2010	Suspend	3-1-2010	413-090-0005	12-29-2009	Amend	2-1-2010
413-070-0909	12-16-2009	Amend(T)	2-1-2010	413-090-0010	12-29-2009	Amend	2-1-2010
413-070-0909	6-15-2010	Amend	7-1-2010	413-090-0021	12-29-2009	Adopt	2-1-2010
413-070-0915	12-16-2009	Amend(T)	2-1-2010	413-090-0030	12-29-2009	Amend	2-1-2010
413-070-0915	6-15-2010	Repeal	7-1-2010	413-090-0040	12-29-2009	Amend	2-1-2010
413-070-0917	12-16-2009	Amend(T)	2-1-2010	413-090-0050	12-29-2009	Amend	2-1-2010
413-070-0917	6-15-2010	Amend	7-1-2010	413-090-0100	12-29-2009	Amend	2-1-2010
413-070-0919	12-16-2009	Adopt(T)	2-1-2010	413-090-0110	12-29-2009	Amend	2-1-2010
413-070-0919	6-15-2010	Adopt	7-1-2010	413-090-0120	12-29-2009	Amend	2-1-2010
413-070-0920	12-16-2009	Am. & Ren.(T)	2-1-2010	413-090-0130	12-29-2009	Amend	2-1-2010
413-070-0920	6-15-2010	Am. & Ren.	7-1-2010	413-090-0133	12-29-2009	Adopt	2-1-2010
413-070-0925	12-16-2009	Amend(T)	2-1-2010	413-090-0135	12-29-2009	Adopt	2-1-2010
413-070-0925	2-1-2010	Amend(T)	3-1-2010	413-090-0136	12-29-2009	Adopt	2-1-2010
413-070-0925	6-15-2010	Amend	7-1-2010	413-090-0140	12-29-2009	Amend	2-1-2010
413-070-0925(T)	2-1-2010	Suspend	3-1-2010	413-090-0150	12-29-2009	Amend	2-1-2010
413-070-0930	12-16-2009	Am. & Ren.(T)	2-1-2010	413-090-0160	12-29-2009	Repeal	2-1-2010
413-070-0930	6-15-2010	Am. & Ren.	7-1-2010	413-090-0170	12-29-2009	Repeal	2-1-2010
413-070-0935	12-16-2009	Am. & Ren.(T)	2-1-2010	413-090-0180	12-29-2009	Repeal	2-1-2010
413-070-0935	6-15-2010	Am. & Ren.	7-1-2010	413-090-0190	12-29-2009	Repeal	2-1-2010
413-070-0937	12-16-2009	Am. & Ren.(T)	2-1-2010	413-090-0200	12-29-2009	Repeal	2-1-2010
413-070-0937	6-15-2010	Am. & Ren.	7-1-2010	413-090-0210	12-29-2009	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
413-100-0160	6-15-2010	Amend	7-1-2010	413-120-0310	7-1-2010	Suspend	8-1-2010
413-100-0170	6-15-2010	Amend	7-1-2010	413-120-0500	7-1-2010	Amend(T)	8-1-2010
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
413-110-0110	7-1-2010	Amend(T)	8-1-2010	413-120-0710	7-1-2010	Adopt(T)	8-1-2010
413-110-0120	7-1-2010	Suspend	8-1-2010	413-120-0720	7-1-2010	Adopt(T)	8-1-2010
413-110-0130	7-1-2010	Amend(T)	8-1-2010	413-120-0730	7-1-2010	Adopt(T)	8-1-2010
413-110-0132	7-1-2010	Adopt(T)	8-1-2010	413-120-0740	7-1-2010	Adopt(T)	8-1-2010
413-110-0140	7-1-2010	Amend(T)	8-1-2010	413-120-0745	7-1-2010	Adopt(T)	8-1-2010
413-110-0150	7-1-2010	Adopt(T)	8-1-2010	413-120-0750	7-1-2010	Adopt(T)	8-1-2010
413-120-0000	7-1-2010	Amend(T)	8-1-2010	413-120-0760	7-1-2010	Adopt(T)	8-1-2010
413-120-0010	7-1-2010	Amend(T)	8-1-2010	413-120-0800	7-1-2010	Amend(T)	8-1-2010
413-120-0015	7-1-2010	Suspend	8-1-2010	413-120-0810	7-1-2010	Amend(T)	8-1-2010
413-120-0020	7-1-2010	Amend(T)	8-1-2010	413-120-0820	7-1-2010	Suspend	8-1-2010
413-120-0030	7-1-2010	Suspend	8-1-2010	413-120-0830	7-1-2010	Amend(T)	8-1-2010
413-120-0033	7-1-2010	Amend(T)	8-1-2010	413-120-0840	7-1-2010	Adopt(T)	8-1-2010
413-120-0035	7-1-2010	Amend(T)	8-1-2010	413-120-0850	7-1-2010	Adopt(T)	8-1-2010
413-120-0040	7-1-2010	Amend(T)	8-1-2010	413-120-0860	7-1-2010	Adopt(T)	8-1-2010
413-120-0045	7-1-2010	Am. & Ren.(T)	8-1-2010	413-120-0870	7-1-2010	Adopt(T)	8-1-2010
413-120-0050	7-1-2010	Adopt(T)	8-1-2010	413-120-0900	6-30-2010	Adopt(T)	8-1-2010
413-120-0053	7-1-2010	Adopt(T)	8-1-2010	413-120-0905	6-30-2010	Adopt(T)	8-1-2010
413-120-0057	7-1-2010	Adopt(T)	8-1-2010	413-120-0910	6-30-2010	Adopt(T)	8-1-2010
413-120-0060	7-1-2010	Amend(T)	8-1-2010	413-120-0920	6-30-2010	Adopt(T)	8-1-2010
413-120-0075	7-1-2010	Am. & Ren.(T)	8-1-2010	413-120-0925	6-30-2010	Adopt(T)	8-1-2010
413-120-0080	7-1-2010	Suspend	8-1-2010	413-120-0930	6-30-2010	Adopt(T)	8-1-2010
413-120-0190	7-1-2010	Amend(T)	8-1-2010	413-120-0940	6-30-2010	Adopt(T)	8-1-2010
413-120-0195	7-1-2010	Amend(T)	8-1-2010	413-120-0945	6-30-2010	Adopt(T)	8-1-2010
413-120-0200	7-1-2010	Suspend	8-1-2010	413-120-0950	6-30-2010	Adopt(T)	8-1-2010
413-120-0210	7-1-2010	Suspend	8-1-2010	413-120-0960	6-30-2010	Adopt(T)	8-1-2010
413-120-0220	7-1-2010	Amend(T)	8-1-2010	413-120-0970	6-30-2010	Adopt(T)	8-1-2010
413-120-0225	7-1-2010	Adopt(T)	8-1-2010	413-120-0980	6-30-2010	Adopt(T)	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
413-130-0075	12-29-2009	Amend	2-1-2010	414-205-0075	7-1-2010	Amend	8-1-2010
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
413-130-0120	12-29-2009	Repeal	2-1-2010	414-205-0130	1-1-2010	Amend(T)	2-1-2010
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
414-061-0020	1-1-2010	Amend(T)	2-1-2010	414-300-0020	1-1-2010	Amend(T)	2-1-2010
414-061-0020	7-1-2010	Amend	8-1-2010	414-300-0020	7-1-2010	Amend	8-1-2010
414-061-0030	1-1-2010	Amend(T)	2-1-2010	414-300-0030	1-1-2010	Amend(T)	2-1-2010
414-061-0030	7-1-2010	Amend	8-1-2010	414-300-0030	7-1-2010	Amend	8-1-2010
414-061-0040	1-1-2010	Amend(T)	2-1-2010	414-300-0040	1-1-2010	Amend(T)	2-1-2010
414-061-0040	7-1-2010	Amend	8-1-2010	414-300-0040	7-1-2010	Amend	8-1-2010
414-061-0050	1-1-2010	Amend(T)	2-1-2010	414-300-0050	1-1-2010	Amend(T)	2-1-2010
414-061-0050	7-1-2010	Amend	8-1-2010	414-300-0060	1-1-2010	Amend(T)	2-1-2010
414-061-0060	1-1-2010	Amend(T)	2-1-2010	414-300-0060	7-1-2010	Amend	8-1-2010
414-061-0060	7-1-2010	Amend	8-1-2010	414-300-0070	1-1-2010	Amend(T)	2-1-2010
414-061-0065	7-1-2010	Adopt	8-1-2010	414-300-0070	7-1-2010	Amend	8-1-2010
414-061-0070	1-1-2010	Amend(T)	2-1-2010	414-300-0080	1-1-2010	Amend(T)	2-1-2010
414-061-0070	7-1-2010	Amend	8-1-2010	414-300-0080	7-1-2010	Amend	8-1-2010
414-061-0080	1-1-2010	Amend(T)	2-1-2010	414-300-0090	1-1-2010	Amend(T)	2-1-2010
414-061-0080	7-1-2010	Amend	8-1-2010	414-300-0100	1-1-2010	Amend(T)	2-1-2010
414-061-0090	1-1-2010	Amend(T)	2-1-2010	414-300-0110	1-1-2010	Amend(T)	2-1-2010
414-061-0090	7-1-2010	Amend	8-1-2010	414-300-0115	1-1-2010	Amend(T)	2-1-2010
414-061-0100	1-1-2010	Amend(T)	2-1-2010	414-300-0120	1-1-2010	Amend(T)	2-1-2010
414-061-0100	7-1-2010	Amend	8-1-2010	414-300-0120	7-1-2010	Amend	8-1-2010
414-061-0110	1-1-2010	Amend(T)	2-1-2010	414-300-0130	1-1-2010	Amend(T)	2-1-2010
414-061-0110	7-1-2010	Amend	8-1-2010	414-300-0130	7-1-2010	Amend	8-1-2010
414-061-0120	1-1-2010	Amend(T)	2-1-2010	414-300-0140	1-1-2010	Amend(T)	2-1-2010
414-061-0120	7-1-2010	Amend	8-1-2010	414-300-0150	1-1-2010	Amend(T)	2-1-2010
414-205-0000	1-1-2010	Amend(T)	2-1-2010	414-300-0160	1-1-2010	Amend(T)	2-1-2010
414-205-0000	7-1-2010	Amend	8-1-2010	414-300-0170	1-1-2010	Amend(T)	2-1-2010
414-205-0010	1-1-2010	Amend(T)	2-1-2010	414-300-0180	1-1-2010	Amend(T)	2-1-2010
414-205-0010	7-1-2010	Amend	8-1-2010	414-300-0190	1-1-2010	Amend(T)	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
414-300-0415	1-1-2010	Adopt(T)	2-1-2010	414-450-0025	7-1-2010	Adopt	8-1-2010
414-300-0415	7-1-2010	Adopt	8-1-2010	414-450-0030	7-1-2010	Adopt	8-1-2010
414-350-0000	1-1-2010	Amend(T)	2-1-2010	414-450-0040	7-1-2010	Adopt	8-1-2010
414-350-0000	7-1-2010	Amend	8-1-2010	415-051-0000	3-4-2010	Repeal	4-1-2010
414-350-0010	1-1-2010	Amend(T)	2-1-2010	415-051-0005	5-6-2010	Repeal	6-1-2010
414-350-0010	7-1-2010	Amend	8-1-2010	415-051-0010	3-4-2010	Repeal	4-1-2010
414-350-0020	1-1-2010	Amend(T)	2-1-2010	415-051-0015	3-4-2010	Repeal	4-1-2010
414-350-0020	7-1-2010	Amend	8-1-2010	415-051-0020	3-4-2010	Repeal	4-1-2010
414-350-0030	1-1-2010	Amend(T)	2-1-2010	415-051-0025	3-4-2010	Repeal	4-1-2010
414-350-0030	7-1-2010	Amend	8-1-2010	415-051-0030	3-4-2010	Repeal	4-1-2010
414-350-0040	1-1-2010	Amend(T)	2-1-2010	415-051-0035	3-4-2010	Repeal	4-1-2010
414-350-0040	7-1-2010	Amend	8-1-2010	415-051-0037	3-4-2010	Repeal	4-1-2010
414-350-0050	1-1-2010	Amend(T)	2-1-2010	415-051-0040	3-4-2010	Repeal	4-1-2010
414-350-0050	7-1-2010	Amend	8-1-2010	415-051-0045	3-4-2010	Repeal	4-1-2010
414-350-0060	1-1-2010	Amend(T)	2-1-2010	415-051-0050	3-4-2010	Repeal	4-1-2010
414-350-0070	1-1-2010	Amend(T)	2-1-2010	415-051-0055	3-4-2010	Repeal	4-1-2010
414-350-0080	1-1-2010	Amend(T)	2-1-2010	415-051-0057	3-4-2010	Repeal	4-1-2010
414-350-0080	7-1-2010	Amend	8-1-2010	415-051-0060	3-4-2010	Repeal	4-1-2010
414-350-0090	1-1-2010	Amend(T)	2-1-2010	415-051-0065	3-4-2010	Repeal	4-1-2010
414-350-0090	7-1-2010	Amend	8-1-2010	415-051-0067	3-4-2010	Repeal	4-1-2010
414-350-0100	1-1-2010	Amend(T)	2-1-2010	415-051-0069	3-4-2010	Repeal	4-1-2010
414-350-0100	7-1-2010	Amend	8-1-2010	415-051-0072	3-4-2010	Repeal	4-1-2010
414-350-0110	1-1-2010	Amend(T)	2-1-2010	415-051-0075	3-4-2010	Repeal	4-1-2010
414-350-0110	7-1-2010	Amend	8-1-2010	415-051-0077	3-4-2010	Repeal	4-1-2010
414-350-0115	1-1-2010	Amend(T)	2-1-2010	415-051-0080	5-6-2010	Repeal	6-1-2010
414-350-0120	1-1-2010	Amend(T)	2-1-2010	415-051-0090	3-4-2010	Repeal	4-1-2010
414-350-0130	1-1-2010	Amend(T)	2-1-2010	415-051-0100	3-4-2010	Repeal	4-1-2010
414-350-0140	1-1-2010	Amend(T)	2-1-2010	415-051-0105	3-4-2010	Repeal	4-1-2010
414-350-0150	1-1-2010	Amend(T)	2-1-2010	415-051-0110	3-4-2010	Repeal	4-1-2010
414-350-0160	1-1-2010	Amend(T)	2-1-2010	415-051-0130	3-4-2010	Repeal	4-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
415-051-0140	3-4-2010	Repeal	4-1-2010	415-057-0140	5-6-2010	Adopt	6-1-2010
415-051-0155	3-4-2010	Repeal	4-1-2010	415-057-0150	5-6-2010	Adopt	6-1-2010
415-051-0165	3-4-2010	Repeal	4-1-2010	415-060-0030	1-1-2010	Amend	1-1-2010
415-052-0100	12-3-2009	Adopt	1-1-2010	415-065-0005	7-1-2010	Adopt	8-1-2010
415-052-0105	12-3-2009	Adopt	1-1-2010	415-065-0010	7-1-2010	Adopt	8-1-2010
415-052-0110	12-3-2009	Adopt	1-1-2010	415-065-0015	7-1-2010	Adopt	8-1-2010
415-054-0045	9-20-2010	Suspend	11-1-2010	415-065-0020	7-1-2010	Adopt	8-1-2010
415-054-0050	9-20-2010	Suspend	11-1-2010	415-065-0025	7-1-2010	Adopt	8-1-2010
415-054-0055	9-20-2010	Suspend	11-1-2010	415-065-0030	7-1-2010	Adopt	8-1-2010
415-054-0060	9-20-2010	Suspend	11-1-2010	415-065-0035	7-1-2010	Adopt	8-1-2010
415-054-0070	9-20-2010	Suspend	11-1-2010	415-065-0040	7-1-2010	Adopt	8-1-2010
415-054-0075	9-20-2010	Suspend	11-1-2010	415-065-0045	7-1-2010	Adopt	8-1-2010
415-054-0076	9-20-2010	Suspend	11-1-2010	415-065-0050	7-1-2010	Adopt	8-1-2010
415-054-0080	9-20-2010	Suspend	11-1-2010	415-065-0055	7-1-2010	Adopt	8-1-2010
415-054-0090	9-20-2010	Suspend	11-1-2010	415-065-0060	7-1-2010	Adopt	8-1-2010
415-054-0100	9-20-2010	Suspend	11-1-2010	415-065-0065	7-1-2010	Adopt	8-1-2010
415-054-0200	9-20-2010	Suspend	11-1-2010	415-065-0070	7-1-2010	Adopt	8-1-2010
415-054-0210	9-20-2010	Suspend	11-1-2010	416-040-0005	10-25-2010	Adopt	11-1-2010
415-054-0220	9-20-2010	Suspend	11-1-2010	416-040-0010	10-25-2010	Adopt	11-1-2010
415-054-0230	9-20-2010	Suspend	11-1-2010	416-040-0015	10-25-2010	Adopt	11-1-2010
415-054-0240	9-20-2010	Suspend	11-1-2010	416-040-0020	10-25-2010	Adopt	11-1-2010
415-054-0300	9-20-2010	Suspend	11-1-2010	416-060-0005	10-25-2010	Adopt	11-1-2010
415-054-0310	9-20-2010	Suspend	11-1-2010	416-060-0010	10-25-2010	Adopt	11-1-2010
415-054-0320	9-20-2010	Suspend	11-1-2010	416-060-0015	10-25-2010	Adopt	11-1-2010
415-054-0330	9-20-2010	Suspend	11-1-2010	416-060-0020	10-25-2010	Adopt	11-1-2010
415-054-0340	9-20-2010	Suspend	11-1-2010	416-060-0025	10-25-2010	Adopt	11-1-2010
415-054-0350	9-20-2010	Suspend	11-1-2010	416-060-0030	10-25-2010	Adopt	11-1-2010
415-054-0360	9-20-2010	Suspend	11-1-2010	416-060-0035	10-25-2010	Adopt	11-1-2010
415-054-0370	9-20-2010	Suspend	11-1-2010	416-060-0040	10-25-2010	Adopt	11-1-2010
415-054-0400	9-20-2010	Adopt(T)	11-1-2010	416-150-0030	10-25-2010	Repeal	11-1-2010
415-054-0410	9-20-2010	Adopt(T)	11-1-2010	416-470-0000	2-19-2010	Amend	3-1-2010
415-054-0420	9-20-2010	Adopt(T)	11-1-2010	416-470-0010	2-19-2010	Amend	3-1-2010
415-054-0430	9-20-2010	Adopt(T)	11-1-2010	416-470-0020	2-19-2010	Amend	3-1-2010
415-054-0440	9-20-2010	Adopt(T)	11-1-2010	416-470-0030	2-19-2010	Amend	3-1-2010
415-054-0450	9-20-2010	Adopt(T)	11-1-2010	416-470-0040	2-19-2010	Amend	3-1-2010
415-054-0460	9-20-2010	Adopt(T)	11-1-2010	416-470-0050	2-19-2010	Amend	3-1-2010
415-054-0470	9-20-2010	Adopt(T)	11-1-2010	416-470-0060	2-19-2010	Repeal	3-1-2010
415-054-0480	9-20-2010	Adopt(T)	11-1-2010	416-470-0070	2-19-2010	Repeal	3-1-2010
415-054-0490	9-20-2010	Adopt(T)	11-1-2010	416-470-0080	2-19-2010	Repeal	3-1-2010
415-054-0500	9-20-2010	Adopt(T)	11-1-2010	416-470-0090	2-19-2010	Repeal	3-1-2010
415-054-0510	9-20-2010	Adopt(T)	11-1-2010	416-470-0100	2-19-2010	Repeal	3-1-2010
415-054-0520	9-20-2010	Adopt(T)	11-1-2010	416-490-0000	2-19-2010	Amend	3-1-2010
415-057-0000	5-6-2010	Adopt	6-1-2010	416-490-0010	2-19-2010	Amend	3-1-2010
415-057-0010	5-6-2010	Adopt	6-1-2010	416-490-0020	2-19-2010	Amend	3-1-2010
415-057-0020	5-6-2010	Adopt	6-1-2010	416-490-0030	2-19-2010	Amend	3-1-2010
415-057-0030	5-6-2010	Adopt	6-1-2010	416-490-0031	2-19-2010	Adopt	3-1-2010
415-057-0040	5-6-2010	Adopt	6-1-2010	416-490-0032	2-19-2010	Adopt	3-1-2010
415-057-0050	5-6-2010	Adopt	6-1-2010	416-490-0033	2-19-2010	Adopt	3-1-2010
415-057-0060	5-6-2010	Adopt	6-1-2010	416-490-0034	2-19-2010	Adopt	3-1-2010
415-057-0070	5-6-2010	Adopt	6-1-2010	416-490-0035	2-19-2010	Adopt	3-1-2010
415-057-0080	5-6-2010	Adopt	6-1-2010	416-490-0040	2-19-2010	Repeal	3-1-2010
415-057-0090	5-6-2010	Adopt	6-1-2010	416-490-0050	2-19-2010	Amend	3-1-2010
415-057-0100	5-6-2010	Adopt	6-1-2010	416-530-0090	12-16-2009	Amend	1-1-2010
415-057-0110	5-6-2010	Adopt	6-1-2010	416-800-0000	6-25-2010	Amend	7-1-2010
415-057-0120	5-6-2010	Adopt	6-1-2010	416-800-0010	6-25-2010	Amend	7-1-2010
415-057-0130	5-6-2010	Adopt	6-1-2010	416-800-0020	6-25-2010	Amend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
416-800-0031	6-25-2010	Adopt	7-1-2010	436-010-0265	1-1-2010	Amend	1-1-2010
416-800-0041	6-25-2010	Adopt	7-1-2010	436-010-0280	1-1-2010	Amend	1-1-2010
416-800-0045	6-25-2010	Adopt	7-1-2010	436-010-0330	7-1-2010	Amend	7-1-2010
416-800-0050	6-25-2010	Adopt	7-1-2010	436-015-0090	7-1-2010	Amend	7-1-2010
416-800-0055	6-25-2010	Adopt	7-1-2010	436-030-0002	1-1-2010	Amend	1-1-2010
416-800-0060	6-25-2010	Repeal	7-1-2010	436-030-0003	1-1-2010	Amend	1-1-2010
416-800-0065	6-25-2010	Adopt	7-1-2010	436-030-0005	1-1-2010	Amend	1-1-2010
416-800-0070	6-25-2010	Amend	7-1-2010	436-030-0007	1-1-2010	Amend	1-1-2010
416-800-0080	6-25-2010	Adopt	7-1-2010	436-030-0009	1-1-2010	Repeal	1-1-2010
416-800-0090	6-25-2010	Adopt	7-1-2010	436-030-0015	1-1-2010	Amend	1-1-2010
416-800-0095	6-25-2010	Adopt	7-1-2010	436-030-0017	1-1-2010	Amend	1-1-2010
436-001-0003	1-1-2010	Amend	1-1-2010	436-030-0020	1-1-2010	Amend	1-1-2010
436-001-0019	1-1-2010	Amend	1-1-2010	436-030-0034	1-1-2010	Amend	1-1-2010
436-001-0265	1-1-2010	Am. & Ren.	1-1-2010	436-030-0065	1-1-2010	Amend	1-1-2010
436-001-0265	1-1-2010	Am. & Ren.	1-1-2010	436-030-0115	1-1-2010	Amend	1-1-2010
436-001-0420	1-1-2010	Adopt	1-1-2010	436-030-0135	1-1-2010	Amend	1-1-2010
436-001-0430	1-1-2010	Adopt	1-1-2010	436-030-0145	1-1-2010	Amend	1-1-2010
436-001-0440	1-1-2010	Adopt	1-1-2010	436-030-0155	1-1-2010	Amend	1-1-2010
436-009-0002	7-1-2010	Amend	7-1-2010	436-030-0165	1-1-2010	Amend	1-1-2010
436-009-0003	7-1-2010	Amend	7-1-2010	436-030-0185	1-1-2010	Amend	1-1-2010
436-009-0004	7-1-2010	Amend	7-1-2010	436-030-0580	1-1-2010	Amend	1-1-2010
436-009-0005	7-1-2010	Amend	7-1-2010	436-035-0002	6-1-2010	Amend	6-1-2010
436-009-0008	7-1-2010	Amend	7-1-2010	436-035-0003	6-1-2010	Amend	6-1-2010
436-009-0010	1-1-2010	Amend	1-1-2010	436-035-0005	6-1-2010	Amend	6-1-2010
436-009-0010	7-1-2010	Amend	7-1-2010	436-035-0007	6-1-2010	Amend	6-1-2010
436-009-0015	7-1-2010	Amend	7-1-2010	436-035-0011	6-1-2010	Amend	6-1-2010
436-009-0020	7-1-2010	Amend	7-1-2010	436-035-0012	6-1-2010	Amend	6-1-2010
436-009-0022	7-1-2010	Amend	7-1-2010	436-035-0013	6-1-2010	Amend	6-1-2010
436-009-0025	7-1-2010	Amend	7-1-2010	436-035-0014	6-1-2010	Amend	6-1-2010
436-009-0030	7-1-2010	Amend	7-1-2010	436-035-0015	6-1-2010	Amend	6-1-2010
436-009-0030	1-1-2011	Amend	11-1-2010	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
436-009-0100	7-1-2010	Am. & Ren.	7-1-2010	436-035-0340	6-1-2010	Amend	6-1-2010
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
436-009-0125	7-1-2010	Adopt	7-1-2010	436-035-0400	6-1-2010	Amend	6-1-2010
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
436-009-0145	7-1-2010	Adopt	7-1-2010	436-060-0003	1-1-2010	Amend	1-1-2010
436-009-0150	7-1-2010	Adopt	7-1-2010	436-060-0008	1-1-2010	Amend	1-1-2010
436-009-0155	7-1-2010	Adopt	7-1-2010	436-060-0009	1-1-2010	Amend	1-1-2010
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-060-0105	1-1-2010	Amend	1-1-2010	436-120-0008	1-1-2010	Amend	1-1-2010
436-060-0135	1-1-2010	Amend	1-1-2010	436-120-0008	11-15-2010	Amend	10-1-2010
436-060-0137	1-1-2010	Amend	1-1-2010	436-120-0115	11-15-2010	Amend	10-1-2010
436-060-0140	1-1-2010	Amend	1-1-2010	436-120-0165	11-15-2010	Amend	10-1-2010
436-060-0147	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0150	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0153	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0155	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0180	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0195	1-1-2010	Amend	1-1-2010	436-120-0320	1-1-2010	Am. & Ren.	1-1-2010
436-060-0200	1-1-2010	Amend	1-1-2010	436-120-0340	1-1-2010	Amend	1-1-2010
436-060-0400	1-1-2010	Adopt	1-1-2010	436-120-0350	1-1-2010	Am. & Ren.	1-1-2010
436-060-0500	1-1-2010	Amend	1-1-2010	436-120-0350	1-1-2010	Am. & Ren.	1-1-2010
436-060-0510	1-1-2010	Amend	1-1-2010	436-120-0360	1-1-2010	Am. & Ren.	1-1-2010
436-075-0110	1-1-2010	Repeal	1-1-2010	436-120-0400	11-15-2010	Amend	10-1-2010
436-105-0003	1-1-2010	Amend	1-1-2010	436-120-0410	1-1-2010	Amend	1-1-2010
436-105-0005	1-1-2010	Amend	1-1-2010	436-120-0430	11-15-2010	Amend	10-1-2010
436-105-0500	1-1-2010	Amend	1-1-2010	436-120-0440	1-1-2010	Amend	1-1-2010
436-105-0520	1-1-2010	Amend	1-1-2010	436-120-0440	11-15-2010	Am. & Ren.	10-1-2010
436-105-0540	1-1-2010	Amend	1-1-2010	436-120-0440	11-15-2010	Am. & Ren.	10-1-2010
436-105-0550	1-1-2010	Amend	1-1-2010	436-120-0440	11-15-2010	Am. & Ren.	10-1-2010
436-110-0005	1-1-2010	Amend	1-1-2010	436-120-0500	1-1-2010	Amend	1-1-2010
436-110-0005	10-12-2010	Amend	10-1-2010	436-120-0500	11-15-2010	Amend	10-1-2010
436-110-0240	4-15-2010	Amend(T)	5-1-2010	436-120-0510	1-1-2010	Amend	1-1-2010
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	436-160-0001	1-1-2011	Amend	11-1-2010
436-110-0347	1-1-2010	Amend	1-1-2010	436-160-0002	1-1-2011	Amend	11-1-2010
436-110-0350	1-1-2010	Amend	1-1-2010	436-160-0004	1-1-2011	Amend	11-1-2010
436-110-0350	10-12-2010	Amend	10-1-2010	436-160-0005	1-1-2011	Amend	11-1-2010
436-110-0351	4-15-2010	Amend(T)	5-1-2010	436-160-0060	1-1-2011	Amend	11-1-2010
436-110-0351	10-12-2010	Amend	10-1-2010	436-160-0080	1-1-2011	Repeal	11-1-2010
436-110-0352	10-12-2010	Amend	10-1-2010	436-160-0300	1-1-2011	Am. & Ren.	11-1-2010
436-110-0900	1-1-2010	Amend	1-1-2010	436-160-0310	1-1-2010	Amend	1-1-2010
436-120-0001	11-15-2010	Amend	10-1-2010	436-160-0310	1-1-2011	Am. & Ren.	11-1-2010
436-120-0004	1-1-2010	Amend	1-1-2010	436-160-0320	1-1-2011	Am. & Ren.	11-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	436-160-0330	1-1-2011	Am. & Ren.	11-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	436-160-0340	1-1-2010	Amend	1-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	436-160-0340	1-1-2011	Am. & Ren.	11-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	436-160-0350	1-1-2011	Am. & Ren.	11-1-2010
436-120-0004	11-15-2010	Am. & Ren.	10-1-2010	436-160-0355	1-1-2011	Renumber	11-1-2010
436-120-0005	1-1-2010	Amend	1-1-2010	436-160-0360	1-1-2011	Renumber	11-1-2010
436-120-0005	11-15-2010	Amend	10-1-2010	436-160-0370	1-1-2011	Renumber	11-1-2010
436-120-0007	1-1-2010	Amend	1-1-2010	436-160-0400	1-1-2011	Repeal	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-160-0405	1-1-2011	Adopt	11-1-2010	440-015-0060	2-1-2010	Repeal	3-1-2010
436-160-0410	1-1-2011	Amend	11-1-2010	440-015-0070	2-1-2010	Repeal	3-1-2010
436-160-0415	1-1-2011	Adopt	11-1-2010	440-015-0080	2-1-2010	Repeal	3-1-2010
436-160-0420	1-1-2011	Amend	11-1-2010	440-015-0090	2-1-2010	Repeal	3-1-2010
436-160-0440	1-1-2011	Adopt	11-1-2010	440-015-0100	2-1-2010	Adopt	3-1-2010
436-160-0445	1-1-2011	Adopt	11-1-2010	440-015-0105	2-1-2010	Adopt	3-1-2010
436-162-0001	1-1-2011	Adopt	11-1-2010	440-015-0110	2-1-2010	Adopt	3-1-2010
436-162-0002	1-1-2011	Adopt	11-1-2010	440-015-0115	2-1-2010	Adopt	3-1-2010
436-162-0003	1-1-2011	Adopt	11-1-2010	440-045-0020	1-1-2011	Amend	11-1-2010
436-162-0004	1-1-2011	Adopt	11-1-2010	440-045-0025	1-1-2011	Amend	11-1-2010
436-162-0005	1-1-2011	Adopt	11-1-2010	441-002-0005	5-1-2010	Repeal	6-1-2010
436-162-0006	1-1-2011	Adopt	11-1-2010	441-002-0010	5-1-2010	Repeal	6-1-2010
436-162-0010	1-1-2011	Adopt	11-1-2010	441-002-0020	5-1-2010	Repeal	6-1-2010
436-162-0020	1-1-2011	Adopt	11-1-2010	441-002-0030	5-1-2010	Repeal	6-1-2010
436-162-0030	1-1-2011	Adopt	11-1-2010	441-002-0040	5-1-2010	Repeal	6-1-2010
436-162-0040	1-1-2011	Adopt	11-1-2010	441-035-0010	8-3-2010	Amend(T)	9-1-2010
436-162-0050	1-1-2011	Adopt	11-1-2010	441-049-1001	7-1-2010	Amend	8-1-2010
436-162-0060	1-1-2011	Adopt	11-1-2010	441-175-0002	7-1-2010	Amend	8-1-2010
436-162-0070	1-1-2011	Adopt	11-1-2010	441-175-0100	7-1-2010	Amend	8-1-2010
436-162-0090	1-1-2011	Adopt	11-1-2010	441-175-0165	7-1-2010	Amend	8-1-2010
437-002-0005	2-19-2010	Amend	4-1-2010	441-500-0020	3-16-2010	Amend	5-1-2010
437-002-0005	2-25-2010	Amend	4-1-2010	441-505-3046	12-7-2009	Amend	1-1-2010
437-002-0080	2-25-2010	Amend	4-1-2010	441-505-3046(T)	12-7-2009	Repeal	1-1-2010
437-002-0100	2-19-2010	Amend	4-1-2010	441-674-0005	9-1-2010	Adopt(T)	10-1-2010
437-002-0120	2-25-2010	Amend	4-1-2010	441-674-0100	9-1-2010	Adopt(T)	10-1-2010
437-002-0280	2-25-2010	Amend	4-1-2010	441-674-0120	9-1-2010	Adopt(T)	10-1-2010
437-002-0360	6-15-2010	Amend	7-1-2010	441-674-0130	9-1-2010	Adopt(T)	10-1-2010
437-002-2102	2-19-2010	Adopt	4-1-2010	441-674-0140	9-1-2010	Adopt(T)	10-1-2010
437-003-0001	6-15-2010	Amend	7-1-2010	441-674-0210	9-1-2010	Adopt(T)	10-1-2010
437-004-0002	1-1-2011	Amend	8-1-2010	441-674-0220	9-1-2010	Adopt(T)	10-1-2010
437-004-0003	1-1-2011	Amend	8-1-2010	441-674-0230	9-1-2010	Adopt(T)	10-1-2010
437-004-0004	1-1-2011	Repeal	8-1-2010	441-674-0240	9-1-2010	Adopt(T)	10-1-2010
437-004-0099	1-1-2011	Amend	8-1-2010	441-674-0250	9-1-2010	Adopt(T)	10-1-2010
437-004-0240	1-1-2011	Amend	8-1-2010	441-674-0310	9-1-2010	Adopt(T)	10-1-2010
437-004-0250	1-1-2011	Repeal	8-1-2010	441-674-0910	9-1-2010	Adopt(T)	10-1-2010
437-004-0251	1-1-2011	Adopt	8-1-2010	441-674-0915	9-1-2010	Adopt(T)	10-1-2010
437-004-1035	2-25-2010	Amend	4-1-2010	441-674-0920	9-1-2010	Adopt(T)	10-1-2010
437-004-1050	2-25-2010	Amend	4-1-2010	441-710-0540	12-7-2009	Amend	1-1-2010
437-004-1060	2-25-2010	Amend	4-1-2010	441-710-0540(T)	12-7-2009	Repeal	1-1-2010
437-004-1305	1-1-2011	Amend	8-1-2010	441-730-0000	6-4-2010	Amend	7-1-2010
437-004-2310	2-25-2010	Amend	4-1-2010	441-730-0010	6-4-2010	Amend	7-1-2010
437-005-0001	2-25-2010	Amend	4-1-2010	441-730-0015	6-4-2010	Amend	7-1-2010
437-005-0001	6-15-2010	Amend	7-1-2010	441-730-0025	6-4-2010	Amend	7-1-2010
437-005-0002	2-25-2010	Amend	4-1-2010	441-730-0026	3-22-2010	Adopt	5-1-2010
437-005-0003	2-25-2010	Amend	4-1-2010	441-730-0027	3-22-2010	Adopt	5-1-2010
437-007-0305	2-25-2010	Amend	4-1-2010	441-730-0030	6-4-2010	Amend	7-1-2010
440-005-0015	5-1-2010	Amend	5-1-2010	441-730-0050	6-4-2010	Amend	7-1-2010
440-005-0020	5-1-2010	Amend	5-1-2010	441-730-0070	3-22-2010	Amend	5-1-2010
440-005-0025	5-1-2010	Amend	5-1-2010	441-730-0070	6-4-2010	Amend	7-1-2010
440-005-0030	5-1-2010	Amend	5-1-2010	441-730-0080	6-4-2010	Amend	7-1-2010
440-015-0001	2-1-2010	Repeal	3-1-2010	441-730-0100	6-4-2010	Amend	7-1-2010
440-015-0010	2-1-2010	Repeal	3-1-2010	441-730-0110	6-4-2010	Amend	7-1-2010
440-015-0020	2-1-2010	Repeal	3-1-2010	441-730-0120	6-4-2010	Amend	7-1-2010
440-015-0030	2-1-2010	Repeal	3-1-2010	441-730-0125	3-22-2010	Adopt	5-1-2010
440-015-0040	2-1-2010	Repeal	3-1-2010	441-730-0130	6-4-2010	Amend	7-1-2010
440-015-0050	2-1-2010	Repeal	3-1-2010	441-730-0140	6-4-2010	Amend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
441-730-0205	6-4-2010	Amend	7-1-2010	441-860-0050	1-4-2010	Amend	2-1-2010
441-730-0246	12-7-2009	Amend	1-1-2010	441-860-0060	1-4-2010	Amend	2-1-2010
441-730-0246	6-4-2010	Amend	7-1-2010	441-860-0070	1-4-2010	Amend	2-1-2010
441-730-0246(T)	12-7-2009	Repeal	1-1-2010	441-860-0080	1-4-2010	Amend	2-1-2010
441-730-0255	6-4-2010	Amend	7-1-2010	441-860-0085	3-22-2010	Adopt	5-1-2010
441-730-0260	6-4-2010	Amend	7-1-2010	441-860-0090	3-22-2010	Amend	5-1-2010
441-730-0271	6-4-2010	Repeal	7-1-2010	441-860-0101	1-1-2010	Adopt	1-1-2010
441-730-0272	6-4-2010	Repeal	7-1-2010	441-860-0130	1-4-2010	Amend	2-1-2010
441-730-0275	6-4-2010	Repeal	7-1-2010	441-860-0400	1-1-2010	Adopt	1-1-2010
441-730-0280	6-4-2010	Amend	7-1-2010	441-865-0010	1-4-2010	Amend	2-1-2010
441-730-0310	6-4-2010	Repeal	7-1-2010	441-865-0020	1-4-2010	Amend	2-1-2010
441-730-0320	3-22-2010	Amend	5-1-2010	441-865-0025	1-4-2010	Amend	2-1-2010
441-730-0320	6-4-2010	Amend	7-1-2010	441-865-0025	3-22-2010	Amend	5-1-2010
441-735-0000	6-4-2010	Adopt	7-1-2010	441-865-0030	1-4-2010	Amend	2-1-2010
441-735-0010	6-4-2010	Adopt	7-1-2010	441-865-0040	1-4-2010	Amend	2-1-2010
441-735-0015	6-4-2010	Adopt	7-1-2010	441-865-0050	1-4-2010	Amend	2-1-2010
441-735-0025	6-4-2010	Adopt	7-1-2010	441-865-0060	3-22-2010	Amend	5-1-2010
441-735-0030	6-4-2010	Adopt	7-1-2010	441-865-0080	1-4-2010	Amend	2-1-2010
441-735-0050	6-4-2010	Adopt	7-1-2010	441-865-0090	1-4-2010	Amend	2-1-2010
441-735-0060	6-4-2010	Adopt	7-1-2010	441-870-0030	1-4-2010	Amend	2-1-2010
441-735-0070	6-4-2010	Adopt	7-1-2010	441-870-0040	1-4-2010	Amend	2-1-2010
441-735-0080	6-4-2010	Adopt	7-1-2010	441-870-0050	1-4-2010	Amend	2-1-2010
441-735-0100	6-4-2010	Adopt	7-1-2010	441-870-0070	1-4-2010	Amend	2-1-2010
441-735-0110	6-4-2010	Adopt	7-1-2010	441-870-0080	1-4-2010	Amend	2-1-2010
441-735-0120	6-4-2010	Adopt	7-1-2010	441-870-0080	3-22-2010	Amend	5-1-2010
441-735-0130	6-4-2010	Adopt	7-1-2010	441-870-0081	3-22-2010	Adopt	5-1-2010
441-735-0140	6-4-2010	Adopt	7-1-2010	441-875-0010	1-4-2010	Repeal	2-1-2010
441-735-0160	6-4-2010	Adopt	7-1-2010	441-875-0020	1-4-2010	Amend	2-1-2010
441-735-0165	6-4-2010	Adopt	7-1-2010	441-875-0030	1-4-2010	Amend	2-1-2010
441-735-0205	6-4-2010	Adopt	7-1-2010	441-875-0040	1-4-2010	Amend	2-1-2010
441-735-0240	6-4-2010	Adopt	7-1-2010	441-880-0010	1-4-2010	Amend	2-1-2010
441-735-0250	6-4-2010	Adopt	7-1-2010	441-880-0020	1-4-2010	Am. & Ren.	2-1-2010
441-735-0255	6-4-2010	Adopt	7-1-2010	441-880-0021	1-4-2010	Adopt	2-1-2010
441-735-0271	6-4-2010	Adopt	7-1-2010	441-880-0022	1-4-2010	Adopt	2-1-2010
441-735-0272	6-4-2010	Adopt	7-1-2010	441-880-0030	1-4-2010	Amend	2-1-2010
441-735-0275	6-4-2010	Adopt	7-1-2010	441-880-0040	1-4-2010	Amend	2-1-2010
441-735-0280	6-4-2010	Adopt	7-1-2010	441-880-0050	1-4-2010	Am. & Ren.	2-1-2010
441-735-0310	6-4-2010	Adopt	7-1-2010	441-880-0200	1-4-2010	Adopt	2-1-2010
441-735-0320	6-4-2010	Adopt	7-1-2010	441-880-0205	1-4-2010	Adopt	2-1-2010
441-740-0000	5-6-2010	Amend	6-1-2010	441-880-0210	1-4-2010	Adopt	2-1-2010
441-740-0010	5-6-2010	Amend	6-1-2010	441-880-0300	1-4-2010	Adopt	2-1-2010
441-740-0015	5-6-2010	Amend	6-1-2010	441-880-0310	1-4-2010	Adopt	2-1-2010
441-740-0050	5-6-2010	Repeal	6-1-2010	441-885-0010	1-4-2010	Amend	2-1-2010
441-850-0005	1-4-2010	Amend	2-1-2010	441-910-0000	1-1-2010	Amend	2-1-2010
441-850-0035	1-4-2010	Amend	2-1-2010	441-910-0005	1-1-2010	Adopt	2-1-2010
441-850-0042	12-7-2009	Amend	1-1-2010	441-910-0010	1-1-2010	Amend	2-1-2010
441-850-0042(T)	12-7-2009	Repeal	1-1-2010	441-910-0020	1-1-2010	Repeal	2-1-2010
441-850-0050	1-4-2010	Adopt	2-1-2010	441-910-0030	1-1-2010	Amend	2-1-2010
441-860-0010	1-4-2010	Repeal	2-1-2010	441-910-0040	1-1-2010	Repeal	2-1-2010
441-860-0020	1-1-2010	Amend	1-1-2010	441-910-0050	1-1-2010	Amend	2-1-2010
441-860-0020	1-4-2010	Amend	2-1-2010	441-910-0055	1-1-2010	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
441-910-0080	1-1-2010	Amend	2-1-2010	442-010-0090(T)	8-31-2010	Repeal	10-1-2010
441-910-0090	1-1-2010	Repeal	2-1-2010	442-010-0100	3-23-2010	Adopt(T)	5-1-2010
441-910-0091	1-1-2010	Adopt	2-1-2010	442-010-0100	8-31-2010	Adopt	10-1-2010
441-910-0092	1-1-2010	Amend	2-1-2010	442-010-0100(T)	8-31-2010	Repeal	10-1-2010
441-910-0092(T)	1-1-2010	Repeal	2-1-2010	442-010-0110	3-23-2010	Adopt(T)	5-1-2010
441-910-0093	1-1-2010	Repeal	2-1-2010	442-010-0110	8-31-2010	Adopt	10-1-2010
441-910-0094	1-1-2010	Adopt	2-1-2010	442-010-0110(T)	8-31-2010	Repeal	10-1-2010
441-910-0095	1-1-2010	Repeal	2-1-2010	442-010-0120	3-23-2010	Adopt(T)	5-1-2010
441-910-0099	1-1-2010	Adopt	2-1-2010	442-010-0120	8-31-2010	Adopt	10-1-2010
441-910-0110	1-1-2010	Repeal	2-1-2010	442-010-0120(T)	8-31-2010	Repeal	10-1-2010
441-910-0120	1-1-2010	Repeal	2-1-2010	442-010-0130	3-23-2010	Adopt(T)	5-1-2010
441-910-0135	1-1-2010	Adopt	2-1-2010	442-010-0130	8-31-2010	Adopt	10-1-2010
441-910-0145	1-1-2010	Adopt	2-1-2010	442-010-0130(T)	8-31-2010	Repeal	10-1-2010
441-910-0150	1-1-2010	Adopt	2-1-2010	442-010-0140	3-23-2010	Adopt(T)	5-1-2010
441-910-0151	1-1-2010	Adopt	2-1-2010	442-010-0140	8-31-2010	Adopt	10-1-2010
441-910-0200	1-1-2010	Adopt	2-1-2010	442-010-0140(T)	8-31-2010	Repeal	10-1-2010
441-910-9000(T)	1-6-2010	Suspend	2-1-2010	442-010-0150	3-23-2010	Adopt(T)	5-1-2010
441-910-9001(T)	1-6-2010	Suspend	2-1-2010	442-010-0150	8-31-2010	Adopt	10-1-2010
442-005-0010	1-7-2010	Amend(T)	2-1-2010	442-010-0150(T)	8-31-2010	Repeal	10-1-2010
442-005-0010	7-22-2010	Amend	9-1-2010	442-010-0160	3-23-2010	Adopt(T)	5-1-2010
442-005-0030	10-11-2010	Amend(T)	11-1-2010	442-010-0160	8-31-2010	Adopt	10-1-2010
442-005-0050	1-7-2010	Amend(T)	2-1-2010	442-010-0160(T)	8-31-2010	Repeal	10-1-2010
442-005-0050	7-22-2010	Amend	9-1-2010	442-010-0170	3-23-2010	Adopt(T)	5-1-2010
442-005-0060	1-7-2010	Amend(T)	2-1-2010	442-010-0170	8-31-2010	Adopt	10-1-2010
442-005-0060	7-22-2010	Amend	9-1-2010	442-010-0170(T)	8-31-2010	Repeal	10-1-2010
442-005-0060	9-2-2010	Amend	10-1-2010	442-010-0180	3-23-2010	Adopt(T)	5-1-2010
442-005-0100	1-7-2010	Amend(T)	2-1-2010	442-010-0180	8-31-2010	Adopt	10-1-2010
442-005-0100	7-22-2010	Amend	9-1-2010	442-010-0180(T)	8-31-2010	Repeal	10-1-2010
442-010-0010	3-23-2010	Adopt(T)	5-1-2010	442-010-0190	3-23-2010	Adopt(T)	5-1-2010
442-010-0010	8-31-2010	Adopt	10-1-2010	442-010-0190	8-31-2010	Adopt	10-1-2010
442-010-0010(T)	8-31-2010	Repeal	10-1-2010	442-010-0190(T)	8-31-2010	Repeal	10-1-2010
442-010-0020	3-23-2010	Adopt(T)	5-1-2010	443-002-0070	2-9-2010	Amend	3-1-2010
442-010-0020	8-31-2010	Adopt	10-1-2010	443-002-0090	2-9-2010	Amend	3-1-2010
442-010-0020(T)	8-31-2010	Repeal	10-1-2010	443-002-0190	9-29-2010	Amend(T)	11-1-2010
442-010-0030	3-23-2010	Adopt(T)	5-1-2010	459-005-0001	5-28-2010	Amend	7-1-2010
442-010-0030	8-31-2010	Adopt	10-1-2010	459-009-0120	5-28-2010	Repeal	7-1-2010
442-010-0030(T)	8-31-2010	Repeal	10-1-2010	459-009-0200	8-2-2010	Amend	9-1-2010
442-010-0040	3-23-2010	Adopt(T)	5-1-2010	459-010-0010	5-28-2010	Amend	7-1-2010
442-010-0040	8-31-2010	Adopt	10-1-2010	459-010-0014	5-28-2010	Amend	7-1-2010
442-010-0040(T)	8-31-2010	Repeal	10-1-2010	459-010-0042	5-28-2010	Repeal	7-1-2010
442-010-0050	3-23-2010	Adopt(T)	5-1-2010	459-011-0050	5-28-2010	Amend	7-1-2010
442-010-0050	8-31-2010	Adopt	10-1-2010	459-014-0100	5-28-2010	Repeal	7-1-2010
442-010-0050(T)	8-31-2010	Repeal	10-1-2010	459-015-0001	5-28-2010	Amend	7-1-2010
442-010-0055	8-31-2010	Adopt	10-1-2010	459-015-0005	5-28-2010	Amend	7-1-2010
442-010-0055(T)	8-31-2010	Repeal	10-1-2010	459-015-0030	8-2-2010	Amend	9-1-2010
442-010-0060	3-23-2010	Adopt(T)	5-1-2010	459-015-0055	8-2-2010	Amend	9-1-2010
442-010-0060	8-31-2010	Adopt	10-1-2010	459-015-0060	6-17-2010	Repeal	8-1-2010
442-010-0060(T)	8-31-2010	Repeal	10-1-2010	459-017-0060	12-1-2009	Amend	1-1-2010
442-010-0070	3-23-2010	Adopt(T)	5-1-2010	459-030-0025	8-2-2010	Amend	9-1-2010
442-010-0070	8-31-2010	Adopt	10-1-2010	459-035-0000	4-5-2010	Amend(T)	5-1-2010
442-010-0070(T)	8-31-2010	Repeal	10-1-2010	459-035-0000	9-29-2010	Amend	11-1-2010
442-010-0080	3-23-2010	Adopt(T)	5-1-2010	459-035-0001	4-5-2010	Amend(T)	5-1-2010
442-010-0080	8-31-2010	Adopt	10-1-2010	459-035-0001	9-29-2010	Amend	11-1-2010
442-010-0080(T)	8-31-2010	Repeal	10-1-2010	459-035-0020	4-5-2010	Amend(T)	5-1-2010
442-010-0090	3-23-2010	Adopt(T)	5-1-2010	459-035-0020	9-29-2010	Amend	11-1-2010
442-010-0090	8-31-2010	Adopt	10-1-2010	459-035-0030	4-5-2010	Amend(T)	5-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
459-035-0030	9-29-2010	Amend	11-1-2010	461-115-0230	1-1-2010	Amend(T)	2-1-2010
459-035-0040	4-5-2010	Amend(T)	5-1-2010	461-115-0230	4-1-2010	Amend	5-1-2010
459-035-0040	9-29-2010	Amend	11-1-2010	461-115-0230	4-1-2010	Amend(T)	5-1-2010
459-045-0000	5-28-2010	Repeal	7-1-2010	461-115-0230	7-1-2010	Amend	8-1-2010
459-045-0001	5-28-2010	Amend	7-1-2010	461-115-0230(T)	4-1-2010	Repeal	5-1-2010
459-045-0010	5-28-2010	Amend	7-1-2010	461-115-0430	1-1-2010	Amend(T)	2-1-2010
459-045-0012	5-28-2010	Adopt	7-1-2010	461-115-0430	4-1-2010	Amend	5-1-2010
459-045-0014	5-28-2010	Adopt	7-1-2010	461-115-0430	4-1-2010	Amend(T)	5-1-2010
459-045-0020	5-28-2010	Amend	7-1-2010	461-115-0430	7-1-2010	Amend	8-1-2010
459-045-0030	5-28-2010	Amend	7-1-2010	461-115-0430(T)	4-1-2010	Repeal	5-1-2010
459-045-0032	5-28-2010	Adopt	7-1-2010	461-115-0530	7-1-2010	Amend(T)	8-1-2010
459-045-0034	5-28-2010	Adopt	7-1-2010	461-115-0530	10-1-2010	Amend	11-1-2010
459-045-0040	5-28-2010	Amend	7-1-2010	461-115-0530(T)	10-1-2010	Repeal	11-1-2010
459-045-0050	5-28-2010	Amend	7-1-2010	461-115-0651	4-1-2010	Amend	5-1-2010
459-045-0060	5-28-2010	Amend	7-1-2010	461-115-0690	4-1-2010	Amend	5-1-2010
459-045-0080	5-28-2010	Amend	7-1-2010	461-115-0705	1-1-2010	Amend	2-1-2010
459-045-0090	5-28-2010	Amend	7-1-2010	461-115-0705	1-1-2010	Amend(T)	2-1-2010
459-075-0150	5-28-2010	Amend	7-1-2010	461-115-0705	5-28-2010	Amend(T)	7-1-2010
459-076-0060	6-17-2010	Repeal	8-1-2010	461-115-0705	7-1-2010	Amend	8-1-2010
459-080-0260	9-29-2010	Adopt	11-1-2010	461-115-0705	7-1-2010	Amend(T)	8-1-2010
461-001-0015	4-1-2010	Amend	5-1-2010	461-115-0705	10-1-2010	Amend	11-1-2010
461-025-0310	1-1-2010	Amend	2-1-2010	461-115-0705(T)	1-1-2010	Repeal	2-1-2010
461-025-0311	8-16-2010	Amend(T)	10-1-2010	461-115-0705(T)	5-28-2010	Suspend	7-1-2010
461-101-0010	1-1-2010	Amend	2-1-2010	461-115-0705(T)	10-1-2010	Repeal	11-1-2010
461-101-0010	1-1-2010	Amend(T)	2-1-2010	461-120-0010	1-1-2010	Amend(T)	2-1-2010
461-101-0010	7-1-2010	Amend	8-1-2010	461-120-0010	7-1-2010	Amend	8-1-2010
461-101-0010	8-16-2010	Amend(T)	10-1-2010	461-120-0125	1-1-2010	Amend	2-1-2010
461-101-0010(T)	1-1-2010	Repeal	2-1-2010	461-120-0125	1-1-2010	Amend(T)	2-1-2010
461-105-0006	1-1-2010	Adopt	2-1-2010	461-120-0125	7-1-2010	Amend	8-1-2010
461-105-0006	4-1-2010	Amend	5-1-2010	461-120-0125(T)	1-1-2010	Repeal	2-1-2010
461-105-0006(T)	1-1-2010	Repeal	2-1-2010	461-120-0210	1-1-2010	Amend	2-1-2010
461-110-0210	1-1-2010	Amend	2-1-2010	461-120-0210	1-1-2010	Amend(T)	2-1-2010
461-110-0210	1-1-2010	Amend(T)	2-1-2010	461-120-0210	7-1-2010	Amend	8-1-2010
461-110-0210	7-1-2010	Amend	8-1-2010	461-120-0210(T)	1-1-2010	Repeal	2-1-2010
461-110-0210(T)	1-1-2010	Repeal	2-1-2010	461-120-0310	1-1-2010	Amend	2-1-2010
461-110-0370	1-1-2010	Amend	2-1-2010	461-120-0310(T)	1-1-2010	Repeal	2-1-2010
461-110-0400	1-1-2010	Amend(T)	2-1-2010	461-120-0315	1-1-2010	Amend	2-1-2010
461-110-0400	7-1-2010	Amend	8-1-2010	461-120-0315(T)	1-1-2010	Repeal	2-1-2010
461-110-0430	1-1-2010	Amend	2-1-2010	461-120-0345	1-1-2010	Amend	2-1-2010
461-110-0430	10-1-2010	Amend	11-1-2010	461-120-0345(T)	1-1-2010	Repeal	2-1-2010
461-110-0530	1-1-2010	Amend(T)	2-1-2010	461-120-0510	1-1-2010	Amend	2-1-2010
461-110-0530	7-1-2010	Amend	8-1-2010	461-120-0510(T)	1-1-2010	Repeal	2-1-2010
461-110-0630	1-1-2010	Amend(T)	2-1-2010	461-125-0170	1-1-2010	Amend	2-1-2010
461-110-0630	7-1-2010	Amend	8-1-2010	461-125-0170(T)	1-1-2010	Repeal	2-1-2010
461-110-0630	8-16-2010	Amend(T)	10-1-2010	461-125-0310	1-1-2010	Amend	2-1-2010
461-115-0030	1-1-2010	Amend	2-1-2010	461-135-0095	1-1-2010	Amend	2-1-2010
461-115-0030	1-1-2010	Amend(T)	2-1-2010	461-135-0095(T)	1-1-2010	Repeal	2-1-2010
461-115-0030	7-1-2010	Amend	8-1-2010	461-135-0096	1-1-2010	Amend	2-1-2010
461-115-0030(T)	1-1-2010	Repeal	2-1-2010	461-135-0096(T)	1-1-2010	Repeal	2-1-2010
461-115-0050	1-1-2010	Amend	2-1-2010	461-135-01195	4-1-2010	Amend	5-1-2010
461-115-0050	1-1-2010	Amend(T)	2-1-2010	461-135-0150	5-1-2010	Amend(T)	6-1-2010
461-115-0050	7-1-2010	Amend	8-1-2010	461-135-0150	10-1-2010	Amend	11-1-2010
461-115-0050(T)	1-1-2010	Repeal	2-1-2010	461-135-0150(T)	10-1-2010	Repeal	11-1-2010
461-115-0071	1-1-2010	Amend	2-1-2010	461-135-0210	8-16-2010	Amend(T)	10-1-2010
461-115-0071	7-15-2010	Amend(T)	8-1-2010	461-135-0400	7-1-2010	Amend	8-1-2010
461-115-0090	1-1-2010	Amend	2-1-2010	461-135-0400	10-1-2010	Amend(T)	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-135-0415	7-1-2010	Amend	8-1-2010	461-135-1149	1-1-2010	Amend(T)	2-1-2010
461-135-0498	4-1-2010	Adopt	5-1-2010	461-135-1149	7-1-2010	Amend	8-1-2010
461-135-0570	2-5-2010	Amend(T)	3-1-2010	461-135-1149(T)	1-1-2010	Repeal	2-1-2010
461-135-0570	4-1-2010	Amend	5-1-2010	461-135-1175	4-1-2010	Amend(T)	5-1-2010
461-135-0570	4-1-2010	Amend(T)	5-1-2010	461-135-1175	7-1-2010	Amend	8-1-2010
461-135-0570	7-1-2010	Amend	8-1-2010	461-135-1175(T)	7-1-2010	Repeal	8-1-2010
461-135-0570(T)	4-1-2010	Repeal	5-1-2010	461-135-1180	1-1-2010	Repeal	2-1-2010
461-135-0570(T)	7-1-2010	Repeal	8-1-2010	461-135-1185	1-1-2010	Amend	2-1-2010
461-135-0575	4-1-2010	Amend	5-1-2010	461-135-1195	11-16-2009	Amend(T)	1-1-2010
461-135-0730	4-1-2010	Amend	5-1-2010	461-135-1195(T)	4-1-2010	Repeal	5-1-2010
461-135-0832	4-1-2010	Amend	5-1-2010	461-135-1225	1-1-2010	Amend	2-1-2010
461-135-0835	1-1-2010	Amend	2-1-2010	461-135-1230	1-1-2010	Amend	2-1-2010
461-135-0835	4-1-2010	Amend	5-1-2010	461-135-1250	8-16-2010	Amend(T)	10-1-2010
461-135-0835	5-27-2010	Amend(T)	7-1-2010	461-140-0296	10-1-2010	Amend	11-1-2010
461-135-0835	10-1-2010	Amend	11-1-2010	461-145-0022	4-1-2010	Amend	5-1-2010
461-135-0835(T)	10-1-2010	Repeal	11-1-2010	461-145-0040	7-1-2010	Amend	8-1-2010
461-135-0900	5-17-2010	Amend(T)	7-1-2010	461-145-0130	1-1-2010	Amend	2-1-2010
461-135-0900	10-1-2010	Amend	11-1-2010	461-145-0130	1-1-2010	Amend(T)	2-1-2010
461-135-0900(T)	10-1-2010	Repeal	11-1-2010	461-145-0130	4-1-2010	Amend	5-1-2010
461-135-0990	1-1-2010	Amend	2-1-2010	461-145-0130	5-19-2010	Amend(T)	7-1-2010
461-135-0990(T)	1-1-2010	Repeal	2-1-2010	461-145-0130	10-1-2010	Amend	11-1-2010
461-135-1100	12-1-2009	Amend(T)	1-1-2010	461-145-0130(T)	1-1-2010	Repeal	2-1-2010
461-135-1100	1-1-2010	Amend	2-1-2010	461-145-0130(T)	4-1-2010	Repeal	5-1-2010
461-135-1100	1-1-2010	Amend(T)	2-1-2010	461-145-0130(T)	10-1-2010	Repeal	11-1-2010
461-135-1100	4-21-2010	Amend(T)	6-1-2010	461-145-0140	4-22-2010	Amend(T)	6-1-2010
461-135-1100	7-1-2010	Amend	8-1-2010	461-145-0140	10-1-2010	Amend	11-1-2010
461-135-1100	7-1-2010	Amend(T)	8-1-2010	461-145-0140(T)	10-1-2010	Repeal	11-1-2010
461-135-1100	7-15-2010	Amend(T)	8-1-2010	461-145-0143	1-1-2010	Amend	2-1-2010
461-135-1100	8-16-2010	Adopt(T)	10-1-2010	461-145-0143	1-1-2010	Amend(T)	2-1-2010
461-135-1100	8-25-2010	Amend(T)	10-1-2010	461-145-0143	7-1-2010	Amend	8-1-2010
461-135-1100	10-1-2010	Amend	11-1-2010	461-145-0143	7-1-2010	Amend(T)	8-1-2010
461-135-1100	10-1-2010	Amend(T)	11-1-2010	461-145-0143	10-1-2010	Amend	11-1-2010
461-135-1100(T)	12-1-2009	Suspend	1-1-2010	461-145-0143(T)	1-1-2010	Repeal	2-1-2010
461-135-1100(T)	1-1-2010	Repeal	2-1-2010	461-145-0143(T)	10-1-2010	Repeal	11-1-2010
461-135-1100(T)	4-21-2010	Suspend	6-1-2010	461-145-0150	4-1-2010	Amend	5-1-2010
461-135-1100(T)	7-15-2010	Suspend	8-1-2010	461-145-0184	4-1-2010	Adopt	5-1-2010
461-135-1100(T)	8-16-2010	Suspend	10-1-2010	461-145-0220	1-1-2010	Amend	2-1-2010
461-135-1100(T)	8-25-2010	Suspend	10-1-2010	461-145-0260	1-1-2010	Amend	2-1-2010
461-135-1100(T)	10-1-2010	Repeal	11-1-2010	461-145-0320	4-1-2010	Amend	5-1-2010
461-135-1101	1-1-2010	Adopt(T)	2-1-2010	461-145-0320	7-1-2010	Amend	8-1-2010
461-135-1101	7-1-2010	Adopt	8-1-2010	461-145-0360	10-1-2010	Amend	11-1-2010
461-135-1102	4-21-2010	Amend(T)	6-1-2010	461-145-0405	1-1-2010	Amend	2-1-2010
461-135-1102	10-1-2010	Amend	11-1-2010	461-145-0550	11-24-2009	Amend(T)	1-1-2010
461-135-1102(T)	10-1-2010	Repeal	11-1-2010	461-145-0550	4-1-2010	Amend	5-1-2010
461-135-1110	7-1-2010	Amend(T)	8-1-2010	461-145-0550(T)	4-1-2010	Repeal	5-1-2010
461-135-1110	10-1-2010	Amend	11-1-2010	461-145-0810	1-1-2010	Amend	2-1-2010
461-135-1110(T)	10-1-2010	Repeal	11-1-2010	461-145-0820	7-1-2010	Amend	8-1-2010
461-135-1125	1-1-2010	Amend	2-1-2010	461-145-0830	7-1-2010	Amend	8-1-2010
461-135-1125	4-21-2010	Amend(T)	6-1-2010	461-145-0930	1-1-2010	Amend	2-1-2010
461-135-1125	8-16-2010	Amend(T)	10-1-2010	461-145-0930	10-1-2010	Amend	11-1-2010
461-135-1125	10-1-2010	Amend	11-1-2010	461-150-0030	10-1-2010	Repeal	11-1-2010
461-135-1125	10-1-2010	Amend(T)	11-1-2010	461-150-0050	10-1-2010	Amend	11-1-2010
461-135-1125(T)	1-1-2010	Repeal	2-1-2010	461-150-0055	1-1-2010	Amend	2-1-2010
461-135-1125(T)	8-16-2010	Suspend	10-1-2010	461-150-0055	8-16-2010	Amend(T)	10-1-2010
461-135-1125(T)	10-1-2010	Repeal	11-1-2010	461-150-0055(T)	1-1-2010	Repeal	2-1-2010
461-135-1149	1-1-2010	Adopt	2-1-2010	461-150-0060	4-1-2010	Amend	5-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-150-0090	12-1-2009	Amend(T)	1-1-2010	461-165-0030	7-1-2010	Amend	8-1-2010
461-150-0090	4-1-2010	Amend	5-1-2010	461-165-0060	10-1-2010	Amend	11-1-2010
461-150-0090(T)	4-1-2010	Repeal	5-1-2010	461-165-0100	4-1-2010	Amend	5-1-2010
461-155-0030	8-16-2010	Amend(T)	10-1-2010	461-165-0100	7-1-2010	Amend	8-1-2010
461-155-0035	8-16-2010	Amend(T)	10-1-2010	461-165-0100	10-1-2010	Amend	11-1-2010
461-155-0150	10-1-2010	Amend	11-1-2010	461-165-0150	4-1-2010	Repeal	5-1-2010
461-155-0175	1-1-2010	Repeal	2-1-2010	461-165-0160	10-1-2010	Amend	11-1-2010
461-155-0180	3-31-2010	Amend	5-1-2010	461-165-0180	7-1-2010	Amend	8-1-2010
461-155-0180	8-16-2010	Amend(T)	10-1-2010	461-165-0180	10-1-2010	Amend	11-1-2010
461-155-0225	1-1-2010	Amend	2-1-2010	461-165-0190	10-1-2010	Amend	11-1-2010
461-155-0225	8-16-2010	Amend(T)	10-1-2010	461-165-0200	1-1-2010	Amend	2-1-2010
461-155-0225	9-15-2010	Amend(T)	10-1-2010	461-165-0200	4-1-2010	Amend	5-1-2010
461-155-0225(T)	1-1-2010	Repeal	2-1-2010	461-165-0210	1-1-2010	Amend	2-1-2010
461-155-0225(T)	9-15-2010	Suspend	10-1-2010	461-165-0210	4-1-2010	Amend	5-1-2010
461-155-0250	1-1-2010	Amend	2-1-2010	461-165-0230	1-1-2010	Amend	2-1-2010
461-155-0270	1-1-2010	Amend(T)	2-1-2010	461-170-0010	1-1-2010	Amend(T)	2-1-2010
461-155-0270	7-1-2010	Amend	8-1-2010	461-170-0010	4-1-2010	Amend	5-1-2010
461-155-0320	8-16-2010	Amend(T)	10-1-2010	461-170-0010	10-1-2010	Amend	11-1-2010
461-155-0360	1-1-2010	Amend	2-1-2010	461-170-0010(T)	4-1-2010	Repeal	5-1-2010
461-155-0360(T)	1-1-2010	Repeal	2-1-2010	461-170-0011	1-1-2010	Amend(T)	2-1-2010
461-155-0500	7-1-2010	Amend	8-1-2010	461-170-0011	4-1-2010	Amend	5-1-2010
461-155-0528	10-13-2010	Adopt(T)	11-1-2010	461-170-0011	4-1-2010	Amend(T)	5-1-2010
461-155-0530	1-1-2010	Amend	2-1-2010	461-170-0011	7-1-2010	Amend	8-1-2010
461-155-0580	1-1-2010	Amend	2-1-2010	461-170-0011	10-1-2010	Amend	11-1-2010
461-155-0630	1-1-2010	Amend	2-1-2010	461-170-0011(T)	4-1-2010	Repeal	5-1-2010
461-155-0640	1-1-2010	Amend	2-1-2010	461-170-0100	4-1-2010	Amend	5-1-2010
461-155-0660	1-1-2010	Amend	2-1-2010	461-170-0100	10-1-2010	Repeal	11-1-2010
461-155-0670	1-1-2010	Amend	2-1-2010	461-170-0101	4-1-2010	Amend	5-1-2010
461-155-0680	1-1-2010	Amend	2-1-2010	461-170-0110	10-1-2010	Repeal	11-1-2010
461-155-0688	1-1-2010	Adopt	2-1-2010	461-170-0120	4-1-2010	Amend	5-1-2010
461-155-0688	10-1-2010	Amend(T)	11-1-2010	461-175-0010	8-16-2010	Amend(T)	10-1-2010
461-155-0693	1-1-2010	Adopt	2-1-2010	461-175-0200	2-23-2010	Amend(T)	4-1-2010
461-155-0693	7-1-2010	Amend	8-1-2010	461-175-0200	7-1-2010	Amend	8-1-2010
461-155-0693	7-1-2010	Amend(T)	8-1-2010	461-175-0200	8-16-2010	Amend(T)	10-1-2010
461-155-0693	10-1-2010	Amend	11-1-2010	461-175-0200(T)	7-1-2010	Repeal	8-1-2010
461-155-0693	10-1-2010	Amend(T)	11-1-2010	461-175-0210	10-1-2010	Amend	11-1-2010
461-155-0693(T)	10-1-2010	Repeal	11-1-2010	461-175-0220	4-1-2010	Amend	5-1-2010
461-155-0700	4-1-2010	Amend	5-1-2010	461-175-0222	5-27-2010	Amend	7-1-2010
461-160-0015	1-1-2010	Amend	2-1-2010	461-175-0240	10-1-2010	Amend	11-1-2010
461-160-0015	1-1-2010	Amend(T)	2-1-2010	461-175-0250	8-16-2010	Amend(T)	10-1-2010
461-160-0015	7-1-2010	Amend	8-1-2010	461-175-0270	1-1-2010	Amend	2-1-2010
461-160-0015(T)	1-1-2010	Repeal	2-1-2010	461-175-0270	4-1-2010	Amend	5-1-2010
461-160-0040	10-1-2010	Amend	11-1-2010	461-175-0270	10-1-2010	Amend	11-1-2010
461-160-0400	10-1-2010	Amend	11-1-2010	461-175-0280	10-1-2010	Amend	11-1-2010
461-160-0420	10-1-2010	Amend	11-1-2010	461-175-0300	7-1-2010	Amend	8-1-2010
461-160-0540	10-1-2010	Amend	11-1-2010	461-175-0305	10-1-2010	Amend	11-1-2010
461-160-0580	1-1-2010	Amend	2-1-2010	461-180-0020	10-1-2010	Amend	11-1-2010
461-160-0610	1-1-2010	Amend	2-1-2010	461-180-0030	10-1-2010	Amend	11-1-2010
461-160-0610	10-1-2010	Amend	11-1-2010	461-180-0050	4-1-2010	Amend	5-1-2010
461-160-0620	7-1-2010	Amend	8-1-2010	461-180-0050	7-1-2010	Amend	8-1-2010
461-160-0700	1-1-2010	Amend	2-1-2010	461-180-0085	1-1-2010	Amend	2-1-2010
461-160-0700	8-16-2010	Amend(T)	10-1-2010	461-180-0085(T)	1-1-2010	Repeal	2-1-2010
461-160-0700(T)	1-1-2010	Repeal	2-1-2010	461-180-0090	1-1-2010	Amend	2-1-2010
461-160-0855	10-1-2010	Amend	11-1-2010	461-180-0090	1-1-2010	Amend(T)	2-1-2010
461-165-0010	1-1-2010	Amend	2-1-2010	461-180-0090	1-26-2010	Amend(T)	3-1-2010
461-165-0030	1-1-2010	Amend(T)	2-1-2010	461-180-0090	7-1-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-180-0090	7-1-2010	Amend(T)	8-1-2010	462-140-0040	10-1-2010	Amend	11-1-2010
461-180-0090	10-1-2010	Amend	11-1-2010	462-140-0050	10-1-2010	Amend	11-1-2010
461-180-0090(T)	1-1-2010	Repeal	2-1-2010	462-140-0060	10-1-2010	Amend	11-1-2010
461-180-0090(T)	1-26-2010	Suspend	3-1-2010	462-140-0070	10-1-2010	Amend	11-1-2010
461-180-0090(T)	10-1-2010	Repeal	11-1-2010	462-140-0080	10-1-2010	Amend	11-1-2010
461-180-0097	10-1-2010	Amend	11-1-2010	462-140-0100	10-1-2010	Amend	11-1-2010
461-180-0120	7-1-2010	Amend	8-1-2010	462-140-0130	10-1-2010	Amend	11-1-2010
461-180-0120	10-1-2010	Amend	11-1-2010	462-140-0390	10-1-2010	Repeal	11-1-2010
461-190-0199	1-1-2010	Amend	2-1-2010	462-140-0400	10-1-2010	Repeal	11-1-2010
461-190-0211	10-1-2010	Amend	11-1-2010	462-140-0410	10-1-2010	Repeal	11-1-2010
461-193-0000	4-1-2010	Amend	5-1-2010	462-140-0420	10-1-2010	Repeal	11-1-2010
461-193-0031	1-1-2010	Amend	2-1-2010	462-140-0430	10-1-2010	Repeal	11-1-2010
461-193-0042	4-1-2010	Amend	5-1-2010	462-140-0440	10-1-2010	Repeal	11-1-2010
461-193-0121	1-1-2010	Repeal	2-1-2010	462-140-0450	10-1-2010	Repeal	11-1-2010
461-193-0240	1-1-2010	Amend	2-1-2010	462-140-0460	10-1-2010	Repeal	11-1-2010
461-193-0240	5-17-2010	Amend(T)	7-1-2010	462-140-0480	10-1-2010	Repeal	11-1-2010
461-193-0240	10-1-2010	Amend	11-1-2010	462-140-0490	10-1-2010	Repeal	11-1-2010
461-193-0240(T)	10-1-2010	Repeal	11-1-2010	462-140-0500	10-1-2010	Repeal	11-1-2010
461-193-0560	8-16-2010	Amend(T)	10-1-2010	462-140-0510	10-1-2010	Repeal	11-1-2010
461-193-0920	1-1-2010	Repeal	2-1-2010	462-140-0520	10-1-2010	Repeal	11-1-2010
461-193-0980	1-1-2010	Repeal	2-1-2010	462-140-0530	10-1-2010	Repeal	11-1-2010
461-193-1360	1-1-2010	Repeal	2-1-2010	462-140-0540	10-1-2010	Repeal	11-1-2010
461-193-1370	1-1-2010	Repeal	2-1-2010	462-150-0060	10-1-2010	Amend	11-1-2010
461-193-1380	1-1-2010	Amend	2-1-2010	462-160-0110	10-1-2010	Amend	11-1-2010
461-193-1380	10-1-2010	Amend	11-1-2010	462-160-0130	10-1-2010	Amend	11-1-2010
461-195-0501	1-1-2010	Amend	2-1-2010	462-170-0010	10-1-2010	Repeal	11-1-2010
461-195-0511	1-1-2010	Repeal	2-1-2010	462-170-0020	10-1-2010	Repeal	11-1-2010
461-195-0521	1-1-2010	Amend	2-1-2010	462-170-0030	10-1-2010	Repeal	11-1-2010
461-195-0531	1-1-2010	Repeal	2-1-2010	462-170-0040	10-1-2010	Repeal	11-1-2010
461-195-0541	1-1-2010	Amend	2-1-2010	462-170-0050	10-1-2010	Repeal	11-1-2010
461-195-0551	1-1-2010	Amend	2-1-2010	462-170-0060	10-1-2010	Repeal	11-1-2010
461-195-0561	1-1-2010	Amend	2-1-2010	462-170-0070	10-1-2010	Repeal	11-1-2010
462-110-0010	10-1-2010	Amend	11-1-2010	462-170-0080	10-1-2010	Repeal	11-1-2010
462-110-0020	10-1-2010	Repeal	11-1-2010	462-170-0090	10-1-2010	Repeal	11-1-2010
462-110-0030	10-1-2010	Repeal	11-1-2010	462-180-0010	10-1-2010	Repeal	11-1-2010
462-120-0010	10-1-2010	Amend	11-1-2010	462-180-0020	10-1-2010	Repeal	11-1-2010
462-120-0020	10-1-2010	Amend	11-1-2010	462-180-0030	10-1-2010	Repeal	11-1-2010
462-120-0030	10-1-2010	Amend	11-1-2010	462-180-0040	10-1-2010	Repeal	11-1-2010
462-120-0040	10-1-2010	Amend	11-1-2010	462-180-0050	10-1-2010	Repeal	11-1-2010
462-120-0050	10-1-2010	Amend	11-1-2010	462-180-0060	10-1-2010	Repeal	11-1-2010
462-120-0060	10-1-2010	Amend	11-1-2010	462-190-0010	10-1-2010	Repeal	11-1-2010
462-120-0070	10-1-2010	Amend	11-1-2010	462-190-0020	10-1-2010	Repeal	11-1-2010
462-120-0080	10-1-2010	Repeal	11-1-2010	462-190-0030	10-1-2010	Repeal	11-1-2010
462-120-0090	10-1-2010	Amend	11-1-2010	462-190-0040	10-1-2010	Repeal	11-1-2010
462-120-0100	10-1-2010	Amend	11-1-2010	462-210-0030	10-1-2010	Amend	11-1-2010
462-120-0110	10-1-2010	Amend	11-1-2010	462-220-0030	10-1-2010	Amend	11-1-2010
462-120-0120	10-1-2010	Amend	11-1-2010	471-007-0200	1-31-2010	Adopt	3-1-2010
462-120-0130	10-1-2010	Repeal	11-1-2010	471-007-0200(T)	1-31-2010	Repeal	3-1-2010
462-130-0010	10-1-2010	Amend	11-1-2010	471-007-0210	1-31-2010	Adopt	3-1-2010
462-130-0020	10-1-2010	Amend	11-1-2010	471-007-0210(T)	1-31-2010	Repeal	3-1-2010
462-130-0030	10-1-2010	Amend	11-1-2010	471-007-0220	1-31-2010	Adopt	3-1-2010
462-130-0040	10-1-2010	Amend	11-1-2010	471-007-0220(T)	1-31-2010	Repeal	3-1-2010
462-130-0050	10-1-2010	Amend	11-1-2010	471-007-0230	1-31-2010	Adopt	3-1-2010
462-130-0060	10-1-2010	Amend	11-1-2010	471-007-0230(T)	1-31-2010	Repeal	3-1-2010
462-140-0025	10-1-2010	Amend	11-1-2010	471-007-0240	1-31-2010	Adopt	3-1-2010
462-140-0030	10-1-2010	Amend	11-1-2010	471-007-0240(T)	1-31-2010	Repeal	3-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	575-031-0020	10-6-2010	Amend	11-1-2010
471-007-0300	1-31-2010	Adopt	3-1-2010	575-031-0025	11-24-2009	Amend(T)	1-1-2010
471-007-0300(T)	1-31-2010	Repeal	3-1-2010	575-031-0025	10-6-2010	Amend	11-1-2010
471-007-0310	1-31-2010	Adopt	3-1-2010	576-010-0000	7-1-2010	Amend	8-1-2010
471-007-0310(T)	1-31-2010	Repeal	3-1-2010	576-010-0031	8-10-2010	Adopt	9-1-2010
471-030-0220	4-14-2010	Adopt	5-1-2010	576-010-0036	8-10-2010	Adopt	9-1-2010
471-030-0225	3-3-2010	Adopt(T)	4-1-2010	576-010-0041	8-10-2010	Adopt	9-1-2010
471-030-0225	7-16-2010	Adopt	9-1-2010	576-015-0005	7-1-2010	Amend	8-1-2010
471-030-0225(T)	7-16-2010	Repeal	9-1-2010	576-015-0010	7-1-2010	Amend	8-1-2010
571-060-0005	7-1-2010	Amend	6-1-2010	576-015-0015	7-1-2010	Repeal	8-1-2010
571-060-0005	7-30-2010	Amend	9-1-2010	576-015-0020	7-1-2010	Amend	8-1-2010
573-040-0005	7-12-2010	Amend	8-1-2010	576-015-0021	7-1-2010	Adopt	8-1-2010
573-041-0005	1-11-2010	Repeal	2-1-2010	576-015-0025	7-1-2010	Amend	8-1-2010
573-041-0005	4-22-2010	Repeal	6-1-2010	576-015-0030	7-1-2010	Amend	8-1-2010
573-041-0010	1-11-2010	Repeal	2-1-2010	576-015-0035	7-1-2010	Amend	8-1-2010
573-041-0010	4-22-2010	Repeal	6-1-2010	576-015-0040	7-1-2010	Amend	8-1-2010
573-041-0020	1-11-2010	Repeal	2-1-2010	576-015-0043	7-1-2010	Amend	8-1-2010
573-041-0020	4-22-2010	Repeal	6-1-2010	576-015-0045	7-1-2010	Amend	8-1-2010
573-041-0025	1-11-2010	Repeal	2-1-2010	576-015-0050	7-1-2010	Amend	8-1-2010
573-041-0025	4-22-2010	Repeal	6-1-2010	576-015-0055	7-1-2010	Amend	8-1-2010
573-041-0027	1-11-2010	Repeal	2-1-2010	576-015-0056	7-1-2010	Amend	8-1-2010
573-041-0027	4-22-2010	Repeal	6-1-2010	576-015-0057	7-1-2010	Amend	8-1-2010
573-041-0030	1-11-2010	Repeal	2-1-2010	576-015-0060	7-1-2010	Amend	8-1-2010
573-041-0030	4-22-2010	Repeal	6-1-2010	576-018-0000	7-1-2010	Repeal	8-1-2010
573-041-0035	1-11-2010	Repeal	2-1-2010	576-018-0010	7-1-2010	Repeal	8-1-2010
573-041-0035	4-22-2010	Repeal	6-1-2010	576-018-0020	7-1-2010	Repeal	8-1-2010
573-041-0036	1-11-2010	Repeal	2-1-2010	576-018-0030	7-1-2010	Repeal	8-1-2010
573-041-0036	4-22-2010	Repeal	6-1-2010	576-018-0040	7-1-2010	Repeal	8-1-2010
573-041-0037	1-11-2010	Repeal	2-1-2010	576-018-0050	7-1-2010	Repeal	8-1-2010
573-041-0037	4-22-2010	Repeal	6-1-2010	576-018-0060	7-1-2010	Repeal	8-1-2010
573-041-0040	1-11-2010	Repeal	2-1-2010	576-018-0070	7-1-2010	Repeal	8-1-2010
573-041-0040	4-22-2010	Repeal	6-1-2010	576-018-0080	7-1-2010	Repeal	8-1-2010
573-041-0045	1-11-2010	Repeal	2-1-2010	576-018-0090	7-1-2010	Repeal	8-1-2010
573-041-0045	4-22-2010	Repeal	6-1-2010	576-018-0100	7-1-2010	Repeal	8-1-2010
573-041-0050	1-11-2010	Repeal	2-1-2010	576-018-0110	7-1-2010	Repeal	8-1-2010
573-041-0050	4-22-2010	Repeal	6-1-2010	576-018-0120	7-1-2010	Repeal	8-1-2010
573-041-0055	1-11-2010	Repeal	2-1-2010	576-018-0130	7-1-2010	Repeal	8-1-2010
573-041-0055	4-22-2010	Repeal	6-1-2010	576-018-0140	7-1-2010	Repeal	8-1-2010
573-041-0060	1-11-2010	Repeal	2-1-2010	576-018-0150	7-1-2010	Repeal	8-1-2010
573-041-0060	4-22-2010	Repeal	6-1-2010	576-018-0160	7-1-2010	Repeal	8-1-2010
573-041-0065	1-11-2010	Repeal	2-1-2010	576-018-0170	7-1-2010	Repeal	8-1-2010
573-041-0065	4-22-2010	Repeal	6-1-2010	576-018-0180	7-1-2010	Repeal	8-1-2010
573-041-0085	1-11-2010	Repeal	2-1-2010	576-018-0190	7-1-2010	Repeal	8-1-2010
573-041-0085	4-22-2010	Repeal	6-1-2010	576-018-0200	7-1-2010	Repeal	8-1-2010
573-041-0090	1-11-2010	Repeal	2-1-2010	576-018-0220	7-1-2010	Repeal	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
581-016-0940	12-10-2009	Repeal	1-1-2010	581-045-0522	12-10-2009	Amend	1-1-2010
581-016-0950	12-10-2009	Repeal	1-1-2010	581-045-0586	12-10-2009	Amend	1-1-2010
581-016-0960	12-10-2009	Repeal	1-1-2010	584-010-0020	12-15-2009	Amend	1-1-2010
581-016-0970	12-10-2009	Repeal	1-1-2010	584-017-0200	12-15-2009	Amend	1-1-2010
581-016-0980	12-10-2009	Repeal	1-1-2010	584-017-0201	12-15-2009	Amend	1-1-2010
581-016-0990	12-10-2009	Repeal	1-1-2010	584-020-0040	7-15-2010	Amend	8-1-2010
581-016-1000	12-10-2009	Repeal	1-1-2010	584-021-0165	12-15-2009	Amend	1-1-2010
581-016-1010	12-10-2009	Repeal	1-1-2010	584-021-0165	8-13-2010	Amend(T)	9-1-2010
581-016-1020	12-10-2009	Repeal	1-1-2010	584-023-0005	8-13-2010	Amend(T)	9-1-2010
581-016-1030	12-10-2009	Repeal	1-1-2010	584-036-0055	12-15-2009	Amend	1-1-2010
581-016-1040	12-10-2009	Repeal	1-1-2010	584-036-0055	7-15-2010	Amend	8-1-2010
581-016-1050	12-10-2009	Repeal	1-1-2010	584-036-0055	8-13-2010	Amend(T)	9-1-2010
581-020-0301	12-10-2009	Amend(T)	1-1-2010	584-036-0080	8-31-2010	Amend	10-1-2010
581-020-0301	6-30-2010	Amend	8-1-2010	584-036-0081	12-15-2009	Amend	1-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-038-0004	8-31-2010	Amend	10-1-2010	584-070-0012	12-15-2009	Amend	1-1-2010
584-038-0190	8-31-2010	Amend	10-1-2010	584-070-0111	12-15-2009	Amend	1-1-2010
584-038-0300	12-15-2009	Amend	1-1-2010	584-070-0111	4-2-2010	Amend	5-1-2010
584-042-0002	3-5-2010	Suspend	4-1-2010	584-070-0111	8-13-2010	Amend(T)	9-1-2010
584-042-0006	3-5-2010	Suspend	4-1-2010	584-070-0112	12-15-2009	Amend	1-1-2010
584-042-0009	3-5-2010	Suspend	4-1-2010	584-070-0112	8-13-2010	Amend(T)	9-1-2010
584-042-0021	3-5-2010	Adopt(T)	4-1-2010	584-070-0132	8-13-2010	Amend(T)	9-1-2010
584-042-0021	7-15-2010	Adopt	8-1-2010	584-070-0310	12-15-2009	Amend	1-1-2010
584-042-0022	8-31-2010	Adopt	10-1-2010	584-070-0310	8-13-2010	Amend(T)	9-1-2010
584-042-0031	3-5-2010	Adopt(T)	4-1-2010	584-080-0012	7-15-2010	Amend	8-1-2010
584-042-0031	8-31-2010	Adopt	10-1-2010	584-080-0022	12-15-2009	Amend	1-1-2010
584-042-0031(T)	8-31-2010	Repeal	10-1-2010	584-080-0031	8-13-2010	Amend(T)	9-1-2010
584-042-0036	7-15-2010	Adopt	8-1-2010	584-080-0151	12-15-2009	Amend	1-1-2010
584-042-0044	3-5-2010	Adopt(T)	4-1-2010	584-080-0152	12-15-2009	Amend	1-1-2010
584-042-0044	7-15-2010	Adopt	8-1-2010	584-080-0153	12-15-2009	Amend	1-1-2010
584-042-0044	8-13-2010	Amend(T)	9-1-2010	584-080-0153	4-2-2010	Amend	5-1-2010
584-042-0051	8-31-2010	Adopt	10-1-2010	584-080-0153	8-13-2010	Amend(T)	9-1-2010
584-042-0060	7-15-2010	Adopt	8-1-2010	584-080-0161	12-15-2009	Amend	1-1-2010
584-042-0070	7-15-2010	Adopt	8-1-2010	584-080-0161	8-13-2010	Amend(T)	9-1-2010
584-042-0081	7-15-2010	Adopt	8-1-2010	584-080-0171	8-13-2010	Amend(T)	9-1-2010
584-042-0090	7-15-2010	Adopt	8-1-2010	584-090-0050	4-2-2010	Repeal	5-1-2010
584-044-0014	7-15-2010	Amend	8-1-2010	589-007-0700	12-14-2009	Adopt	1-1-2010
584-044-0015	7-15-2010	Amend	8-1-2010	603-010-0056	1-7-2010	Adopt	2-1-2010
584-050-0006	12-15-2009	Amend	1-1-2010	603-011-0212	8-31-2010	Amend	10-1-2010
584-050-0015	4-2-2010	Amend	5-1-2010	603-011-0265	8-31-2010	Amend	10-1-2010
584-050-0030	12-15-2009	Amend	1-1-2010	603-011-0310	8-31-2010	Amend	10-1-2010
584-050-0035	12-15-2009	Amend	1-1-2010	603-011-0367	8-31-2010	Renumber	10-1-2010
584-050-0040	8-31-2010	Amend	10-1-2010	603-011-0369	8-31-2010	Renumber	10-1-2010
584-050-0100	4-2-2010	Amend	5-1-2010	603-011-0371	8-31-2010	Renumber	10-1-2010
584-052-0015	12-15-2009	Amend	1-1-2010	603-011-0373	8-31-2010	Renumber	10-1-2010
584-052-0030	4-2-2010	Amend	5-1-2010	603-011-0374	8-31-2010	Renumber	10-1-2010
584-060-0012	12-15-2009	Amend	1-1-2010	603-011-0377	8-31-2010	Renumber	10-1-2010
584-060-0013	12-15-2009	Amend	1-1-2010	603-011-0378	8-31-2010	Renumber	10-1-2010
584-060-0014	1-28-2010	Amend	3-1-2010	603-011-0379	8-31-2010	Renumber	10-1-2010
584-060-0071	12-15-2009	Amend	1-1-2010	603-011-0525	8-31-2010	Amend	10-1-2010
584-060-0071	12-18-2009	Amend	2-1-2010	603-011-0610	2-26-2010	Amend	4-1-2010
584-060-0162	1-1-2010	Amend	1-1-2010	603-011-0615	2-26-2010	Amend	4-1-2010
584-060-0162	8-13-2010	Amend(T)	9-1-2010	603-011-0620	2-26-2010	Amend	4-1-2010
584-060-0171	12-15-2009	Amend	1-1-2010	603-011-0700	2-10-2010	Amend	3-1-2010
584-060-0171	8-13-2010	Amend(T)	9-1-2010	603-011-0701	2-10-2010	Adopt	3-1-2010
584-060-0181	12-15-2009	Amend	1-1-2010	603-011-0705	2-10-2010	Amend	3-1-2010
584-060-0181	8-13-2010	Amend(T)	9-1-2010	603-011-0706	2-10-2010	Adopt	3-1-2010
584-060-0182	8-13-2010	Amend(T)	9-1-2010	603-011-0725	2-10-2010	Amend	3-1-2010
584-060-0190	8-13-2010	Amend(T)	9-1-2010	603-027-0105	9-14-2010	Amend	10-1-2010
584-060-0200	8-13-2010	Amend(T)	9-1-2010	603-027-0180	9-14-2010	Amend	10-1-2010
584-060-0210	8-13-2010	Amend(T)	9-1-2010	603-027-0206	9-14-2010	Amend	10-1-2010
584-060-0210	9-15-2010	Amend	10-1-2010	603-027-0220	9-14-2010	Amend	10-1-2010
584-060-0210(T)	9-15-2010	Repeal	10-1-2010	603-027-0400	9-14-2010	Amend	10-1-2010
584-060-0220	12-15-2009	Adopt	1-1-2010	603-027-0410	1-1-2010	Amend	2-1-2010
584-060-0220	8-13-2010	Amend(T)	9-1-2010	603-027-0410	9-14-2010	Amend	10-1-2010
584-060-0220	10-4-2010	Amend(T)	11-1-2010	603-027-0410(T)	1-1-2010	Repeal	2-1-2010
584-060-0220(T)	10-4-2010	Suspend	11-1-2010	603-027-0420	1-1-2010	Amend	2-1-2010
584-065-0030	12-15-2009	Repeal	1-1-2010	603-027-0420	9-14-2010	Amend	10-1-2010
584-065-0035	12-15-2009	Adopt	1-1-2010	603-027-0420(T)	1-1-2010	Repeal	2-1-2010
584-065-0040	12-15-2009	Repeal	1-1-2010	603-027-0430	1-1-2010	Amend	2-1-2010
584-070-0001	8-13-2010	Amend(T)	9-1-2010	603-027-0430	9-14-2010	Amend	10-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-027-0430(T)	1-1-2010	Repeal	2-1-2010	629-045-0035	5-19-2010	Adopt	7-1-2010
603-027-0440	1-1-2010	Amend	2-1-2010	629-045-0040	5-19-2010	Adopt	7-1-2010
603-027-0440(T)	1-1-2010	Repeal	2-1-2010	629-045-0045	5-19-2010	Adopt	7-1-2010
603-027-0490	1-1-2010	Amend	2-1-2010	629-045-0050	5-19-2010	Adopt	7-1-2010
603-027-0490	9-14-2010	Amend	10-1-2010	629-045-0055	5-19-2010	Adopt	7-1-2010
603-027-0490(T)	1-1-2010	Repeal	2-1-2010	629-045-0060	5-19-2010	Adopt	7-1-2010
603-027-0635	9-14-2010	Amend	10-1-2010	629-045-0065	5-19-2010	Adopt	7-1-2010
603-027-0655	9-14-2010	Amend	10-1-2010	632-020-0005	6-22-2010	Amend	8-1-2010
603-027-0680	9-14-2010	Amend	10-1-2010	632-020-0010	6-22-2010	Amend	8-1-2010
603-027-0700	9-14-2010	Amend	10-1-2010	632-020-0015	6-22-2010	Amend	8-1-2010
603-052-0051	1-28-2010	Amend	3-1-2010	632-020-0020	6-22-2010	Amend	8-1-2010
603-052-0127	1-28-2010	Amend	3-1-2010	632-020-0030	6-22-2010	Amend	8-1-2010
603-052-0860	1-21-2010	Amend	3-1-2010	632-020-0031	6-22-2010	Amend	8-1-2010
603-052-0880	1-21-2010	Amend	3-1-2010	632-020-0040	6-22-2010	Amend	8-1-2010
603-052-1150	8-9-2010	Amend	9-1-2010	632-020-0045	6-22-2010	Amend	8-1-2010
603-052-1200	2-4-2010	Amend	3-1-2010	632-020-0055	6-22-2010	Amend	8-1-2010
603-052-1236	2-4-2010	Adopt	3-1-2010	632-020-0060	6-22-2010	Amend	8-1-2010
603-054-0024	1-28-2010	Amend	3-1-2010	632-020-0065	6-22-2010	Amend	8-1-2010
603-056-0305	7-12-2010	Amend	8-1-2010	632-020-0070	6-22-2010	Amend	8-1-2010
603-056-0315	4-21-2010	Amend	6-1-2010	632-020-0090	6-22-2010	Amend	8-1-2010
603-057-0160	12-7-2009	Amend	1-1-2010	632-020-0095	6-22-2010	Amend	8-1-2010
603-076-0101	1-15-2010	Adopt	2-1-2010	632-020-0100	6-22-2010	Amend	8-1-2010
603-076-0106	1-15-2010	Adopt	2-1-2010	632-020-0105	6-22-2010	Amend	8-1-2010
603-077-0101	7-12-2010	Amend	8-1-2010	632-020-0110	6-22-2010	Amend	8-1-2010
603-077-0103	7-12-2010	Amend	8-1-2010	632-020-0115	6-22-2010	Amend	8-1-2010
603-077-0105	7-12-2010	Amend	8-1-2010	632-020-0117	6-22-2010	Amend	8-1-2010
603-077-0110	7-12-2010	Amend	8-1-2010	632-020-0120	6-22-2010	Amend	8-1-2010
603-077-0112	7-12-2010	Amend	8-1-2010	632-020-0125	6-22-2010	Amend	8-1-2010
603-077-0113	7-12-2010	Amend	8-1-2010	632-020-0130	6-22-2010	Amend	8-1-2010
603-077-0115	7-12-2010	Amend	8-1-2010	632-020-0135	6-22-2010	Amend	8-1-2010
603-077-0119	7-12-2010	Adopt	8-1-2010	632-020-0138	6-22-2010	Amend	8-1-2010
603-077-0125	7-12-2010	Repeal	8-1-2010	632-020-0145	6-22-2010	Amend	8-1-2010
603-077-0131	7-12-2010	Amend	8-1-2010	632-020-0150	6-22-2010	Amend	8-1-2010
603-077-0133	7-12-2010	Amend	8-1-2010	632-020-0151	6-22-2010	Amend	8-1-2010
603-077-0135	7-12-2010	Amend	8-1-2010	632-020-0154	6-22-2010	Amend	8-1-2010
603-077-0137	7-12-2010	Amend	8-1-2010	632-020-0155	6-22-2010	Amend	8-1-2010
603-077-0139	7-12-2010	Adopt	8-1-2010	632-020-0156	6-22-2010	Amend	8-1-2010
603-077-0140	7-12-2010	Amend	8-1-2010	632-020-0157	6-22-2010	Amend	8-1-2010
603-077-0145	7-12-2010	Amend	8-1-2010	632-020-0158	6-22-2010	Amend	8-1-2010
603-077-0155	7-12-2010	Amend	8-1-2010	632-020-0170	6-22-2010	Amend	8-1-2010
603-077-0177	7-12-2010	Amend	8-1-2010	632-020-0175	6-22-2010	Amend	8-1-2010
607-010-0020	7-1-2010	Amend	7-1-2010	632-020-0180	6-22-2010	Amend	8-1-2010
609-010-0100	5-28-2010	Adopt	7-1-2010	635-001-0035	1-1-2010	Amend	2-1-2010
609-010-0110	5-28-2010	Adopt	7-1-2010	635-001-0070	9-10-2010	Adopt	10-1-2010
609-010-0120	5-28-2010	Adopt	7-1-2010	635-001-0105	9-3-2010	Amend	10-1-2010
609-010-0130	5-28-2010	Adopt	7-1-2010	635-001-0410	7-1-2010	Adopt(T)	8-1-2010
609-010-0140	5-28-2010	Adopt	7-1-2010	635-002-0014	5-17-2010	Adopt	7-1-2010
617-010-0085	6-21-2010	Amend	8-1-2010	635-003-0003	5-25-2010	Amend	7-1-2010
617-040-0010	5-21-2010	Amend	7-1-2010	635-003-0085	8-1-2010	Amend	7-1-2010
629-035-0105	6-22-2010	Amend	8-1-2010	635-003-0085	10-15-2010	Amend(T)	11-1-2010
629-041-0540	9-29-2010	Amend	11-1-2010	635-004-0005	3-15-2010	Amend	4-1-2010
629-045-0005	5-19-2010	Repeal	7-1-2010	635-004-0005	4-1-2010	Amend	5-1-2010
629-045-0010	5-19-2010	Repeal	7-1-2010	635-004-0009	3-15-2010	Amend	4-1-2010
629-045-0020	5-19-2010	Adopt	7-1-2010	635-004-0009	4-1-2010	Amend	5-1-2010
629-045-0025	5-19-2010	Adopt	7-1-2010	635-004-0016	1-1-2010	Amend(T)	2-1-2010
629-045-0030	5-19-2010	Adopt	7-1-2010	635-004-0016	3-15-2010	Amend	4-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-004-0016	4-1-2010	Amend	5-1-2010	635-012-0020	6-30-2011	Adopt	3-1-2010
635-004-0016(T)	4-1-2010	Repeal	5-1-2010	635-012-0030	6-30-2011	Adopt	2-1-2010
635-004-0017	6-12-2010	Amend(T)	7-1-2010	635-012-0030	6-30-2011	Adopt	3-1-2010
635-004-0017	7-22-2010	Amend(T)	9-1-2010	635-012-0040	6-30-2011	Adopt	2-1-2010
635-004-0017	9-24-2010	Amend(T)	11-1-2010	635-012-0050	6-30-2011	Adopt	2-1-2010
635-004-0017(T)	9-24-2010	Suspend	11-1-2010	635-012-0050	6-30-2011	Adopt	3-1-2010
635-004-0019	3-3-2010	Amend(T)	4-1-2010	635-012-0060	6-30-2011	Adopt	2-1-2010
635-004-0019	5-12-2010	Amend(T)	6-1-2010	635-012-0060	6-30-2011	Adopt	3-1-2010
635-004-0019	7-30-2010	Amend(T)	9-1-2010	635-013-0003	1-1-2010	Amend	1-1-2010
635-004-0019	8-25-2010	Amend(T)	10-1-2010	635-013-0003	5-25-2010	Amend	7-1-2010
635-004-0019	10-4-2010	Amend(T)	11-1-2010	635-013-0004	1-1-2010	Amend	1-1-2010
635-004-0019(T)	5-12-2010	Suspend	6-1-2010	635-013-0007	8-1-2010	Amend	7-1-2010
635-004-0019(T)	7-30-2010	Suspend	9-1-2010	635-013-0009	3-15-2010	Amend(T)	4-1-2010
635-004-0019(T)	8-25-2010	Suspend	10-1-2010	635-013-0009	8-1-2010	Amend	7-1-2010
635-004-0019(T)	10-4-2010	Suspend	11-1-2010	635-013-0009(T)	8-1-2010	Repeal	7-1-2010
635-004-0020	1-1-2010	Amend	2-1-2010	635-014-0080	1-1-2010	Amend	1-1-2010
635-004-0027	1-1-2010	Amend(T)	2-1-2010	635-014-0090	1-1-2010	Amend	1-1-2010
635-004-0033	1-1-2010	Amend	2-1-2010	635-014-0090	4-21-2010	Amend(T)	6-1-2010
635-004-0033	8-1-2010	Amend(T)	9-1-2010	635-014-0090	6-1-2010	Amend(T)	7-1-2010
635-004-0033	10-15-2010	Amend(T)	11-1-2010	635-014-0090	7-1-2010	Amend(T)	8-1-2010
635-004-0033(T)	10-15-2010	Suspend	11-1-2010	635-014-0090	8-1-2010	Amend	7-1-2010
635-004-0036	1-1-2010	Amend	2-1-2010	635-014-0090(T)	6-1-2010	Suspend	7-1-2010
635-004-0066	1-1-2010	Adopt	2-1-2010	635-014-0090(T)	7-1-2010	Suspend	8-1-2010
635-004-0068	1-1-2010	Adopt	2-1-2010	635-016-0080	1-1-2010	Amend	1-1-2010
635-004-0070	1-1-2010	Amend	2-1-2010	635-016-0090	11-19-2009	Amend(T)	1-1-2010
635-004-0080	1-1-2010	Amend	2-1-2010	635-016-0090	1-1-2010	Amend	1-1-2010
635-005-0005	1-1-2010	Amend	2-1-2010	635-016-0090	5-22-2010	Amend(T)	7-1-2010
635-005-0020	9-27-2010	Amend(T)	11-1-2010	635-016-0090	8-1-2010	Amend	7-1-2010
635-005-0020	10-7-2010	Amend(T)	11-1-2010	635-016-0090	10-10-2010	Amend(T)	11-1-2010
635-005-0020(T)	10-7-2010	Suspend	11-1-2010	635-016-0090(T)	11-19-2009	Suspend	1-1-2010
635-005-0055	8-10-2010	Amend	9-1-2010	635-017-0080	1-1-2010	Amend	1-1-2010
635-006-0001	1-1-2010	Amend	1-1-2010	635-017-0090	1-1-2010	Amend	1-1-2010
635-006-0020	1-1-2010	Amend	1-1-2010	635-017-0090	5-14-2010	Amend	6-1-2010
635-006-0212	4-27-2010	Amend(T)	6-1-2010	635-017-0090	5-22-2010	Amend(T)	6-1-2010
635-006-0215	4-1-2010	Amend(T)	5-1-2010	635-017-0090	6-18-2010	Amend(T)	8-1-2010
635-006-0215	4-27-2010	Amend(T)	6-1-2010	635-017-0090	7-1-2010	Amend(T)	8-1-2010
635-006-0215(T)	4-27-2010	Suspend	6-1-2010	635-017-0090	7-8-2010	Amend(T)	8-1-2010
635-006-0225	4-27-2010	Amend(T)	6-1-2010	635-017-0090	9-1-2010	Amend(T)	10-1-2010
635-006-0232	1-13-2010	Amend	2-1-2010	635-017-0090	9-23-2010	Amend(T)	11-1-2010
635-006-0850	1-1-2010	Amend	2-1-2010	635-017-0090(T)	6-18-2010	Suspend	8-1-2010
635-006-0890	1-1-2010	Amend	2-1-2010	635-017-0090(T)	7-1-2010	Suspend	8-1-2010
635-006-0910	1-1-2010	Amend	1-1-2010	635-017-0090(T)	7-8-2010	Suspend	8-1-2010
635-006-1025	1-1-2010	Amend	1-1-2010	635-017-0090(T)	9-1-2010	Suspend	10-1-2010
635-006-1075	1-1-2010	Amend	1-1-2010	635-017-0090(T)	9-23-2010	Suspend	11-1-2010
635-006-1085	1-1-2010	Amend	1-1-2010	635-017-0095	1-1-2010	Amend	1-1-2010
635-007-0605	1-1-2010	Amend	1-1-2010	635-017-0095	4-1-2010	Amend	5-1-2010
635-007-0910	1-1-2010	Amend	1-1-2010	635-017-0095	7-5-2010	Amend(T)	8-1-2010
635-008-0055	8-13-2010	Amend	9-1-2010	635-018-0080	1-1-2010	Amend	1-1-2010
635-008-0070	8-13-2010	Amend	9-1-2010	635-018-0090	1-1-2010	Amend	1-1-2010
635-008-0085	8-13-2010	Amend	9-1-2010	635-018-0090	4-1-2010	Amend(T)	3-1-2010
635-008-0145	1-1-2010	Amend	1-1-2010	635-018-0090	4-15-2010	Amend(T)	4-1-2010
635-008-0155	8-13-2010	Amend	9-1-2010	635-018-0090	5-22-2010	Amend(T)	7-1-2010
635-008-0211	8-10-2010	Adopt	9-1-2010	635-018-0090	7-1-2010	Amend(T)	8-1-2010
635-011-0100	1-1-2010	Amend	1-1-2010	635-018-0090	8-1-2010	Amend(T)	9-1-2010
635-011-0170	3-15-2010	Adopt	4-1-2010	635-018-0090(T)	4-15-2010	Suspend	4-1-2010
635-012-0020	6-30-2011	Adopt	2-1-2010	635-018-0090(T)	5-22-2010	Suspend	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-018-0090(T)	7-1-2010	Suspend	8-1-2010	635-023-0130(T)	10-15-2010	Suspend	11-1-2010
635-018-0090(T)	8-1-2010	Suspend	9-1-2010	635-023-0134	1-1-2010	Amend	1-1-2010
635-019-0080	1-1-2010	Amend	1-1-2010	635-023-0134	4-24-2010	Amend(T)	5-1-2010
635-019-0090	1-1-2010	Amend	1-1-2010	635-023-0134	7-31-2010	Amend(T)	9-1-2010
635-019-0090	5-22-2010	Amend(T)	6-1-2010	635-023-0134	9-1-2010	Amend(T)	10-1-2010
635-019-0090	7-11-2010	Amend(T)	8-1-2010	635-023-0134(T)	7-31-2010	Suspend	9-1-2010
635-019-0090	7-25-2010	Amend(T)	9-1-2010	635-039-0080	1-1-2010	Amend	1-1-2010
635-019-0090(T)	7-11-2010	Suspend	8-1-2010	635-039-0080	3-15-2010	Amend	4-1-2010
635-019-0090(T)	7-25-2010	Suspend	9-1-2010	635-039-0080	4-1-2010	Amend	5-1-2010
635-021-0080	1-1-2010	Amend	1-1-2010	635-039-0085	3-15-2010	Amend	4-1-2010
635-021-0090	1-1-2010	Amend	1-1-2010	635-039-0085	4-1-2010	Amend	5-1-2010
635-021-0090	5-1-2010	Amend(T)	6-1-2010	635-039-0085	7-17-2010	Amend(T)	8-1-2010
635-021-0090	5-22-2010	Amend(T)	6-1-2010	635-039-0085	8-13-2010	Amend(T)	9-1-2010
635-021-0090	5-22-2010	Amend(T)	7-1-2010	635-039-0085(T)	8-13-2010	Suspend	9-1-2010
635-021-0090	6-11-2010	Amend(T)	7-1-2010	635-039-0090	1-1-2010	Amend	1-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-039-0090	7-23-2010	Amend(T)	9-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-041-0005	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	6-11-2010	Suspend	7-1-2010	635-041-0015	4-15-2010	Amend(T)	5-1-2010
635-023-0080	1-1-2010	Amend	1-1-2010	635-041-0020	4-15-2010	Amend(T)	5-1-2010
635-023-0090	1-1-2010	Amend	1-1-2010	635-041-0025	4-15-2010	Amend(T)	5-1-2010
635-023-0090	1-1-2010	Amend(T)	2-1-2010	635-041-0065	2-3-2010	Amend(T)	3-1-2010
635-023-0090	3-11-2010	Amend(T)	4-1-2010	635-041-0065	2-11-2010	Amend(T)	3-1-2010
635-023-0090(T)	3-11-2010	Suspend	4-1-2010	635-041-0065	2-26-2010	Amend(T)	4-1-2010
635-023-0095	1-1-2010	Amend	1-1-2010	635-041-0065	3-3-2010	Amend(T)	4-1-2010
635-023-0095	2-21-2010	Amend(T)	4-1-2010	635-041-0065(T)	2-11-2010	Suspend	3-1-2010
635-023-0095	3-1-2010	Amend(T)	4-1-2010	635-041-0065(T)	2-26-2010	Suspend	4-1-2010
635-023-0095	4-1-2010	Amend	5-1-2010	635-041-0065(T)	3-3-2010	Suspend	4-1-2010
635-023-0095	4-29-2010	Amend(T)	6-1-2010	635-041-0075	8-1-2010	Amend(T)	9-1-2010
635-023-0095	5-6-2010	Amend(T)	6-1-2010	635-041-0075	8-24-2010	Amend(T)	10-1-2010
635-023-0095	6-26-2010	Amend(T)	8-1-2010	635-041-0075	9-10-2010	Amend(T)	10-1-2010
635-023-0095	7-15-2010	Amend(T)	8-1-2010	635-041-0075	9-27-2010	Amend(T)	11-1-2010
635-023-0095	8-1-2010	Amend(T)	8-1-2010	635-041-0075	10-9-2010	Amend(T)	11-1-2010
635-023-0095(T)	3-1-2010	Suspend	4-1-2010	635-041-0075(T)	8-24-2010	Suspend	10-1-2010
635-023-0095(T)	4-1-2010	Repeal	5-1-2010	635-041-0075(T)	9-10-2010	Suspend	10-1-2010
635-023-0095(T)	5-6-2010	Suspend	6-1-2010	635-041-0075(T)	9-27-2010	Suspend	11-1-2010
635-023-0095(T)	6-26-2010	Suspend	8-1-2010	635-041-0075(T)	10-9-2010	Suspend	11-1-2010
635-023-0095(T)	7-15-2010	Suspend	8-1-2010	635-041-0076	4-27-2010	Amend(T)	6-1-2010
635-023-0095(T)	8-1-2010	Suspend	8-1-2010	635-041-0076	4-29-2010	Amend(T)	6-1-2010
635-023-0125	1-1-2010	Amend	1-1-2010	635-041-0076	5-11-2010	Amend(T)	6-1-2010
635-023-0125	3-1-2010	Amend(T)	4-1-2010	635-041-0076	5-19-2010	Amend(T)	7-1-2010
635-023-0125	3-2-2010	Amend(T)	4-1-2010	635-041-0076	5-21-2010	Amend(T)	7-1-2010
635-023-0125	4-24-2010	Amend(T)	6-1-2010	635-041-0076	6-2-2010	Amend(T)	7-1-2010
635-023-0125	4-29-2010	Amend(T)	6-1-2010	635-041-0076	6-16-2010	Amend(T)	7-1-2010
635-023-0125	5-8-2010	Amend(T)	6-1-2010	635-041-0076	6-29-2010	Amend(T)	8-1-2010
635-023-0125(T)	3-2-2010	Suspend	4-1-2010	635-041-0076	7-13-2010	Amend(T)	8-1-2010
635-023-0125(T)	4-24-2010	Suspend	6-1-2010	635-041-0076	7-20-2010	Amend(T)	9-1-2010
635-023-0125(T)	4-29-2010	Suspend	6-1-2010	635-041-0076	7-26-2010	Amend(T)	9-1-2010
635-023-0125(T)	5-8-2010	Suspend	6-1-2010	635-041-0076(T)	4-29-2010	Suspend	6-1-2010
635-023-0125(T)	6-26-2010	Suspend	8-1-2010	635-041-0076(T)	5-11-2010	Suspend	6-1-2010
635-023-0128	1-1-2010	Amend	1-1-2010	635-041-0076(T)	5-19-2010	Suspend	7-1-2010
635-023-0128	6-16-2010	Amend	7-1-2010	635-041-0076(T)	5-21-2010	Suspend	7-1-2010
635-023-0128	6-26-2010	Amend(T)	8-1-2010	635-041-0076(T)	6-2-2010	Suspend	7-1-2010
635-023-0130	1-1-2010	Amend	1-1-2010	635-041-0076(T)	6-16-2010	Suspend	7-1-2010
635-023-0130	6-16-2010	Amend	7-1-2010	635-041-0076(T)	6-29-2010	Suspend	8-1-2010
635-023-0130	9-22-2010	Amend(T)	11-1-2010	635-041-0076(T)	7-13-2010	Suspend	8-1-2010
635-023-0130	10-15-2010	Amend(T)	11-1-2010	635-041-0076(T)	7-20-2010	Suspend	9-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-041-0076(T)	7-26-2010	Suspend	9-1-2010	635-042-0170	4-19-2010	Amend(T)	4-1-2010
635-041-0076(T)	8-1-2010	Suspend	9-1-2010	635-042-0170	4-21-2010	Amend(T)	6-1-2010
635-042-0022	3-30-2010	Amend(T)	5-1-2010	635-042-0170	5-4-2010	Amend(T)	6-1-2010
635-042-0022	4-7-2010	Amend(T)	5-1-2010	635-042-0170	5-11-2010	Amend(T)	6-1-2010
635-042-0022(T)	4-7-2010	Suspend	5-1-2010	635-042-0170	5-18-2010	Amend(T)	7-1-2010
635-042-0027	6-17-2010	Amend(T)	7-1-2010	635-042-0170	8-4-2010	Amend(T)	9-1-2010
635-042-0031	8-3-2010	Amend(T)	9-1-2010	635-042-0170	9-10-2010	Amend(T)	10-1-2010
635-042-0031	8-19-2010	Amend(T)	10-1-2010	635-042-0170(T)	4-21-2010	Suspend	6-1-2010
635-042-0031	9-22-2010	Amend(T)	11-1-2010	635-042-0170(T)	5-4-2010	Suspend	6-1-2010
635-042-0031	9-24-2010	Amend(T)	11-1-2010	635-042-0170(T)	5-11-2010	Suspend	6-1-2010
635-042-0031(T)	8-19-2010	Suspend	10-1-2010	635-042-0170(T)	5-18-2010	Suspend	7-1-2010
635-042-0031(T)	9-22-2010	Amend(T)	11-1-2010	635-042-0170(T)	9-10-2010	Suspend	10-1-2010
635-042-0031(T)	9-24-2010	Suspend	11-1-2010	635-042-0180	2-22-2010	Amend(T)	4-1-2010
635-042-0031(T)	10-5-2010	Suspend	11-1-2010	635-042-0180	4-1-2010	Amend(T)	5-1-2010
635-042-0060	10-5-2010	Amend(T)	11-1-2010	635-042-0180	4-21-2010	Amend(T)	6-1-2010
635-042-0060	10-14-2010	Amend(T)	11-1-2010	635-042-0180	5-4-2010	Amend(T)	6-1-2010
635-042-0060(T)	10-14-2010	Suspend	11-1-2010	635-042-0180	5-11-2010	Amend(T)	6-1-2010
635-042-0110	4-1-2010	Amend	5-1-2010	635-042-0180	5-18-2010	Amend(T)	7-1-2010
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	635-043-0051	6-2-2010	Amend(T)	7-1-2010
635-042-0145	3-14-2010	Amend(T)	4-1-2010	635-043-0051	7-9-2010	Amend(T)	8-1-2010
635-042-0145	3-24-2010	Amend(T)	5-1-2010	635-043-0051(T)	7-9-2010	Suspend	8-1-2010
635-042-0145	4-1-2010	Amend(T)	5-1-2010	635-043-0105	1-12-2010	Amend	2-1-2010
635-042-0145	4-21-2010	Amend(T)	6-1-2010	635-044-0051	1-1-2010	Adopt(T)	2-1-2010
635-042-0145	5-4-2010	Amend(T)	6-1-2010	635-044-0051	5-17-2010	Adopt	7-1-2010
635-042-0145	5-11-2010	Amend(T)	6-1-2010	635-044-0051(T)	5-17-2010	Repeal	7-1-2010
635-042-0145	5-18-2010	Amend(T)	7-1-2010	635-045-0000	8-13-2010	Amend	9-1-2010
635-042-0145	8-4-2010	Amend(T)	9-1-2010	635-045-0000	10-6-2010	Amend(T)	11-1-2010
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	6-15-2010	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				

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-053-0015	8-13-2010	Amend	9-1-2010	635-110-0020	10-11-2010	Amend	11-1-2010
635-053-0025	8-13-2010	Amend	9-1-2010	635-110-0030	10-11-2010	Amend	11-1-2010
635-054-0000	8-13-2010	Amend	9-1-2010	635-200-0030	6-15-2010	Amend	7-1-2010
635-054-0005	9-13-2010	Amend(T)	10-1-2010	635-500-03470	8-10-2010	Amend	9-1-2010
635-055-0000	12-15-2009	Amend	1-1-2010	635-500-0703	1-1-2010	Amend	2-1-2010
635-055-0035	12-15-2009	Amend	1-1-2010	635-500-0810	8-10-2010	Amend	9-1-2010
635-055-0037	12-15-2009	Amend	1-1-2010	635-500-0820	8-10-2010	Amend	9-1-2010
635-055-0070	12-15-2009	Amend	1-1-2010	635-500-0830	8-10-2010	Amend	9-1-2010
635-058-0000	1-12-2010	Adopt	2-1-2010	635-500-0850	8-10-2010	Amend	9-1-2010
635-058-0010	1-12-2010	Adopt	2-1-2010	635-500-0860	8-10-2010	Amend	9-1-2010
635-058-0020	1-12-2010	Adopt	2-1-2010	635-500-0880	9-3-2010	Amend	10-1-2010
635-059-0000	1-12-2010	Adopt	2-1-2010	635-500-1662	8-10-2010	Amend	9-1-2010
635-059-0010	1-12-2010	Adopt	2-1-2010	635-500-3420	8-10-2010	Amend	9-1-2010
635-059-0050	1-12-2010	Adopt	2-1-2010	635-500-3430	8-10-2010	Amend	9-1-2010
635-060-0000	8-13-2010	Amend	9-1-2010	635-500-3440	8-10-2010	Amend	9-1-2010
635-060-0000	10-6-2010	Amend(T)	11-1-2010	635-500-3450	8-10-2010	Amend	9-1-2010
635-060-0030	5-12-2010	Amend(T)	6-1-2010	635-500-3460	8-10-2010	Amend	9-1-2010
635-060-0055	8-13-2010	Amend	9-1-2010	635-500-6550	2-8-2010	Adopt	3-1-2010
635-065-0015	3-3-2010	Amend(T)	4-1-2010	635-500-6575	8-10-2010	Adopt	9-1-2010
635-065-0015	5-12-2010	Amend(T)	6-1-2010	635-600-0000	1-1-2010	Amend	1-1-2010
635-065-0015	5-18-2010	Amend(T)	7-1-2010	635-600-0005	1-1-2010	Amend	1-1-2010
635-065-0015	6-15-2010	Amend	7-1-2010	635-600-0010	1-1-2010	Amend	1-1-2010
635-065-0015(T)	5-12-2010	Suspend	6-1-2010	635-600-0030	1-1-2010	Amend	1-1-2010
635-065-0015(T)	5-18-2010	Suspend	7-1-2010	635-600-0040	1-1-2010	Amend	1-1-2010
635-065-0015(T)	6-15-2010	Repeal	7-1-2010	641-010-0005	7-1-2010	Amend	7-1-2010
635-065-0765	1-25-2010	Amend(T)	3-1-2010	642-010-0010	7-1-2010	Amend	7-1-2010
635-065-0765	2-26-2010	Amend(T)	4-1-2010	645-010-0015	2-23-2010	Amend(T)	4-1-2010
635-065-0765	3-30-2010	Amend(T)	5-1-2010	647-010-0010	7-1-2010	Amend	6-1-2010
635-065-0765	6-15-2010	Amend	7-1-2010	658-040-0005	7-1-2010	Amend	8-1-2010
635-065-0765(T)	6-15-2010	Repeal	7-1-2010	660-027-0070	4-30-2010	Amend	6-1-2010
635-067-0000	6-15-2010	Amend	7-1-2010	660-028-0010	1-28-2010	Adopt	3-1-2010
635-067-0000	6-21-2010	Amend(T)	8-1-2010	660-028-0020	1-28-2010	Adopt	3-1-2010
635-067-0016	6-15-2010	Repeal	7-1-2010	660-028-0030	1-28-2010	Adopt	3-1-2010
635-068-0000	3-1-2010	Amend	4-1-2010	660-033-0120	12-7-2009	Amend	1-1-2010
635-068-0000	6-15-2010	Amend	7-1-2010	660-033-0120	6-17-2010	Amend	8-1-2010
635-069-0000	2-1-2010	Amend	2-1-2010	660-033-0130	12-7-2009	Amend	1-1-2010
635-069-0000	6-15-2010	Amend	7-1-2010	660-033-0130	6-17-2010	Amend	8-1-2010
635-070-0000	4-1-2010	Amend	4-1-2010	660-033-0130	6-17-2010	Amend(T)	8-1-2010
635-070-0000	4-1-2010	Amend	4-1-2010	660-033-0130	9-24-2010	Amend	11-1-2010
635-070-0000	6-15-2010	Amend	7-1-2010	660-033-0130(T)	9-24-2010	Repeal	11-1-2010
635-071-0000	4-1-2010	Amend	4-1-2010	660-036-0005	11-25-2009	Adopt	1-1-2010
635-071-0000	4-1-2010	Amend	4-1-2010	660-041-0000	2-9-2010	Amend	3-1-2010
635-071-0000	6-15-2010	Amend	7-1-2010	660-041-0000	5-7-2010	Amend(T)	6-1-2010
635-073-0000	2-1-2010	Amend	2-1-2010	660-041-0000	8-9-2010	Amend	9-1-2010
635-073-0000	6-15-2010	Amend	7-1-2010	660-041-0010	5-7-2010	Amend(T)	6-1-2010
635-073-0065	2-1-2010	Amend	2-1-2010	660-041-0010	8-9-2010	Amend	9-1-2010
635-073-0070	2-1-2010	Amend	2-1-2010	660-041-0020	2-9-2010	Amend	3-1-2010
635-073-0076	6-15-2010	Adopt	7-1-2010	660-041-0080	2-9-2010	Amend	3-1-2010
635-073-0090	8-1-2010	Amend(T)	9-1-2010	660-041-0080	5-7-2010	Amend(T)	6-1-2010
635-075-0020	6-15-2010	Amend	7-1-2010	660-041-0080	8-9-2010	Amend	9-1-2010
635-090-0030	1-1-2010	Amend	1-1-2010	660-041-0090	5-7-2010	Amend(T)	6-1-2010
635-090-0050	1-1-2010	Amend	1-1-2010	660-041-0090	8-9-2010	Amend	9-1-2010
635-110-0000	10-11-2010	Amend	11-1-2010	660-041-0105	5-7-2010	Adopt(T)	6-1-2010
635-110-0010	6-29-2010	Amend(T)	8-1-2010	660-041-0110	5-7-2010	Amend(T)	6-1-2010
635-110-0010	10-11-2010	Amend	11-1-2010	660-041-0110	8-9-2010	Amend	9-1-2010
635-110-0010(T)	10-11-2010	Repeal	11-1-2010	660-041-0120	5-7-2010	Amend(T)	6-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
660-041-0120	8-9-2010	Amend	9-1-2010	695-045-0140	9-22-2010	Amend	11-1-2010
660-041-0170	5-7-2010	Amend(T)	6-1-2010	695-045-0150	9-22-2010	Amend	11-1-2010
660-041-0170	8-9-2010	Amend	9-1-2010	731-005-0410	1-1-2010	Amend(T)	2-1-2010
660-041-0180	8-9-2010	Adopt	9-1-2010	731-005-0410	5-18-2010	Amend	7-1-2010
660-043-0100	5-13-2010	Adopt	6-1-2010	731-005-0410(T)	5-18-2010	Repeal	7-1-2010
661-001-0000	7-1-2010	Amend	8-1-2010	731-005-0470	1-1-2010	Amend(T)	2-1-2010
661-010-0000	7-1-2010	Amend	8-1-2010	731-005-0470	5-18-2010	Amend	7-1-2010
661-010-0015	1-1-2010	Amend	2-1-2010	731-005-0470(T)	5-18-2010	Repeal	7-1-2010
661-010-0015	7-1-2010	Amend	8-1-2010	731-005-0670	1-1-2010	Amend(T)	2-1-2010
661-010-0021	7-1-2010	Amend	8-1-2010	731-005-0670	5-18-2010	Amend	7-1-2010
661-010-0025	7-1-2010	Amend	8-1-2010	731-005-0670(T)	5-18-2010	Repeal	7-1-2010
661-010-0026	7-1-2010	Amend	8-1-2010	731-007-0210	1-1-2010	Amend(T)	2-1-2010
661-010-0030	7-1-2010	Amend	8-1-2010	731-007-0210	5-18-2010	Amend	7-1-2010
661-010-0035	7-1-2010	Amend	8-1-2010	731-007-0210(T)	5-18-2010	Repeal	7-1-2010
661-010-0038	1-1-2010	Amend	2-1-2010	731-007-0260	1-1-2010	Amend(T)	2-1-2010
661-010-0039	7-1-2010	Amend	8-1-2010	731-007-0260	5-18-2010	Amend	7-1-2010
661-010-0040	7-1-2010	Amend	8-1-2010	731-007-0260(T)	5-18-2010	Repeal	7-1-2010
661-010-0050	1-1-2010	Amend	2-1-2010	731-007-0290	1-1-2010	Amend(T)	2-1-2010
661-010-0050	7-1-2010	Amend	8-1-2010	731-007-0290	5-18-2010	Amend	7-1-2010
661-010-0052	7-1-2010	Amend	8-1-2010	731-007-0290(T)	5-18-2010	Repeal	7-1-2010
661-010-0055	7-1-2010	Amend	8-1-2010	731-035-0020	11-17-2009	Amend	1-1-2010
661-010-0065	7-1-2010	Amend	8-1-2010	731-035-0020	7-30-2010	Amend	9-1-2010
661-010-0067	7-1-2010	Amend	8-1-2010	731-035-0040	7-30-2010	Amend	9-1-2010
661-010-0075	7-1-2010	Amend	8-1-2010	731-035-0050	11-17-2009	Amend	1-1-2010
661-040-0045	7-1-2010	Amend	8-1-2010	731-035-0060	11-17-2009	Amend	1-1-2010
678-010-0050	7-15-2010	Amend	8-1-2010	731-035-0060	7-30-2010	Amend	9-1-2010
678-030-0000	7-15-2010	Amend	8-1-2010	731-035-0070	11-17-2009	Amend	1-1-2010
678-030-0010	7-15-2010	Amend	8-1-2010	731-035-0070	7-30-2010	Amend	9-1-2010
678-030-0020	7-15-2010	Amend	8-1-2010	731-035-0080	7-30-2010	Amend	9-1-2010
678-030-0025	7-15-2010	Adopt	8-1-2010	731-070-0010	12-22-2009	Amend	2-1-2010
678-030-0027	7-15-2010	Adopt	8-1-2010	731-070-0020	12-22-2009	Amend	2-1-2010
678-030-0030	7-15-2010	Amend	8-1-2010	731-070-0030	12-22-2009	Amend	2-1-2010
690-020-0021	1-1-2010	Am. & Ren.	1-1-2010	731-070-0050	12-22-2009	Amend	2-1-2010
690-020-0022	1-1-2010	Amend	1-1-2010	731-070-0055	12-22-2009	Amend	2-1-2010
690-020-0025	1-1-2010	Amend	1-1-2010	731-070-0060	12-22-2009	Amend	2-1-2010
690-020-0029	1-1-2010	Amend	1-1-2010	731-070-0070	12-22-2009	Am. & Ren.	2-1-2010
690-020-0035	1-1-2010	Amend	1-1-2010	731-070-0080	12-22-2009	Amend	2-1-2010
690-020-0039	1-1-2010	Am. & Ren.	1-1-2010	731-070-0110	12-22-2009	Amend	2-1-2010
690-020-0100	1-1-2010	Adopt	1-1-2010	731-070-0120	12-22-2009	Amend	2-1-2010
690-020-0200	1-1-2010	Adopt	1-1-2010	731-070-0130	12-22-2009	Amend	2-1-2010
690-180-0005	11-23-2009	Suspend	1-1-2010	731-070-0140	12-22-2009	Amend	2-1-2010
690-180-0010	11-23-2009	Suspend	1-1-2010	731-070-0160	12-22-2009	Amend	2-1-2010
690-180-0100	11-23-2009	Suspend	1-1-2010	731-070-0170	12-22-2009	Amend	2-1-2010
690-180-0200	11-23-2009	Suspend	1-1-2010	731-070-0180	12-22-2009	Amend	2-1-2010
690-190-0005	11-23-2009	Adopt	1-1-2010	731-070-0190	12-22-2009	Amend	2-1-2010
690-190-0010	11-23-2009	Adopt	1-1-2010	731-070-0200	12-22-2009	Amend	2-1-2010
690-190-0100	11-23-2009	Adopt	1-1-2010	731-070-0210	12-22-2009	Amend	2-1-2010
690-190-0200	11-23-2009	Adopt	1-1-2010	731-070-0220	12-22-2009	Amend	2-1-2010
690-340-0030	12-15-2009	Amend	1-1-2010	731-070-0240	12-22-2009	Amend	2-1-2010
690-382-0400	12-15-2009	Amend	1-1-2010	731-070-0245	12-22-2009	Adopt	2-1-2010
690-522-0010	6-9-2010	Adopt	7-1-2010	731-070-0250	12-22-2009	Amend	2-1-2010
690-522-0020	6-9-2010	Adopt	7-1-2010	731-070-0260	12-22-2009	Amend	2-1-2010
690-522-0030	6-9-2010	Adopt	7-1-2010	731-070-0270	12-22-2009	Repeal	2-1-2010
690-522-0040	6-9-2010	Adopt	7-1-2010	731-070-0280	12-22-2009	Amend	2-1-2010
690-522-0050	6-9-2010	Adopt	7-1-2010	731-070-0295	12-22-2009	Amend	2-1-2010
695-045-0120	9-22-2010	Amend	11-1-2010	731-070-0300	12-22-2009	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
731-070-0320	12-22-2009	Amend	2-1-2010	732-030-0035(T)	1-29-2010	Repeal	3-1-2010
731-070-0350	12-22-2009	Amend	2-1-2010	733-030-0011	6-11-2010	Amend	7-1-2010
731-070-0360	12-22-2009	Amend	2-1-2010	733-030-0021	6-11-2010	Amend	7-1-2010
731-146-0010	1-1-2010	Amend(T)	2-1-2010	733-030-0036	6-11-2010	Amend	7-1-2010
731-146-0010	5-18-2010	Amend	7-1-2010	733-030-0055	6-11-2010	Amend	7-1-2010
731-146-0010(T)	5-18-2010	Repeal	7-1-2010	733-030-0080	6-11-2010	Amend	7-1-2010
731-147-0010	1-1-2010	Amend(T)	2-1-2010	733-030-0500	3-15-2010	Adopt	4-1-2010
731-147-0010	5-18-2010	Amend	7-1-2010	733-030-0510	3-15-2010	Adopt	4-1-2010
731-147-0010(T)	5-18-2010	Repeal	7-1-2010	733-030-0520	3-15-2010	Adopt	4-1-2010
731-148-0010	1-1-2010	Amend(T)	2-1-2010	734-020-0070	8-1-2010	Amend	9-1-2010
731-148-0010	5-18-2010	Amend	7-1-2010	734-020-0148	1-28-2010	Adopt(T)	3-1-2010
731-148-0010(T)	5-18-2010	Repeal	7-1-2010	734-020-0148	5-18-2010	Amend	7-1-2010
731-149-0010	1-1-2010	Amend(T)	2-1-2010	734-020-0148(T)	5-18-2010	Repeal	7-1-2010
731-149-0010	5-18-2010	Amend	7-1-2010	734-020-0310	8-27-2010	Amend	10-1-2010
731-149-0010(T)	5-18-2010	Repeal	7-1-2010	734-020-0320	8-27-2010	Amend	10-1-2010
732-005-0000	1-29-2010	Amend	3-1-2010	734-020-0330	8-27-2010	Amend	10-1-2010
732-005-0000(T)	1-29-2010	Repeal	3-1-2010	734-029-0005	7-1-2010	Amend	8-1-2010
732-005-0010	1-29-2010	Amend	3-1-2010	734-029-0010	7-1-2010	Amend	8-1-2010
732-005-0010(T)	1-29-2010	Repeal	3-1-2010	734-029-0020	7-1-2010	Amend	8-1-2010
732-005-0016	1-29-2010	Amend	3-1-2010	734-029-0030	7-1-2010	Amend	8-1-2010
732-005-0016(T)	1-29-2010	Repeal	3-1-2010	734-029-0040	7-1-2010	Amend	8-1-2010
732-005-0021	1-29-2010	Amend	3-1-2010	734-029-0045	7-1-2010	Adopt	8-1-2010
732-005-0021(T)	1-29-2010	Repeal	3-1-2010	734-030-0005	4-28-2010	Amend(T)	6-1-2010
732-005-0027	1-29-2010	Amend	3-1-2010	734-030-0005	10-1-2010	Amend	11-1-2010
732-005-0027(T)	1-29-2010	Repeal	3-1-2010	734-030-0005(T)	10-1-2010	Repeal	11-1-2010
732-005-0031	1-29-2010	Amend	3-1-2010	734-030-0010	4-28-2010	Amend(T)	6-1-2010
732-005-0031(T)	1-29-2010	Repeal	3-1-2010	734-030-0010	10-1-2010	Amend	11-1-2010
732-005-0036	1-29-2010	Amend	3-1-2010	734-030-0010(T)	10-1-2010	Repeal	11-1-2010
732-005-0036(T)	1-29-2010	Repeal	3-1-2010	734-030-0015	4-28-2010	Amend(T)	6-1-2010
732-005-0046	1-29-2010	Amend	3-1-2010	734-030-0015	10-1-2010	Amend	11-1-2010
732-005-0046(T)	1-29-2010	Repeal	3-1-2010	734-030-0015(T)	10-1-2010	Repeal	11-1-2010
732-005-0051	1-29-2010	Amend	3-1-2010	734-030-0020	4-28-2010	Amend(T)	6-1-2010
732-005-0051(T)	1-29-2010	Repeal	3-1-2010	734-030-0020	10-1-2010	Amend	11-1-2010
732-005-0056	1-29-2010	Amend	3-1-2010	734-030-0020(T)	10-1-2010	Repeal	11-1-2010
732-005-0056(T)	1-29-2010	Repeal	3-1-2010	734-035-0150	6-17-2010	Adopt	8-1-2010
732-005-0061	1-29-2010	Amend	3-1-2010	734-051-0020	7-30-2010	Amend(T)	9-1-2010
732-005-0061(T)	1-29-2010	Repeal	3-1-2010	734-051-0040	7-30-2010	Amend(T)	9-1-2010
732-005-0066	1-29-2010	Amend	3-1-2010	734-051-0045	7-30-2010	Amend(T)	9-1-2010
732-005-0066(T)	1-29-2010	Repeal	3-1-2010	734-051-0070	7-30-2010	Amend(T)	9-1-2010
732-005-0076	1-29-2010	Amend	3-1-2010	734-051-0080	7-30-2010	Amend(T)	9-1-2010
732-005-0076(T)	1-29-2010	Repeal	3-1-2010	734-051-0135	7-30-2010	Amend(T)	9-1-2010
732-005-0081	1-29-2010	Amend	3-1-2010	734-051-0245	7-30-2010	Amend(T)	9-1-2010
732-005-0081(T)	1-29-2010	Repeal	3-1-2010	734-051-0255	7-30-2010	Amend(T)	9-1-2010
732-030-0005	1-29-2010	Adopt	3-1-2010	734-051-0295	7-30-2010	Amend(T)	9-1-2010
732-030-0005(T)	1-29-2010	Repeal	3-1-2010	734-051-0315	7-30-2010	Amend(T)	9-1-2010
732-030-0010	1-29-2010	Adopt	3-1-2010	734-051-0345	7-30-2010	Amend(T)	9-1-2010
732-030-0010(T)	1-29-2010	Repeal	3-1-2010	734-051-0500	7-30-2010	Amend(T)	9-1-2010
732-030-0015	1-29-2010	Adopt	3-1-2010	734-051-0530	7-30-2010	Amend(T)	9-1-2010
732-030-0015(T)	1-29-2010	Repeal	3-1-2010	734-059-0005	9-27-2010	Repeal	11-1-2010
732-030-0020	1-29-2010	Adopt	3-1-2010	734-059-0200	9-27-2010	Amend	11-1-2010
732-030-0020(T)	1-29-2010	Repeal	3-1-2010	734-059-0220	9-27-2010	Adopt	11-1-2010
732-030-0025	1-29-2010	Adopt	3-1-2010	734-060-0005	9-27-2010	Repeal	11-1-2010
732-030-0025(T)	1-29-2010	Repeal	3-1-2010	734-060-0015	9-27-2010	Repeal	11-1-2010
732-030-0030	1-29-2010	Adopt	3-1-2010	734-060-0020	9-27-2010	Repeal	11-1-2010
732-030-0030(T)	1-29-2010	Repeal	3-1-2010	734-060-0025	9-27-2010	Repeal	11-1-2010
732-030-0035	1-29-2010	Adopt	3-1-2010	734-060-0030	9-27-2010	Repeal	11-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
734-060-0035	9-27-2010	Repeal	11-1-2010	735-060-0060	9-30-2010	Amend	11-1-2010
734-060-0040	9-27-2010	Repeal	11-1-2010	735-060-0065	9-30-2010	Amend	11-1-2010
734-060-0045	9-27-2010	Repeal	11-1-2010	735-060-0090	9-30-2010	Amend	11-1-2010
734-060-0050	9-27-2010	Repeal	11-1-2010	735-060-0095	9-30-2010	Amend	11-1-2010
734-063-0010	9-27-2010	Adopt	11-1-2010	735-060-0100	9-30-2010	Amend	11-1-2010
734-065-0005	11-17-2009	Repeal	1-1-2010	735-060-0105	9-30-2010	Amend	11-1-2010
734-065-0010	11-17-2009	Amend	1-1-2010	735-060-0110	9-30-2010	Amend	11-1-2010
734-065-0015	11-17-2009	Amend	1-1-2010	735-060-0115	9-30-2010	Amend	11-1-2010
734-065-0020	11-17-2009	Amend	1-1-2010	735-060-0130	9-30-2010	Amend	11-1-2010
734-065-0025	11-17-2009	Amend	1-1-2010	735-062-0003	1-1-2010	Repeal	2-1-2010
734-065-0030	11-17-2009	Repeal	1-1-2010	735-062-0007	1-1-2010	Amend	2-1-2010
734-065-0035	11-17-2009	Amend	1-1-2010	735-062-0010	1-1-2010	Amend	2-1-2010
734-065-0040	11-17-2009	Amend	1-1-2010	735-062-0015	1-1-2010	Amend	2-1-2010
734-065-0045	11-17-2009	Amend	1-1-2010	735-062-0016	7-30-2010	Amend	9-1-2010
734-065-0050	11-17-2009	Amend	1-1-2010	735-062-0020	1-1-2010	Amend	2-1-2010
734-074-0008	3-17-2010	Amend	5-1-2010	735-062-0035	1-1-2010	Amend	2-1-2010
734-074-0020	3-17-2010	Amend	5-1-2010	735-062-0060	3-17-2010	Amend	5-1-2010
735-001-0050	5-18-2010	Amend	7-1-2010	735-062-0070	1-28-2010	Amend	3-1-2010
735-020-0080	1-1-2010	Amend	2-1-2010	735-062-0090	1-1-2010	Amend	2-1-2010
735-024-0015	2-25-2010	Amend	4-1-2010	735-062-0120	9-27-2010	Amend	11-1-2010
735-024-0015(T)	2-25-2010	Repeal	4-1-2010	735-062-0125	1-1-2010	Amend	2-1-2010
735-024-0025	2-25-2010	Amend	4-1-2010	735-062-0190	1-1-2010	Amend	2-1-2010
735-024-0025(T)	2-25-2010	Repeal	4-1-2010	735-062-0290	1-28-2010	Adopt	3-1-2010
735-024-0075	1-1-2010	Amend(T)	2-1-2010	735-063-0000	3-17-2010	Amend	5-1-2010
735-024-0075	6-17-2010	Amend	8-1-2010	735-063-0050	3-17-2010	Amend	5-1-2010
735-024-0075(T)	6-17-2010	Repeal	8-1-2010	735-063-0060	3-17-2010	Amend	5-1-2010
735-024-0080	1-1-2010	Suspend	2-1-2010	735-063-0070	3-17-2010	Amend	5-1-2010
735-024-0080	6-17-2010	Repeal	8-1-2010	735-063-0075	3-17-2010	Amend	5-1-2010
735-024-0130	1-1-2010	Amend(T)	2-1-2010	735-064-0100	1-1-2010	Amend	2-1-2010
735-024-0130	6-17-2010	Amend	8-1-2010	735-064-0220	1-1-2010	Amend	2-1-2010
735-024-0130(T)	6-17-2010	Repeal	8-1-2010	735-070-0000	1-1-2010	Amend	2-1-2010
735-032-0010	2-25-2010	Amend	4-1-2010	735-070-0000	4-28-2010	Amend	6-1-2010
735-032-0010(T)	2-25-2010	Repeal	4-1-2010	735-070-0043	1-1-2010	Repeal	2-1-2010
735-032-0065	6-17-2010	Adopt(T)	8-1-2010	735-070-0160	9-27-2010	Amend	11-1-2010
735-040-0097	1-28-2010	Amend	3-1-2010	735-070-0170	1-1-2010	Amend	2-1-2010
735-040-0097(T)	1-28-2010	Repeal	3-1-2010	735-072-0035	1-1-2010	Amend	2-1-2010
735-040-0098	1-28-2010	Adopt	3-1-2010	735-080-0020	1-1-2010	Amend	2-1-2010
735-040-0098	9-1-2010	Amend(T)	10-1-2010	735-080-0040	1-1-2010	Amend	2-1-2010
735-040-0098(T)	1-28-2010	Repeal	3-1-2010	735-080-0060	1-1-2010	Amend	2-1-2010
735-046-0010	1-28-2010	Amend	3-1-2010	735-090-0120	1-1-2010	Amend	2-1-2010
735-046-0010(T)	1-28-2010	Repeal	3-1-2010	735-090-0125	1-1-2010	Adopt	2-1-2010
735-046-0050	1-28-2010	Amend	3-1-2010	735-150-0005	2-25-2010	Amend	4-1-2010
735-046-0050(T)	1-28-2010	Repeal	3-1-2010	735-150-0005(T)	2-25-2010	Repeal	4-1-2010
735-050-0050	1-1-2010	Amend	2-1-2010	735-150-0010	1-1-2010	Amend	2-1-2010
735-050-0060	1-1-2010	Amend	2-1-2010	735-150-0020	1-1-2010	Amend	2-1-2010
735-050-0062	1-1-2010	Amend	2-1-2010	735-150-0042	1-1-2010	Adopt	2-1-2010
735-050-0064	1-1-2010	Amend	2-1-2010	735-150-0047	1-1-2010	Adopt	2-1-2010
735-050-0070	1-1-2010	Amend	2-1-2010	735-150-0110	1-1-2010	Amend	2-1-2010
735-050-0080	1-1-2010	Amend	2-1-2010	735-158-0000	1-1-2010	Amend(T)	2-1-2010
735-050-0120	1-1-2010	Amend	2-1-2010	735-158-0000	6-17-2010	Amend	8-1-2010
735-060-0000	9-30-2010	Amend	11-1-2010	735-158-0000(T)	6-17-2010	Repeal	8-1-2010
735-060-0030	9-30-2010	Amend	11-1-2010	735-158-0005	1-1-2010	Amend(T)	2-1-2010
735-060-0040	9-30-2010	Amend	11-1-2010	735-158-0005	6-17-2010	Amend	8-1-2010
735-060-0050	9-30-2010	Amend	11-1-2010	735-158-0005(T)	6-17-2010	Repeal	8-1-2010
735-060-0055	9-30-2010	Amend	11-1-2010	735-158-0010	1-1-2010	Amend(T)	2-1-2010
735-060-0057	9-30-2010	Amend	11-1-2010	735-158-0010	6-17-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-158-0010(T)	6-17-2010	Repeal	8-1-2010	736-050-0110	2-3-2010	Repeal	3-1-2010
735-170-0010	1-1-2011	Amend	10-1-2010	736-050-0112	2-3-2010	Adopt	3-1-2010
735-170-0020	1-1-2011	Amend	10-1-2010	736-050-0112(T)	2-3-2010	Repeal	3-1-2010
736-004-0005	12-8-2009	Amend	1-1-2010	736-050-0115	2-3-2010	Repeal	3-1-2010
736-004-0010	12-8-2009	Amend	1-1-2010	736-050-0120	2-3-2010	Amend	3-1-2010
736-004-0015	12-8-2009	Amend	1-1-2010	736-050-0120(T)	2-3-2010	Repeal	3-1-2010
736-004-0020	12-8-2009	Amend	1-1-2010	736-050-0125	2-3-2010	Amend	3-1-2010
736-004-0025	12-8-2009	Amend	1-1-2010	736-050-0125(T)	2-3-2010	Repeal	3-1-2010
736-004-0030	12-8-2009	Amend	1-1-2010	736-050-0130	2-3-2010	Repeal	3-1-2010
736-004-0035	12-8-2009	Adopt	1-1-2010	736-050-0130(T)	2-3-2010	Repeal	3-1-2010
736-004-0060	12-8-2009	Amend	1-1-2010	736-050-0135	2-3-2010	Amend	3-1-2010
736-004-0062	12-8-2009	Amend	1-1-2010	736-050-0135(T)	2-3-2010	Repeal	3-1-2010
736-004-0065	12-8-2009	Amend	1-1-2010	736-050-0140	2-3-2010	Amend	3-1-2010
736-004-0080	12-8-2009	Repeal	1-1-2010	736-050-0140(T)	2-3-2010	Repeal	3-1-2010
736-004-0085	12-8-2009	Amend	1-1-2010	736-050-0150	2-3-2010	Repeal	3-1-2010
736-004-0090	12-8-2009	Amend	1-1-2010	736-050-0150(T)	2-3-2010	Repeal	3-1-2010
736-004-0095	12-8-2009	Amend	1-1-2010	736-140-0005	12-8-2009	Adopt	1-1-2010
736-004-0110	12-8-2009	Amend	1-1-2010	736-140-0015	12-8-2009	Adopt	1-1-2010
736-004-0115	12-8-2009	Amend	1-1-2010	736-146-0010	12-4-2009	Amend	1-1-2010
736-004-0120	12-8-2009	Adopt	1-1-2010	736-146-0012	12-4-2009	Amend	1-1-2010
736-004-0125	12-8-2009	Adopt	1-1-2010	736-146-0015	12-4-2009	Amend	1-1-2010
736-009-0005	12-8-2009	Repeal	1-1-2010	736-146-0020	12-4-2009	Amend	1-1-2010
736-009-0006	12-8-2009	Adopt	1-1-2010	736-146-0025	12-4-2009	Repeal	1-1-2010
736-009-0010	12-8-2009	Repeal	1-1-2010	736-146-0030	12-4-2009	Repeal	1-1-2010
736-009-0015	12-8-2009	Repeal	1-1-2010	736-146-0040	12-4-2009	Repeal	1-1-2010
736-009-0020	12-8-2009	Amend	1-1-2010	736-146-0050	12-4-2009	Amend	1-1-2010
736-009-0021	12-8-2009	Adopt	1-1-2010	736-146-0060	12-4-2009	Amend	1-1-2010
736-009-0022	12-8-2009	Adopt	1-1-2010	736-146-0070	12-4-2009	Amend	1-1-2010
736-009-0025	12-8-2009	Amend	1-1-2010	736-146-0080	12-4-2009	Amend	1-1-2010
736-009-0030	12-8-2009	Amend	1-1-2010	736-146-0090	12-4-2009	Amend	1-1-2010
736-010-0055	2-3-2010	Amend(T)	3-1-2010	736-146-0100	12-4-2009	Amend	1-1-2010
736-010-0055	6-15-2010	Amend	7-1-2010	736-146-0110	12-4-2009	Amend	1-1-2010
736-010-0055	10-13-2010	Amend	11-1-2010	736-146-0120	12-4-2009	Amend	1-1-2010
736-010-0055(T)	6-15-2010	Repeal	7-1-2010	736-146-0130	12-4-2009	Amend	1-1-2010
736-015-0006	3-24-2010	Amend	5-1-2010	736-146-0140	12-4-2009	Amend	1-1-2010
736-015-0010	4-15-2010	Amend(T)	5-1-2010	736-147-0010	12-4-2009	Amend	1-1-2010
736-015-0015	3-24-2010	Amend	5-1-2010	736-147-0020	12-4-2009	Repeal	1-1-2010
736-015-0020	1-5-2010	Amend	2-1-2010	736-147-0030	12-4-2009	Amend	1-1-2010
736-015-0020	4-15-2010	Amend(T)	5-1-2010	736-147-0040	12-4-2009	Adopt	1-1-2010
736-015-0026	4-15-2010	Amend(T)	5-1-2010	736-147-0050	12-4-2009	Amend	1-1-2010
736-015-0030	1-5-2010	Amend	2-1-2010	736-147-0060	12-4-2009	Amend	1-1-2010
736-015-0030	3-24-2010	Amend	5-1-2010	736-147-0070	12-4-2009	Adopt	1-1-2010
736-015-0030	4-15-2010	Amend(T)	5-1-2010	736-148-0010	12-4-2009	Amend	1-1-2010
736-015-0035	1-5-2010	Amend	2-1-2010	736-148-0020	12-4-2009	Amend	1-1-2010
736-015-0040	1-5-2010	Amend	2-1-2010	736-149-0010	12-4-2009	Amend	1-1-2010
736-018-0045	10-1-2010	Amend	10-1-2010	736-201-0005	10-15-2010	Amend	11-1-2010
736-029-0010	6-30-2011	Adopt	3-1-2010	736-201-0130	10-15-2010	Amend	11-1-2010
736-029-0030	6-30-2011	Adopt	3-1-2010	736-201-0135	10-15-2010	Amend	11-1-2010
736-029-0040	6-30-2011	Adopt	3-1-2010	736-201-0175	10-15-2010	Amend	11-1-2010
736-029-0050	6-30-2011	Adopt	3-1-2010	737-010-0000	2-25-2010	Adopt	4-1-2010
736-040-0055	6-16-2010	Amend	8-1-2010	737-010-0000(T)	2-25-2010	Repeal	4-1-2010
736-050-0001	2-3-2010	Amend	3-1-2010	737-010-0010	2-25-2010	Adopt	4-1-2010
736-050-0002	2-3-2010	Repeal	3-1-2010	737-010-0010(T)	2-25-2010	Repeal	4-1-2010
736-050-0005	2-3-2010	Repeal	3-1-2010	737-010-0020	2-25-2010	Adopt	4-1-2010
736-050-0100	2-3-2010	Amend	3-1-2010	737-010-0020(T)	2-25-2010	Repeal	4-1-2010
736-050-0105	2-3-2010	Amend	3-1-2010	737-015-0020	2-25-2010	Amend(T)	4-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
737-015-0020	7-30-2010	Amend	9-1-2010	800-030-0050	2-1-2010	Amend	3-1-2010
737-015-0020(T)	7-30-2010	Repeal	9-1-2010	801-001-0035	1-1-2010	Amend	1-1-2010
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
737-015-0090	7-30-2010	Amend	9-1-2010	801-010-0080	1-1-2010	Amend	1-1-2010
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
738-010-0025	1-7-2010	Amend(T)	2-1-2010	801-050-0010	1-1-2010	Amend	1-1-2010
738-010-0025	7-7-2010	Amend	7-1-2010	801-050-0020	1-1-2010	Amend	1-1-2010
738-010-0035	1-7-2010	Amend(T)	2-1-2010	801-050-0030	1-1-2010	Amend	1-1-2010
738-010-0035	7-7-2010	Amend	7-1-2010	801-050-0035	1-1-2010	Amend	1-1-2010
738-015-0005	1-7-2010	Amend(T)	2-1-2010	801-050-0040	1-1-2010	Amend	1-1-2010
738-015-0005	7-7-2010	Amend	7-1-2010	801-050-0065	1-1-2010	Amend	1-1-2010
740-035-0142	7-30-2010	Adopt	9-1-2010	801-050-0070	1-1-2010	Amend	1-1-2010
740-055-0020	12-22-2009	Amend	2-1-2010	801-050-0080	1-1-2010	Amend	1-1-2010
740-100-0010	4-1-2010	Amend	5-1-2010	804-003-0000	2-17-2010	Amend	4-1-2010
740-100-0015	7-30-2010	Amend	9-1-2010	804-020-0003	12-11-2009	Amend	1-1-2010
740-100-0060	4-1-2010	Amend	5-1-2010	804-022-0000	2-17-2010	Amend	4-1-2010
740-100-0065	4-1-2010	Amend	5-1-2010	804-022-0025	12-11-2009	Adopt	1-1-2010
740-100-0070	4-1-2010	Amend	5-1-2010	804-025-0020	2-17-2010	Amend	4-1-2010
740-100-0080	4-1-2010	Amend	5-1-2010	804-030-0000	12-11-2009	Amend	1-1-2010
740-100-0085	4-1-2010	Amend	5-1-2010	804-030-0003	2-17-2010	Adopt	4-1-2010
740-100-0090	4-1-2010	Amend	5-1-2010	804-035-0010	2-17-2010	Amend	4-1-2010
740-110-0010	4-1-2010	Amend	5-1-2010	804-035-0020	2-17-2010	Amend	4-1-2010
740-200-0040	1-1-2010	Amend	2-1-2010	804-035-0030	2-17-2010	Amend	4-1-2010
740-200-0045	1-1-2010	Amend	2-1-2010	804-040-0000	12-11-2009	Amend	1-1-2010
800-001-0020	2-1-2010	Amend	3-1-2010	804-040-0000	2-17-2010	Amend	4-1-2010
800-010-0015	2-1-2010	Amend	3-1-2010	806-010-0020	10-3-2010	Amend	7-1-2010
800-010-0017	2-1-2010	Amend	3-1-2010	806-010-0035	10-3-2010	Amend	7-1-2010
800-010-0025	2-1-2010	Amend	3-1-2010	806-010-0060	4-6-2010	Amend	5-1-2010
800-010-0030	2-1-2010	Amend	3-1-2010	806-010-0060	10-3-2010	Amend	7-1-2010
800-010-0040	2-1-2010	Amend	3-1-2010	806-010-0145	4-6-2010	Amend	5-1-2010
800-010-0041	2-1-2010	Amend	3-1-2010	808-002-0200	1-1-2010	Amend	2-1-2010
800-010-0050	2-1-2010	Amend	3-1-2010	808-002-0220	1-1-2010	Amend	2-1-2010
800-015-0005	2-1-2010	Amend	3-1-2010	808-002-0500	1-1-2010	Amend	2-1-2010
800-015-0010	2-1-2010	Amend	3-1-2010	808-002-0620	1-1-2010	Amend	2-1-2010
800-015-0020	2-1-2010	Amend	3-1-2010	808-002-0775	1-1-2010	Adopt	2-1-2010
800-020-0015	2-1-2010	Amend	3-1-2010	808-002-0808	1-1-2010	Adopt	2-1-2010
800-020-0025	2-1-2010	Amend	3-1-2010	808-002-0882	1-1-2010	Adopt	2-1-2010
800-020-0065	2-1-2010	Amend	3-1-2010	808-002-0884	1-1-2010	Adopt	2-1-2010
800-025-0020	2-1-2010	Amend	3-1-2010	808-002-0885	6-1-2010	Amend	7-1-2010
800-025-0023	2-1-2010	Amend	3-1-2010	808-002-0895	1-1-2010	Adopt	2-1-2010
800-025-0025	2-1-2010	Amend	3-1-2010	808-003-0010	6-1-2010	Amend	7-1-2010
800-025-0027	2-1-2010	Amend	3-1-2010	808-003-0010	6-2-2010	Amend	7-1-2010
800-025-0029	2-1-2010	Amend	3-1-2010	808-003-0018	6-1-2010	Amend	7-1-2010
800-025-0030	2-1-2010	Amend	3-1-2010	808-003-0020	1-1-2010	Amend	2-1-2010
800-025-0040	2-1-2010	Amend	3-1-2010	808-003-0040	1-1-2010	Amend	2-1-2010
800-025-0050	2-1-2010	Amend	3-1-2010	808-003-0055	1-1-2010	Amend	2-1-2010
800-030-0035	2-1-2010	Amend	3-1-2010	808-003-0060	1-1-2010	Amend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
808-040-0020	1-27-2010	Amend	3-1-2010	812-007-0090	2-1-2010	Repeal	3-1-2010
808-040-0060	1-27-2010	Amend	3-1-2010	812-007-0100	2-1-2010	Adopt	3-1-2010
808-040-0060	6-1-2010	Amend	7-1-2010	812-007-0110	2-1-2010	Adopt	3-1-2010
809-055-0000	12-11-2009	Amend	1-1-2010	812-007-0120	2-1-2010	Adopt	3-1-2010
811-010-0071	12-22-2009	Amend	2-1-2010	812-007-0130	2-1-2010	Adopt	3-1-2010
811-010-0110	6-15-2010	Amend	7-1-2010	812-007-0140	2-1-2010	Adopt	3-1-2010
811-010-0120	4-15-2010	Amend	5-1-2010	812-007-0150	2-1-2010	Adopt	3-1-2010
811-015-0002	6-15-2010	Adopt	7-1-2010	812-007-0160	2-1-2010	Adopt	3-1-2010
811-035-0005	12-22-2009	Amend	2-1-2010	812-007-0200	2-1-2010	Adopt	3-1-2010
811-035-0015	12-22-2009	Amend	2-1-2010	812-007-0205	2-1-2010	Adopt	3-1-2010
812-001-0180	7-1-2010	Amend	8-1-2010	812-007-0210	2-1-2010	Adopt	3-1-2010
812-001-0200	1-1-2010	Amend	1-1-2010	812-007-0220	2-1-2010	Adopt	3-1-2010
812-001-0200	2-1-2010	Amend	3-1-2010	812-007-0230	2-1-2010	Adopt	3-1-2010
812-002-0140	7-1-2010	Amend	8-1-2010	812-007-0240	2-1-2010	Adopt	3-1-2010
812-002-0390	5-18-2010	Adopt(T)	7-1-2010	812-007-0250	2-1-2010	Adopt	3-1-2010
812-002-0390	9-1-2010	Adopt	10-1-2010	812-007-0260	2-1-2010	Adopt	3-1-2010
812-002-0390(T)	9-1-2010	Repeal	10-1-2010	812-007-0300	2-1-2010	Adopt	3-1-2010
812-002-0740	7-1-2010	Amend	8-1-2010	812-007-0302	9-1-2010	Adopt	10-1-2010
812-003-0120	1-1-2010	Amend	1-1-2010	812-007-0310	2-1-2010	Adopt	3-1-2010
812-003-0140	1-1-2010	Amend	1-1-2010	812-007-0310	4-28-2010	Amend	6-1-2010
812-003-0140	7-1-2010	Amend	6-1-2010	812-007-0320	2-1-2010	Adopt	3-1-2010
812-003-0175	9-1-2010	Amend	10-1-2010	812-007-0330	2-1-2010	Adopt	3-1-2010
812-003-0290	6-4-2010	Amend(T)	7-1-2010	812-007-0330	4-28-2010	Amend	6-1-2010
812-003-0290	9-1-2010	Amend	10-1-2010	812-007-0340	4-28-2010	Adopt	6-1-2010
812-003-0290(T)	9-1-2010	Repeal	10-1-2010	812-007-0350	2-1-2010	Adopt	3-1-2010
812-003-0330	6-4-2010	Amend(T)	7-1-2010	812-007-0350	4-28-2010	Amend	6-1-2010
812-003-0330	9-1-2010	Amend	10-1-2010	812-007-0360	2-1-2010	Adopt	3-1-2010
812-003-0330(T)	9-1-2010	Repeal	10-1-2010	812-007-0370	2-1-2010	Adopt	3-1-2010
812-004-0250	7-1-2010	Amend	8-1-2010	812-007-0372	2-1-2010	Adopt	3-1-2010
812-004-0260	9-1-2010	Amend	10-1-2010	812-007-0374	2-1-2010	Adopt	3-1-2010
812-004-0320	1-1-2010	Amend	1-1-2010	812-008-0070	1-1-2010	Amend	1-1-2010
812-004-0320	7-1-2010	Amend	8-1-2010	812-008-0074	9-1-2010	Amend	10-1-2010
812-004-0340	4-28-2010	Amend	6-1-2010	812-008-0090	1-1-2010	Amend	2-1-2010
812-004-0400	7-1-2010	Amend	8-1-2010	812-008-0110	1-1-2010	Amend	1-1-2010
812-004-0400	9-1-2010	Amend	10-1-2010	812-008-0202	1-1-2010	Amend	1-1-2010
812-004-0550	7-1-2010	Amend	8-1-2010	812-009-0340	2-3-2010	Amend(T)	3-1-2010
812-004-0550	9-1-2010	Amend	10-1-2010	812-009-0340	4-28-2010	Amend	6-1-2010
812-005-0210	9-1-2010	Amend	10-1-2010	812-009-0430	7-1-2010	Amend	8-1-2010
812-005-0800	2-1-2010	Amend	3-1-2010	812-012-0110	1-1-2010	Amend	2-1-2010
812-005-0800	4-28-2010	Amend	6-1-2010	812-012-0110	4-28-2010	Amend	6-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-020-0055	5-18-2010	Amend(T)	7-1-2010	813-027-0060	2-25-2010	Adopt(T)	4-1-2010
812-020-0055	9-1-2010	Amend	10-1-2010	813-027-0060	8-23-2010	Adopt	10-1-2010
812-020-0055(T)	9-1-2010	Repeal	10-1-2010	813-027-0060(T)	8-23-2010	Repeal	10-1-2010
812-020-0062	1-1-2010	Amend	1-1-2010	813-027-0070	2-25-2010	Adopt(T)	4-1-2010
812-020-0070	2-1-2010	Amend	3-1-2010	813-027-0070	8-23-2010	Adopt	10-1-2010
812-020-0082	2-1-2010	Repeal	3-1-2010	813-027-0070(T)	8-23-2010	Repeal	10-1-2010
812-021-0016	9-1-2010	Adopt	10-1-2010	813-027-0080	2-25-2010	Adopt(T)	4-1-2010
812-021-0025	1-1-2010	Amend	2-1-2010	813-027-0080	8-23-2010	Adopt	10-1-2010
812-021-0025	9-1-2010	Amend	10-1-2010	813-027-0080(T)	8-23-2010	Repeal	10-1-2010
812-030-0000	2-1-2010	Adopt	3-1-2010	813-027-0090	2-25-2010	Adopt(T)	4-1-2010
812-030-0010	2-1-2010	Adopt	3-1-2010	813-027-0090	8-23-2010	Adopt	10-1-2010
812-030-0100	2-1-2010	Adopt	3-1-2010	813-027-0090(T)	8-23-2010	Repeal	10-1-2010
812-030-0110	2-1-2010	Adopt	3-1-2010	813-028-0001	2-25-2010	Adopt(T)	4-1-2010
812-030-0200	2-1-2010	Adopt	3-1-2010	813-028-0001	8-23-2010	Adopt	10-1-2010
812-030-0210	2-1-2010	Adopt	3-1-2010	813-028-0001(T)	8-23-2010	Repeal	10-1-2010
812-030-0220	2-1-2010	Adopt	3-1-2010	813-028-0010	2-25-2010	Adopt(T)	4-1-2010
812-030-0230	2-1-2010	Adopt	3-1-2010	813-028-0010	8-23-2010	Adopt	10-1-2010
812-030-0240	2-1-2010	Adopt	3-1-2010	813-028-0010(T)	8-23-2010	Repeal	10-1-2010
812-030-0250	2-1-2010	Adopt	3-1-2010	813-028-0020	2-25-2010	Adopt(T)	4-1-2010
812-030-0300	2-1-2010	Adopt	3-1-2010	813-028-0020	8-23-2010	Adopt	10-1-2010
813-001-0009	6-17-2010	Adopt	8-1-2010	813-028-0020(T)	8-23-2010	Repeal	10-1-2010
813-007-0005	1-7-2010	Adopt	2-1-2010	813-028-0030	2-25-2010	Adopt(T)	4-1-2010
813-007-0010	1-7-2010	Adopt	2-1-2010	813-028-0030	8-23-2010	Adopt	10-1-2010
813-007-0015	1-7-2010	Adopt	2-1-2010	813-028-0030(T)	8-23-2010	Repeal	10-1-2010
813-007-0020	1-7-2010	Adopt	2-1-2010	813-028-0040	2-25-2010	Adopt(T)	4-1-2010
813-007-0025	1-7-2010	Adopt	2-1-2010	813-028-0040	8-23-2010	Adopt	10-1-2010
813-007-0030	1-7-2010	Adopt	2-1-2010	813-028-0040(T)	8-23-2010	Repeal	10-1-2010
813-007-0035	1-7-2010	Adopt	2-1-2010	813-028-0050	2-25-2010	Adopt(T)	4-1-2010
813-007-0040	1-7-2010	Adopt	2-1-2010	813-028-0050	8-23-2010	Adopt	10-1-2010
813-007-0045	1-7-2010	Adopt	2-1-2010	813-028-0050(T)	8-23-2010	Repeal	10-1-2010
813-007-0050	1-7-2010	Adopt	2-1-2010	813-028-0060	2-25-2010	Adopt(T)	4-1-2010
813-007-0055	1-7-2010	Adopt	2-1-2010	813-028-0060	8-23-2010	Adopt	10-1-2010
813-007-0055	9-23-2010	Suspend	11-1-2010	813-028-0060(T)	8-23-2010	Repeal	10-1-2010
813-007-0057	9-23-2010	Adopt(T)	11-1-2010	813-028-0070	2-25-2010	Adopt(T)	4-1-2010
813-007-0060	1-7-2010	Adopt	2-1-2010	813-028-0070	8-23-2010	Adopt	10-1-2010
813-007-0060	9-23-2010	Suspend	11-1-2010	813-028-0070(T)	8-23-2010	Repeal	10-1-2010
813-007-0065	1-7-2010	Adopt	2-1-2010	813-028-0080	2-25-2010	Adopt(T)	4-1-2010
813-007-0070	1-7-2010	Adopt	2-1-2010	813-028-0080	8-23-2010	Adopt	10-1-2010
813-027-0001	2-25-2010	Adopt(T)	4-1-2010	813-028-0080(T)	8-23-2010	Repeal	10-1-2010
813-027-0001	8-23-2010	Adopt	10-1-2010	813-028-0090	2-25-2010	Adopt(T)	4-1-2010
813-027-0001(T)	8-23-2010	Repeal	10-1-2010	813-028-0090	8-23-2010	Adopt	10-1-2010
813-027-0010	2-25-2010	Adopt(T)	4-1-2010	813-028-0090(T)	8-23-2010	Repeal	10-1-2010
813-027-0010	8-23-2010	Adopt	10-1-2010	813-041-0000	12-15-2009	Amend(T)	1-1-2010
813-027-0010(T)	8-23-2010	Repeal	10-1-2010	813-041-0000	6-10-2010	Amend	7-1-2010
813-027-0020	2-25-2010	Adopt(T)	4-1-2010	813-041-0000(T)	6-10-2010	Repeal	7-1-2010
813-027-0020	8-23-2010	Adopt	10-1-2010	813-041-0005	12-15-2009	Amend(T)	1-1-2010
813-027-0020(T)	8-23-2010	Repeal	10-1-2010	813-041-0005	6-10-2010	Repeal	7-1-2010
813-027-0030	2-25-2010	Adopt(T)	4-1-2010	813-041-0010	12-15-2009	Amend(T)	1-1-2010
813-027-0030	8-23-2010	Adopt	10-1-2010	813-041-0010	6-10-2010	Amend	7-1-2010
813-027-0030(T)	8-23-2010	Repeal	10-1-2010	813-041-0010(T)	6-10-2010	Repeal	7-1-2010
813-027-0040	2-25-2010	Adopt(T)	4-1-2010	813-041-0015	12-15-2009	Amend(T)	1-1-2010
813-027-0040	8-23-2010	Adopt	10-1-2010	813-041-0015	6-10-2010	Amend	7-1-2010
813-027-0040(T)	8-23-2010	Repeal	10-1-2010	813-041-0015(T)	6-10-2010	Repeal	7-1-2010
813-027-0050	2-25-2010	Adopt(T)	4-1-2010	813-041-0020	12-15-2009	Amend(T)	1-1-2010
813-027-0050	8-23-2010	Adopt	10-1-2010	813-041-0020	6-10-2010	Amend	7-1-2010
813-027-0050(T)	8-23-2010	Repeal	10-1-2010	813-041-0020	6-17-2010	Amend(T)	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-041-0020(T)	6-10-2010	Repeal	7-1-2010	818-026-0010	7-1-2010	Amend	8-1-2010
813-041-0025	12-15-2009	Amend(T)	1-1-2010	818-026-0020	7-1-2010	Amend	8-1-2010
813-041-0025	6-10-2010	Repeal	7-1-2010	818-026-0030	7-1-2010	Amend	8-1-2010
813-041-0027	12-15-2009	Adopt(T)	1-1-2010	818-026-0035	7-1-2010	Amend	8-1-2010
813-041-0027	6-10-2010	Adopt	7-1-2010	818-026-0040	7-1-2010	Amend	8-1-2010
813-041-0027(T)	6-10-2010	Repeal	7-1-2010	818-026-0050	7-1-2010	Amend	8-1-2010
813-041-0030	12-15-2009	Amend(T)	1-1-2010	818-026-0055	7-1-2010	Amend	8-1-2010
813-041-0030	6-10-2010	Amend	7-1-2010	818-026-0060	7-1-2010	Amend	8-1-2010
813-041-0030(T)	6-10-2010	Repeal	7-1-2010	818-026-0065	7-1-2010	Adopt	8-1-2010
813-041-0035	12-15-2009	Adopt(T)	1-1-2010	818-026-0070	7-1-2010	Amend	8-1-2010
813-041-0035(T)	6-10-2010	Repeal	7-1-2010	818-026-0080	7-1-2010	Amend	8-1-2010
813-042-0030	8-24-2010	Amend(T)	10-1-2010	818-026-0100	7-1-2010	Repeal	8-1-2010
813-043-0030	8-24-2010	Amend(T)	10-1-2010	818-026-0110	7-1-2010	Amend	8-1-2010
813-044-0000	12-22-2009	Amend	2-1-2010	818-026-0120	7-1-2010	Amend	8-1-2010
813-044-0010	12-22-2009	Amend	2-1-2010	818-026-0130	7-1-2010	Amend	8-1-2010
813-044-0020	12-22-2009	Amend	2-1-2010	818-035-0065	7-1-2010	Amend	8-1-2010
813-044-0030	12-22-2009	Amend	2-1-2010	818-035-0075	7-1-2010	Repeal	8-1-2010
813-044-0040	12-22-2009	Amend	2-1-2010	818-042-0040	7-1-2010	Amend	8-1-2010
813-044-0050	12-22-2009	Amend	2-1-2010	820-001-0000	5-12-2010	Amend	6-1-2010
813-044-0060	12-22-2009	Adopt	2-1-2010	820-010-0212	5-12-2010	Amend	6-1-2010
813-055-0001	12-22-2009	Adopt	2-1-2010	820-010-0213	5-12-2010	Amend	6-1-2010
813-055-0010	12-22-2009	Adopt	2-1-2010	820-010-0214	5-12-2010	Amend	6-1-2010
813-055-0020	12-22-2009	Adopt	2-1-2010	820-010-0215	5-12-2010	Amend	6-1-2010
813-055-0030	12-22-2009	Adopt	2-1-2010	820-010-0305	5-12-2010	Amend	6-1-2010
813-055-0040	12-22-2009	Adopt	2-1-2010	820-010-0440	5-12-2010	Amend	6-1-2010
813-055-0050	12-22-2009	Adopt	2-1-2010	820-010-0450	5-12-2010	Amend	6-1-2010
813-055-0060	12-22-2009	Adopt	2-1-2010	820-010-0470	5-12-2010	Amend	6-1-2010
813-055-0070	12-22-2009	Adopt	2-1-2010	820-010-0530	5-12-2010	Adopt	6-1-2010
813-055-0080	12-22-2009	Adopt	2-1-2010	820-010-0610	5-12-2010	Amend	6-1-2010
813-055-0090	12-22-2009	Adopt	2-1-2010	820-010-0625	5-12-2010	Amend	6-1-2010
813-055-0100	12-22-2009	Adopt	2-1-2010	820-010-0635	5-12-2010	Amend	6-1-2010
813-055-0110	12-22-2009	Adopt	2-1-2010	830-011-0000	4-1-2010	Amend(T)	5-1-2010
813-140-0096	1-7-2010	Amend	2-1-2010	830-011-0000	9-24-2010	Amend	11-1-2010
813-230-0000	8-12-2010	Amend(T)	9-1-2010	830-011-0000(T)	9-24-2010	Repeal	11-1-2010
813-230-0005	8-12-2010	Amend(T)	9-1-2010	830-011-0050	4-1-2010	Amend(T)	5-1-2010
813-230-0007	8-12-2010	Adopt(T)	9-1-2010	830-011-0050	9-24-2010	Amend	11-1-2010
813-230-0015	8-12-2010	Amend(T)	9-1-2010	830-011-0050(T)	9-24-2010	Repeal	11-1-2010
813-300-0010	1-7-2010	Amend	2-1-2010	830-020-0000	4-1-2010	Amend(T)	5-1-2010
813-300-0100	1-7-2010	Amend	2-1-2010	830-020-0000	9-24-2010	Amend	11-1-2010
817-040-0003	12-26-2009	Amend(T)	2-1-2010	830-020-0000(T)	9-24-2010	Repeal	11-1-2010
817-040-0003	4-1-2010	Amend	5-1-2010	830-020-0020	4-1-2010	Amend(T)	5-1-2010
817-040-0003	10-1-2010	Amend	11-1-2010	830-020-0020	9-24-2010	Amend	11-1-2010
817-040-0003(T)	4-1-2010	Repeal	5-1-2010	830-020-0020(T)	9-24-2010	Repeal	11-1-2010
818-001-0087	7-1-2010	Amend	8-1-2010	830-020-0040	4-1-2010	Amend(T)	5-1-2010
818-013-0001	8-6-2010	Adopt(T)	9-1-2010	830-020-0040	9-24-2010	Amend	11-1-2010
818-013-0005	8-6-2010	Adopt(T)	9-1-2010	830-020-0040(T)	9-24-2010	Repeal	11-1-2010
818-013-0010	8-6-2010	Adopt(T)	9-1-2010	830-030-0090	4-1-2010	Amend(T)	5-1-2010
818-013-0015	8-6-2010	Adopt(T)	9-1-2010	830-030-0090	9-24-2010	Amend	11-1-2010
818-013-0020	8-6-2010	Adopt(T)	9-1-2010	830-030-0090(T)	9-24-2010	Repeal	11-1-2010
818-013-0025	8-6-2010	Adopt(T)	9-1-2010	830-040-0000	4-1-2010	Amend(T)	5-1-2010
818-013-0030	8-6-2010	Adopt(T)	9-1-2010	830-040-0000	9-24-2010	Amend	11-1-2010
818-013-0035	8-6-2010	Adopt(T)	9-1-2010	830-040-0000(T)	9-24-2010	Repeal	11-1-2010
818-015-0007	7-1-2010	Amend	8-1-2010	830-040-0050	4-1-2010	Amend(T)	5-1-2010
818-021-0017	7-1-2010	Amend	8-1-2010	830-040-0050	9-24-2010	Amend	11-1-2010
818-021-0070	7-1-2010	Amend	8-1-2010	830-040-0050(T)	9-24-2010	Repeal	11-1-2010
818-026-0000	7-1-2010	Amend	8-1-2010	830-060-0010	4-1-2010	Adopt(T)	5-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
830-060-0010	9-24-2010	Adopt	11-1-2010	833-030-0001	1-5-2010	Repeal	2-1-2010
830-060-0010(T)	9-24-2010	Repeal	11-1-2010	833-030-0005	1-5-2010	Repeal	2-1-2010
830-060-0020	4-1-2010	Adopt(T)	5-1-2010	833-030-0010	1-5-2010	Repeal	2-1-2010
830-060-0020	9-24-2010	Adopt	11-1-2010	833-030-0011	1-5-2010	Adopt	2-1-2010
830-060-0020(T)	9-24-2010	Repeal	11-1-2010	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
833-020-0120	1-5-2010	Repeal	2-1-2010	833-050-0081	5-3-2010	Amend	6-1-2010
833-020-0140	1-5-2010	Repeal	2-1-2010	833-050-0081	7-1-2010	Amend	7-1-2010
833-020-0150	1-5-2010	Repeal	2-1-2010	833-050-0091	1-5-2010	Adopt	2-1-2010
833-020-0155	1-5-2010	Repeal	2-1-2010	833-050-0111	1-5-2010	Adopt	2-1-2010
833-020-0160	1-5-2010	Repeal	2-1-2010	833-050-0121	1-5-2010	Adopt	2-1-2010
833-020-0164	1-5-2010	Repeal	2-1-2010	833-050-0131	1-5-2010	Adopt	2-1-2010
833-020-0165	1-5-2010	Repeal	2-1-2010	833-050-0141	1-5-2010	Adopt	2-1-2010
833-020-0201	1-11-2010	Adopt(T)	2-1-2010	833-050-0151	1-5-2010	Adopt	2-1-2010
833-020-0201	5-3-2010	Adopt	6-1-2010	833-050-0161	1-5-2010	Adopt	2-1-2010
833-020-0201(T)	5-3-2010	Repeal	6-1-2010	833-055-0001	7-1-2010	Suspend	7-1-2010
833-020-0301	5-3-2010	Adopt	6-1-2010	833-055-0010	7-1-2010	Suspend	7-1-2010
833-025-0001	1-5-2010	Repeal	2-1-2010	833-055-0020	7-1-2010	Suspend	7-1-2010
833-025-0005	1-5-2010	Repeal	2-1-2010	833-060-0011	1-5-2010	Repeal	2-1-2010
833-025-0006	1-5-2010	Repeal	2-1-2010	833-060-0012	1-5-2010	Adopt	2-1-2010
833-025-0050	1-5-2010	Repeal	2-1-2010	833-060-0012	5-3-2010	Amend	6-1-2010
833-025-0060	1-5-2010	Repeal	2-1-2010	833-060-0021	1-5-2010	Repeal	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
833-120-0041	1-5-2010	Adopt	2-1-2010	836-053-0001	1-1-2011	Amend	10-1-2010
833-130-0010	7-1-2010	Adopt	7-1-2010	836-053-0081	4-22-2010	Amend(T)	6-1-2010
833-130-0020	7-1-2010	Adopt	7-1-2010	836-053-0081	7-28-2010	Amend	9-1-2010
833-130-0030	7-1-2010	Adopt	7-1-2010	836-053-0081(T)	7-28-2010	Repeal	9-1-2010
833-130-0040	7-1-2010	Adopt	7-1-2010	836-053-0465	2-16-2010	Amend	4-1-2010
833-130-0050	7-1-2010	Adopt	7-1-2010	836-053-0471	2-16-2010	Adopt	4-1-2010
833-130-0060	7-1-2010	Adopt	7-1-2010	836-053-0475	2-16-2010	Adopt	4-1-2010
833-130-0070	7-1-2010	Adopt	7-1-2010	836-053-0780	2-16-2010	Amend	4-1-2010
834-010-0050	6-23-2010	Amend	8-1-2010	836-053-0850	6-11-2010	Repeal	7-1-2010
836-009-0007	2-1-2010	Amend	2-1-2010	836-053-0851	6-11-2010	Adopt	7-1-2010
836-009-0020	3-25-2010	Adopt	5-1-2010	836-053-0855	12-23-2009	Amend(T)	2-1-2010
836-009-0020(T)	3-25-2010	Repeal	5-1-2010	836-053-0855	1-8-2010	Amend(T)	2-1-2010
836-009-0025	3-25-2010	Adopt	5-1-2010	836-053-0855	3-10-2010	Amend(T)	4-1-2010
836-009-0025(T)	3-25-2010	Repeal	5-1-2010	836-053-0855	4-26-2010	Amend(T)	6-1-2010
836-009-0030	3-25-2010	Adopt	5-1-2010	836-053-0855	6-11-2010	Repeal	7-1-2010
836-009-0030(T)	3-25-2010	Repeal	5-1-2010	836-053-0855(T)	1-8-2010	Suspend	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-053-0855(T)	3-10-2010	Suspend	4-1-2010	837-047-0130	7-1-2010	Adopt(T)	5-1-2010
836-053-0855(T)	4-26-2010	Suspend	6-1-2010	837-047-0140	7-1-2010	Adopt(T)	5-1-2010
836-053-0856	6-11-2010	Adopt	7-1-2010	837-047-0150	7-1-2010	Adopt(T)	5-1-2010
836-053-0860	12-23-2009	Amend(T)	2-1-2010	837-047-0160	7-1-2010	Adopt(T)	5-1-2010
836-053-0860	1-8-2010	Amend(T)	2-1-2010	837-047-0170	7-1-2010	Adopt(T)	5-1-2010
836-053-0860	3-10-2010	Amend(T)	4-1-2010	837-085-0020	2-1-2010	Amend	3-1-2010
836-053-0860	4-26-2010	Amend(T)	6-1-2010	837-085-0030	2-1-2010	Amend	3-1-2010
836-053-0860	6-11-2010	Repeal	7-1-2010	837-085-0040	2-1-2010	Amend	3-1-2010
836-053-0860(T)	1-8-2010	Suspend	2-1-2010	837-085-0050	2-1-2010	Amend	3-1-2010
836-053-0860(T)	3-10-2010	Suspend	4-1-2010	837-085-0060	2-1-2010	Amend	3-1-2010
836-053-0860(T)	4-26-2010	Suspend	6-1-2010	837-085-0070	2-1-2010	Amend	3-1-2010
836-053-0861	6-11-2010	Adopt	7-1-2010	837-085-0080	2-1-2010	Amend	3-1-2010
836-053-0865	12-23-2009	Amend(T)	2-1-2010	837-085-0090	2-1-2010	Amend	3-1-2010
836-053-0865	1-8-2010	Amend(T)	2-1-2010	837-085-0100	2-1-2010	Amend	3-1-2010
836-053-0865	3-10-2010	Amend(T)	4-1-2010	837-085-0110	2-1-2010	Amend	3-1-2010
836-053-0865	4-26-2010	Amend(T)	6-1-2010	837-085-0120	2-1-2010	Amend	3-1-2010
836-053-0865	6-11-2010	Repeal	7-1-2010	837-085-0140	2-1-2010	Amend	3-1-2010
836-053-0865(T)	1-8-2010	Suspend	2-1-2010	837-085-0150	2-1-2010	Amend	3-1-2010
836-053-0865(T)	3-10-2010	Suspend	4-1-2010	837-085-0170	2-1-2010	Amend	3-1-2010
836-053-0865(T)	4-26-2010	Suspend	6-1-2010	837-085-0180	2-1-2010	Amend	3-1-2010
836-053-0866	6-11-2010	Adopt	7-1-2010	837-085-0190	2-1-2010	Amend	3-1-2010
836-053-0910	2-16-2010	Amend	4-1-2010	837-085-0200	2-1-2010	Amend	3-1-2010
836-053-1000	8-19-2010	Amend	10-1-2010	837-085-0210	2-1-2010	Amend	3-1-2010
836-053-1070	8-19-2010	Amend	10-1-2010	837-085-0220	2-1-2010	Amend	3-1-2010
836-053-1080	8-19-2010	Amend	10-1-2010	837-085-0230	2-1-2010	Amend	3-1-2010
836-054-0210	7-1-2010	Amend	6-1-2010	837-085-0250	2-1-2010	Amend	3-1-2010
836-071-0101	2-1-2010	Amend	2-1-2010	837-085-0260	2-1-2010	Amend	3-1-2010
836-071-0113	2-1-2010	Adopt	2-1-2010	837-085-0270	2-1-2010	Amend	3-1-2010
836-071-0127	2-1-2010	Amend	2-1-2010	837-085-0280	2-1-2010	Amend	3-1-2010
836-071-0130	2-1-2010	Amend	2-1-2010	837-085-0290	2-1-2010	Amend	3-1-2010
836-071-0185	2-1-2010	Amend	2-1-2010	837-085-0300	2-1-2010	Amend	3-1-2010
836-080-0205	8-19-2010	Amend	10-1-2010	837-085-0305	2-1-2010	Amend	3-1-2010
836-080-0210	8-19-2010	Amend	10-1-2010	837-085-0310	2-1-2010	Amend	3-1-2010
836-080-0235	8-19-2010	Amend	10-1-2010	837-085-0340	2-1-2010	Amend	3-1-2010
836-080-0240	1-1-2010	Amend	2-1-2010	837-085-0350	2-1-2010	Amend	3-1-2010
836-100-0010	9-23-2010	Adopt(T)	11-1-2010	837-085-0380	2-1-2010	Amend	3-1-2010
836-100-0015	9-23-2010	Adopt(T)	11-1-2010	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
837-040-02020	4-1-2010	Amend	1-1-2010	839-001-0750	1-1-2010	Repeal	1-1-2010
837-046-0000	11-21-2009	Adopt	1-1-2010	839-002-0030	2-12-2010	Amend(T)	3-1-2010
837-046-0020	11-21-2009	Adopt	1-1-2010	839-002-0030	5-5-2010	Amend	6-1-2010
837-046-0040	11-21-2009	Adopt	1-1-2010	839-002-0030(T)	5-5-2010	Repeal	6-1-2010
837-046-0060	11-21-2009	Adopt	1-1-2010	839-002-0040	2-12-2010	Amend(T)	3-1-2010
837-046-0080	11-21-2009	Adopt	1-1-2010	839-002-0040	5-5-2010	Amend	6-1-2010
837-046-0100	11-21-2009	Adopt	1-1-2010	839-002-0040(T)	5-5-2010	Repeal	6-1-2010
837-046-0120	11-21-2009	Adopt	1-1-2010	839-002-0045	2-12-2010	Amend(T)	3-1-2010
837-046-0140	11-21-2009	Adopt	1-1-2010	839-002-0045	5-5-2010	Amend	6-1-2010
837-046-0160	11-21-2009	Adopt	1-1-2010	839-002-0045(T)	5-5-2010	Repeal	6-1-2010
837-046-0180	11-21-2009	Adopt	1-1-2010	839-002-0050	2-12-2010	Amend(T)	3-1-2010
837-047-0100	7-1-2010	Adopt(T)	5-1-2010	839-002-0050	5-5-2010	Amend	6-1-2010
837-047-0110	7-1-2010	Adopt(T)	5-1-2010	839-002-0050(T)	5-5-2010	Repeal	6-1-2010
837-047-0120	7-1-2010	Adopt(T)	5-1-2010	839-003-0005	2-24-2010	Amend	4-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
839-006-0270	2-24-2010	Amend	4-1-2010	839-011-0020	8-1-2010	Amend	9-1-2010
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
839-006-0295	2-24-2010	Amend	4-1-2010	839-011-0050	8-1-2010	Amend	9-1-2010
839-006-0300	2-24-2010	Amend	4-1-2010	839-011-0051	8-1-2010	Adopt	9-1-2010
839-006-0305	2-24-2010	Amend	4-1-2010	839-011-0060	8-1-2010	Amend	9-1-2010
839-006-0307	2-24-2010	Adopt	4-1-2010	839-011-0070	8-1-2010	Amend	9-1-2010
839-006-0330	2-24-2010	Amend	4-1-2010	839-011-0072	8-1-2010	Amend	9-1-2010
839-006-0332	2-24-2010	Adopt	4-1-2010	839-011-0073	8-1-2010	Amend	9-1-2010
839-006-0335	2-24-2010	Amend	4-1-2010	839-011-0074	8-1-2010	Amend	9-1-2010
839-006-0435	2-24-2010	Amend	4-1-2010	839-011-0078	8-1-2010	Amend	9-1-2010
839-006-0440	2-24-2010	Amend	4-1-2010	839-011-0082	8-1-2010	Amend	9-1-2010
839-006-0445	2-24-2010	Amend	4-1-2010	839-011-0084	8-1-2010	Amend	9-1-2010
839-006-0450	2-24-2010	Amend	4-1-2010	839-011-0086	8-1-2010	Repeal	9-1-2010
839-006-0455	2-24-2010	Amend	4-1-2010	839-011-0088	8-1-2010	Amend	9-1-2010
839-006-0460	2-24-2010	Amend	4-1-2010	839-011-0093	8-1-2010	Amend	9-1-2010
839-006-0465	2-24-2010	Amend	4-1-2010	839-011-0095	8-1-2010	Repeal	9-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-011-0140	8-1-2010	Amend	9-1-2010	839-021-0290	1-1-2010	Amend	1-1-2010
839-011-0141	8-1-2010	Adopt	9-1-2010	839-021-0355	10-1-2010	Amend	11-1-2010
839-011-0142	8-1-2010	Adopt	9-1-2010	839-025-0010	1-1-2010	Amend	1-1-2010
839-011-0143	8-1-2010	Adopt	9-1-2010	839-025-0013	1-1-2010	Amend	1-1-2010
839-011-0145	8-1-2010	Amend	9-1-2010	839-025-0013(T)	1-1-2010	Repeal	1-1-2010
839-011-0160	8-1-2010	Repeal	9-1-2010	839-025-0015	1-1-2010	Amend	1-1-2010
839-011-0162	8-1-2010	Amend	9-1-2010	839-025-0020	1-1-2010	Amend	1-1-2010
839-011-0170	8-1-2010	Amend	9-1-2010	839-025-0020(T)	1-1-2010	Repeal	1-1-2010
839-011-0175	8-1-2010	Amend	9-1-2010	839-025-0030	1-1-2010	Amend	1-1-2010
839-011-0200	8-1-2010	Amend	9-1-2010	839-025-0030(T)	1-1-2010	Repeal	1-1-2010
839-011-0250	8-1-2010	Amend	9-1-2010	839-025-0035	1-1-2010	Amend	1-1-2010
839-011-0260	8-1-2010	Amend	9-1-2010	839-025-0035(T)	1-1-2010	Repeal	1-1-2010
839-011-0265	8-1-2010	Amend	9-1-2010	839-025-0085	1-1-2010	Amend	1-1-2010
839-011-0270	8-1-2010	Amend	9-1-2010	839-025-0085(T)	1-1-2010	Repeal	1-1-2010
839-011-0280	8-1-2010	Amend	9-1-2010	839-025-0200	1-1-2010	Amend	1-1-2010
839-011-0290	8-1-2010	Amend	9-1-2010	839-025-0200(T)	1-1-2010	Repeal	1-1-2010
839-011-0310	8-1-2010	Amend	9-1-2010	839-025-0210	1-1-2010	Amend	1-1-2010
839-011-0320	8-1-2010	Amend	9-1-2010	839-025-0210(T)	1-1-2010	Repeal	1-1-2010
839-011-0330	8-1-2010	Repeal	9-1-2010	839-025-0530	1-1-2010	Amend	1-1-2010
839-011-0332	8-1-2010	Repeal	9-1-2010	839-025-0530(T)	1-1-2010	Repeal	1-1-2010
839-011-0334	8-1-2010	Amend	9-1-2010	839-025-0700	11-23-2009	Amend	1-1-2010
839-011-0340	8-1-2010	Repeal	9-1-2010	839-025-0700	1-1-2010	Amend	2-1-2010
839-011-0350	8-1-2010	Repeal	9-1-2010	839-025-0700	1-12-2010	Amend	2-1-2010
839-011-0360	8-1-2010	Repeal	9-1-2010	839-025-0700	1-13-2010	Amend	2-1-2010
839-011-0370	8-1-2010	Repeal	9-1-2010	839-025-0700	1-19-2010	Amend	3-1-2010
839-011-0380	8-1-2010	Repeal	9-1-2010	839-025-0700	1-27-2010	Amend	3-1-2010
839-011-0400	8-1-2010	Am. & Ren.	9-1-2010	839-025-0700	4-1-2010	Amend	5-1-2010
839-011-0401	8-1-2010	Adopt	9-1-2010	839-025-0700	7-1-2010	Amend	8-1-2010
839-011-0410	8-1-2010	Am. & Ren.	9-1-2010	839-025-0700	10-1-2010	Amend	11-1-2010
839-011-0420	8-1-2010	Am. & Ren.	9-1-2010	839-050-0080	3-3-2010	Amend	4-1-2010
839-011-0430	8-1-2010	Am. & Ren.	9-1-2010	839-050-0130	3-3-2010	Amend	4-1-2010
839-011-0440	8-1-2010	Am. & Ren.	9-1-2010	839-050-0140	3-3-2010	Amend	4-1-2010
839-011-0450	8-1-2010	Am. & Ren.	9-1-2010	839-050-0150	3-3-2010	Amend	4-1-2010
839-011-0460	8-1-2010	Repeal	9-1-2010	839-050-0240	3-3-2010	Amend	4-1-2010
839-011-0470	8-1-2010	Repeal	9-1-2010	839-050-0370	3-3-2010	Amend	4-1-2010
839-011-0480	8-1-2010	Am. & Ren.	9-1-2010	839-051-0010	3-3-2010	Amend	4-1-2010
839-011-0501	8-1-2010	Adopt	9-1-2010	845-005-0327	10-1-2010	Repeal	11-1-2010
839-011-0505	8-1-2010	Adopt	9-1-2010	845-005-0413	3-1-2010	Adopt	4-1-2010
839-011-0510	8-1-2010	Adopt	9-1-2010	845-005-0414	3-1-2010	Adopt	4-1-2010
839-011-0515	8-1-2010	Adopt	9-1-2010	845-006-0340	5-1-2010	Amend	6-1-2010
839-011-0520	8-1-2010	Adopt	9-1-2010	845-006-0380	7-1-2010	Adopt	8-1-2010
839-011-0525	8-1-2010	Adopt	9-1-2010	845-007-0010	9-1-2010	Amend	10-1-2010
839-011-0530	8-1-2010	Adopt	9-1-2010	845-007-0015	9-1-2010	Amend	10-1-2010
839-011-0535	8-1-2010	Adopt	9-1-2010	845-007-0020	5-1-2010	Amend	6-1-2010
839-011-0540	8-1-2010	Adopt	9-1-2010	845-009-0150	7-1-2010	Adopt	8-1-2010
839-011-0545	8-1-2010	Adopt	9-1-2010	845-013-0040	7-1-2010	Amend	8-1-2010
839-011-0550	8-1-2010	Adopt	9-1-2010	845-015-0130	5-1-2010	Amend	6-1-2010
839-011-0555	8-1-2010	Adopt	9-1-2010	845-015-0200	9-1-2010	Adopt	10-1-2010
839-011-0560	8-1-2010	Adopt	9-1-2010	845-020-0020	3-1-2010	Amend	4-1-2010
839-011-0565	8-1-2010	Adopt	9-1-2010	845-020-0025	3-1-2010	Amend	4-1-2010
839-020-0004	6-1-2010	Amend	7-1-2010	845-020-0030	3-1-2010	Amend	4-1-2010
839-020-0050	6-1-2010	Amend	7-1-2010	847-005-0005	1-26-2010	Amend	3-1-2010
839-020-0125	6-1-2010	Amend	7-1-2010	847-005-0005(T)	1-26-2010	Repeal	3-1-2010
839-021-0070	1-1-2010	Amend	1-1-2010	847-008-0023	1-26-2010	Amend	3-1-2010
839-021-0104	10-1-2010	Amend	11-1-2010	847-010-0073	1-26-2010	Amend	3-1-2010
839-021-0280	1-1-2010	Amend	1-1-2010	847-020-0100	4-26-2010	Amend	6-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	851-045-0070	9-30-2010	Amend	11-1-2010
847-035-0030	7-26-2010	Amend	9-1-2010	851-046-0000	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	1-26-2010	Repeal	3-1-2010	851-046-0005	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	7-26-2010	Repeal	9-1-2010	851-046-0010	7-1-2010	Suspend	8-1-2010
847-050-0015	7-26-2010	Amend(T)	9-1-2010	851-046-0020	7-1-2010	Suspend	8-1-2010
847-050-0020	4-26-2010	Amend(T)	6-1-2010	851-046-0030	7-1-2010	Suspend	8-1-2010
847-050-0020	7-26-2010	Amend	9-1-2010	851-046-0040	7-1-2010	Suspend	8-1-2010
847-050-0020(T)	7-26-2010	Repeal	9-1-2010	851-050-0000	1-1-2010	Amend	2-1-2010
847-050-0029	7-26-2010	Amend	9-1-2010	851-050-0001	1-1-2010	Amend	2-1-2010
847-050-0046	4-26-2010	Adopt	6-1-2010	851-050-0002	7-1-2010	Amend	2-1-2010
847-065-0000	8-3-2010	Suspend	9-1-2010	851-050-0004	1-1-2010	Amend	2-1-2010
847-065-0010	8-3-2010	Adopt(T)	9-1-2010	851-050-0005	1-1-2010	Amend	2-1-2010
847-065-0015	8-3-2010	Adopt(T)	9-1-2010	851-050-0006	7-1-2010	Amend	2-1-2010
847-065-0020	8-3-2010	Adopt(T)	9-1-2010	851-050-0008	1-1-2010	Adopt	2-1-2010
847-065-0025	8-3-2010	Adopt(T)	9-1-2010	851-050-0010	1-1-2010	Amend	2-1-2010
847-065-0030	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	1-1-2010	Amend	2-1-2010
847-065-0035	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	4-19-2010	Amend(T)	6-1-2010
847-065-0040	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	9-30-2010	Amend	11-1-2010
847-065-0045	8-3-2010	Adopt(T)	9-1-2010	851-050-0142	1-1-2010	Adopt	2-1-2010
847-065-0050	8-3-2010	Adopt(T)	9-1-2010	851-054-0010	9-30-2010	Amend	11-1-2010
847-065-0055	8-3-2010	Adopt(T)	9-1-2010	851-054-0040	9-30-2010	Amend	11-1-2010
847-065-0060	8-3-2010	Adopt(T)	9-1-2010	851-054-0050	9-30-2010	Amend	11-1-2010
847-065-0065	8-3-2010	Adopt(T)	9-1-2010	851-054-0055	9-30-2010	Amend	11-1-2010
848-001-0005	3-1-2010	Amend	4-1-2010	851-056-0000	1-1-2010	Amend	2-1-2010
848-001-0010	3-1-2010	Amend	4-1-2010	851-056-0006	1-1-2010	Amend	2-1-2010
848-005-0020	3-1-2010	Amend	4-1-2010	851-056-0010	1-1-2010	Amend	2-1-2010
848-005-0030	3-1-2010	Amend	4-1-2010	851-056-0016	1-1-2010	Amend	2-1-2010
848-010-0015	3-1-2010	Amend	4-1-2010	851-056-0020	1-1-2010	Amend	2-1-2010
848-010-0022	3-1-2010	Amend	4-1-2010	851-056-0024	1-1-2010	Amend	2-1-2010
848-010-0026	3-1-2010	Amend	4-1-2010	851-061-0090	12-17-2009	Amend	2-1-2010
848-035-0020	3-1-2010	Amend	4-1-2010	851-062-0005	6-25-2010	Repeal	8-1-2010
848-040-0100	3-1-2010	Amend	4-1-2010	851-062-0010	6-25-2010	Amend	8-1-2010
848-040-0147	3-1-2010	Amend	4-1-2010	851-062-0015	6-25-2010	Repeal	8-1-2010
848-045-0020	3-1-2010	Amend	4-1-2010	851-062-0016	6-25-2010	Amend	8-1-2010
848-050-0100	3-1-2010	Repeal	4-1-2010	851-062-0020	6-25-2010	Amend	8-1-2010
848-050-0110	3-1-2010	Repeal	4-1-2010	851-062-0050	6-25-2010	Amend	8-1-2010
848-050-0120	3-1-2010	Repeal	4-1-2010	851-062-0055	6-25-2010	Amend	8-1-2010
850-005-0190	5-3-2010	Adopt	6-1-2010	851-062-0070	6-25-2010	Amend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
851-062-0100	6-25-2010	Amend	8-1-2010	855-019-0300	6-29-2010	Amend	8-1-2010
851-062-0110	6-25-2010	Amend	8-1-2010	855-019-0310	6-29-2010	Amend	8-1-2010
851-063-0020	6-25-2010	Amend	8-1-2010	855-025-0020	6-29-2010	Amend	8-1-2010
851-063-0030	12-17-2009	Amend	2-1-2010	855-025-0050	6-29-2010	Amend	8-1-2010
851-063-0030	6-25-2010	Amend	8-1-2010	855-031-0005	4-30-2010	Amend	6-1-2010
851-063-0035	12-17-2009	Amend	2-1-2010	855-031-0010	4-30-2010	Amend	6-1-2010
851-063-0035	6-25-2010	Amend	8-1-2010	855-031-0015	4-30-2010	Repeal	6-1-2010
851-063-0040	6-25-2010	Repeal	8-1-2010	855-031-0020	4-30-2010	Amend	6-1-2010
851-063-0050	6-25-2010	Repeal	8-1-2010	855-031-0030	4-30-2010	Amend	6-1-2010
851-063-0060	6-25-2010	Repeal	8-1-2010	855-031-0033	4-30-2010	Repeal	6-1-2010
851-063-0090	12-17-2009	Amend	2-1-2010	855-031-0040	4-30-2010	Repeal	6-1-2010
851-063-0090	4-19-2010	Amend(T)	6-1-2010	855-031-0045	4-30-2010	Amend	6-1-2010
851-063-0090	9-30-2010	Amend	11-1-2010	855-031-0050	4-30-2010	Amend	6-1-2010
851-070-0000	7-1-2010	Adopt(T)	8-1-2010	855-031-0055	4-30-2010	Amend	6-1-2010
851-070-0005	7-1-2010	Adopt(T)	8-1-2010	855-041-0120	4-30-2010	Repeal	6-1-2010
851-070-0010	7-1-2010	Adopt(T)	8-1-2010	855-041-0125	4-30-2010	Repeal	6-1-2010
851-070-0020	7-1-2010	Adopt(T)	8-1-2010	855-041-0130	4-30-2010	Repeal	6-1-2010
851-070-0030	7-1-2010	Adopt(T)	8-1-2010	855-041-0132	4-30-2010	Repeal	6-1-2010
851-070-0040	7-1-2010	Adopt(T)	8-1-2010	855-041-0600	7-9-2010	Amend(T)	8-1-2010
851-070-0050	7-1-2010	Adopt(T)	8-1-2010	855-041-0640	7-9-2010	Adopt(T)	8-1-2010
851-070-0060	7-1-2010	Adopt(T)	8-1-2010	855-041-4000	2-8-2010	Adopt	3-1-2010
851-070-0070	7-1-2010	Adopt(T)	8-1-2010	855-041-4005	2-8-2010	Adopt	3-1-2010
851-070-0080	7-1-2010	Adopt(T)	8-1-2010	855-041-6050	4-30-2010	Adopt	6-1-2010
851-070-0090	7-1-2010	Adopt(T)	8-1-2010	855-041-6100	4-30-2010	Adopt	6-1-2010
851-070-0100	7-1-2010	Adopt(T)	8-1-2010	855-041-6150	4-30-2010	Adopt	6-1-2010
852-005-0015	12-11-2009	Adopt	1-1-2010	855-041-6200	4-30-2010	Adopt	6-1-2010
852-010-0080	12-11-2009	Amend	1-1-2010	855-041-6220	4-30-2010	Adopt	6-1-2010
852-020-0035	12-11-2009	Amend	1-1-2010	855-041-6240	4-30-2010	Adopt	6-1-2010
852-020-0045	9-20-2010	Adopt	11-1-2010	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
855-019-0240	6-29-2010	Amend	8-1-2010	855-043-0210	2-8-2010	Amend	3-1-2010
855-019-0250	6-29-2010	Amend	8-1-2010	855-043-0300	2-8-2010	Amend	3-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
855-043-0310	2-8-2010	Amend	3-1-2010	858-010-0016	1-8-2010	Adopt	2-1-2010
855-044-0001	6-29-2010	Adopt	8-1-2010	858-010-0016	9-28-2010	Amend	11-1-2010
855-044-0005	6-29-2010	Adopt	8-1-2010	858-010-0017	1-8-2010	Adopt	2-1-2010
855-044-0010	6-29-2010	Adopt	8-1-2010	858-010-0017	9-28-2010	Amend	11-1-2010
855-044-0020	6-29-2010	Adopt	8-1-2010	858-010-0018	1-8-2010	Adopt	2-1-2010
855-044-0030	6-29-2010	Adopt	8-1-2010	858-010-0020	1-8-2010	Amend	2-1-2010
855-044-0040	6-29-2010	Adopt	8-1-2010	858-010-0020	9-28-2010	Amend	11-1-2010
855-044-0050	6-29-2010	Adopt	8-1-2010	858-010-0025	1-8-2010	Amend	2-1-2010
855-044-0060	6-29-2010	Adopt	8-1-2010	858-010-0030	1-8-2010	Amend	2-1-2010
855-044-0070	6-29-2010	Adopt	8-1-2010	858-010-0030	9-28-2010	Amend	11-1-2010
855-044-0080	6-29-2010	Adopt	8-1-2010	858-010-0034	1-8-2010	Adopt	2-1-2010
855-044-0090	6-29-2010	Adopt	8-1-2010	858-010-0034	9-28-2010	Amend	11-1-2010
855-062-0003	12-24-2009	Adopt	2-1-2010	858-010-0036	1-8-2010	Amend	2-1-2010
855-062-0003(T)	12-24-2009	Repeal	2-1-2010	858-010-0036	9-28-2010	Amend	11-1-2010
855-062-0005	12-24-2009	Adopt	2-1-2010	858-010-0037	1-8-2010	Adopt	2-1-2010
855-062-0005(T)	12-24-2009	Repeal	2-1-2010	858-010-0038	1-8-2010	Adopt	2-1-2010
855-062-0020	12-24-2009	Adopt	2-1-2010	858-010-0039	1-8-2010	Adopt	2-1-2010
855-062-0020(T)	12-24-2009	Repeal	2-1-2010	858-010-0041	1-8-2010	Amend	2-1-2010
855-062-0030	12-24-2009	Adopt	2-1-2010	858-010-0050	1-8-2010	Amend	2-1-2010
855-062-0030(T)	12-24-2009	Repeal	2-1-2010	858-010-0055	1-8-2010	Amend	2-1-2010
855-062-0040	12-24-2009	Adopt	2-1-2010	858-010-0055	9-28-2010	Amend	11-1-2010
855-062-0040(T)	12-24-2009	Repeal	2-1-2010	858-010-0060	1-8-2010	Amend	2-1-2010
855-062-0050	12-24-2009	Adopt	2-1-2010	858-010-0065	1-8-2010	Amend	2-1-2010
855-062-0050(T)	12-24-2009	Repeal	2-1-2010	858-020-0015	1-8-2010	Amend	2-1-2010
855-065-0001	12-24-2009	Amend	2-1-2010	858-020-0025	1-8-2010	Amend	2-1-2010
855-065-0005	12-24-2009	Amend	2-1-2010	858-020-0035	1-8-2010	Amend	2-1-2010
855-065-0006	12-24-2009	Amend	2-1-2010	858-020-0045	1-8-2010	Amend	2-1-2010
855-080-0020	6-29-2010	Amend	8-1-2010	858-020-0045	9-28-2010	Amend	11-1-2010
855-080-0021	6-29-2010	Amend	8-1-2010	858-020-0055	1-8-2010	Amend	2-1-2010
855-080-0021	10-15-2010	Amend(T)	11-1-2010	858-020-0065	1-8-2010	Amend	2-1-2010
855-080-0022	6-29-2010	Amend	8-1-2010	858-020-0085	1-8-2010	Amend	2-1-2010
855-080-0028	6-29-2010	Amend	8-1-2010	858-030-0005	1-8-2010	Amend	2-1-2010
855-080-0055	6-29-2010	Amend	8-1-2010	858-030-0005	9-28-2010	Amend	11-1-2010
855-080-0085	6-29-2010	Amend	8-1-2010	858-040-0015	1-8-2010	Amend	2-1-2010
855-080-0105	6-29-2010	Amend	8-1-2010	858-040-0015	9-28-2010	Amend	11-1-2010
855-110-0003	12-24-2009	Adopt	2-1-2010	858-040-0020	1-8-2010	Adopt	2-1-2010
855-110-0003(T)	12-24-2009	Repeal	2-1-2010	858-040-0025	1-8-2010	Amend	2-1-2010
855-110-0005	12-24-2009	Amend	2-1-2010	858-040-0026	1-8-2010	Adopt	2-1-2010
855-110-0005	5-4-2010	Amend(T)	6-1-2010	858-040-0026	9-28-2010	Amend	11-1-2010
855-110-0005	6-29-2010	Amend	8-1-2010	858-040-0035	1-8-2010	Amend	2-1-2010
855-110-0005(T)	6-29-2010	Repeal	8-1-2010	858-040-0035	9-28-2010	Amend	11-1-2010
855-110-0007	12-24-2009	Amend	2-1-2010	858-040-0036	1-8-2010	Amend	2-1-2010
855-110-0007	6-29-2010	Amend	8-1-2010	858-040-0036	9-28-2010	Amend	11-1-2010
855-110-0010	12-24-2009	Amend	2-1-2010	858-040-0055	1-8-2010	Amend	2-1-2010
855-110-0015	3-1-2010	Amend	3-1-2010	858-040-0055	9-28-2010	Amend	11-1-2010
856-010-0015	4-27-2010	Amend	6-1-2010	858-040-0065	1-8-2010	Amend	2-1-2010
856-010-0027	4-27-2010	Adopt	6-1-2010	858-040-0075	1-8-2010	Repeal	2-1-2010
858-010-0001	1-8-2010	Amend	2-1-2010	858-040-0085	1-8-2010	Repeal	2-1-2010
858-010-0005	1-8-2010	Amend	2-1-2010	858-040-0095	1-8-2010	Repeal	2-1-2010
858-010-0005	9-28-2010	Amend	11-1-2010	858-050-0100	1-8-2010	Repeal	2-1-2010
858-010-0007	1-8-2010	Amend	2-1-2010	858-050-0105	1-8-2010	Repeal	2-1-2010
858-010-0007	9-28-2010	Amend	11-1-2010	858-050-0110	1-8-2010	Repeal	2-1-2010
858-010-0010	1-8-2010	Amend	2-1-2010	858-050-0120	1-8-2010	Repeal	2-1-2010
858-010-0010	9-28-2010	Amend	11-1-2010	858-050-0125	1-8-2010	Repeal	2-1-2010
858-010-0015	1-8-2010	Amend	2-1-2010	858-050-0140	1-8-2010	Repeal	2-1-2010
858-010-0015	9-28-2010	Amend	11-1-2010	858-050-0145	1-8-2010	Repeal	2-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
858-050-0150	1-8-2010	Repeal	2-1-2010	859-560-0010	9-28-2010	Adopt	11-1-2010
859-300-0001	8-23-2010	Adopt(T)	10-1-2010	859-560-0015	9-28-2010	Adopt	11-1-2010
859-300-0010	10-8-2010	Adopt(T)	11-1-2010	859-560-0045	9-28-2010	Adopt	11-1-2010
859-300-0020	10-8-2010	Adopt(T)	11-1-2010	859-560-0050	9-28-2010	Adopt	11-1-2010
859-300-0030	10-8-2010	Adopt(T)	11-1-2010	859-570-0005	9-28-2010	Adopt	11-1-2010
859-300-0040	10-8-2010	Adopt(T)	11-1-2010	859-570-0010	9-28-2010	Adopt	11-1-2010
859-300-0050	10-8-2010	Adopt(T)	11-1-2010	859-570-0015	9-28-2010	Adopt	11-1-2010
859-300-0060	10-8-2010	Adopt(T)	11-1-2010	859-570-0020	9-28-2010	Adopt	11-1-2010
859-300-0070	10-8-2010	Adopt(T)	11-1-2010	859-570-0025	9-28-2010	Adopt	11-1-2010
859-300-0080	10-8-2010	Adopt(T)	11-1-2010	859-570-0030	9-28-2010	Adopt	11-1-2010
859-300-0090	10-8-2010	Adopt(T)	11-1-2010	859-570-0035	9-28-2010	Adopt	11-1-2010
859-300-0100	10-8-2010	Adopt(T)	11-1-2010	859-580-0005	9-28-2010	Adopt	11-1-2010
859-300-0110	10-8-2010	Adopt(T)	11-1-2010	859-580-0010	9-28-2010	Adopt	11-1-2010
859-300-0120	10-8-2010	Adopt(T)	11-1-2010	859-580-0015	9-28-2010	Adopt	11-1-2010
859-300-0130	10-8-2010	Adopt(T)	11-1-2010	859-590-0005	9-28-2010	Adopt	11-1-2010
859-300-0140	10-8-2010	Adopt(T)	11-1-2010	859-600-0005	9-28-2010	Adopt	11-1-2010
859-300-0150	10-8-2010	Adopt(T)	11-1-2010	859-600-0020	9-28-2010	Adopt	11-1-2010
859-300-0160	10-8-2010	Adopt(T)	11-1-2010	859-600-0025	9-28-2010	Adopt	11-1-2010
859-300-0170	10-8-2010	Adopt(T)	11-1-2010	860-022-0041	6-28-2010	Amend	8-1-2010
859-300-0180	10-8-2010	Adopt(T)	11-1-2010	860-032-0620	9-10-2010	Amend	10-1-2010
859-300-0190	10-8-2010	Adopt(T)	11-1-2010	860-033-0006	5-18-2010	Amend	7-1-2010
859-300-0200	10-8-2010	Adopt(T)	11-1-2010	860-033-0007	5-18-2010	Amend	7-1-2010
859-300-0210	10-8-2010	Adopt(T)	11-1-2010	860-033-0008	5-18-2010	Amend	7-1-2010
859-300-0220	10-8-2010	Adopt(T)	11-1-2010	860-036-0010	11-24-2009	Amend	1-1-2010
859-300-0230	10-8-2010	Adopt(T)	11-1-2010	860-036-0030	11-24-2009	Amend	1-1-2010
859-501-0005	9-28-2010	Adopt	11-1-2010	860-084-0000	6-1-2010	Adopt	7-1-2010
859-501-0010	9-28-2010	Adopt	11-1-2010	860-084-0010	6-1-2010	Adopt	7-1-2010
859-510-0005	9-28-2010	Adopt	11-1-2010	860-084-0020	6-1-2010	Adopt	7-1-2010
859-520-0005	9-28-2010	Adopt	11-1-2010	860-084-0030	6-1-2010	Adopt	7-1-2010
859-520-0010	9-28-2010	Adopt	11-1-2010	860-084-0040	6-1-2010	Adopt	7-1-2010
859-520-0020	9-28-2010	Adopt	11-1-2010	860-084-0050	6-1-2010	Adopt	7-1-2010
859-530-0010	9-28-2010	Adopt	11-1-2010	860-084-0060	6-1-2010	Adopt	7-1-2010
859-540-0005	9-28-2010	Adopt	11-1-2010	860-084-0070	6-1-2010	Adopt	7-1-2010
859-540-0010	9-28-2010	Adopt	11-1-2010	860-084-0080	6-1-2010	Adopt	7-1-2010
859-540-0015	9-28-2010	Adopt	11-1-2010	860-084-0100	6-1-2010	Adopt	7-1-2010
859-540-0020	9-28-2010	Adopt	11-1-2010	860-084-0120	6-1-2010	Adopt	7-1-2010
859-540-0025	9-28-2010	Adopt	11-1-2010	860-084-0130	6-1-2010	Adopt	7-1-2010
859-550-0005	9-28-2010	Adopt	11-1-2010	860-084-0140	6-1-2010	Adopt	7-1-2010
859-550-0010	9-28-2010	Adopt	11-1-2010	860-084-0150	6-1-2010	Adopt	7-1-2010
859-550-0015	9-28-2010	Adopt	11-1-2010	860-084-0160	6-1-2010	Adopt	7-1-2010
859-550-0020	9-28-2010	Adopt	11-1-2010	860-084-0170	6-1-2010	Adopt	7-1-2010
859-550-0025	9-28-2010	Adopt	11-1-2010	860-084-0180	6-1-2010	Adopt	7-1-2010
859-550-0030	9-28-2010	Adopt	11-1-2010	860-084-0190	6-1-2010	Adopt	7-1-2010
859-550-0035	9-28-2010	Adopt	11-1-2010	860-084-0195	6-1-2010	Adopt	7-1-2010
859-550-0040	9-28-2010	Adopt	11-1-2010	860-084-0200	6-1-2010	Adopt	7-1-2010
859-550-0045	9-28-2010	Adopt	11-1-2010	860-084-0210	6-1-2010	Adopt	7-1-2010
859-550-0050	9-28-2010	Adopt	11-1-2010	860-084-0220	6-1-2010	Adopt	7-1-2010
859-550-0055	9-28-2010	Adopt	11-1-2010	860-084-0230	6-1-2010	Adopt	7-1-2010
859-550-0060	9-28-2010	Adopt	11-1-2010	860-084-0240	6-1-2010	Adopt	7-1-2010
859-550-0070	9-28-2010	Adopt	11-1-2010	860-084-0250	6-1-2010	Adopt	7-1-2010
859-550-0075	9-28-2010	Adopt	11-1-2010	860-084-0260	6-1-2010	Adopt	7-1-2010
859-550-0080	9-28-2010	Adopt	11-1-2010	860-084-0270	6-1-2010	Adopt	7-1-2010
859-550-0085	9-28-2010	Adopt	11-1-2010	860-084-0280	6-1-2010	Adopt	7-1-2010
859-550-0090	9-28-2010	Adopt	11-1-2010	860-084-0300	6-1-2010	Adopt	7-1-2010
859-550-0095	9-28-2010	Adopt	11-1-2010	860-084-0310	6-1-2010	Adopt	7-1-2010
859-560-0005	9-28-2010	Adopt	11-1-2010	860-084-0320	6-1-2010	Adopt	7-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
863-014-0003	1-1-2010	Amend	1-1-2010	863-022-0040	7-1-2010	Adopt	7-1-2010
863-014-0005	1-1-2010	Amend	1-1-2010	863-022-0045	7-1-2010	Adopt	7-1-2010
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
863-014-0095	1-1-2010	Amend	1-1-2010	863-049-0015	1-1-2010	Adopt	1-1-2010
863-014-0100	1-1-2010	Amend	1-1-2010	863-049-0020	1-1-2010	Adopt	1-1-2010
863-014-0160	1-1-2010	Amend	1-1-2010	863-049-0030	1-1-2010	Adopt	1-1-2010
863-015-0000	1-1-2010	Amend	1-1-2010	863-049-0035	1-1-2010	Adopt	1-1-2010
863-015-0003	1-1-2010	Amend	1-1-2010	863-049-0040	1-1-2010	Adopt	1-1-2010
863-015-0150	1-1-2010	Amend	1-1-2010	863-049-0045	1-1-2010	Adopt	1-1-2010
863-015-0186	1-1-2010	Amend	1-1-2010	863-049-0055	1-1-2010	Adopt	1-1-2010
863-015-0188	1-1-2010	Amend	1-1-2010	863-050-0035	1-1-2010	Am. & Ren.	1-1-2010
863-015-0210	1-1-2010	Amend	1-1-2010	863-050-0150	1-1-2010	Amend	1-1-2010
863-015-0250	1-1-2010	Amend	1-1-2010	863-050-0240	1-1-2010	Am. & Ren.	1-1-2010
863-015-0255	1-1-2010	Amend	1-1-2010	875-010-0045	5-6-2010	Amend	6-1-2010
863-015-0260	1-1-2010	Amend	1-1-2010	875-015-0030	5-6-2010	Amend	6-1-2010
863-015-0275	1-1-2010	Amend	1-1-2010	875-030-0010	5-6-2010	Amend	6-1-2010
863-020-0000	7-1-2010	Adopt	7-1-2010	877-010-0000	1-15-2010	Amend	2-1-2010
863-020-0005	7-1-2010	Adopt	7-1-2010	877-010-0045	1-15-2010	Amend	2-1-2010
863-020-0007	7-1-2010	Adopt	7-1-2010	877-020-0009	1-15-2010	Amend	2-1-2010
863-020-0008	7-1-2010	Adopt	7-1-2010	877-020-0030	1-15-2010	Amend	2-1-2010
863-020-0010	7-1-2010	Adopt	7-1-2010	877-020-0057	1-15-2010	Adopt	2-1-2010
863-020-0015	7-1-2010	Adopt	7-1-2010	877-025-0016	1-15-2010	Amend	2-1-2010
863-020-0020	7-1-2010	Adopt	7-1-2010	877-025-0021	1-15-2010	Amend	2-1-2010
863-020-0025	7-1-2010	Adopt	7-1-2010	877-030-0040	1-15-2010	Amend	2-1-2010
863-020-0030	7-1-2010	Adopt	7-1-2010	877-030-0040	7-1-2010	Amend(T)	8-1-2010
863-020-0035	7-1-2010	Adopt	7-1-2010	877-035-0000	7-1-2010	Suspend	8-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
877-035-0010	7-1-2010	Suspend	8-1-2010	918-305-0030	4-1-2010	Amend	4-1-2010
877-035-0012	7-1-2010	Suspend	8-1-2010	918-305-0030	7-1-2010	Amend	6-1-2010
877-035-0013	7-1-2010	Suspend	8-1-2010	918-305-0265	10-1-2010	Adopt	11-1-2010
877-035-0015	7-1-2010	Suspend	8-1-2010	918-309-0070	10-1-2010	Amend	11-1-2010
877-040-0000	7-1-2010	Amend(T)	8-1-2010	918-311-0040	10-1-2010	Amend	11-1-2010
877-040-0003	1-15-2010	Amend	2-1-2010	918-311-0065	7-1-2010	Amend	7-1-2010
877-040-0003	7-1-2010	Amend(T)	8-1-2010	918-400-0270	1-1-2010	Amend	2-1-2010
877-040-0010	7-1-2010	Amend(T)	8-1-2010	918-400-0280	1-1-2010	Amend	2-1-2010
877-040-0016	1-15-2010	Adopt	2-1-2010	918-400-0340	1-1-2010	Amend	2-1-2010
877-040-0018	7-1-2010	Adopt(T)	8-1-2010	918-400-0380	1-1-2010	Amend	2-1-2010
918-001-0036	7-1-2010	Amend(T)	8-1-2010	918-400-0390	1-1-2010	Amend	2-1-2010
918-001-0036	10-1-2010	Amend	10-1-2010	918-400-0395	1-1-2010	Amend	2-1-2010
918-001-0200	5-1-2010	Repeal	6-1-2010	918-400-0445	1-1-2010	Amend	2-1-2010
918-001-0210	1-1-2010	Amend	2-1-2010	918-400-0525	1-1-2010	Amend	2-1-2010
918-005-0010	1-1-2010	Amend	2-1-2010	918-400-0630	1-1-2010	Amend	2-1-2010
918-020-0090	4-1-2010	Amend	4-1-2010	918-400-0645	10-1-2010	Adopt(T)	11-1-2010
918-040-0000	1-1-2010	Amend	2-1-2010	918-400-0660	1-1-2010	Amend	2-1-2010
918-050-0180	10-1-2010	Adopt	11-1-2010	918-400-0660	10-1-2010	Amend(T)	11-1-2010
918-050-0850	8-3-2010	Adopt(T)	9-1-2010	918-400-0662	1-1-2010	Adopt	2-1-2010
918-050-0855	10-5-2010	Adopt	11-1-2010	918-400-0740	1-1-2010	Amend	2-1-2010
918-098-1000	7-1-2010	Amend	6-1-2010	918-400-0800	1-1-2010	Amend	2-1-2010
918-098-1010	7-1-2010	Amend	6-1-2010	918-400-0800	10-1-2010	Amend(T)	11-1-2010
918-098-1012	4-1-2010	Amend	4-1-2010	918-440-0000	7-1-2010	Amend	6-1-2010
918-098-1015	4-1-2010	Amend	4-1-2010	918-440-0010	7-1-2010	Amend	6-1-2010
918-098-1015	7-1-2010	Amend	6-1-2010	918-440-0015	7-1-2010	Amend	6-1-2010
918-098-1020	7-1-2010	Amend	6-1-2010	918-440-0030	7-1-2010	Amend	6-1-2010
918-098-1025	7-1-2010	Amend	6-1-2010	918-440-0040	7-1-2010	Am. & Ren.	6-1-2010
918-098-1028	7-1-2010	Adopt	6-1-2010	918-440-0050	7-1-2010	Amend	6-1-2010
918-098-1210	4-1-2010	Amend	4-1-2010	918-440-0500	7-1-2010	Amend	6-1-2010
918-098-1210	7-1-2010	Amend	6-1-2010	918-440-0510	7-1-2010	Amend	6-1-2010
918-098-1215	4-1-2010	Amend	4-1-2010	918-460-0000	7-1-2010	Amend	6-1-2010
918-098-1215	7-1-2010	Amend	6-1-2010	918-460-0010	7-1-2010	Amend	6-1-2010
918-098-1300	4-1-2010	Amend	4-1-2010	918-460-0015	7-1-2010	Amend	6-1-2010
918-098-1300	7-1-2010	Amend	6-1-2010	918-460-0016	7-1-2010	Repeal	6-1-2010
918-098-1305	4-1-2010	Amend	4-1-2010	918-460-0050	7-1-2010	Amend	6-1-2010
918-098-1305	7-1-2010	Amend	6-1-2010	918-460-0500	7-1-2010	Adopt	6-1-2010
918-098-1310	7-1-2010	Amend	6-1-2010	918-460-0510	7-1-2010	Adopt	6-1-2010
918-098-1315	4-1-2010	Amend	4-1-2010	918-480-0010	7-1-2010	Amend	6-1-2010
918-098-1315	7-1-2010	Amend	6-1-2010	918-500-0000	4-1-2010	Amend	4-1-2010
918-098-1320	4-1-2010	Amend	4-1-2010	918-500-0005	4-1-2010	Amend	4-1-2010
918-098-1320	7-1-2010	Amend	6-1-2010	918-500-0010	4-1-2010	Amend	4-1-2010
918-098-1325	4-1-2010	Amend	4-1-2010	918-500-0020	4-1-2010	Am. & Ren.	4-1-2010
918-098-1325	7-1-2010	Amend	6-1-2010	918-500-0021	4-1-2010	Am. & Ren.	4-1-2010
918-098-1330	4-1-2010	Amend	4-1-2010	918-500-0035	4-1-2010	Amend	4-1-2010
918-098-1330	7-1-2010	Amend	6-1-2010	918-500-0040	4-1-2010	Amend	4-1-2010
918-098-1450	7-1-2010	Amend	6-1-2010	918-500-0055	4-1-2010	Amend	4-1-2010
918-225-0240	1-1-2010	Amend	2-1-2010	918-500-0100	4-1-2010	Amend	4-1-2010
918-225-0600	1-1-2010	Amend	2-1-2010	918-500-0105	4-1-2010	Amend	4-1-2010
918-225-0605	1-1-2010	Repeal	2-1-2010	918-500-0110	4-1-2010	Amend	4-1-2010
918-225-0610	1-1-2010	Repeal	2-1-2010	918-500-0300	4-1-2010	Amend	4-1-2010
918-225-0620	1-1-2010	Amend	2-1-2010	918-500-0310	4-1-2010	Amend	4-1-2010
918-225-0630	1-1-2010	Amend	2-1-2010	918-500-0320	4-1-2010	Amend	4-1-2010
918-251-0090	7-1-2010	Amend	6-1-2010	918-500-0330	4-1-2010	Amend	4-1-2010
918-281-0020	7-1-2010	Amend	8-1-2010	918-500-0340	4-1-2010	Amend	4-1-2010
918-282-0400	7-1-2010	Adopt	7-1-2010	918-500-0400	4-1-2010	Amend	4-1-2010
918-283-0155	10-5-2010	Adopt(T)	11-1-2010	918-500-0410	4-1-2010	Amend	4-1-2010

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-500-0420	4-1-2010	Amend	4-1-2010	918-520-0020	4-1-2010	Repeal	4-1-2010
918-500-0430	4-1-2010	Amend	4-1-2010	918-520-0030	4-1-2010	Repeal	4-1-2010
918-500-0450	4-1-2010	Amend	4-1-2010	918-520-0040	4-1-2010	Repeal	4-1-2010
918-500-0470	4-1-2010	Amend	4-1-2010	918-520-0050	4-1-2010	Repeal	4-1-2010
918-500-0530	4-1-2010	Adopt	4-1-2010	918-520-0060	4-1-2010	Repeal	4-1-2010
918-500-0540	4-1-2010	Adopt	4-1-2010	918-520-0070	4-1-2010	Repeal	4-1-2010
918-500-0550	4-1-2010	Adopt	4-1-2010	918-520-0080	4-1-2010	Repeal	4-1-2010
918-500-0560	4-1-2010	Adopt	4-1-2010	918-520-0090	4-1-2010	Repeal	4-1-2010
918-500-0570	4-1-2010	Adopt	4-1-2010	918-520-0100	4-1-2010	Repeal	4-1-2010
918-500-0580	4-1-2010	Adopt	4-1-2010	918-520-0110	4-1-2010	Repeal	4-1-2010
918-500-0590	4-1-2010	Adopt	4-1-2010	918-525-0042	4-1-2010	Amend	4-1-2010
918-515-0010	4-1-2010	Amend	4-1-2010	918-600-0010	4-1-2010	Amend	4-1-2010
918-515-0020	4-1-2010	Amend	4-1-2010	918-674-0033	7-1-2010	Amend	6-1-2010
918-515-0030	4-1-2010	Amend	4-1-2010	918-695-0400	7-1-2010	Amend	8-1-2010
918-515-0110	4-1-2010	Amend	4-1-2010	918-800-0010	10-1-2010	Adopt	11-1-2010
918-515-0150	4-1-2010	Amend	4-1-2010	918-800-0020	10-1-2010	Adopt	11-1-2010
918-515-0300	4-1-2010	Amend	4-1-2010	918-800-0030	10-1-2010	Adopt	11-1-2010
918-515-0330	4-1-2010	Amend	4-1-2010	918-800-0040	10-1-2010	Adopt	11-1-2010
918-515-0350	4-1-2010	Amend	4-1-2010	943-001-0000	1-1-2010	Adopt	2-1-2010
918-515-0360	4-1-2010	Amend	4-1-2010	943-001-0000(T)	1-1-2010	Repeal	2-1-2010
918-515-0370	4-1-2010	Amend	4-1-2010	943-001-0010	1-1-2010	Adopt	2-1-2010
918-515-0480	4-1-2010	Amend	4-1-2010	943-001-0010(T)	1-1-2010	Repeal	2-1-2010
918-515-0485	4-1-2010	Amend	4-1-2010	943-001-0015	1-1-2010	Adopt	2-1-2010
918-515-0490	4-1-2010	Amend	4-1-2010	943-001-0015(T)	1-1-2010	Repeal	2-1-2010
918-520-0010	4-1-2010	Repeal	4-1-2010	951-003-0005	4-26-2010	Amend	6-1-2010
918-520-0015	4-1-2010	Repeal	4-1-2010				