

OREGON BULLETIN

Supplements the 2008 *Oregon Administrative Rules Compilation*

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BILL BRADBURY
Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual publication containing the complete text of the Oregon Administrative Rules at the time of publication. The *Oregon Bulletin* is a monthly publication which updates rule text found in the annual compilation and provides notice of intended rule action, Executive Orders of the Governor, Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue.

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. Every administrative rule uses the same numbering sequence of a 3 digit agency chapter number followed by a 3 digit division number and ending with a 4 digit rule number. (000-000-0000)

How to Cite

Citation of the Oregon Administrative Rules is made by chapter and rule number. Example: Oregon Administrative Rules, chapter 164, rule 164-001-0005 (short form: OAR 164-001-0005).

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 online OAR Compilation is updated on the first of each month to include all rule actions filed with the Secretary of State’s office by the 15th of the previous month, or by the previous workday if the 15th is on a weekend or holiday. The annual printed *Oregon Administrative Rules Compilation* contains the full text of all permanent rules filed through November 15 of the previous year. Subsequent changes to individual rules are listed in the OAR Revision Cumulative Index which is published monthly in the *Oregon Bulletin*. Changes to individual administrative rules are listed in the OAR Revision Cumulative Index by OAR number and include the effective date, the specific rulemaking action and the issue of the *Oregon Bulletin* which contains the full text of the amended rule. The *Oregon Bulletin* publishes the full text of permanent and temporary administrative rules submitted for publication.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available in electronic and printed formats. Electronic versions are available through the Oregon State Archives Web site at <http://arcweb.sos.state.or.us>. Printed copies of these publications are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000 and 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

2007–2008 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts rulemaking notices and filings Monday through Friday 8:00 a.m. to 5:00 p.m. 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 publication deadlines.

Submission Deadline — Publishing Date

December 14, 2007	January 1, 2008
January 15, 2008	February 1, 2008
February 15, 2008	March 1, 2008
March 14, 2008	April 1, 2008
April 15, 2008	May 1, 2008
May 15, 2008	June 1, 2008
June 13, 2008	July 1, 2008
July 15, 2008	August 1, 2008
August 15, 2008	September 1, 2008
September 15, 2008	October 1, 2008
October 15, 2008	November 1, 2008
November 14, 2008	December 1, 2008

Reminder for Agency Rules Coordinators

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

Publication Authority

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 08-25

AMENDMENT TO EXECUTIVE ORDER 06-14 ESTABLISHING TRANSPORTATION AND TOURISM TASK FORCE

On October 9, 2006, I issued Executive Order 06-14, establishing the Transportation and Tourism Task Force in Oregon. The goals of the Task Force remain unchanged; however, to implement its mission, the Task Force must remain in existence for a longer period of time.

IT IS HEREBY ORDERED AND DIRECTED:

1. Executive Order 06-14 is amended to expire on December 31, 2009.

Done at Salem, Oregon, this 31st day of October, 2008.

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

ATTEST

/s/ Jean Straight for
Bill Bradbury
SECRETARY OF STATE

OTHER NOTICES

CHANCE TO COMMENT ON... PROPOSED FINAL REMEDY FOR TEKTRONIX — EA1 (ECSI #167)

COMMENTS DUE: December 31, 2008

PROJECT LOCATION: The site is located at 14200 Karl Braun Drive in Beaverton, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a final remedy for Evaluation Area 1 (EA1) of the Tektronix Incorporated Beaverton Campus Site (ECSI File #167). Implementation of the final remedy will be conducted under the existing Consent Order. Because institutional controls will be implemented the site will not be removed from the DEQ Confirmed Release and Inventory Lists.

HIGHLIGHTS: Tektronix Beaverton Campus and EA1 is zoned industrial and surrounded by commercial and residential properties. EA1 includes Buildings 2, 4, 10, 12, 16, 38 and 40; lot 14 that contained the process waste treatment facility; West Park parcel; and Beaverton Creek. Beaverton Creek flows east to west through the center of the site and the Tualatin Hills Nature Park is located 0.6 miles downstream. Tektronix developed the site starting in 1957 to manufacture, engineer, develop and assemble electronic measurement, display and control equipment. Portions of the property have been sold and now the Campus consists of 156 acres. Chemicals used onsite include volatile organic chemicals (VOCs), metals, petroleum hydrocarbons, fluoride, acids and caustics, and polychlorinated biphenyls (PCBs). The onsite process waste facility included waste tanks, unlined settling ponds and piping. Accumulated treatment sludge was disposed to land in known locations onsite. Federal (RCRA) and state (NPDES) regulations for process wastes went into effect in the 1970s. Releases of hazardous substances to soil, groundwater, surface water and sediment have occurred as a result of spills and leaks and from the waste treatment facility and have been the subject of investigation and cleanup since the 1980s.

In 2001 Tektronix entered into a Consent Order with DEQ that requires completion of a remedial investigation and feasibility study, and implementation of final cleanup measures to protect human health and the environment. Contaminants documented in onsite soil and groundwater includes volatile organic chemicals (VOCs), petroleum hydrocarbons, metals, fluoride and polynuclear aromatic hydrocarbons. Tektronix has determined the nature and extent of contamination and completed human health and ecological risk assessments. Human health risks include exposure for occupational workers to onsite soil and groundwater and to vapors migrating from groundwater to indoor air, and exposure for recreational users of Beaverton Creek to surface water. Ecological risks are for terrestrial receptor exposure to bank soil and for aquatic receptor exposure to surface water of Beaverton Creek.

The proposed final remedy for EA1 will address soil and groundwater contamination onsite. Proposed groundwater measures consist of electrical resistive heating to treat high VOC concentration groundwater source areas, and monitored natural attenuation for all groundwater contamination above acceptable risk-based levels including treated source areas. The proposed soil measure would cap bank soil along Beaverton Creek where soil contamination is above acceptable risk-based levels. Institutional controls will be implemented, and groundwater and cap monitoring will be conducted to assure the effectiveness of the implemented final remedy at the site.

HOW TO COMMENT: You can review the administrative record for the proposed final remedy for the Tektronix Incorporated EA1 site at DEQ's Northwest Region office located at 2020 SW 4th Avenue, Suite 400, Portland, Oregon. For an appointment to review the files call (503)229-6729; toll free at (800)452-4011; or TTY at (503)229-5471. Please send written comments to Mavis D. Kent, Project Manager, DEQ Northwest Region East Side Office, 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030 or via email at: kent.mavis.d@deq.state.or.us. DEQ must receive written comments by 5:00 p.m. on December 31, 2008. This notice will also be published in the local newspaper The Oregonian.

DEQ will hold a public meeting to receive verbal comments if 10 or more persons, or a group with membership of 10 or more, requests such a meeting. Interest in holding a public meeting must be submitted in writing to DEQ. If a public meeting is held, a separate public notice announcing the date, time, and location of any public meeting would be published in this publication.

DEQ is committed to accommodating people with disabilities at our hearings. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at (503) 229-5696 or toll free in Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY number, (503) 229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the deadline. In the absence of comments, DEQ will issue a Record of Decision for the site.

CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION (ECSI #959)

COMMENTS DUE: December 31, 2008

PROJECT LOCATION: The site is located at 1550 Railroad Avenue, St. Helens, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a conditional no further action (NFA) for a portion of the Port of St. Helens/Former Pope and Talbot Site (ECSI File #959). The proposal includes legally dividing the approximately 37 acres into a western portion called Area 1 (approximately 20 acres) and an eastern portion called Area 2 (approximately 17 acres). Area 2 is the section of the property proposed for the conditional NFA.

HIGHLIGHTS: The Port of St. Helens (PSH)/Former Pope and Talbot Site was established as a wood treating facility in 1912 and wood treating operations continued until 1960. The primary wood-treating compound used was creosote although limited use of other treatment solutions occurred. The investigation on the property identified areas where soil, groundwater, and sediments have been impacted by polycyclic aromatic hydrocarbons, metals and petroleum hydrocarbons. PSH purchased the property in 1963 and subsequently placed several feet of dredge sand fill across the entire site. The placement of fill has resulted in reducing the potential for contact by both humans and fish and wildlife with site contaminants since the wood treating chemical contaminated soil is in native soils buried beneath the newer fill. The highest levels of contamination have been measured on the west side of the property where the wood treating activities occurred (Area 1). The east side of the property (Area 2) has limited impact related to wood treating.

PSH submitted a request to DEQ to legally divide the property into two parcels: Area 1 and Area 2. In addition, PSH requested that DEQ consider issuing a no further action determination for Area 2 which will facilitate redevelopment of Area 2 before the remedial action on Area 1 is implemented and completed. DEQ reviewed PSH's proposal and the project file and is proposing to issue a conditional NFA on Area 2.

DEQ's recommended conditional NFA for Area 2 is based on the following: 1) active remediation is not anticipated on Area 2; 2) redevelopment is unlikely to exacerbate existing conditions; and 3) human health and ecological risks can be safely managed with a contaminated soils management plan. The conditions on the NFA would be as follows: 1) Any soil excavated on the property would have to be sampled according to a soil management plan and managed appropriately; 2) any excavation would be managed under an appropriate health and safety plan; 3) groundwater use would be restricted; and, 4) soil erosion would be controlled using best management practices.

HOW TO COMMENT: To access the DEQ Staff Report in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 959 in the "Site ID" box and click "Submit" at the bottom of

OTHER NOTICES

the page. Next, click the link labeled 959 in the Site ID/Info column. Next, click on the staff report under Site Documents. You can review the administrative record for the proposed conditional no further action for the PSH/Former Pope and Talbot Site at DEQ's Northwest Region office located at 2020 SW 4th Avenue, Suite 400, Portland, Oregon. For an appointment to review the files call (503)229-6729; toll free at (800)452-4011; or TTY at (503)229-5471. Please send written comments to Deborah Bailey, Project Manager, DEQ Northwest Region, 2020 S.W. Fourth Ave., Suite 400, Portland, Oregon, 97201 or via email at: bailey.deborah.a@deq.state.or.us. DEQ must receive written comments by 5 p.m. on Dec. 31, 2008.

DEQ will hold a public meeting to receive verbal comments if 10 or more persons, or a group with membership of 10 or more, requests such a meeting. Interest in holding a public meeting must be submitted in writing to DEQ. If a public meeting is held, a separate public notice announcing the date, time, and location of any public meeting would be published in this publication.

DEQ is committed to accommodating people with disabilities at our hearings. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach at (503) 229-5696 or toll free in Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY number, (503)229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the deadline. In the absence of comments, DEQ will issue a conditional No Further Action for the eastern portion of the PSH/Former Pope and Talbot site as defined in the staff report.

PROPOSED SOIL CLEANUP AT FAIRVIEW TRAINING CENTER

COMMENTS DUE: 5 pm, December 31, 2008

PROJECT LOCATION: Tax lots 300 and 400 in Section 11 of Township 8 South, Range 3 West, Salem, Oregon

PROPOSAL: OFO Partners LLC proposes to excavate approximately 70,000 cubic yards of soil containing arsenic and pesticide residue from a future 44-acre development (which may include residential use) and dispose of it in an on-site landfill. OAR 340-120-0078 requires a 30-day public comment period for a proposed final cleanup action before the action can be approved by DEQ. The proposed action is considered an interim remedial action, requiring no public comment period. However since the interim remedial action is likely to ultimately constitute the final cleanup action at the site, DEQ is holding a 30-day public comment period prior to allowing the remedial action to occur.

HIGHLIGHTS: The Fairview Training Center is located in southeast Salem. The property was used as an institution for the mentally disabled from 1907 until 2001. Orchards were located in the southern portion of the property. Environmental assessments conducted on the property found that the surface soils to one foot in depth in the orchard areas are contaminated with low-levels of chlorinated pesticides (DDE, DDT and Dieldrin) and arsenic. Cleanup alternatives were evaluated to develop a recommended cleanup action.

The recommended cleanup action includes the excavating contaminated surface soils and placing them into an on-site permanent storage cell. The storage cell construction and contaminated soil removal and placement will be performed as described in the *Soil Removal Work Plan* and the *Erosion and Sediment Control Plans*, which have been prepared for this project.

Contaminated soils will be removed from over 44 acres of land on the southern half of the property. It is anticipated that approximately 70,000 cubic yards of contaminated soil will be removed and placed in the prepared storage cell. The storage cell is located at the southeast boundary of the property and was once a former rock quarry. The 3-acre storage cell is designed with curtain drains and perimeter ditches to hydraulically isolate the cell from the surrounding area. A deed restriction or Easement and Equitable Servitude (E&ES) will be placed on the parcel that contains the storage cell to prevent any future activities or uses from occurring that could compromise the integrity of the cap.

After the cleanup, soil samples will be collected from the cleaned area to confirm that the remaining soils are safe for residential use. If confirmation samples show an unacceptable residential risk remains, additional excavation will be conducted to make sure the site is safe.

HOW TO COMMENT: A Staff Report presenting details about the site and the proposed cleanup action was prepared by DEQ, which supports the decision to approve the cleanup action. The staff report is available for review, electronically, by contacting the DEQ project manager, Geoff Brown at 541-686-7819 or at brown.geoff@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office or at the DEQ Salem office by appointment. The Eugene office is located at 1102 Lincoln Street, Suite 210, Eugene, Oregon 97401 and the Salem office is located at 750 Front Street NE, Suite 120, Salem, OR 97301, phone no. 800-349-7677. Comments on the proposed cleanup need to be received by the Eugene Office, attn: Geoff Brown, by 5 pm on December 31st, 2008. Fax or email comments are acceptable.

THE NEXT STEP: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the proposed cleanup 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, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call DEQ's TTY number, 541-687-5603.

CHANCE TO COMMENT ON... PROPOSED NO FURTHER ACTION DECISION FOR TILLAMOOK TRANSFER STATION SITE, TILLAMOOK, OREGON

COMMENTS DUE: December 30, 2008

PROJECT LOCATION: 1315 Eckloff Road, Tillamook, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rule, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a "No Further Action" (NFA) determination proposed for Tillamook Transfer Station (TTS) site in Tillamook, Oregon. This proposed NFA determination is based on approval of the investigation and remedial measures conducted to date.

HIGHLIGHTS: The project site is an active solid waste transfer station owned by Tillamook County, but operated by Don G. Averill Recycling. TTS receives municipal solid waste for recycling and transfer to a permitted landfill. The NFA determination proposed for the TTS site applies to actions taken to remediate petroleum hydrocarbon releases in the former auto debris area. Surface soils in the vicinity of a waste oil above ground storage tank (AST) and in an unpaved median located near the metals recycling shed were also evaluated.

During a site visit conducted by DEQ in November 2006, several site conditions were observed and documented, leading to issuance of a Pre-Enforcement Notice (PEN) to the County from DEQ's Solid Waste (SW) Program. The site was referred from the SW Program to the Cleanup Program in 2006, and TTS entered the Voluntary Cleanup Program in April 2007. A focused site assessment was performed in October 2007, in response to DEQ's PEN. Although waste and housekeeping issues described in the PEN were addressed, further assessment of soils was warranted for the former auto debris area. There was no evidence of petroleum hydrocarbon impacts near the waste oil AST, and the concentrations detected near the unpaved median are well below DEQ's Risk Based Concentration (RBCs) levels for protection of human health. A release of petroleum hydrocarbons was reported in this area. Diesel and oil range petroleum hydrocarbons concentrations ranged from 42.6 to 70,000 mg/kg. Detected concentrations of Volatile Organic Compounds (VOCs),

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Polynuclear Aromatic Hydrocarbons (PAHs), and Polychlorinated biphenyls (PCBs), were below DEQ's RBC levels.

In August 2008, a source soil removal action was performed within the former auto debris area to remove the petroleum contaminated soil (PCS). Approximately 93.73 tons of contaminated soil was excavated and transported to Coffin Butte Landfill for disposal. Soil samples from the floor of the excavation were below DEQ's RBC's. The excavation in the former auto debris area was backfilled and capped with a concrete slab. DEQ concludes based on the review of final contaminated soil removal and confirmation sampling report, that an NFA is warranted for the metals recycling shed vicinity and former auto debris areas.

HOW TO COMMENT: You may review the administrative record for the proposed NFA at DEQ's Northwest Region Gresham Office located at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030. For an appointment to review these files call 503-667-8414 x55012; toll free at (800)452-4011; or TTY at 503-229-5471. Please send written comments to Janelle Waggy, Project Manager, at the address listed above or via email at waggy.janelle@deq.state.or.us. DEQ must receive written comments by 5 p.m. on December 30, 2008. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

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's Office of Communications and Outreach at 503-229-5696, or toll free in Oregon at (800)452-4011. People with hearing impairments may call DEQ's TTY number 503-229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the December 30, 2008 deadline. DEQ will consider any comments received and make a final decision on No Further Action determination.

CHANCE TO COMMENT ON... PROPOSED FINAL REMEDY FOR OREGON FIR SUPPLY COMPANY SITE (ECSI #1220)

COMMENTS DUE: December 31, 2008

PROJECT LOCATION: The site is located at 6225 NE 112th Avenue in Portland, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a final remedy for the Oregon Fir Supply Company Site (ECSI File #1220). Implementation of the final remedy will be conducted under the existing Unilateral Order. Because institutional controls will be implemented the site will not be removed from the Confirmed Release and Inventory Lists.

HIGHLIGHTS: The site located in northeast Portland within the City of Portland back up municipal supply well field and is designated General Industrial 2 land use. Operations at the site have included heavy construction equipment storage and maintenance, medical laboratory maintenance and storage, shipping facility for airline service industry, a drum recycler and other smaller tenants. Release of hazardous substances to soil and groundwater at the site are the result of leaks and spills related to operation of the drum recycling business on the site from about 1980 to 1981.

Oregon Fir Supply Company entered into a Consent Order with DEQ in 1994 to conduct a remedial investigation (RI) and feasibility study (FS) and implement final cleanup measures to protect human health and the environment. Lejar LLC purchased the property in 1995 and assumed the obligations of the Consent Order in 1996. In 2004 DEQ rescinded the Consent Order and issued a Unilateral Order. Contamination documented in soil and groundwater onsite include volatile organic chemicals (VOCs), pentachlorophenol (PCP), and petroleum hydrocarbons. Lejar has determined the nature and extent of contamination at the site and performed a risk assessment. Human health risks include exposure of occupational and excavation workers to contaminated soil and groundwater, to vapors emanating from contaminated groundwater into indoor air,

and potential exposure to contaminated groundwater through beneficial use of Troutdale Gravel Aquifer (TGA) groundwater as a drinking water source. Groundwater contamination has migrated to offsite properties to the west.

The proposed final remedy for the Oregon Fir Supply site would address groundwater contamination through use of enhanced bioremediation. Once concentrations in source areas have been reduced then monitored natural attenuation and groundwater extraction and treatment for the TGA will be implemented to achieve site cleanup levels. Soil hot spots would be addressed during groundwater bioremediation. Institutional and engineering controls will be implemented, and groundwater and indoor air monitoring will be conducted to evaluate performance of the final remedy.

HOW TO COMMENT: You can review the administrative record for the proposed final remedy for the Oregon Fir Supply Company site at DEQ's Northwest Region east side office located at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon. For an appointment to review the files call (503)667-8414, extension 55026; toll free at (800)452-4011; or TTY at (503)229-5471. Please send written comments to Mavis D. Kent, Project Manager, DEQ Northwest Region East Side Office, 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030 or via email at: kent.mavis.d@deq.state.or.us. DEQ must receive written comments by 5:00 p.m. on December 31, 2008. This notice will also be published in the local newspaper The Oregonian.

DEQ will hold a public meeting to receive verbal comments if 10 or more persons, or a group with membership of 10 or more, requests such a meeting. Interest in holding a public meeting must be submitted in writing to DEQ. If a public meeting is held, a separate public notice announcing the date, time, and location of any public meeting would be published in this publication.

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THE NEXT STEP: DEQ will consider all public comments received by the deadline. In the absence of comments, DEQ will issue a Record of Decision for the site.

PROPOSED NO FURTHER ACTION AT GREENWAY RECYCLING SITE

COMMENTS DUE: December 31, 2008

PROJECT LOCATION: GreenWay Recycling Facility at 4135 NW St. Helens Road, Portland, Oregon. (ECSI #4655)

PROPOSAL: As required by ORS 465.320, the Department of Environmental Quality (DEQ) invites public comment on remedial action completed at Greenway Recycling Site and DEQ's proposal to issue a No Further Action (NFA) determination for the Site.

HIGHLIGHTS: Historical Site use include the following: an automobile wrecking yard 1952 to 1978, vehicle towing and storage 1978 to 1990, garbage hauling 1990 to 2003, and as a transfer station for construction debris October 2003 to present day. The Site is currently used as a transfer station for construction debris and other non-putrescible wastes. Greenway Recycling has extensively redeveloped the Site to create three levels separated by retaining walls and installed a permitted storm water collection and treatment system.

The December 4, 2007 Independent Cleanup Report for Greenway Recycling by Evren Northwest was evaluated by DEQ. The sections below provide a brief description of the investigation results for work performed at the site.

The initial site assessments indicated the first clearing of the property in 1960-1961. Property was used as an automobile wrecking yard and followed by a vehicle towing/storage yard in approximately 1978-1982. The findings included the following: Portland Fire Bureau record indicating two 550-gallon underground storage tanks (USTs), onsite catch basins discharge to unknown locations, asbestos/lead containing building materials, oil stained wood, and

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polychlorinated biphenyls (PCBs) from transformers. The report of USTs was investigated by a geophysical survey and no tanks were identified at the reported location.

In 2000 test pit sampling was performed at ten locations. Based on these analytical results, petroleum impacted soil was found southeast of the main garage doors. Contamination was determined to be heavy oil, diesel, and gasoline most likely from improper disposal of wastes and a leaking storm water catch basin pipe connection southeast of the garage door. In March of 2000 156.84 tons of petroleum impacted soils were removed from the former garage area to remove impacted soils identified by test pits. At the time, the remaining soil was determined to be below the existing DEQ SOCLEAN Standards (DEQ Standards as of 2000). These results have been reevaluated against and meet current DEQ Risk Based Concentrations (RBCs-DEQ current Standard) for all site specific risk pathways.

A groundwater assessment in June of 2000 included the installation of eight GeoProbe® borings. All borings except one were found to have groundwater with one or more halogenated and non-halogenated volatile organic compounds (VOCs). No soil samples were analyzed as part of the installation of the borings.

In 2003, the following soil and groundwater actions were performed:

- 2003: Phase II Environmental Site Assessment (ESA) that included a geophysical survey and installation of four soil borings;
- 2004: removal of 271 tons of impacted soil,
- 2006: installation of four monitoring wells;
- 2006-2008: four quarters of ground water monitoring wells, and
- 2007: submittal of summary risk assessment to DEQ.

No USTs were identified during the geophysical survey but a subsurface anomaly resembling a drum was identified and excavated west of the shop building. Detectable concentrations of petroleum, polynuclear aromatic hydrocarbons (PAHs), VOCs, PCBs, and Resource Conservation and Recovery Act Metals (RCRA 8 Metals) in soil and/or groundwater were found at the Greenway Recycling Site prior to the soil removal actions.

Confirmation soil and ground water samples taken from 2003 through 2007 indicated low levels of petroleum hydrocarbons constituents, metals, and chlorinated VOCs have impacted soil and ground water. The contamination is assumed to be associated with the former garage building and the adjacent storm water drain.

Trichloroethene was detected in remaining shallow soils exceeded vapor intrusion screening levels for vapor intrusion into building for occupational receptors. One or more detections of ground water constituents were found onsite that exceeded screening levels for residential ingestion and inhalation from tap water (the most conservative screening level). The full delineation of remaining trichloroethene soil impacts are not completed since no occupied structures are planned in the area, their up-gradient location, and absence of a complete existing risk pathway. The full delineation of shallow ground water impact was not performed because of the absence of a complete existing risk pathway (ground water ingestion).

All surficial soils remaining are below relevant risk criteria and are safe for occupational worker exposures. The risk assessment indicates a potential risk (although below screening levels) to construction or excavation workers from direct or indirect contact with contaminated soil and groundwater. DEQ approves leaving the remaining subsurface soil contamination in place, assuming the controls described below (and DEQ approved soil management plan) are in place.

Based upon information obtained from the City of Portland, and known site conditions as described in the close out report, DEQ does not believe that stormwater from the site is contributing contaminants to the Willamette River at levels that require further DEQ oversight. However, as more information becomes available about Portland Harbor contamination and the relative contribution of contaminants from stormwater sources, DEQ may find cause to reevaluate this determination and request additional stormwater evaluation and/or control measures.

The beneficial water use determination did not identify any use of shallow ground water used in the LOF. Trichloroethene in soil is

only remaining constituent that is a potential exposure pathway for vapor intrusion into a building and subsequent inhalation by an occupational worker (but below hotspot levels) and limited to a limited area onsite. The nature and extent of remaining soil contamination that may be mobilized to groundwater was mitigated by source area removal of 427 tons of soil. The plume is stable and will continue to decrease by natural attenuation and dispersion. Shallow ground water use is not currently used and is unlikely in the future due to existing zoning and city water availability.

Any future work in the contaminated areas of the property, including any building construction, use of shallow groundwater, sampling, management, and disposal of contaminated soil, sediment, and/or groundwater must be performed in accordance with an approved DEQ contaminated media management plan. DEQ must be notified of work that would influence the EES institutional controls.

The Next Steps: DEQ will consider all comments received and make a final decision after consideration of these comments.

DEQ proposes that no further action is required to address environmental contamination at the Greenway Recycling property provided the institutional controls described below for the site are maintained. Institutional controls shall be added to the property deed as an Easement and Equitable Servitudes (EES) record as described below:

Prohibition of the use of groundwater,

Prohibition of the construction of enclosed structures at the site without DEQ approval,

Establishment of a DEQ approved Contaminated Media management plan governing all soil disturbance and subsurface excavation activities near the existing contaminated soil locations,

HOW TO COMMENT: To review project records, contact Dawn Weinberger at (503) 229-6729. The DEQ project manager is Jim Orr (503-229-5039). Written comments should be sent to the project manager at the Department of Environmental Quality, Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201 by December 31, 2008. A public meeting will be held to receive verbal comments if requested by 10 or more people, or by a group with a membership of 10 or more.

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

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

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION, 22010 NORTH COBURG RD HEATING OIL TANK SPILL, HARRISBURG

COMMENTS DUE: 5 pm, January 2nd, 2009

PROJECT LOCATION: 22010 North Coburg Rd, Harrisburg, Oregon

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation or cleanup of petroleum contamination at a residential property located at 22010 North Coburg Rd, Harrisburg, Oregon.

HIGHLIGHTS: On May 5th, 2008 OCWEN Loan Servicing, LLC (through their contractors) removed a 275 gallon aboveground heating oil tank, located along the east side of the garage of the residence at 22010 N Coburg Rd, Harrisburg, Oregon. While removing the tank, they found that the tank had leaked. OCWEN Loan Servicing, LLC removed approximately eight cubic yards of contaminated soil and disposed of it at the Coffin Butte Landfill in Corvallis, Oregon. Soil samples collected from the excavation pit, side walls, and base indicate that contaminated soil remains in place beneath the concrete slab of the garage. However, DEQ determined that the human

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exposure to the remaining contaminated soil is not reasonably likely due to the overlying slab.

On June 11th, 2008, OCWEN Loan Servicing, LLC, enrolled in the DEQ's Independent Cleanup Program. Groundwater samples from beneath the soil excavation area and from the domestic-use well located immediately west of the residence indicate there is contamination of the groundwater with polycyclic aromatic hydrocarbons, which are found at trace levels in petroleum products. Two of these contaminants exceed DEQ's risk-based cleanup levels for residential drinking water.

Under the direction of the DEQ, OCWEN Loan Servicing LLC is proposing to replace the existing drinking water well with one located in a location up gradient from the groundwater contamination. There are no other wells nearby.

DEQ is proposing no further action for this spill with the following conditions: the existing residential drinking water well must be decommissioning prior to the no further action determination, water samples collected from the new drinking water well(s) at this property must be analyzed for contamination and reported to DEQ, and a deed restriction must be filed with the county clerk that specifically outlines the area of residual contamination, identifies appropriate protective measures should excavation occur in this area, and prohibits locating drinking water wells down gradient from the spill area. **HOW TO COMMENT:** A DEQ Staff Report presenting details about the site and cleanup activities supports the decision to approve the No-Further-Action determination. The staff report is available for review, electronically, by contacting the DEQ project manager, Ian Balcom at 541-687-7347 or at balcom.ian@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office by appointment at the Western Region Cleanup Division, 1102 Lincoln St, Ste 210, Eugene, OR 97401. Comments on the proposed determination need to be received by the Eugene Office, attn: Ian Balcom, by 5 pm on January 2nd, 2009. Fax or email comments are acceptable. The Fax number is 541-686-7551.

THE NEXT STEP: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the no-further-action determination for assessment and/or cleanup of the 22010 North Coburg Road Heating Oil Tank Spill.

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

People with hearing impairments may call DEQ's TTY number, 541-687-5603.

REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT THE FORMER BURN PIT, CAMP RILEA, WARRENTON, OREGON

COMMENTS DUE: 5 pm, December 30, 2008

PROJECT LOCATION: 33168 Patriot Way, Warrenton, Oregon

PROPOSAL: The Department of Environmental Quality is proposing to issue a "Partial No Further Action" (PNFA) determination based on results of site investigation and remedial activities performed at the former Burn Pit located on First Causeway Road at the Camp Rilea site in Warrenton, Oregon. DEQ has determined that no further action is required because the Burn Pit site does not pose a risk that exceeds the acceptable risk level defined in ORS 465.315. This determination would apply only to the Burn Pit and is conditioned on continued performance of the remedial investigation at other areas of environmental concern at Camp Rilea.

HIGHLIGHTS: The project site is located on the First Causeway Road within the camp. The Burn Pit was used to reduce the volume of solid waste going to an off-post landfill after the Camp Rilea landfill was closed in the 1980s. Soil and groundwater samples from below and around the pit were collected to determine the extent of burn pit impacts. Soil samples were analyzed for petroleum

constituents, metals, PCBs, volatile compounds, and explosives. Arsenic and lead were found in soil at concentrations greater than default background concentrations and greater than EPA Region 9 Preliminary Remediation Goals. Other soil contaminants were not found. Groundwater was analyzed for metals and volatile compounds. Arsenic was found in groundwater at a concentration slightly above drinking water standards but was determined to be naturally occurring.

In August 2007, consultants for Camp Rilea removed 261 tons of burn pit waste material using a backhoe and trucked it to the Hillsboro Landfill for disposal. After all visible waste material had been removed the excavation was 60 by 35 feet in size and 8-9 feet in depth. Confirmation samples were collected from the sides and bottom of the excavation and showed that all Burn Pit contamination had been removed. DEQ concludes that environmental conditions at the site do not pose an unacceptable risk to human health and the environment, and therefore, meet the requirements of the Oregon Environmental Cleanup Laws.

HOW TO COMMENT: DEQ's Staff Report for the Camp Rilea Burn Pit site and other project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call Dawn Weinberger at 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. Summary information and a copy of the Staff Report are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet. go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 1524 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1524 in the Site ID/Info column. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at williams.robert.k@deq.state.or.us. To be considered, DEQ must receive written comments by 5 pm on December 30, 2008. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the partial "No Further Action" determination. In the absence of comments, DEQ will issue the No Further Action determination for the Burn Pit site.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us. People with hearing impairments may call DEQ's TTY number, 503-229-5471.

A CHANCE TO COMMENT ON A PROPOSED SETTLEMENT AGREEMENT BETWEEN THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND ONTARIO ORTHOPEDIC ASSOCIATES, P.C., GARY L BILLS TRUST, GARY L. BILLS AND ANNETTE V. BILLS RELATED TO A PROPERTY LOCATED AT 640 SW 4TH STREET IN ONTARIO, OREGON

COMMENTS DUE: December 31, 2008

PROJECT LOCATION: 640 SW 4th Street, Ontario, OR

PROPOSAL: The Department of Environmental Quality is proposing to enter into a Settlement through a Consent Judgment with Four Ontario Orthopedic Associates, P.C., Gary L Bills Trust, Gary L. Bills, and Annette V. Bills (the Bills) for any environmental liabilities the Bills may have now or in the future with respect to the property located at 640 SW 4th Street in Ontario, Oregon (Property). By entering into the Settlement, the Bills do not admit that it has or will have any environmental liabilities with respect to the Property.

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HIGHLIGHTS: The Property consists of two tax lots, 700 and 801. Tax lot 801 is currently a parking lot and was historically the location of the Coin-O-Matic Laundromat. Tax lot 700 has the former Ontario Orthopedic Association building and was used historically as a plumbing store. Two underground storage tanks (USTs) were located on the Property. During historic operations at the site, hazardous substances may have been released at and from the Property.

Petroleum releases from two other sites have also impacted the Property. Assessment activities at the former Chevron service station (ECSI ID No. 526, LUST 23-89-0006) located at 767 SW 4th Street and directly west of the Property have documented extensive petroleum contamination extending onto the Property as well as north under SW 4th Avenue and on several properties located on the north side of SW 4th Avenue.

The Farmer's Supply Co-op service station (LUST No. 23-98-0057) is an active petroleum station located at 514 SW 4th Avenue, east of the Property across SW 6th Street. Assessment activities at the Farmer's Supply Co-op have documented extensive petroleum contamination that extends under SW 6th Street onto the eastern portion of the Property. The plume also extends north under SW 4th Avenue, SW 6th Street, and on several properties located on the north side of SW 4th Avenue. Farmer's Supply is actively remediating contamination from their facility.

The Consent Judgment will require the Bills to donate the property to Four River Health Center, a non-profit providing free medical care, within 30 days of the completion of this settlement.

The proposed Consent Judgment will provide the Bills with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide the Bills with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases. Additional information on the site is available in DEQ's Environmental Cleanup Site Information (ECSI) database www.deq.state.or.us/lq/ecsi/ecsi.htm under Site ID 3197 (see Site ID 0526 for information on the Chevron release) and in DEQ's Leaking UST database www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp under LUST No. 23-87-0001 (see LUST No. 23-98-0057 for information on the Farmers release).

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620 or via e-mail at robertson.katie@deq.state.or.us. Written comments should be sent by December 31, 2008 to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments. A final decision concerning the proposed Consent Judgment will be made after consideration of public comments.

**PROPOSED NO FURTHER ACTION
CHEVRON SITE NO. 306514, FORMER UNOCAL
BULK PLANT NO. 0774, 225 RAILROAD AVENUE,
BURNS, OREGON 97720, ECSI # 2111,
HARNEY COUNTY, OREGON**

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to issue a No Further Action determination regarding soil cleanup and groundwater monitoring activities following the removal of all underground and above ground storage tanks and associated ancillary buildings and infra structure. This determination is based on approval of investigations and remedial measures conducted to date. Public notification is required by ORS 465.320.

HIGHLIGHTS: Facility deconstruction commenced in 1990 and contaminated soil and groundwater were found at that time. Additional soil and groundwater contaminated areas were found, associ-

ated with specific facility activities such as loading and unloading fuel.

The site was investigated by several phases of soil and groundwater sampling/monitoring. Approximately 350 cubic yards of excavated soil were taken to Roosevelt Landfill for disposal. Soil and groundwater sample results show that any detectable petroleum product constituents does not exceed any risk-based concentration for any receptor by any potential exposure pathway.

HOW TO COMMENT: Comments and question, by phone, fax, mail or email, should be directed to:

O. J. Roman, Project Manager

Phone: 541-298-7255, ext. 25

Fax: 541-298-7330

Email: roman.bud@deq.state.or.us

To schedule an appointment or to obtain a copy of the staff report, please contact Mr. Roman. Written comments should be sent by December 31, 2008.

THE NEXT STEP: DEQ will consider all comments received. A final decision concerning the proposed No Further Action determination will be made after consideration of public comments.

**REQUEST FOR COMMENTS
PROPOSED CONDITIONAL NO FURTHER ACTION
DECISION FOR CHEVRON BULK TERMINAL
100-1915 (FORMER) AND CHEVRON PIPELINE
TERMINAL ADAMS, OREGON**

COMMENTS DUE: December 31, 2008 by 5:00 p.m.

PROJECT LOCATION: SE corner of Rothrock Rd and Hwy 11, approx. three miles SW of Adams, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a conditional no further action (NFA) determination for the former Chevron Bulk Terminal 100-1915 and the active Chevron Pipeline Terminal located in the southeast corner of the intersection of Rothrock Road and State Highway 11, located approximately three mile southwest of Adams, Oregon.

HIGHLIGHTS: The Voluntary Cleanup Program has reviewed site assessment and remedial activities performed at the site. Remedial action objectives (RAOs) were established for the site to address petroleum releases to soil, groundwater, and surface water. The RAOs were addressed through monitoring. An institutional control in the form of an Easement and Equitable Servitude will be placed on both properties. The site will remain listed on the Confirmed Release List and Inventory of Hazardous Substances.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. Summary information and a copy of the "Conditional No Further Action Decision Document" memo are available in DEQ's Environmental Cleanup Site Information (ECSI) database <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 675.

To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620. Written comments should be received by December 31, 2008 and sent to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

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

**REQUEST FOR COMMENTS
PROPOSED NO FURTHER ACTION DETERMINATION
FOR SUNRIVER AIRPORT JET FUEL SPILL
SUNRIVER, OREGON**

COMMENTS DUE: Wednesday, December 31, 2008, 5:00 pm

PROJECT LOCATION: Sunriver Airport, River Road, Sunriver

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PROPOSAL: The Department of Environmental Quality is proposing to issue a No Further Action (NFA) determination based on results of site investigation and remedial activities performed at a jet fuel spill at Sunriver Airport in Sunriver, Oregon. DEQ has determined that no further action is required because the site no longer poses a risk that exceeds the acceptable risk level defined in ORS 465.315.

HIGHLIGHTS: A twin engine, turboprop airplane crashed in a field east of the Sunriver Airport while attempting to land on July 16, 2008. The plane was carrying 225 to 325 gallons of Jet A fuel, of which 150 to 200 gallons are estimated to have been released to the ground. Approximately 75 to 125 gallons burned during the fire that followed the crash.

Contaminated soil was excavated and removed from the site between July 20 and 22, 2008. Contaminated groundwater in the excavation was removed by vac truck for subsequent disposal. Excavation extended to the groundwater table, which was encountered at a depth of approximately 4 feet. A total of 427 tons of petroleum-contaminated soil was taken to Crook County Landfill for disposal. In addition, 2,800 gallons of emulsified fuel and oil solids were sent to Oil Re-Refining Company in Portland and 11,262 gallons of used oil and water were sent to Industrial Oils in Portland. The excavation was backfilled with clean soil. Groundwater samples collected in September and October 2008 indicate that contamination remaining at the site is below acceptable risk levels.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Columbia Gorge office, located at 400 East Scenic Drive, Suite 307, The Dalles, Oregon, 97058. If you have questions or would like to review the project file, please contact Bob Schwarz, project manager (541-298-7255 x30, schwarz.bob@deq.state.or.us). To access site summary information and the staff report in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 5077 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5077 in the Site ID/Info column. DEQ will consider all public comments received by the close of the comment period before issuing the NFA determination. Comments must be received by 5:00 PM on December 31 in order to be considered in DEQ's decision.

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the No Further Action determination.

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR JACKSON OIL BULK PLANT CANYON CITY, OREGON

COMMENTS DUE: December 31, 2008 by 5:00 p.m.

PROJECT LOCATION: 133 North Washington Street, Canyon City

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a no further action (NFA) determination for Jackson Oil Bulk Plant site located at 133 North Washington Street in Canyon City, Oregon.

HIGHLIGHTS: The Leaking Underground Storage Tank Program (LUST) has reviewed site assessment and remedial activities performed at the site. Concentrations of petroleum products detected in the soil and groundwater are below applicable risk based pathways for the site.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. Summary information and a copy of "Conditional No Further Action Decision Document" memo are available in DEQ's LUST database www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp under Site ID 12 00 0027.

To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620. Written comments should be received by December 31, 2008 and sent to Katie Robertson, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

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

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.*

Appraiser Certification and Licensure Board Chapter 161

Rule Caption: Proposed amendment of rules relating to appraisers, education and USPAP.

Date:	Time:	Location:
1-14-09	9 a.m.	3000 Market St. NE Suite 541 Salem, OR

Hearing Officer: Craig Zell

Stat. Auth.: ORS 183.355(1)(a), 674.305(7) & 674.310(2)

Other Auth.: Title XI of the Federal Financial Reform, Recovery & Enforcement Act of 1989 (12 USC 3310 et seq.)

Stats. Implemented: ORS 674.305(7) & 674.310(2)

Proposed Amendments: 161-010-0085, 161-020-0045, 161-020-0140, 161-020-0150, 161-025-0060

Last Date for Comment: 1-14-09, Close of Hearing

Summary: The Board proposes amendments to division 10 regarding licensure and certification requirements; division 20 regarding education requirements; and division 25 regarding Appraisal Standards and USPAP.

Rules Coordinator: Karen Turnbow

Address: Appraiser Certification and Licensure Board, 3000 Market St. NE, Suite 541, Salem, OR 97301

Telephone: (503) 485-2555

Board of Architect Examiners Chapter 806

Rule Caption: Filing and Maintaining Contact Information.

Date:	Time:	Location:
12-18-08	9 a.m.	OBAE Conference Rm. 205 Liberty St. NE #A Salem, OR 97301

Hearing Officer: Kim Arbuckle

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.041, 671.050, 671.080 & 671.125

Proposed Amendments: 806-010-0095

Last Date for Comment: 12-18-08, 1 p.m.

Summary: The purpose of this rule amendment is to be more specific in the contact information required to be provided and maintained at the board office, and elaborate and expand to whom this requirements applies.

Rules Coordinator: Carol Moeller

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

Telephone: (503) 763-0662

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Requirements for continuing education, experience, code of ethics and license renewal.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.785, 675.720 & 675.725

Proposed Amendments: 833-020-0050, 833-020-0164, 833-025-0050, 833-030-0001, 833-030-0010

Proposed Ren. & Amends: 833-060-0001 to 833-060-0011, 833-060-0001 to 833-060-0021, 833-060-0001 to 833-060-0031, 833-060-0001 to 833-060-0041, 833-060-0001 to 833-060-0051, 833-060-0001 to 833-060-0061, 833-060-0001 to 833-060-0071

Last Date for Comment: 12-22-08

Summary: Code of Ethics: Renumbers 833-060 for ease of reading and understanding; clarifies, adds to, and strengthens expectations for ethics practice of licensed professional counselors and licensed marriage and family therapists.

Continuing Education 833-025-0050: expands coursework areas, changes the amount of CEUs for some activities, clarifies documentation requirements, and adds a requirement for ethics training of 6 clock hours every 2 years.

Supervision 833-020-0050: Requires that supervisors of interns working toward licensed professional counselor status have been licensed in Oregon in the mental health field for at least 3 years.

Practice requirements registered interns 833-020-0164: Eliminates the requirement to have different supervisors for different practices. Amends wording about use of terms for interns; clarifies number of minutes for hour and half hour.

License renewal 833-030-0001 and 833-030-0010: Changes license renewal date from April 1 of each year to renewal by licensee birth month.

Rules Coordinator: Becky Eklund

Address: Board of Licensed Professional Counselors and Therapists, 3218 Pringle Rd. SE, Suite 250, Salem, OR 97302

Telephone: (503) 378-5499

Department of Administrative Services Chapter 125

Rule Caption: Rules for Use of Buildings, Grounds and Parking Lots under Department Control.

Date:	Time:	Location:
12-22-08	10 a.m.	Mt Ashland Conference Rm. 1225 Ferry St SE Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 184.340, 276 & 283

Stats. Implemented: ORS 184.340, 276 & 283

Proposed Amendments: 125-075-0015

Last Date for Comment: 12-22-08, 5 p.m.

Summary: Amendment removes language in conflict with ORS 166.170 and 166.370 and adds language regarding the use of illegal substances and illegal drug activities on the grounds, parking lots and premises of buildings under Department control.

Rules Coordinator: Yvonne Hanna

Address: Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301

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

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Clarifies that disability benefit calculations for injured PIECP inmates are based on prevailing wage rates.

Date: 1-8-09
Time: 9 a.m.
Location: Labor & Industries Bldg.
350 Winter St., Conf. Rm. E
Salem, OR

Hearing Officer: Debra Buchanan

Stat. Auth.: ORS 184.430, 278.405, 655.520 & 655.555

Other Auth.: Oregon Constitution Art. I, § 41; 18 USC § 1759 et. seq.

Stats. Implemented: ORS 655.505–655.555

Proposed Adoptions: 125-160-0020

Proposed Amendments: 125-160-0010

Last Date for Comment: 1-8-09, 5 p.m.

Summary: Deletes the method for calculating temporary and permanent disability award benefits from the definitions contained in OAR 125-160-0010 and places that method in a new rule, OAR 125-160-0020, and clarifies that the method for calculating temporary and permanent disability award benefits is based on the “Inmate Hourly Wage Rate.” Amends OAR 125-160-0010 to define “Inmate Hourly Wage Rate” as either the prevailing wage for PIECP inmates working in PIECP work programs or the state minimum wage rate for non-PIECP inmates. Amends OAR 125-160-0010 to further define “PIECP” as a Department of Corrections inmate work program certified under the federal Prison Industries Enhancement Certification Program (PIECP) as exempted under 18 USC 1761(c). Amends OAR 125-160-0010 to further define “PIECP work program” as specific inmate work projects that are part of the Prison Industry Enhancement Program. Housekeeping change in the definition of “Department.”

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage St. NE, U-90; Salem, OR 97301-3972

Telephone: (503) 378-2349 ext. 325

Rule Caption: Rules for adoption of the DAS-Salem Coordination Plan Development and Management Policies.

Date: 12-19-08
Time: 10 a.m.
Location: Tillamook Conference Rm.
2600 State St.
Salem, OR 97310

Hearing Officer: Thomas McMullen or designee

Stat. Auth.: ORS 183 & 276

Other Auth.: SB 90 (2005 Leg. Session)

Stats. Implemented: ORS 183 & 276

Proposed Adoptions: 125-125-0700

Last Date for Comment: 12-19-08, Close of Hearing

Summary: OAR 125-125-0700 adopts the DAS-Salem Coordination Plan Development and Management Policies to provide a process for developing, planning and evaluating projects engaged in capital construction on state owned property within the City of Salem as required in SB 90 (2005 Legislative Session).

Rules Coordinator: Yvonne Hanna

Address: 155 Cottage St. NE, Salem, OR 97301

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

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Provides definitions of terms used for the Oregon Educators Benefit Board benefits program.

Date: 12-22-08
Time: 1–2 p.m.
Location: 1225 Ferry St. SE
PEBB/OEBB Boardroom
Salem, OR 97301

Hearing Officer: Denise Hall

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.860

Proposed Amendments: 111-010-0015

Last Date for Comment: 12-31-08

Summary: Provides definitions of terms used for the Oregon Educators Benefit Board benefits program.

Rules Coordinator: April Kelly

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

Rule Caption: Establishes Oregon Educators Benefit Board’s policy for effective dates for initial employee group phase-in to the OEBB benefit program.

Date: 12-22-08
Time: 1–2 p.m.
Location: 1225 Ferry St. SE
PEBB/OEBB Boardroom
Salem, OR

Hearing Officer: Denise Hall

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.886

Proposed Amendments: 111-020-0001

Last Date for Comment: 12-31-08

Summary: Establishes Oregon Educators Benefit Board’s policy for initial employee group phase-in to the OEBB benefit program.

Rules Coordinator: April Kelly

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

Rule Caption: Establishes Oregon Educators Benefit Board’s policy for continuation of group medical and dental insurance coverage.

Date: 12-22-08
Time: 1–2 p.m.
Location: 1225 Ferry St. SE
PEBB/OEBB Boardroom
Salem, OR

Hearing Officer: Denise Hall

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(b), 243.866(7), 659A.060–659A.069 & 743.600–743.602

Proposed Adoptions: 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

Proposed Amendments: 111-050-0001, 111-050-0010, 111-050-0015

Last Date for Comment: 12-31-08

Summary: Establishes Oregon Educators Benefit Board’s policy for continuation of group medical and dental insurance coverage.

Rules Coordinator: April Kelly

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

Rule Caption: Details methods and requirements for participating districts’ payments of premiums to OEBB.

Date: 12-22-08
Time: 1–2 p.m.
Location: 1225 Ferry St. SE
PEBB/OEBB Boardroom
Salem, OR

Hearing Officer: Denise Hall

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(a)

Proposed Adoptions: 111-080-0001, 111-080-0005

Last Date for Comment: 12-31-08

Summary: OAR 111-080-0001 and 111-080-0005 details the methods, requirements and deadlines for participating districts’ payments of monthly premiums to OEBB.

Rules Coordinator: April Kelly

Address: Department of Administrative Services, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

NOTICES OF PROPOSED RULEMAKING

Department of Agriculture Chapter 603

Rule Caption: Adds six weeds to the noxious weed quarantine.

Stat. Auth.: ORS 561.020, 561.190, 561.510 & 570.305

Stats. Implemented: ORS 561.510

Proposed Amendments: 603-052-1200

Last Date for Comment: 12-26-08

Summary: The proposed amendment to the noxious weed quarantine (603-052-1200) would update the list of prohibited plants. Six new weeds, Goat's rue (*Galega officinalis*), Oblong spurge (*Euphorbia oblongata*), Taurian (*Onopordum tauricum*), White bryonia (*Bryonia alba*), would be added to the "A" list; Lesser celandine (*Ranunculus ficaria*), and Spurge laurel (*Daphne laureola*), would be added to the "B" list. These changes would bring the noxious weed quarantine in line with the State Noxious Weed List maintained the by State Weed Board.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Rule Caption: Plant quarantine updates: correct scientific names, clarifies disposal period for cull onions.

Stat. Auth.: ORS 561.190, 561.510 & 570.405

Stats. Implemented: ORS 561.510 & 570.405

Proposed Amendments: 603-052-0129, 603-052-0153, 603-052-0160, 603-052-0201, 603-052-0265, 603-052-0360

Last Date for Comment: 12-31-08

Summary: The proposed amendments would update scientific names in the following plant quarantines: Exotic Photophagous Snails (603-052-0129), Wasco County Control Area Apple Maggot, San Jose Scale and Codling Moth (603-052-0153), Jackson County Control Area Pear and Apple Insects (603-052-0160), Umatilla County Control Area (603-052-0201), and Hood River County Control and Eradication of Insects and Diseases in Pear, Quince, Apple Peach and Apricot trees and Orchards (603-052-0260). The proposed amendments to Onion Maggot Control Area in Malheur County (603-052-0360) would clarify that the approved method disposal requirement for cull onions runs from March 15 to July 1.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Employer Workforce Training Fund.

Date:	Time:	Location:
12-18-08	1-4 p.m.	255 Capitol St. NE 3rd Flr., CCWD Rm. 1 Salem, OR

Hearing Officer: Linda Hutchins

Stat. Auth.: ORS 660.318

Other Auth.: Exec. Order No. 03-16

Stats. Implemented:

Proposed Amendments: 589-020-0225

Last Date for Comment: 12-18-08, Close of Business

Summary: Executive Order #03-16 established the Employer Workforce training Account and directed the Department of Community Colleges and Workforce Development to develop and adopt rules to implement the administration of the Account. This rule establishes the role of the Oregon Workforce Investment Board in determining finding levels for Workforce Response Team Funds, Statewide Opportunity funds, and the Governor's Strategic Training Fund.

Rules Coordinator: Linda Hutchins

Address: Department of Community Colleges and Workforce Development, 255 Capitol St. NE, Salem, OR 97310

Telephone: (503) 378-8648, ext. 474

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

Rule Caption: Provides an exemption from engineering requirements for design of fire protection systems.

Date:	Time:	Location:
12-16-08	10 a.m.	1535 Edgewater St. NW Salem, OR

Hearing Officer: Matthew Barber

Stat. Auth.: ORS 479.860

Stats. Implemented: ORS 479.860

Proposed Adoptions: 918-261-0015

Proposed Repeals: 918-261-0015(T)

Last Date for Comment: 12-19-08, 5 p.m.

Summary: The proposed rule provides an exemption allowing general supervising electrician, general journeyman electrician, and class "A" limited energy technician licensees to design, plan, and lay out the electrical portions of a fire protection system if employed by a licensed electrical contractor and acting as the contractor's signing supervisor. Allows employing contractor to provide another contractor with designs and parts if the other contractor is installing all or part of the electrical portion of a fire protection system.

Rules Coordinator: Shauna Parker

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

Telephone: (503) 373-7438

Rule Caption: Establishes a window label program for low volume window and exempt window related product manufacturers.

Date:	Time:	Location:
12-16-08	9:30 a.m.	1535 Edgewater St. NW Salem, OR

Hearing Officer: Matthew Barber

Stat. Auth.: ORS 455.525

Stats. Implemented: ORS 455.525

Proposed Adoptions: 918-480-0150

Proposed Repeals: 918-480-0150(T)

Last Date for Comment: 12-19-08, 5 p.m.

Summary: The proposed administrative rule makes changes to the labeling program for certain windows and related window products as required by the 2008 Oregon Residential Specialty Code. Manufacturers who must participate in the labeling program are identified. Requirements of the labeling program are established.

Rules Coordinator: Shauna Parker

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: Adopt rules to Exempt Memberships in certain Non-Profit Manufactured Dwelling Cooperatives from Securities Registration.

Date:	Time:	Location:
12-22-08	9 a.m.	350 Winter St. NE Conference Rm. 260 Salem, OR

Hearing Officer: Patrick Fitzgerald

Stat. Auth.: ORS 59.285

Stats. Implemented: ORS 59.025(14)

Proposed Adoptions: 441-025-0060

Last Date for Comment: 12-29-08, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: The proposed rule exempts, from the securities registration requirements, membership certificates issued to natural persons by a non-profit cooperative formed under ORS 62.800-62.815 that meet certain criteria including membership price limitations and a requirement that the certificate be returned to the cooperative upon the termination of membership for the same price originally paid by the individual.

Rules Coordinator: Shelley Greiner
Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301
Telephone: (503) 947-7484

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Department of Consumer and Business Services,
Insurance Division
Chapter 836

Rule Caption: Uniform Workers' Compensation Unit Statistical Plan.

Stat. Auth.: ORS 731.244 & 737.225

Stats. Implemented: ORS 737.225

Proposed Amendments: 836-042-0045

Last Date for Comment: 12-24-08

Summary: The National Council on Compensation Insurance (NCCI), the rating organization for workers' compensation insurance in Oregon, has issued a new edition of the Statistical Plan for Workers Compensation and Employers Liability Insurance (Statistical Plan). The Statistical Plan is the governing compilation of workers' compensation and employers liability insurance statistics. The publication is adopted by reference in OAR 836-042-0045. The Insurance Division must now amend OAR 836-042-0045 to adopt by reference the new edition in order to recognize and apply the NCCI plan revisions. The new edition reformats the existing plan, clarifies existing rules, reorganizes loss and expense information, updated code values and includes rules changes.

Rules Coordinator: Sue Munson
Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Rm. 440, Salem, OR 97301
Telephone: (503) 947-7272

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

Rule Caption: Propose to adopt changes to Agriculture Labor Housing.

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

Stats. Implemented: ORS 654.001-654.295

Proposed Amendments: 437-004-1120

Last Date for Comment: 12-23-08

Summary: These changes are necessary to resolve issues expressed by Federal OSHA toward making our rules at least as effective as theirs. Removal of the heater language is to recognize new technology addressing a safety issue that existed with older heaters.

437-004-1120(16) Living Areas. We will delete paragraph (c)(B) to reflect changes in heater technology. Paragraph (C) will become (B) and (D) will become (C). Paragraph (B) is adequate to address any hazards related to ribbon-type heaters as they now come with safety devices to shut them off if they overheat.

437-004-1120(16) Living Areas. Wording added to paragraph (n) will close a gap in coverage pointed out by Federal OSHA. The result is that existing housing will be good until the 2018 change date unless it is remodeled. New construction and remodeled existing housing between this adoption and 2018 will have to meet the requirements in paragraph (n).

437-004-1120(18) Common use cooking and eating facilities and equipment. Federal OSHA requires adding this language to be as effective as their rule. It requires these facilities be in enclosed, screened shelters.

437-004-1120(19) Dining Halls and equipment. Federal OSHA requires adding this language to be as effective as their rule. It requires these facilities be in enclosed, screened shelters.

Please visit our web site www.orosha.org

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

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

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Department of Corrections
Chapter 291

Rule Caption: Inmate Trust Accounts.

Stat. Auth.: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030 & 423.075

Proposed Amendments: 291-158-0005 – 291-158-0075

Last Date for Comment: 12-22-08

Summary: Amendment of these rules is necessary to update and clarify policies and procedures for the establishment and administration of inmate trust accounts; and to clarify and conform the rules to reflect the Department's historical practice to assess inmate trust accounts for court-ordered cost and fees in judicial review proceedings, in habeas-corpus and post-conviction cases, in tort actions against a public body, and in other proceedings as authorized or required by law. This applies retroactively against an inmate's trust account for these purposes prior to, on, and after the effective date of the rule amendments.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

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Department of Environmental Quality
Chapter 340

Rule Caption: Proposed adoption of Oregon 2008 Regional Haze Plan and New Controls for PGE Boardman Power Plant.

Date:	Time:	Location:
1-6-09	6 p.m.	DEQ Hdqtrs, Rm. EQC-A 811 SW 6th Ave. Portland, OR 97204
1-7-09	6 p.m.	Lane Regional Air Pollution Authority LRAPA Mtg. Rm. 1010 Main St. Springfield, OR 97474
1-8-09	6 p.m.	DEQ Medford Office Conference Rm., Suite 201 221 Stewart Ave. Medford, OR 97501
1-12-09	6 p.m.	Hermiston Conference Center Rotary Altrusa Rm. 415 S. Hwy. 395 Hermiston, OR 97838
1-13-09	6 p.m.	Columbia Gorge Community College Lecture Hall, Bldg 2, Rm. 2.384 400 E. Scenic Dr. The Dalles, OR 97058

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 468.020 & 468A.310

Stats. Implemented: ORS 468A.025

Proposed Adoptions: 340-223-0010, 340-223-0020, 340-223-0030, 340-223-0040, 340-223-0050

Proposed Amendments: 340-200-0040, 340-228-0671, 340-228-0673

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 1-16-09, 5 p.m.

Summary: Over the next several decades, DEQ must develop a series of regional haze plans to meet the federal Regional Haze Rule. This rule requires States to make incremental progress in reducing air pollution in federal "Class I" wilderness areas and national parks by the year 2064. DEQ has developed the proposed 2008 Regional Haze Plan as the first step in haze reduction, and will update this plan every five years. This plan and the associated rulemaking is a revision to the Oregon State Implementation Plan (SIP).

The most significant action associated with the 2008 Regional Haze plan is DEQ's proposal for requiring emission controls at the PGE Boardman coal-fired power plant. This proposal is in response to the federal requirement for Best Available Retrofit Technology (BART), which is a mandatory requirement under the Regional Haze Rule. This proposed action would provide the largest environmental benefit of any strategy proposed in the 2008 plan.

The proposed 2008 Regional Haze plan also contains the following:

1. It provides an analysis of current visibility conditions in Class I areas, a forecast of expected haze levels in 2018, and an analysis of how well Oregon is meeting the Reasonable Progress "glide path" for haze reduction;

2. In addition to the proposal for PGE Boardman, it describes actions for reducing emissions of visibility impairing pollutants from four other industrial facilities in Oregon that were shown to have a significant impact on visibility in one or more Class I areas. These sources will reduce emission through federally enforceable permit limits related to the BART requirements mentioned above;

3. It identifies a list of emission source categories (such as other large industrial facilities, and forestry burning) that will be evaluated for visibility impacts by the next regional haze plan update in 2013;

4. It adopts revisions made to the Oregon Smoke Management Plan (OSMP) by the Oregon Department of Forestry in 2007. These revisions include measures to protect visibility in Class I areas. DEQ is proposing to incorporate the OSMP (OAR 629-048-0001 through 629-048-0500) into the Oregon State Implementation Plan without any additional changes.

This rulemaking also aligns the installation of mercury controls (adopted in 2006) for PGE Boardman with the proposed Phase 1 SO₂ controls. This rulemaking retains the July 1, 2012 compliance date for mercury controls, but changes the compliance extension contingency from 1-year to 2-years, adds fly ash contamination as a contingency for granting an extension, and aligns compliance reporting to the compliance date.

To submit comments or request additional information, please contact Brian Finneran at the Department of Environmental Quality (DEQ), 811 SW Sixth Ave., Portland, OR 97204, toll free in Oregon at 800-452-4011 or (503) 229-6278, or at regionalhaze@deq.state.or.us, or by fax (503) 229-5675, or visit DEQ's website <http://www.deq.state.or.us/news/publicnotices/PN.asp>

Rules Coordinator: Larry McAllister

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

Telephone: (503) 229-6412

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Department of Fish and Wildlife
Chapter 635

Rule Caption: Amend rules to allow angling from personal float tubes on specified St. Louis ponds.

Date:	Time:	Location:
1-9-09	8 a.m.	3406 Cherry Ave. N Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.138, 496.146 & 496.162

Proposed Amendments: Rules in 635-008

Last Date for Comment: 1-9-09

Summary: Amend rules related to the use of floating devices on ponds to reflect the angling regulation change made as part of the 2009 Oregon Sport Fishing Regulations.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

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Rule Caption: Establish Average Market Values of Food Fish for Determining Damages Related to Commercial Fishing Violations.

Date:	Time:	Location:
1-9-09	8 a.m.	Dept. of Fish & Wildlife 3406 Cherry Ave NE Commission Rm. Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.720

Proposed Amendments: 635-006-0232

Last Date for Comment: 1-9-09

Summary: Amend rule to establish the average market value of food fish species used to determine damages for commercial fishing violations. Housekeeping and technical corrections 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

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Rule Caption: Twenty-five Year Recreational Angling Enhancement Plan.

Date:	Time:	Location:
1-9-09	8 a.m.	Dept. of Fish & Wildlife 3406 Cherry Ave NE Commission Rm. Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, 496.455, 506.109 & 506.129

Proposed Adoptions: Rules in 635-007, 635-500

Proposed Amendments: Rules in 635-007, 635-500

Proposed Repeals: Rules in 635-007, 635-500

Proposed Renumberings: Rules in 635-007, 635-500

Last Date for Comment: 1-9-09

Summary: Adopt, amend, or repeal rules as determined necessary to establish a 25-year Recreational Angling Enhancement Plan, containing both long and short-term goals to enhance angling in Oregon, as directed by 2007-09 Legislative Action, Budget Report, SB 5513 A.

Housekeeping and technical corrections 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

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

Rule Caption: Update of Criminal History Check Rules for Providers Licensed, Certified, or Regulated by the Department.

Date:	Time:	Location:
12-22-08	11 a.m.-12 p.m.	Human Services Bldg. Rm. 137-B 500 Summer St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 181.534, 181.537, 409.010, 409.050, 410.020, 411.060, 411.122, 418.016, 418.640, 441.055, 443.730, 443.735 & 678.153

Other Auth.: Public Law 109-248 (The Federal Adam Walsh Child Protection & Safety Act of 2006)

Stats. Implemented: ORS 181.534, 181.537, 183.341, 409.010, 411.060, 411.122 & 678.153

Proposed Adoptions: 407-007-0355

Proposed Amendments: 407-007-0200, 407-007-0210, 407-007-0220, 407-007-0230, 407-007-0240, 407-007-0250, 407-007-0280, 407-007-0290, 407-007-0300, 407-007-0320, 407-007-0330, 407-007-0340, 407-007-0350, 407-007-0370

Proposed Repeals: 407-007-0260, 407-007-0270, 407-007-0310, 407-007-0360, 407-007-0380

Last Date for Comment: 12-23-08, 5 p.m.

Summary: The Department of Human Services's criminal history check provider rules are being updated to clarify the subjects of criminal history checks and to refine the potentially disqualifying crimes or conditions and the criteria that must be employed to determine fitness or suitability. These proposed rules also update who is authorized to make fitness determinations and handle the criminal history check process and they specify when the Department will make the fitness determinations.

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

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: 500 Summer St. NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

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Rule Caption: Support for Improved Provider Enrollment Process through Federal Compliance and Legal Sufficiency.

Date:	Time:	Location:
12-22-08	10-11 a.m.	Human Services Bldg. Rm. 137-B 500 Summer St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050, 411.060

Stats. Implemented: ORS 414.115, 414.125, 414.135, 414.145

Proposed Adoptions: 407-120-0325

Proposed Amendments: 407-120-0300, 407-120-0310, 407-120-0320, 407-120-0330, 407-120-0340, 407-120-0350, 407-120-0360, 407-120-0370, 407-120-0380

Proposed Repeals: 407-120-0300(T), 407-120-0310(T), 407-120-0320(T), 407-120-0325(T), 407-120-0330(T), 407-120-0340(T), 407-120-0350(T), 407-120-0360(T), 407-120-0370(T), 407-120-0380(T)

Last Date for Comment: 12-23-08, 5 p.m.

Summary: In January 2008, the Department laid the foundation for improved provider processes by consolidating various division rules into the Department's chapter 407 rules for provider enrollment and claiming using the Medicaid Management Information System (MMIS). Since then, the Department has been reviewing and updating the processes, forms, and rules associated with the provider enrollment process to improve and enhance compliance with federal requirements. The Department implemented the improved provider enrollment process, forms, and provider enrollment agreement and filed temporary rules necessary to provide legal sufficiency for the process and form changes effective July 1, 2008. This proposed rulemaking will make permanent the temporary rules that were effective July 1, 2008.

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

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: 500 Summer St. NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

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

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
12-22-08	11 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 42 USC 671(a) & 42 USC 16901 (Adam Walsh Child Protection and Safety Act of 2006)

Stats. Implemented: ORS 181.573, 181.010-181.560, 418.005 & 418.016

Proposed Amendments: 413-120-0400, 413-120-0420 - 413-120-0470

Proposed Repeals: 413-120-0410

Last Date for Comment: 12-24-08, 5 p.m.

Summary: OAR 413-120-0400 and OAR 413-120-0420 to 413-120-0470 about criminal history background checks for providers of care to children in Department of Human Services (DHS) custody are being amended, and OAR 413-120-0410 about criminal history background checks for providers of care to children in DHS custody is being repealed to comply with new federal requirements effective October 1, 2008 governing the criminal background check process for prospective foster and adoptive homes. These rules are being amended and repealed to comply with the new federal law requiring that all foster and adoptive applicants be subject to a fingerprint-based criminal check through the Federal Bureau of Investigation and prohibit approval of individuals who have committed any one of a range of specified criminal offenses. OAR 413-120-0400 and OAR 413-120-0420 to 413-120-0470 also are being amended to make the changes in the temporary rules permanent.

OAR 413-120-0400 about the purpose of this rule division is being amended to restate Department policy on use of criminal offender information to determine the fitness of the subject individual to provide care for children in DHS custody.

OAR 413-120-0410 about the scope of this rule division is being repealed and its relevant provisions are being incorporated into the amended OAR 413-120-0450.

OAR 413-120-0420 about the definitions used in this rule division is being amended to restate that an "other person in household" includes an individual providing relief or respite care and state the Department definition for relief or respite care as a formal planned arrangement to relieve a certified family's responsibilities by a person temporarily assuming responsibility for the care and supervision of the child or young adult; or assistance provided by a person who comes into the home of the certified family to care for the child or young adult in the care or custody of the Department.

OAR 413-120-0440 about the limited use and sharing of the criminal history reports and information gathered under this rule division is being amended to state Department policy on expedited child-specific foster care certification criminal background checks conducted at local DHS offices. This rule is being amended to state that the required forms and fingerprint cards must be provided to the DHS Criminal Records Unit as soon as possible for purposes of obtaining fingerprint-based criminal offender information.

OAR 413-120-0450 about how criminal history information regarding convictions is considered in making care certifications and fitness determinations under this rule division is being amended to restate that DHS makes issues decisions regarding the fitness of the subject individual to provide care for children in DHS custody, DHS policy on which criminal convictions preclude favorable certifications and determinations, as well as which criminal convictions preclude a favorable certification or determination unless an exception is granted under this rule's guidelines. This rule also is being amended to prohibit exceptions for certain criminal offenses including felonies involving violence and drug related offenses when the

NOTICES OF PROPOSED RULEMAKING

conviction has occurred within the preceding five years. This rule is also being amended to clarify who determines whether to seek an exception for criminal history.

OAR 413-120-0455 about how criminal history information regarding arrests is considered in making care certifications and fitness determinations under this rule division is being amended to restate Department policy on use of criminal arrest information to determine the fitness of the subject individual to provide care for children in DHS custody.

OAR 413-120-0460 about the procedures Department employees utilize to obtain criminal offender information records and reports is being amended to state the Department policy on obtaining fingerprint cards from subject individuals applying to provide care for children in DHS custody, arrested or convicted once already providing care for children in DHS custody, residing outside of Oregon for more than 60 consecutive days during a certification period, and an other person in the household once identified as such. This rule also is being amended to restate Department policy on the assessment of the fitness of the subject individual to provide care for children in DHS custody, how subject individuals are notified of unfavorable fitness determinations, and how they may appeal the determination.

OAR 413-120-0470 about subject individual's rights to review and appeal Department care certifications and fitness determinations made under this rule division is being amended to restate Department policy on the reviewing and appealing of determinations regarding the fitness of subject individuals to provide care for children in DHS custody.

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

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

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Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
12-22-08	11 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 42 USC 671(a)(20)

Stats. Implemented: ORS 418.005-418.640

Proposed Amendments: 413-200-0270 – 413-200-0296

Last Date for Comment: 12-24-08, 5 p.m.

Summary: OAR 413-200-0270 through 413-200-0296 about responsibilities for certification and supervision of relative caregivers, foster parents, and pre-adoptive parents are being amended to comply with new federal requirements effective October 1, 2008. These rules are being amended to comply with the new federal law requiring that effective October 1, 2008 all applicants for a certificate of approval to provide foster care or relative care complete a fingerprint-based check of criminal history through the Federal Bureau of Investigation. These rules also are being amended to make the changes in the temporary rules permanent.

OAR 413-200-0272 about the definitions used in OAR 413-200-0270 through 413-200-0296 is being amended to state that a "criminal records check" may include a fingerprint-based check of Federal Bureau of Investigation databases.

OAR 413-200-0274 about responsibilities and procedures for certification of relative caregivers, foster parents, and pre-adoptive parents is being amended to state that effective October 1, 2008 the criminal records check done on each member of the applicant household will include a fingerprint-based check of Federal Bureau of Investigation databases. This rule also is being amended to state that during an expedited child-specific certification process a criminal history check per OAR 413-120-0400 to 413-120-0470 must be completed within 90 days of the date a certificate of approval was

issued. Also, OAR 413-200-0274 is being amended to state that effective October 1, 2008 for all other applicants for certification the criminal records check done on each adult member of the household, and at the Department's discretion on any child under 18 in the household, will include a fingerprint-based check of Federal Bureau of Investigation databases.

OAR 413-200-0278 about the responsibilities for issuing a certificate of approval is being amended to correct a typographical error in the cross-reference to OAR 413-200-0274(6)(j)(D).

OAR 413-200-0281 about certifying alternate caregivers is being amended to state that effective October 1, 2008 any individual the certified family has identified as a relief or respite care provider for the certified family will be subject to a fingerprint-based check of Federal Bureau of Investigation databases.

OAR 413-200-0283 about the responsibilities in monitoring certification compliance is being amended to state that effective October 1, 2008 a certifier must assure completion of a fingerprint-based check of Federal Bureau of Investigation databases and a child abuse history background check whenever it becomes known that another adult is living in the household or a certified family identifies another relief or respite care provider.

OAR 413-200-0287 about the responsibilities regarding the two-year renewal of certificates of approval is being amended to state that a fingerprint-based check of Federal Bureau of Investigation databases is not required for an application for renewal of a certificate of approval unless an applicant or member of the household has lived outside of Oregon for more than 60 consecutive days within the two year certification period.

OAR 413-200-0292 about the responsibilities regarding recertification of a previously certified home is being amended to state that the criminal records check done on any adult living in the applicant household will include a fingerprint-based check of Federal Bureau of Investigation databases only when the adult member of the certified family has lived outside of Oregon for more than 60 consecutive days or has been arrested or convicted during the certification process.

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

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

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Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
12-22-08	11 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Other Auth.: 42 USC 671(a)(20)

Stats. Implemented: ORS 418.005-418.640

Proposed Amendments: 413-200-0301 – 413-200-0396

Last Date for Comment: 12-24-08, 5 p.m.

Summary: OAR 413-200-0301 through 413-200-0396 about the certification standards for foster parents, relative caregivers, and pre-adoptive parents are being amended to comply with new federal requirements effective October 1, 2008 governing the criminal background check process for prospective relative caregivers and foster and adoptive homes. These rules are being amended to comply with the new federal law requiring that effective October 1, 2008 all applicants for a certificate of approval to provide an adoptive home, foster care, or relative care complete a fingerprint-based check of criminal history through the Federal Bureau of Investigation. These rules also are being amended to make the changes in the temporary rules permanent.

OAR 413-200-0306 about the definitions used in this rule division is being amended to restate the definition of "criminal records check"

NOTICES OF PROPOSED RULEMAKING

to include a fingerprint-based check of criminal history through the Federal Bureau of Investigation.

OAR 413-200-0314 about the process to apply for a certificate of approval to become a certified family is being amended to restate that the applicant and all adult members of the applicant's household must consent to a fingerprint-based check of criminal history through the Federal Bureau of Investigation. This rule is also being amended to restate that Department's policy that the applicant and all adult members of the applicant's household must provide information on prior allegations of child abuse and neglect and consent to a child abuse and neglect background check.

OAR 413-200-0371 about the responsibilities and notification requirements for selection and use of alternate caregivers is being amended to state that a certified family must consent to a fingerprint-based check of criminal history through the Federal Bureau of Investigation.

OAR 413-200-0383 about other required notifications is being amended to require a certified family to notify the certifier or the certifier's supervisor of any new relief or respite care provider.

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

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

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**Department of Human Services,
Children, Adults and Families Division:
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Date: 12-22-08 **Time:** 8:30 a.m. **Location:** 500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.076, 411.706, 411.816, 412.014, 412.049 & 414.042
Other Auth.: 42 U.S.C. 1382g, 20 C.F.R. 416.2095 - 416.2099
Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.700, 411.704, 411.706, 411.816, 412.049 & 414.042
Proposed Adoptions: 461-155-0683, 461-155-0688, 461-155-0693

Proposed Amendments: 461-115-0530, 461-125-0310, 461-155-0250, 461-155-0270

Proposed Repeals: 461-160-0530

Last Date for Comment: 12-23-08, 12 p.m.

Summary: OAR 461-115-0530 is being amended to provide children who are eligible for the Oregon Health Plan (OHP) with household income below 100 percent of the Federal Poverty Level (FPL), and children under age six with household income below 133 percent of the FPL with a 12 month eligibility period.

OAR 461-125-0310 about basis of need in the Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM), OAR 461-155-0250 about income and payment standards in the OSIP and OSIPM programs, and OAR 461-155-0270 about room and board and personal needs payment standards for OSIP and OSIPM clients in waived nonstandard living arrangements are being amended and OAR 461-160-0530 about calculating benefits for Social Security Income (SSI) clients in the community and receiving OSIP is being repealed to reflect changes to the supplemental income payment (SIP) effective January 1, 2009. These payments are optional payments and the Department is redirecting funds to meet special needs for Aid to the Blind (AB), Aid to the Disabled (AD), and Old Age Assistance (OAA) clients. OAR 461-155-0250 is also being amended to change the adjusted income standards

tables. OAR 461-155-0270 is also being amended to change the room and board and personal needs standards tables.

OAR 461-155-0683 about emergency assistance special need payments, 461-155-0688 about Medicare Part D copay coverage special need payments, and 461-155-0693 about transportation services special need payments in the Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program-Medical (OSIPM) programs are being adopted to describe eligibility for these payments and what the payments cover.

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

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

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

Rule Caption: Rescinding the licensing moratorium for residential care and assisted living facilities.

Date: 12-16-08 **Time:** 3:30 p.m. **Location:** Human Services Bldg.
500 Summer St. NE, Rm. 166
Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 410.070 & 443.450
Other Auth.: HB 3626 (2008 Special Session)
Stats. Implemented: ORS 443.400-443.455 & 443.991
Proposed Amendments: 411-054-0005, 411-054-0012, 411-054-0105

Proposed Repeals: 411-054-0008

Last Date for Comment: 12-22-08, 5 p.m.

Summary: To comply with House Bill 3626 (2008 Special Session), the Department of Human Services, Seniors and People with Disabilities Division (SPD) is proposing to amend OAR 411-054-0005 and OAR 411-054-0012 and repeal OAR 411-054-0008 to rescind the licensing moratorium for residential care and assisted living facilities.

SPD is also proposing to amend OAR 411-054-0105 to correct a grammatical error.

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

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

Rule Caption: Provides criteria for proposed fire code amendment process; adds section 836-040.

Date: 12-15-08 **Time:** 10 a.m. **Location:** 4760 Portland, Rd. NE
Salem, OR 97305

Hearing Officer: John Caul
Stat. Auth.: ORS 476.030
Stats. Implemented: ORS 476.030
Proposed Adoptions: 837-040-0015
Proposed Amendments: 837-040-0001
Last Date for Comment: 12-15-08

Summary: The rule change was necessary to define and outline criteria to submit proposed fire code amendments to the Office of State Fire Marshal. This criteria necessitated adding 837-040-0015 to the rule.

Rules Coordinator: Pat Carroll

NOTICES OF PROPOSED RULEMAKING

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305
Telephone: (503) 934-8276

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Eliminate Writing Test for Telecommunicators and Define Criteria for Accruing Creditable Service Time.

Stat. Auth.: ORS 181.640, 181.644, 181, 651, 181.652, 181.653, 181.654, 181.655 & 183.341

Stats. Implemented: ORS 181.640, 181.644, 181, 651, 181.652, 181.653, 181.654, 181.655 & 183.341

Proposed Amendments: 259-008-0011, 259-008-0060

Last Date for Comment: 12-21-08, 5 p.m.

Summary: Amend minimum standards for employment as a telecommunicator and emergency medical dispatcher to eliminate 12th grade writing standard.

Clarify current practices and policies regarding the circumstances under which a public safety professional does or does not accrue creditable service time for purposes of certification.

Rules Coordinator: Bonnie Salle

Address: 4190 Aumsville Hwy SE, Salem OR 97317

Telephone: (503) 378-2431

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

Rule Caption: Definition of Valid Commercial Driver License.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 153.090(7) & 801.307

Proposed Adoptions: 735-070-0043

Proposed Repeals: 735-070-0043(T)

Last Date for Comment: 12-22-08

Summary: The 2007 Legislature added a definition of "holds a commercial driver license" to the Vehicle Code and in ORS 153.090(7), which sets forth the requirements for entry of a judgment in a violation or traffic offense case. (Oregon Laws 2007, Chapter 122, HB 2268). Persons who hold a commercial driver license are subject to stricter requirements under the law, making it necessary to define when a person holds a valid commercial driver license. The term "valid" as used in ORS 801.307 and 153.090(7) has not been interpreted consistently, which has led to confusion as to when a person holds a valid commercial driver license. For example, a medical certificate used to prove physical qualification for a CDL may expire, but that does not automatically invalidate the CDL. The person cannot drive a commercial vehicle until he or she has a current medical certificate (ORS 807.100), but the CDL remains valid until DMV suspends, cancels or revokes the license. DMV proposes to define by rule when a person's commercial driver license is valid. DMV proposes to make this definition retroactive to January 1, 2008, the effective date of the Act. This proposed rule was adopted and filed as an emergency rule on August 26, 2008.

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, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Commercial Driver Training Operator and Instructor Qualifications, Application, Issuance of Certificates, Sanctions.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500, 822.510, 822.515 & 822.530

Stats. Implemented: ORS 822.500, 822.510, 822.515, 822.520 & 822.530

Proposed Amendments: 735-160-0010, 735-160-0011, 735-160-0075, 735-160-0080, 735-160-0125

Proposed Repeals: 735-160-0012, 735-160-0013, 735-160-0085, 735-160-0093

Last Date for Comment: 12-22-08

Summary: Chapter 735, division 160 rules establish the requirements, qualifications and application procedures for both commercial drive school operations and instructors. There currently are separate rules for the issuance, renewal and denial of both the operator and instructor certificate (six total rules). To simplify matters, DMV is proposing to combine information into just two rules – one for the Operator Certificate and one for the Instructor Certificate. Both rules will establish the requirements to apply for an original certificate or renew a certificate already issued and both rules will establish when DMV will deny issuance of the specific certificate. Having all these requirements together should simplify the application process. Because of this restructuring, DMV proposes to repeal OAR 735-160-0012, 735-160-0013, 735-160-0085 and 735-160-0093 and amend OAR 735-160-0011 and 735-160-0080.

DMV also proposes to amend OAR 735-160-0011 and 735-160-0080 to allow criminal history checks by other than Oregon State Police, and to clarify that criminal records may be used in a contested case hearing or appeal.

DMV proposes to amend OAR 735-160-0075 to distinguish the requirements between an instructor who is only conducting classroom training and one who conducts behind the wheel training. An instructor who only provides classroom training will not be required to hold an Oregon driver license (they may hold a valid Washington driver license, for instance), meet eyesight standards or pass a special drive test. This change will allow a commercial drive school to have a broader pool of possible instructors and will alleviate the costs in time and money of having to provide a report from a licensed vision specialist and having to take a special drive test.

DMV proposes to further amend OAR 735-160-0075 to change a commercial drive school instructor requirement so that an applicant or an instructor does not have a suspension under the Driver Improvement Program within the past three years, rather than the past five years. Oregon's Driver Improvement Program requires a restriction if the person has three convictions for driver improvement violations in an 18-month period or a suspension for four violations in a 24-month period. Most traffic offenses, including failing to properly use safety belts, are driver improvement violations and multiple offenses on the same citation count toward the program. The current restriction is overly restrictive.

Some changes are needed to reflect the renumbering of sections as proposed. Other changes are made for clarity and consistency.

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, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Oregon Medical Board Chapter 847

Rule Caption: Deletes two limited licenses: the Limited License, Institutional Practice, and the Limited License, Public Health.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.132

Proposed Amendments: 847-005-0005

Proposed Repeals: 847-010-0054, 847-010-0055

Last Date for Comment: 12-28-08

Summary: The proposed rule change deletes two limited licenses that are no longer being issued, the Limited License, Institutional Practice, and the Limited License, Public health.

Rules Coordinator: Diana M. Dolstra

NOTICES OF PROPOSED RULEMAKING

Address: Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201
Telephone: (971) 673-2713

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Rule Caption: Increase days of practice in Oregon for Locum Tenens; add CME requirement for all licensees.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Proposed Adoptions: 847-008-0070

Proposed Amendments: 847-008-0020, 847-008-0040

Last Date for Comment: 12-28-08

Summary: The proposed rule change increases from 180 to 240 the number of days a licensee with Locum Tenens status may practice in Oregon per biennium. The proposed rule also allows the Board to renew a licensee at Inactive status if the licensee has been out of practice for more than 12 consecutive months or if there are concerns regarding the licensee's medical competency or fitness to practice. The Board is also drafting a rule on continuing medical education to be obtained by Board licensees during the year or biennium and the CME would be required to renew their license.

Rules Coordinator: Diana M. Dolstra

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

Telephone: (971) 673-2713

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Rule Caption: Expands definition of Unprofessional Misconduct; states exemptions to pain management CME requirement.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265, 677.415 & 677.510

Proposed Amendments: 847-010-0073, 847-010-0100

Last Date for Comment: 12-28-08

Summary: The proposed rule change expands the definition of Unprofessional Conduct, and also expands the list of behaviors that constitute Sexual Misconduct. Proposed rule also makes clear that licensees with a limited license or a Telemonitoring license are not required to obtain the 6 hours of CME on pain management and/or the treatment of terminally ill and dying patients, nor the 1 hour pain management course specific to Oregon provided by the Department of Human Service's Pain Commission. Proposed amendment also specifies that licensees who reactivate must complete required pain management CME within 12 months of reactivation.

Rules Coordinator: Diana M. Dolstra

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

Telephone: (971) 673-2713

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Rule Caption: Specifies resources used by Board to determine if foreign medical schools meet requirements.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100 & 677.265(6)

Proposed Amendments: 847-020-0130

Last Date for Comment: 12-28-08

Summary: The proposed rule change specifies the resources used by the Board to determine if a foreign medical school meets the requirements of the Board.

Rules Coordinator: Diana M. Dolstra

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

Telephone: (971) 673-2713

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Rule Caption: Establishes criteria to determine clinical competency for time out of practice of applicants for licensure.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 & 677.759

Proposed Amendments: 847-070-0019, 847-070-0020, 847-070-0045

Last Date for Comment: 12-28-08

Summary: The proposed rule amendments increase the allowable amount of time out of practice after which the Board may require the applicant/licensee to demonstrate current clinical competency, and establish a minimum of a 20-hour mentorship as one possible requirement to demonstrate current competency. Proposed amendment also clarifies that an acupuncturist who has completed a doctoral degree in Acupuncture and Oriental Medicine may identify him/herself as a "doctor of acupuncture and oriental medicine."

Rules Coordinator: Diana M. Dolstra

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

Telephone: (971) 673-2713

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Oregon State Lottery Chapter 177

Rule Caption: Amendments update Lottery requirements for Video LotterySM retailers.

Date:

Time:

Location:

1-23-09

10-11 a.m.

Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461

Other Auth.: OR Const., Article XV, § 4(4)

Stats. Implemented: ORS 461.215 & 461.217

Proposed Amendments: 177-040-0017, 177-040-0061

Last Date for Comment: 1-23-09, 11 a.m.

Summary: The Oregon Lottery[®] has initiated permanent rulemaking to amend these administrative rules to clarify Lottery's standards for determining if an establishment is operating or will be operating as a casino. Amendments to the Oregon Liquor Control Commission's rules related to Full On-Premises License requirements necessitate these amendments to Lottery's rules.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

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Rule Caption: Amendments address Indoor Clean Air Act, application resubmission timeframe, deposit requirements, equipment rules, housekeeping changes.

Date:

Time:

Location:

12-15-08

3-4 p.m.

Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461

Other Auth.: OR Constitution, Art. XV, § 4(4)

Stats. Implemented: ORS 461.200 & 461.200

Proposed Amendments: 177-040-0001, 177-040-0005, 177-040-0030, 177-040-0050, 177-040-0052, 177-045-0000, 177-045-0010, 177-045-0030

Proposed Repeals: 177-045-0040

Last Date for Comment: 12-15-08, 4 p.m.

Summary: The Oregon Lottery has initiated permanent rulemaking to amend the above reference administrative rules.

Substantive amendments are being made to address the Oregon Indoor Clean Air Act.

OAR 177-040-0001 is being amended to shorten the timeframe for a resubmission from two years to one year after which complete personal disclosure is required instead of an update.

OAR 177-040-0030 and 177-040-0052 are being amended to make the deposit requirements in those two rules consistent.

OAR 177-045-0040 is being repealed.

Other amendments are for general housekeeping purposes, including grammatical changes, the addition of captions, insertion of trade and service marks, deletion of extraneous materials, and clarification of meaning.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

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Oregon Student Assistance Commission
Chapter 575

Rule Caption: Adopt permanent rules governing confidentiality and inadmissibility of mediation communications in subsequent adjudicatory proceedings.

Date:	Time:	Location:
1-23-09	9:30 a.m.	Student Assistance Commission 1500 Valley River Dr., Suite 100 Eugene, OR 97401

Hearing Officer: Bridget Burns, Commission Chair

Stat. Auth.: ORS 36.335 & 348.530

Stats. Implemented: ORS 36.220–36.237 & 183.335(5)

Proposed Adoptions: 575-055-0005

Proposed Repeals: 575-055-0005(T)

Last Date for Comment: 1-23-09

Summary: This rule is identical to the rule on confidentiality of mediation communications, developed by Attorney General pursuant to ORS 36.224(2). The rule covers all mediations involving the Oregon Student Assistance Commission, except those express exclusions. The rule limits information that the mediator may disclose and allows the parties to agree in writing to limit what may be disclosed or used in a subsequent administrative proceeding.

Rules Coordinator: Susanne D. Taylor

Address: Oregon Student Assistance Commission, 1500 Valley River Dr., Suite 100, Eugene, OR 97401

Telephone: (541) 687-7394

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Rule Caption: ASPIRE Partnership Grant.

Date:	Time:	Location:
1-23-09	9:30 a.m.	Student Assistance Commission 1500 Valley River Dr., Suite 100 Eugene, OR 97401

Hearing Officer: Bridget Burns, Commission Chair

Stat. Auth.: HB 2729 & 2007 OL Ch. 293

Stats. Implemented: ORS 348 (HB 2729, 2007 Session)

Proposed Adoptions: 575-078-0005, 575-078-0010, 575-078-0015, 575-078-0020, 575-078-0025, 575-078-0030, 575-078-0035, 575-078-0040

Proposed Repeals: 575-078-0005(T), 575-078-0010(T), 575-078-0015(T), 575-078-0020(T), 575-078-0025(T), 575-078-0030(T), 575-078-0035(T), 575-078-0040(T)

Last Date for Comment: 1-23-09

Summary: Partnership Grants are provided to underwrite a portion of the cost of a current school employee who assists with ASPIRE activities. The Commission shall establish and equitable application process for ASPIRE sites to seek Partnership Grant funding. ASPIRE sites may be selected and awarded Partnership Grants based on the quality of the Partnership Grant application in terms of meeting the goals of the law and the availability of Partnership Grant funds.

Rules Coordinator: Susanne D. Taylor

Address: Oregon Student Assistance Commission, 1500 Valley River Dr., Suite 100, Eugene, OR 97401

Telephone: (541) 687-7394

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Oregon University System
Chapter 580

Rule Caption: To establish 2009 summer session tuition and fee rates, including room and board.

Date:	Time:	Location:
12-11-08	10–11 a.m.	Rm. B214, Kerr Admin. Bldg. Corvallis, OR
12-15-08	10–11 a.m.	Rm. 246C, Susan Campbell Hall Eugene, OR

Hearing Officer: Tiffany Corbett, Marcia Stuart

Stat. Auth.: ORS 351.070

Stats. Implemented:

Proposed Amendments: 580-040-0035

Last Date for Comment: 12-19-08

Summary: To establish tuition and fees for the summer session 2009, including room and board.

Rules Coordinator: Marcia M. Stuart

Address: Oregon University System, PO Box 3175, Eugene, OR 97403-0175

Telephone: (541) 346-5749

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Public Utility Commission
Chapter 860

Rule Caption: In the Matter of a Rulemaking regarding Integrated Resource Planning Guidelines for Energy Utilities.

Date:	Time:	Location:
1-9-09	9:30 a.m.	Main Hearing Rm. Public Utility Commission 550 Capitol St. NE, 1st Flr. Salem, OR

Hearing Officer: Lisa D. Hardie

Stat. Auth.: ORS 183, 756.040 & 757.262

Stats. Implemented: ORS 756.040 & 757.262

Proposed Adoptions: 860-027-0400

Last Date for Comment: 1-9-09, Close of Business

Summary: In its docket UM 1056, the Commission ordered that rulemaking be initiated to implement guideline 3 adopted in its Order No. 07-002, as amended by Order No. 07-047. The proposed rule sets guidelines applicable to investor-owned energy utilities for the filing, reviewing and updating of Integrated Resource Plans. The proposed rule also clarifies the expectations of the Commission when, in its annual update to the Commission, a utility seeks acknowledgment of changes to its previously filed Integrated Resources Plan Action Plan.

Commission Staff contact for technical information is Lori Koho (lori.koho@state.or.us).

The Commission encourages participants to file written comment before the hearing date, allowing time for other participants to consider and respond to the comments before the deadline. For information about how to file your comments, please contact Diane Davis at diane.davis@state.or.us or (503) 378-4372. Filed comments will be available online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=15123>

To request a dial-in number to monitor the hearing by telephone (listen only), contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 before close of business January 7, 2009. If you wish to offer comment at the hearing, please plan to attend in person.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301

Telephone: (503) 378-4372

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Rule Caption: In the Matter of Rulemaking to Implement SB 838 Relating to Renewable Portfolio Standard.

Date:	Time:	Location:
1-12-09	9:30 a.m.	Public Utility Commission Main Hearing Rm. 550 Capitol St. NE Salem, OR

Hearing Officer: Patrick Power

Stat. Auth.: ORS 756.040, 757.659, 469A.065, 469A.150 & 469A.170

Stats. Implemented: ORS 757.600–767.667, 469A.005, 469A.050–469A.055, 469A.065–469A.070 & 469A.130–469A.170

Proposed Adoptions: 860-083-0005, 860-083-0050

Proposed Amendments: 860-038-0220, 860-038-0300

Last Date for Comment: 1-12-09, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: The proposed new rules (OAR 860-083-0005 and 860-083-0050) are required to establish renewable energy certificates (RECs) that electric companies and electricity suppliers (ESSs) may use to comply with a Renewable Portfolio Standard (RPS) under the Oregon renewable Energy Act (Act). See ORS 469A.005 to 469A.210. The Act allows RECs to be carried forward or “banked” to meet RPS requirements in a future compliance year other than in the calendar year it was generated by the utility or ESS. See ORS 469A.005(1); ORS 469A.070.

Under the proposed rules, a utility or ESS may use a REC to comply with both the RPS and power source disclosures required by OAR 860-038-0300, only if both uses occur in the same calendar compliance year. In other words, a REC banked for future RPS compliance can be included in power source disclosures only for the year the REC is used for RPS compliance.

The proposed rule amendments (OAR 860-038-0220 and 860-038-0300) are required to align reporting on environmental claims under ORS 757.659, and portfolio options under ORS 757.603(2), with timelines and reporting required under the act. See ORS 469A.070(2), ORS 469A.130 and ORS 469A.170.

The Commission encourages participants to file written comments before the hearing date, allowing time for other participants to consider and respond to the comments before the deadline. For information about how to file your comments, please contact Diane Davis at diane.davis@state.or.us or (503) 378-4372. Filed comments will be available online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=14193>.

To request a dial-in number to monitor the hearing by telephone (listen only), contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 before close of business January 8, 2009. If you wish to offer comment at the hearing, please plan to attend in person.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301

Telephone: (503) 378-4372

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Teacher Standards and Practices Commission
Chapter 584

Rule Caption: Adopts, amends and repeals rules regarding fingerprinting, alternative assessment, test requirements, grace periods, and other housekeeping issues.

Date:	Time:	Location:
1-7-09	1–3 p.m.	TSPC Office 465 Commercial St. NE Salem, OR 97301

Hearing Officer: Victoria Chamberlain

Stat. Auth.: ORS 342 & 181

Stats. Implemented: ORS 342.120–342.430, 342.534 & 342.985

Proposed Adoptions: 584-036-0083, 584-050-0100, 584-060-0182

Proposed Amendments: 584-036-0010, 584-036-0015, 584-036-0080, 584-050-0040, 584-052-0027, 584-052-0030, 584-052-0031, 584-052-0032, 584-052-0033, 584-060-0171, 584-060-0181, 584-060-0210, 584-100-0006

Proposed Repeals: 584-060-0040, 584-060-0091

Proposed Renumberings: 584-050-0043 to 584-036-0110

Proposed Ren. & Amends: 584-050-0004 to 584-036-0095, 584-050-0042 to 584-036-0105

Last Date for Comment: 2-12-09, 4 p.m.

Summary: 1. Adopts *Special Assignment* rule, 584-036-0083. Clarifies special assignment applies to more than just Basic and Standard Licenses.

2. Separates *Restricted Substitute License* from Substitute Teaching License rule and specifies requirements.

3. Amends rule 584-036-0015 to remove language that implies basic and standard licenses are available to new applicants, adds authorization code, and removes portions of the rule that applies to all Oregon licenses (to be adopted as 584-036-0083).

4. Amends licensure test requirements and clarifies grace periods.

5. Adds Initial and Continuing Licenses to 584-052-0027 and deletes language to waive Basic Skills test.

6. Amends alternative assessment rules to remove “pilot” and “mention of alternative assessment as a rigorous state test.”

7. Amends Limited Teaching License to include preparation required, basic skills or district statement needed on first renewal and recency requirements for renewal.

8. Amends 584-060-0181, *Substitute Teaching License*. Clarifies requirements, renames circumstances when districts use a substitute in long-term placement from “extension” to “permission.”

9. Specifies requirements for Emergency Teaching License and clarifies language.

10. Adopts 584-050-0100 *Fingerprinting of Subject Individuals* which brings TSPC into compliance with ORS 181.534 (9).

11. Amends Division 100 definitions to remove reference to alternative assessment as a rigorous state test, remove Drama from the definition of core academic subjects and removes Russian, Japanese and Latin as core academic foreign languages.

12. Renumbers and amends Division 50 rules to Division 36. Includes housekeeping amendments.

13. Repeals obsolete rules, amends statutory citations in several rules and other housekeeping issues.

Rules Coordinator: Victoria Chamberlain

Address: Teacher Standards and Practices Commission, 465 Commercial St. NE, Salem, OR 97301

Telephone: (503) 378-6813

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Clarify rules related to registration and applying for registration.

Adm. Order No.: BEELS 3-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 11-14-08

Notice Publication Date: 10-1-2008

Rules Adopted: 820-010-0209, 820-010-0212, 820-010-0213, 820-010-0214, 820-010-0442, 820-010-0443, 820-010-0444, 820-010-0505

Rules Amended: 820-010-0010, 820-010-0200, 820-010-0204, 820-010-0205, 820-010-0206, 820-010-0207, 820-010-0208, 820-010-0215, 820-010-0227, 820-010-0228, 820-010-0235, 820-010-0255, 820-010-0440, 820-010-0455, 820-010-0470, 820-010-0600, 820-020-0040

Subject: OAR 820-010-0209 — Proposed language outlines the application requirements for certification as a certified water right examiner.

OAR 820-010-0212 — Proposed language outlines the information and documentation required from applicants for registration as professional engineers based on examination.

OAR 820-010-0213 — Proposed language outlines the information and documentation required from applicants for registration as professional land surveyors based on examination.

OAR 820-010-0214 — Proposed language outlines the information and documentation required from applicants for registration as professional photogrammetrists based on examination.

OAR 820-010-0442 — Proposed language outlines the deadlines to submit applications for registration and the process to withdraw and forward an application.

OAR 820-010-0443 — Proposed language informs applicants of the process to request reasonable accommodations due to documented disabilities within the meaning of the American Disabilities Act (ADA) of 1990 or due to religious convictions that prohibit testing on scheduled dates.

OAR 820-010-0444 — Proposed language informs applicants that Oregon Specific examinations administered by the Board will be held only at the time and place prescribed by the Board within the State of Oregon.

OAR 820-010-0505 — Proposed language clarifies the biennial renewal fees, delinquent fees, and required continuing professional development hours for registration renewal.

OAR 820-010-0010 — Housekeeping revisions related to the proposed amendments of OAR 820-010-0227 and OAR 820-010-0228.

OAR 820-010-0200 — Proposed amendments clarify the requirements for applications for registration as professional engineers based on current licensure by another jurisdiction.

OAR 820-010-0204 — Proposed amendments clarify the requirements for applications for registration as professional engineers based on examination by another jurisdiction or by NCEES.

OAR 820-010-0205 — Proposed amendments clarify the requirements for applications for registration as professional land surveyors based on current licensure by another jurisdiction.

OAR 820-010-0206 - Proposed amendments clarify the requirements for applications for registration as professional land surveyors based on examination by another jurisdiction or by NCEES.

OAR 820-010-0207 — Proposed amendments clarify the requirements for applications for registration as professional photogrammetrists based on current licensure by another jurisdiction.

OAR 820-010-0208 — Proposed amendments clarify the requirements for applications for registration as professional photogrammetrists based on examination by another jurisdiction or by NCEES.

OAR 820-010-0215 — Proposed amendments clarify the application process and required documentation.

OAR 820-010-0227 — Proposed amendments clarify the information and documentation required for application to take the

Fundamentals of Engineering (FE) examination based on educational and experience qualifications.

OAR 820-010-0228 — Proposed amendments clarify the information and documentation required for application to take the Fundamentals of Land Surveying (FLS) examination based on educational and experience qualifications.

OAR 820-010-0235 — Proposed amendments clarify the requirements for applications for certification as a certified water right examiner.

OAR 820-010-0255 — Proposed amendments clarify the qualifications of providing a reference for an applicant.

OAR 820-010-0440 — Proposed amendments clarify the schedule of examinations and the examinations offered for registration.

OAR 820-010-0455 — Housekeeping.

OAR 820-010-0470 — Proposed amendments clarify the review of the Washington Structural III examination.

OAR 820-010-0600 — Proposed amendments clarify the retention of Board records to include the records for certified water right examiners.

OAR 820-020-0040 — Proposed amendments clarify the consequences for an examinee that refuses to sign the compliance statement prior to an examination.

Rules Coordinator: Mari Lopez—(503) 362-2666, ext. 26

820-010-0010

Definitions

The following definitions and guides have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of ORS 672.002 to 672.325.

(1) "Board" means the Oregon State Board of Examiners for Engineering and Land Surveying provided by ORS 672.240.

(2) "Practice of engineering" refers to ORS 672.005 and 672.007.

(3) "Technician work" means the time spent on work where the personal responsibility and technical knowledge required are small; that is, where the individual performance of a task, set and supervised by others, is all that is required. It shall also include all time spent in work before an applicant is 18 years old "Technician work" does not include engineering work as described in section (4), land surveying work as described in section (7) or photogrammetric work as described in section (10). Engineering "technician work" includes, but is not limited to, work as an inspector, a laboratory assistant, a design assistant, a survey technician, or a draftsman. Land Surveying "technician work" includes, but is not limited to, work as a survey technician, a draftsman, an instrument plotter, or computation work under close supervision and not requiring the exercise of judgment in survey or map design, or decisions on boundary location. Photogrammetric mapping "technician work" includes but is not limited to, work as a photogrammetric mapping technician to perform technical photogrammetric or remote sensing tasks to extract spatial data from photographic imagery, digital imagery or other remotely-sensed data under close supervision and not requiring the exercise of judgment in project design or decisions related to authoritative photogrammetric measurements.

(4) "Engineering work," is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for engineering work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent in engineering teaching subsequent to graduation shall be listed as "engineering work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "engineering work."

(5) "Responsible charge," as used in ORS 672.002(9), means to have supervision and control over engineering work as defined in 672.005(1), land surveying work, and photogrammetric mapping, as evidenced by performing substantially the following:

(a) Establishing the manner or method by which services are rendered;

(b) Establishing quality controls for the services rendered;

(c) Communicating with clients;

(d) Reviewing designs, calculations, plans, surveys or maps;

(e) Supplying deficiencies found in or correcting errors contained in designs, calculations, plans, surveys or maps;

ADMINISTRATIVE RULES

(f) Making changes to documents, including but not limited to, designs, plans, plats, surveys or maps; and

(g) With respect to land surveying, reviewing field evidence and making final decisions concerning the placement of survey monuments and surveyed lines.

(6) "Supervision and control," as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

(a) Spending time directly supervising the work to assure that the person working under the licensee is familiar with the significant details of the work;

(b) Providing oversight, inspection, observation and direction regarding the work being performed;

(c) Providing adequate training for persons rendering services and working on projects under the licensee;

(d) Maintaining readily accessible contact with the person providing services or performing work by direct proximity or by frequent communication about the services provided or the work performed. Communications between the licensee and persons under the licensee's supervision and control include face-to-face communications, electronic mail, and telephone communications and similar, other communications that are immediate and responsive; and

(e) Applying the licensee's seal and signature to a document.

(7) "Practice of land surveying" refers to ORS 672.005(2) and 672.007.

(8) "Land surveying work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work". Engineering work, not related to the practice of land surveying, is not land surveying work. Credit for land surveying work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "land surveying work."

(9) "Practice of photogrammetric mapping" or "practice of photogrammetry" refers to ORS 672.002(7).

(10) "Photogrammetric work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for photogrammetric work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent teaching photogrammetric mapping after graduation is "photogrammetric work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "photogrammetric work."

(11) Professional Development Hour (PDH) — A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

(12) Continuing Education Unit (CEU) — Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(13) College/Unit Semester/Quarter Hour — Credit for course work in an approved program or other related college course approved in accordance with article (e) of this section.

(14) Course/Activity — Any qualifying course or activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

(15) Multiple Registrant means a person who is registered as both a land surveyor and an engineer or is registered as an engineer in two or more disciplines.

(16) "Digital signature" means a type of electronic signature, as allowed by the ORS 84.001 to 84.061, that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signer verification, document security and authentication.

(17) Acronyms:

(a) ABET — Accreditation Board for Engineering and Technology, Inc.;

(b) ACCE — American Council for Construction Education;

(c) ASAC — Applied Science Accreditation Commission of ABET;

(d) CPEES — Center for Professional Engineering Education Services;

(e) EAC — Engineering Accreditation Commission of ABET;

(f) EI — Engineering Intern;

(g) ELSSES — Engineering Land Surveying Examination Services;

(h) FE — Fundamentals of Engineering;

(i) FLS — Fundamentals of Land Surveying;

(j) LSI — Land Surveying Intern;

(k) NCEES — National Council of Examiners for Engineering and Surveying;

(l) TAC — Technology Accreditation Commission of ABET.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 17, f. 4-22-74, ef. 5-11-74; EE 20, f. & ef. 12-15-77; EE 1-1987, f. & ef. 1-5-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 4-2000, f. & cert. ef. 8-4-00; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0200

Application for Registration as Professional Engineers (PE) Based on Licensure by Another Jurisdiction (Comity)

(1) Professional engineers registered in other jurisdictions may file applications for registration on the basis of comity as provided in ORS 672.148. NCEES records, current within the two years prior to application, may be accepted to document registration.

(2) In lieu of a NCEES record, application will consist of:

(a) Experience Details form including active practice in engineering;

(b) Five references that meet the requirements of OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that verifies the applicant's work meets the definition of engineering as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of EI and current registration in another NCEES jurisdiction.

(3) The other jurisdiction that issued the certificate of registration must have had substantially equivalent requirements for registration as Oregon had at the time the other jurisdiction issued the certificate of registration.

(4) The Board may require the applicant to provide documentation of the requirements for registration by such other jurisdiction in effect at the time the applicant obtained a certificate of registration.

(5) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(6) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1993, f. 1-28-93, cert. ef. 2-1-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 1-2003, f. & cert. ef. 1-28-03; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0204

Applications for Registration as Professional Engineers (PE) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the practical examination as a professional engineer in another jurisdiction or by NCEES. This includes, for example, applicants who have passed the FE and PE examinations in another jurisdiction or by NCEES, but who are not registered in a jurisdiction. This rule does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in engineering;

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(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the Fundamentals of Engineering examination and the NCEES Principles and Practice of Engineering examination.

(3) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(4) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0205

Applications for Registration as Professional Land Surveyors (PLS) Based on Licensure by Another Jurisdiction (Comity)

(1) Professional land surveyors registered in other jurisdictions may file applications for registration on the basis of comity as provided in ORS 672.148. NCEES records, current within the two years prior to application, may be accepted to document registration.

(2) In lieu of a NCEES record, application will consist of:

(a) Experience Details form including active practice in land surveying;

(b) Five references that meet the requirements of OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that verifies the applicant's work meets the definition of land surveying as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of LSI and current registration in another NCEES jurisdiction.

(3) The other jurisdiction that issued the certificate of registration must have had substantially equivalent requirements for registration as Oregon had at the time the other jurisdiction issued the certificate of registration.

(4) The Board may require the applicant to provide documentation of the requirements for registration by such other jurisdiction in effect at the time the applicant obtained a certificate of registration.

(5) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must successfully pass a state specific examination covering Oregon law relating to land surveying.

(6) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(7) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2005(Temp), f. & cert. ef. 9-23-05 thru 3-21-06; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0206

Applications for Registration as a Professional Land Surveyors (PLS) Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the practical examination as a professional land surveyor in another jurisdiction or by NCEES. This includes, for example, applicants who have passed the FLS and PLS examinations in another jurisdiction or by NCEES, but who are not registered in a jurisdiction. This rule does not apply to

applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in land surveying;

(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of land surveying as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the Fundamentals of Land Surveying examination and the NCEES Principles and Practice of Land Surveying examination.

(3) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must successfully pass a state specific examination covering Oregon law relating to land surveying.

(4) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(5) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0207

Applications for Registration as Professional Photogrammetrists Based on Licensure by Another Jurisdiction (Comity)

(1) Professional photogrammetrists registered in other jurisdictions may apply for registration on the basis of comity as provided in ORS 672.148. NCEES records, current within the two years prior to application, may be accepted to document registration.

(2) In lieu of a NCEES record, application will consist of:

(a) Experience Details form including active practice in photogrammetric mapping;

(b) Five references that meet the requirements of OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that verifies the applicant's work meets the definition of photogrammetric mapping as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of LSI and current registration in another NCEES jurisdiction.

(3) The other jurisdiction that issued the certificate of registration must have had substantially equivalent requirements for registration as Oregon had at the time the other jurisdiction issued the certificate of registration.

(4) The Board may require the applicant to provide documentation of the requirements for registration by such other jurisdiction in effect at the time the applicant obtained a certificate of registration.

(5) Before receiving a certificate of registration to practice photogrammetric mapping in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(6) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0208

Applications for Registration as a Professional Photogrammetrists Based on Examination by Another Jurisdiction or by NCEES (1st Registration)

(1) Applicants who are not registered in another jurisdiction but who meet all the requirements for registration in Oregon may be considered for registration if the application is submitted within two years following passing the examination as a photogrammetrist in another jurisdiction or by

ADMINISTRATIVE RULES

NCEES. This rule does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates of registration.

(2) Application must include:

(a) Experience Details form including active practice in photogrammetric mapping;

(b) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of photogrammetric mapping as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(c) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(d) Official verification of successful completion of the Fundamentals of Land Surveying examination and a professional photogrammetry examination.

(3) Before receiving a certificate of registration to practice professional photogrammetric mapping in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(4) Application must be accompanied by the \$375.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0209

Applications for Certification as a Water Right Examiner

(1) Applicants who hold a current registration as a professional engineer, land surveyor, or registered geologist may be considered for certification as a water right examiner.

(2) Before receiving a certificate as a water right examiner, the applicant must successfully pass a written examination on properly performing surveying, mapping, hydraulic computations, and information gathering duties required by ORS 537.798.

(3) Applications must be submitted by the dates specified in OAR 820-010-0442 to be considered by the Board.

(4) Applications submitted by registered geologists will be accompanied by official documentation verifying current registration with the Oregon State Board of Geologist Examiners (OSBGE).

(5) Requests for special accommodations will be made in accordance with OAR 820-010-0443.

(6) Fee for an initial application for certification as a water right examiner is \$115.00.

(7) Fee for a reapplication for certification as a water right examiner is \$40.00.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0212

Applications for Registration as Professional Engineers (PE) Based on Examination

(1) Applicants for registration as a professional engineer must submit documentation, compliant with OAR 820-010-0215, to include:

(a) Application for Registration by Examination;

(b) Experience Details form including active practice in engineering;

(c) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(d) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(e) Official verification of successful completion of the Fundamentals of Engineering examination.

(2) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(3) Application must be accompanied by the \$225.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0213

Applications for Registration as Professional Land Surveyors (PLS) Based on Examination

(1) Applicants for registration as a professional land surveyor must submit documentation to include:

(a) Application for Registration by Examination;

(b) Experience Details form including active practice in land surveying;

(c) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of land surveying as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(d) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(e) Official verification of successful completion of the Fundamentals of Land Surveying examination.

(2) Before receiving a certificate of registration to practice professional land surveying in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(3) Application must be accompanied by the \$265.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0214

Applications for Registration as Professional Photogrammetrists (RPP) Based on Examination

(1) Applicants for registration as a professional photogrammetrist must submit documentation to include:

(a) Application for Registration by Examination;

(b) Experience Details form including active practice in photogrammetric mapping;

(c) Five references that meet the requirements of the OAR 820-010-0255, three of whom hold registration in a NCEES jurisdiction;

(A) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of photogrammetric mapping as defined in the OAR 820-010-0010.

(B) References must be submitted on the Board approved Reference Details form.

(C) The Board may, for good cause upon written application, reduce the number of references required.

(d) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program.

(e) Official verification of successful completion of the Fundamentals of Land Surveying examination.

(2) Before receiving a certificate of registration to practice professional photogrammetric mapping in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

(3) Application must be accompanied by the \$245.00 fee.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0215

Form of Applications

(1) Applications for registration as professional engineers, professional land surveyors, professional photogrammetrists and for enrollment as an EI, an LSI, or an application for certification as a water right examiner shall be made on printed forms issued by the Board.

(2) All applications must be accompanied by the appropriate fee.

(3) The following must be submitted to the Board in a single package by the application deadline in OAR 820-010-0442, and received by the Board no later than March 1 for the Spring examination administration or no later than September 1 for the Fall examination administration:

(a) Application;

(b) Experience Details form;

(c) Reference Details forms;

(d) Request for Reasonable Accommodations to Oregon Specific Examinations; and

(e) Explanation of any work performed in conjunction with any educational program as defined in OAR 820-010-0010.

ADMINISTRATIVE RULES

(4) The following documents may be submitted by the issuer to the Board office and received no later than March 1 for the Spring examination administration or no later than September 1 for the Fall examination administration:

- (a) Official verification of examinations and/or substantially equivalent examinations successfully passed;
 - (b) Official verification of current registration by another jurisdiction;
 - (c) Official transcripts or course-by-course evaluations; or
 - (d) NCEES Records.
- (5) Applicants who do not comply with this rule will be considered failing to complete the application process and subject to OAR 820-010-0300.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; Renumbered from 820-010-0220; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0227

Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0225 may apply for admission to the FE examination based on a combination of education and experience in the practice of engineering. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FE examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0225 may be considered as qualifying if they are evaluated by CPEES, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in OAR 820-010-0225. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0225 may be considered as qualifying if the coursework involves engineering principles or was obtained by the applicant while enrolled in an engineering program.

(4) Where an applicant applies for admission to the FE examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of engineering work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PE examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Engineering Technology program may be considered equivalent to one year of education, requiring 7 years of engineering work experience, in accordance with section (4). Qualifying course work includes classes in engineering ethics, fundamentals and design.

(6) An applicant may qualify for admission to the FE examination on the basis of 8 years of engineering work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of engineering examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of engineering technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) Application must be accompanied by the \$35.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0228

Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0226 may apply for admission to the FLS examination based on a combination of education and experience in the practice of land surveying. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FLS examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0226 may be considered as qualifying if they are evaluated by CPEES, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in OAR 820-010-0226. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0226 may be considered as qualifying if the coursework involves land surveying principles or was obtained by the applicant while enrolled in a land surveying program.

(4) Where an applicant applies for admission to the FLS examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of land surveying work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PLS examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Surveying Technology program may be considered equivalent to one year of education, requiring 7 years of surveying work experience, in accordance with section (4). Qualifying course work includes classes in land surveying ethics, fundamentals and application.

(6) An applicant may qualify for admission to the FLS examination on the basis of 8 years of land surveying work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of land surveying examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of land surveying technician or photogrammetric mapping technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work as meeting the definition of land surveying technician or photogrammetric mapping technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) Application must be accompanied by the \$35.00 fee.

Stat. Auth.: ORS 670.310, 672.095, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0235

Information to Be Furnished by Water Right Examiner Applicants

Applicants for admission to the examination for certification as a water right examiner must be currently registered as a professional engineer or land surveyor by the Board or as a registered geologist by the Oregon State Board of Geologist Examiners. Once certified, the water right examiner certificate will remain valid and renewable as long as the individual's registration as a professional engineer, land surveyor, or registered geologist remains valid.

Stat. Auth.: ORS 672
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 4-1987, f. & ef. 12-1-87; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0255

Reference Qualifications

A reference is qualified if they have knowledge of the applicant's technician work or professional work.

(1) References are attesting to the applicant's ability and/or professional experience.

ADMINISTRATIVE RULES

(2) Professional references must be registrants in a NCEES jurisdiction.

(3) References will complete the reference form provided by the Board and place in a sealed envelope.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0440

Schedule of Examinations

Examinations will be held at times and locations determined by the Board or the outside testing provider. A Spring examination is usually scheduled in April and a Fall examination is usually scheduled in October. Each applicant accepted for examination will be notified of the time and location of the scheduled test. Examinations are offered based upon the following schedule:

(1) Spring examinations held in April are:

- (a) NCEES Fundamentals of Engineering
- (b) NCEES Fundamentals of Land Surveying
- (c) NCEES Principles and Practice Examinations in the following

branches:

- (A) Chemical
- (B) Civil
- (C) Electrical and Computer
- (D) Environmental
- (E) Land Surveying
- (F) Mechanical
- (G) Naval Architecture/Marine
- (H) Structural II
- (d) Certified Water Right Examiner
- (e) Oregon Specific Forest
- (f) Oregon Specific Land Surveying

(g) Photogrammetry

(2) Fall examinations held in October are:

- (a) NCEES Fundamentals of Engineering
- (b) NCEES Fundamentals of Land Surveying
- (c) NCEES Principles and Practice Examinations in the following

branches:

- (A) Agricultural
- (B) Chemical
- (C) Civil
- (D) Control Systems
- (E) Electrical and Computer
- (F) Environmental
- (G) Fire Protection
- (H) Industrial
- (I) Land Surveying
- (J) Mechanical
- (K) Metallurgical
- (L) Nuclear
- (M) Structural II
- (d) Oregon Specific Acoustical
- (e) California Geotechnical
- (f) Oregon Specific Land Surveying
- (g) Photogrammetry
- (h) Washington Structural III

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 3-1994(Temp), f. & cert. ef. 11-21-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0442

Application Deadlines

Deadlines to submit applications for admission to examinations based on the schedule contained in OAR 820-010-0440 are:

(1) December 1 is the deadline for applications for the Spring examination administration.

(2) June 1 is the deadline for applications for the Fall examination administration.

(3) Applications must be postmarked or hand delivered by 5:00 p.m. on the deadline. If the deadline falls on a Saturday, Sunday, or legal

Holiday, applications are accepted until 5:00 p.m. on the preceding business day.

(4) Applicants may request to withdraw an application and fees paid to the Board for consideration from an examination administration. An application and fees paid to the Board may be withdrawn and forwarded to the next available examination administration only.

(a) Request must be made in writing; and

(b) Request must be made no later than March 1 to withdraw from the Spring examination administration or no later than September 1 to withdraw from the Fall examination administration; and

(c) The request can only be made once per application.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0443

Requests for Reasonable Accommodations for Oregon State Specific Examinations

Applicants for admission to Oregon State Specific examinations may request reasonable accommodations to the administration. Reasonable accommodations may be provided for applicants who have documented disabilities within the meaning of the American Disabilities Act (ADA) of 1990 or for applicants whose religious convictions prohibit them from testing on the scheduled examination date. Requests must be submitted with the application by the dates specified in OAR 820-010-0442.

(1) Requests for reasonable accommodations to Oregon State Specific examinations administered by the Board must be submitted on the Board approved form and accompanied by supporting documentation.

(2) Requests for reasonable accommodations to the examination for certification as a water right examiner must be submitted on the Board approved form.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0444

Proctoring of Examinations

(1) The Board has determined an outside testing provider will administer the NCEES examinations on behalf of the Board.

(2) The acoustical, forest, California geotechnical, Washington structural III, and four-hour Oregon Specific land surveying examinations are administered by the Board and will be held only at the time and place prescribed by the Board within the State of Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0455

Exemption from FE or FLS Examination

An applicant for registration as a professional engineer, land surveyor, or photogrammetrist who is enrolled as an EI or LSI will be excused from the respective FE or FLS examination. The applicant must file with the application evidence of valid EI (Engineering Intern) or LSI (Land Surveying Intern) enrollment.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1984, f. & ef. 3-6-84; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0470

Review of Examinations

(1) With respect to the acoustical, forest, and four-hour Oregon Specific land surveying examinations administered by the board, an applicant may submit a written request to review the applicant's own examination results. The board will allow an examination review where the applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews,

(a) An applicant may examine the test booklet, solution pamphlet and answer key.

(b) An acoustical, forest, or Oregon Land Survey 4-hour Law applicant may review the examination on only one occasion. The board will prescribe a time and place for the review. Applicants must notify the board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the board.

ADMINISTRATIVE RULES

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the examination review.

(e) The applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

(f) The applicant may prepare and submit a written request for rescoring the applicant's examination, provided that the applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(2) The board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The board's rescore determination is final and not subject to further review. An applicant requesting the board to rescore an examination must submit, with the written request, the fee provided for in subsection 4.

(3) Applicants who fail the Structural III examination by two points or less may submit a written request that the examination be rescored by the Washington Board, pursuant to the terms of the MOU entered into between the board and the Washington Board. Applicants requesting rescore of their Structural III examination must submit, with the written request, the fee provided for in subsection 4. The Washington Board may rescore any appealed questions. The Washington Board's rescore results are final.

(4) Fee for rescore requests of examinations.

(a) Acoustical, forest, or Oregon Land Survey 4-hour Law examination — \$50/ per item to be rescored. Fee is payable to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

(b) Structural III — \$50/ per item to be rescored. Fee is payable to the Washington State Treasurer. The board will remit the request and fee to the Washington Board.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 3-1986, f. & ef. 7-21-86; EE 1-1989, f. & cert. ef. 1-3-89; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0505

Biennial Renewal of Registration or Certification

(1) Registration as a professional engineer, professional land surveyor, or professional photogrammetrist with the Board is on a biennial renewal schedule. As a condition of registration renewal, registrants must comply with the continuing professional development requirements in OAR 820-010-0635. Certification of completing the required professional development requirements and fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:

(a) Professional Engineer — \$180.00;

(b) Professional Land Surveyor — \$180.00;

(c) Professional Photogrammetrist — \$180.00;

(2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is \$40.00

(3) A delinquent fee of \$80.00 will be assessed on the first day following the expiration date of each registration or certification, for each biennial renewal period in which payment or certification of completing the required continuing professional development hours is not submitted.

Stat. Auth.: ORS 670.310, 672.160, 672.170, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08

820-010-0600

Records

The Board will maintain and store records pursuant to OAR 166 division 350, on professional registrants registered by the Board, EIs and LSIs enrolled by the Board, and certification of water right examiners by the Board.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 3-2008, f. & cert. ef. 11-14-08

820-020-0040

Examination Subversion

(1) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion includes, but is not limited to:

(a) Communication between examinees inside of the examination room.

(b) Giving or receiving any unauthorized assistance on the examination while an examination is in process.

(c) Having any unauthorized printed or written matter or other devices in the examinee's possession that might serve to aid the examinee on the examination.

(d) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

(e) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(f) Permitting anyone to copy answers to the examination.

(g) Removing any secured examination materials from the examination facility.

(h) Allowing another person to take the examination in the examinee's place.

(i) Placing any identifying mark upon the examinee's examination papers other than the examinee's identification number or other identifiers as directed by the examination administrator.

(j) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.

(k) Writing on anything other than designated examination material.

(1) Writing or erasing anything after time is called.

(2) At the discretion of the Board or its designees, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(a) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(b) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(c) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination. If the examinee does not leave the facility, the examinee will be deemed a trespasser.

(d) The examinee's examination results may be voided and the application fee forfeited.

(e) The examinee may not be allowed to sit for an examination for up to three years.

(3) If examination subversion is detected after the administration of the examination, the Board or its designee shall make appropriate inquiry to determine the facts concerning the examination subversion and the Board or its designee may take any of the actions described in section (2) herein.

(4) Notwithstanding OAR 820-010-0440, 820-010-0470, or any other rule, the Board or its designee may choose not to release or make available the examination results to examinee or any other person pending the outcome of an investigation into examination subversion.

(5) Removal of the examinee from or voiding the examinee's examination of any one part of a multiple part examination shall constitute removal from or voiding of all other parts of the multiple part examination.

(6) Applicants are required to sign statements regarding examination subversion in order to take an examination. Applicants who refuse to sign statements regarding examination subversion will be denied the privilege of taking the examination. The application fees for the examination paid to the Board are forfeited.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 3-2008, f. & cert. ef. 11-14-08

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Adopt guidelines for specified juvenile offender prison terms (crimes after October 1989, before May 1991).

Adm. Order No.: PAR 4-2008(Temp)

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 10-22-08 thru 4-20-09

Notice Publication Date:

Rules Adopted: 255-032-0006

ADMINISTRATIVE RULES

Subject: OAR 255-032-0006 adopts guidelines and a matrix for specified juvenile offenders where the Board is required hold a prison term hearing. Specifically, for inmates, who were juveniles and waived to adult court pursuant to ORS 419C.340 through 419C.364, and who were under the age of 17 years at the time of their crime(s), and who were convicted of Aggravated Murder, per ORS 163.095, and whose crimes were committed after October 31, 1989, and prior to May 1, 1991, the Board shall hold a prison term hearing. At the hearing, the Board shall apply Divisions 30 and 35 of its rules except that, to determine an initial parole release date, the Board shall use guidelines and matrix set out in Exhibits P-I through P-III instead of the guidelines and matrix set out in Exhibits A through C.

Rules Coordinator: Susan Deschler—(503) 945-0914

255-032-0006

When a Juvenile Aggravated Murder Prison Term Hearing Is Required

Inmates, who were juveniles and waived to adult court pursuant to ORS 419C.340 through 419C.364, and who were under the age of 17 years at the time of their crime(s), and who were convicted of Aggravated Murder, per ORS 163.095, and whose crimes were committed after October 31, 1989, and prior to May 1, 1991, shall receive a prison term hearing. At the hearing, the board shall apply Divisions 30 and 35 of its rules except that, to determine an initial parole release date, the board shall use the guidelines and matrix set out in Exhibits P-I through P-III instead of the guidelines and matrix set out in Exhibits A through C.

Stat. Auth.: ORS 144.050, 144.110, 144.120 & 144.140

Stats. Implemented: ORS 144.120

Hist.: PAR 4-2008(Temp), f. & cert. ef. 10-22-08 thru 4-20-09

Bureau of Labor and Industries Chapter 839

Rule Caption: Amendments to rules regarding rulemaking, procedural rules and investigative subpoenas.

Adm. Order No.: BLI 33-2008

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 10-25-08

Notice Publication Date: 9-1-2008

Rules Amended: 839-002-0001, 839-002-0002, 839-002-0005., 839-002-0015, 839-002-0020, 839-002-0025, 839-002-0030, 839-002-0035, 839-002-0040, 839-002-0045, 839-002-0050, 839-002-0055, 839-002-0060, 839-002-0065, 839-002-0070, 839-002-0075, 839-002-0080

Subject: The rule amendments citations from Oregon Laws to ORS references, make editorial changes, and add or amend section hearings to keep all rules on the same subject under one heading. The amendments will also delete the requirement that the bureau send copies of all investigative subpoena rules with all subpoenas, which is not required by the statute.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-002-0001

Purpose of These Rules

The Bureau of Labor and Industries is authorized to develop administrative rules necessary for enforcement of statutes for which it is responsible. The purpose of these rules is to guide the bureau in the rule-making process.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: BLI 1-2000, f. & cert. ef. 1-11-00; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0002

Proposed Rule Notice

Prior to the permanent adoption, amendment or repeal of any rule of the Bureau of Labor and Industries, the bureau will give notice of intended action:

(1) In the Secretary of State's Bulletin, referred to in ORS 183.360, at least 21 days prior to the rule's effective date.

(2) To persons on the bureau's mailing list and email list established pursuant to ORS 183.335(8).

(3) To the legislature, by mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.

(4) To the general public, by posting the notice [to] on the bureau's Website.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335

Hist.: BLI 1-2000, f. & cert. ef. 1-11-00; BLI 8-2004, f. 7-26-04, cert. ef. 7-27-04; BLI 7-2006, f. 3-16-06 cert. ef. 3-20-06; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0005

Model Rules of Procedure

(1) The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, are hereby adopted to govern the operations of the Bureau of Labor and Industries.

(2) The Model Rules of Procedure will govern operations of the Contested Case Hearings Unit of the Bureau of Labor and Industries except to the extent they conflict with or are modified by rules in any division of chapter 839 of the Oregon Administrative Rules. The rules for contested case proceedings are set forth in OAR 839, division 50.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Bureau of Labor and Industries.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.341

Hist.: BL 5-1980, f. & ef. 8-4-80; BL 2-1981, f. & ef. 1-8-81; BL 3-1982, f. & ef. 2-9-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 1-2000, f. & cert. ef. 1-11-00; BLI 7-2006, f. 3-16-06 cert. ef. 3-20-06; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0015

Authority

(1) ORS 651.060(1) authorizes the commissioner to conduct investigations in all matters relating to the duties required under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120 and 651.170, and Chapters 652, 653, 658, and 659A.

(2) While conducting these investigations, ORS 651.060(1) gives the commissioner the authority to issue subpoenas ad testificandum and subpoenas duces tecum, administer oaths, obtain evidence and take testimony.

(3) These rules govern the commissioner's gathering of information through subpoenas or testimony and establish procedures through which a subpoenaed party may object to answering questions or producing any document or other thing subpoenaed.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0020

Definitions

(1) "Division" means the Civil Rights Division and Wage and Hour Division in the Bureau of Labor and Industries.

(2) "Document" means any existing written, printed, typed, or recorded matter of any kind or nature, however produced or reproduced, including but not limited to all mechanical, electronic, sound or video recordings or their transcripts, photographs, electronic files and computer stored data.

(3) "Other thing" means any existing tangible object that is not a "document."

(4) "Party" means any person who has been served by a subpoena under these rules.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(6) "Subpoena ad testificandum" is a subpoena that requires an individual to appear and give testimony under oath.

(7) "Subpoena duces tecum" is a subpoena that requires the production of documents or other things.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0025

Who and What May Be Subpoenaed

The commissioner may issue subpoenas to persons to compel testimony and the production of documents or other things that are relevant to the commissioner's lawful investigative purpose and reasonable in scope under matters relating to the duties required under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120 and 651.170, and Chapters 652, 653, 658, and 659A.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0030

Circumstances under Which a Subpoena May be Issued

(1) The commissioner may issue a subpoena ad testificandum to

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compel an individual to testify under oath when:

(a) A Division determines that the individual is a material witness in an investigation being conducted by the Division under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120 and 651.170, or Chapters 652, 653, 658, and 659A;

(b) The information sought from the individual is relevant to a lawful investigative purpose and is reasonable in scope; and

(c) The Division has been unable to interview the individual after having made reasonable attempts to do so, or the individual states that he or she will only consent to an interview if first served with a subpoena.

(2) The commissioner may also issue a subpoena ad testificandum to compel an individual to testify under oath about the contents of documents or other things produced in response to a subpoena duces tecum served on the same individual.

(3) The commissioner may issue a subpoena duces tecum to compel a person to produce documents or other things when:

(a) A Division determines that the documents or other things are relevant to the Division's investigation being conducted under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120 and 651.170, or Chapters 652, 653, 658, and 659A;

(b) The documents or other things sought are relevant to a lawful investigative purpose and are reasonable in scope; and

(c) The Division has made a written request for production of documents or things and the person to whom the request was made has failed to comply within the time specified by the Division, unless the commissioner finds a subpoena is necessary to protect the documents and things from destruction.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0035

Who May Issue Subpoenas

The commissioner or the commissioner's designees may issue subpoenas.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0040

Subpoena Duces Tecum

(1) A subpoena duces tecum may be issued to any individual who has custody, possession, or control of documents or other things named in the subpoena duces tecum when the conditions set out in OAR 839-002-0030(3) have been met.

(2) A subpoena duces tecum will not require production of documents or other things less than 14 days from the date of service upon the individual required to produce and permit inspection of the documents or things unless the commissioner finds a shorter period necessary to protect the documents and things from destruction or if the Division has an immediate need for the documents or things being subpoenaed.

(3) The commissioner may also command the individual to whom a subpoena duces tecum is issued to produce documents and other things by mail or otherwise, at a time and place specified in the subpoena, without commanding inspection of the originals. The individual to whom the subpoena is directed complies if the individual produces copies of the specified items in the specified manner and certifies that the copies are true copies of all documents and other things responsive to the subpoena.

(4) The subpoenaed documents and other things must be produced at the location, time, and date required in the subpoena.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0045

Subpoena Ad Testificandum

(1) A subpoena ad testificandum may be issued to any individual when the conditions set out in 839-002-0030(1) or 839-002-0030(2) have been met.

(2) The subpoena ad testificandum must give the individual a reasonable time for preparation and travel to the place of attendance and the place of attendance must be in a suitable place in the vicinity to which testimony is applicable.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0050

Method of Service

(1) Except as noted in subsections (2) and (3) of this rule, subpoenas must be served in person by delivering a copy to the witness personally and, at the same time, giving or offering to the witness the fees to which the individual is entitled for travel to and from the place where the witness is commanded to appear, along with one day's attendance fee. A subpoena may be served by any individual 18 years of age or older.

(2) Subpoenas ad testificandum may be served by mail under the following circumstances:

(a) The Division must have, by personal or telephone contact, confirmed the witness's willingness to appear if subpoenaed and certify this on the return of service;

(b) The Division made arrangements for payment to the witness of fees and mileage satisfactory to the witness and pays those fees and mileage; and

(c) The subpoena is sent by certified mail to the witness more than 10 days before the date set for appearance or production of documents or other things and the Division receives a return receipt signed by the witness more than three days prior to that date.

(3) A subpoena duces tecum that commands production of documents or other things but is not accompanied by a subpoena ad testificandum may be served by mailing the subpoena to the individual required to produce and permit inspection of the documents or things by first class mail and by certified or registered mail, return receipt requested.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0055

Fees

All persons subpoenaed by the commissioner must be paid the mileage and per diem set out in ORS 44.415(2).

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0060

Time and Manner of Objecting to Subpoenas

(1) Any person served with an investigative subpoena may object to testifying or providing the documents or other things sought. Grounds for objections include:

(a) The information sought is irrelevant to a lawful investigative purpose;

(b) The information sought is unreasonable in scope;

(c) The witness is ordered to appear to give testimony in a place that is not suitable or not in the vicinity to which the testimony is applicable;

(d) The time and expense involved in copying the documents sought.

In order to have this objection considered, a person making this objection must include a written estimate of the time involved and number of copies to be made in order to comply with the subpoena;

(e) Reasonable cause to refuse to comply; and

(f) Any other basis that may be asserted under Oregon law.

(2) Objections to subpoenas must be in writing and must be received by the Division at least seven calendar days before the time that the witness is subpoenaed to testify or provide documents or other things.

(3) If a subpoenaed witness refuses to answer specific questions while giving testimony, the witness must state the reason for the witness's objection at the time that the witness refuses to answer the questions.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0065

Response to Objections

(1) The Division will respond in writing to any objections timely received under OAR 839-002-0060(2).

(2) If the objection made is the time and expense involved in copying the documents sought, the Division will provide a check to the person subpoenaed to pay for the estimated time and expense, calculated at the rates set out in OAR 839-030-0010. The Division may provide this check before or at the time the witness is subpoenaed to provide documents or other things.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

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839-002-0070

Method of Taking Testimony

(1) When a witness appears to give testimony in response to a subpoena ad testificandum, an oath or affirmation will be administered to the witness prior to the witness's testimony. The oath or affirmation will be administered by an officer authorized to administer oaths in Oregon, generally a notary public employed by the Bureau of Labor and Industries.

(2) The witness's testimony will be preserved by an audio or video recording. Upon request, the Division will give the witness a copy of the recording at no cost.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800
Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A
Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0075

Failure to Appear

If a person served with a subpoena fails to appear and has not filed any prior objections, the commissioner will conclude that the person has refused, without reasonable cause, to answer any question or to produce any document or other thing.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800
Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A
Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

839-002-0080

Enforcement of Subpoena

If a person served with a subpoena refuses, without reasonable cause, to be examined, to answer any question, or to produce any document or other thing as required by the subpoena, the commissioner may petition the circuit court in the county in which the investigation is pending for an order directing the person to show cause why the person has not complied with the subpoena and should not be held in contempt. The commissioner shall serve the court's order upon the person in the manner provided by ORCP 55 D.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800
Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A
Hist.: BLI 38-2007; f. 12-28-07, cert. ef. 1-1-08; BLI 33-2008, f. 10-22-08, cert. ef. 10-25-08

Rule Caption: Amendments of public records rules implementing legislative changes.

Adm. Order No.: BLI 34-2008

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 10-25-08

Notice Publication Date: 10-1-2008

Rules Amended: 839-030-0010

Subject: The amended rule will reference the new rule on condensation of records, as well as other statutory requirements for particular procedures in handling public records requests.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-030-0010

Public Records Requests

(1) The bureau will make available any public record requested by any person pursuant to ORS 192.420, under the following conditions:

(a) The bureau may require the request to be in writing. The bureau's written procedure for making public record requests is available on the bureau's website (<http://egov.oregon.gov/BOLI/>) or may be obtained from the bureau's Custodian of Records. Forms for making public record requests may be obtained from the bureau's website or the bureau's Custodian of Records; and

(b) The record requested is not exempt from disclosure under the provisions of ORS Chapter 192 or other applicable law.

(2) Upon receipt of a written request for public records, as soon as practicable and without unreasonable delay, bureau staff will send a written response to the requester that acknowledges receipt of the request and states one of the following:

(a) More information is needed to fill the request;

(b) The bureau does not possess, or is not the custodian of, the public record;

(c) The bureau is uncertain whether it possesses the public record and that the bureau will search for the public record and make an appropriate response as soon as practicable;

(d) The bureau is the custodian of at least some of the requested public records, the form in which the records are available, and that those not exempt from disclosure under ORS 192.410 to 192.505 will be provided; or

(e) State or federal law prohibits the bureau from acknowledging whether the record exists or that acknowledging whether the record exists

would result in the loss of federal benefits or other sanction, together with a citation to the state or federal law relied upon.

(3) When the bureau determines it is the custodian of a requested public record under subsection (2)(d) of this rule, the bureau's written response will also include:

(a) An estimate of the time the bureau requires before the records may be inspected or copies will be provided and an estimate of the fees the requester must pay under this rule as a condition of receiving the records, along with the manner of calculating the fees; or

(b) A statement that an estimate of the time and fees for disclosure of the records, along with the manner of calculating the fees, will be provided within a reasonable time.

(4) The bureau may take a reasonable period of time to locate and retrieve the requested information.

(5) The bureau may charge a fee reasonably calculated to reimburse the bureau for the actual costs of providing and conveying copies of public records. After providing a written estimate of the fees the requester must pay as a condition of receiving the records, the bureau may require written confirmation that the requester wants the bureau to proceed with making the public record available and the form in which the requester wants the record to be made available. The bureau may require that the fees be paid before the bureau provides the records.

(6) As used in these rules:

(a) "Page" refers to paper either 8 1/2 x 11 inches or 8 1/2 x 14 inches. Staff will not reduce size, or otherwise manipulate records to fit additional records on a page, unless staff concludes that it will be the most effective use of their time. A double-sided copy is charged as two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per-page fee;

(b) "Normal and reasonable" staff time is 10 minutes or less per request.

(7) Unless otherwise specified in OAR chapter 839 the bureau will charge a minimum fee of \$5.00 per request for records located in the bureau's office facilities, or \$15.00 per request for records located offsite, plus \$.20 per page, as reimbursement for requests requiring normal and reasonable staff time.

(8) If the time required exceeds normal and reasonable staff time, the actual costs of staff or supervisor time necessary for locating, reviewing, separating, photocopying, certifying and preparing records for mailing or other delivery will be charged for each hour or fraction thereof as follows:

(a) Supervisor or administrator time: \$39.00 per hour;

(b) Investigator, compliance specialist or consultant time: \$32.00 per hour;

(c) Clerical time: \$23.00 per hour.

(9) In addition to staff time, the bureau will charge for supplies and use of equipment for producing records as follows:

(a) Twenty cents per page for photocopies.

(b) Actual cost for postage or other delivery costs.

(c) Fifty cents per page for copies by facsimile (fax) machine with a limit of 20 pages.

(10) The bureau will charge \$41.00 per hour, with a \$12.00 minimum, for public record requests that require electronic reproduction. Charges include but are not limited to staff time spent locating, downloading, formatting, copying and transferring records to media, and any charges by a third party vendor.

(11) The bureau will provide blank reproduction media at the following rates:

(a) Diskettes, 3 1/2-inch: \$1.00 each. (Due to possibility of computer viruses, the bureau will not permit requestors to provide diskettes);

(b) Video cassettes, 2 hours: \$3.00 each;

(c) Audio cassettes: \$2.00 each;

(d) Compact disks 1 1/2 hours: \$1.50 each (Due to possibility of computer viruses, the bureau will not permit requestors to provide compact disks).

(12) Charges for responding to a public records request for the Civil Rights Division's closed investigative files are calculated as follows:

(a) For copying, a fee based on the weight of the file;

(b) For viewing, a fee of \$23.00.

(13) The costs of any necessary Attorney General review of requested public records will be charged to the requester at the rate billed by the Department of Justice to the bureau.

(14) The bureau may require that all fees assessed pursuant to this rule be paid in cash, in exact change, prior to furnishing any copies, material or information.

(15) When a request is made to inspect records, the bureau may

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impose restrictions regarding the location where the requested information will be made available for inspection. When the bureau allows the person requesting the information to search or inspect bureau records, the bureau may, as it deems necessary for the protection of the records, assign an employee to supervise the search. The charge for this service will be in accordance with section (5) of this rule.

(16) The bureau may enter into agreements to provide routine, periodic reports in a consistent format for a negotiated price.

(17) The commissioner may waive the requirements to pay part or all of the fees described in this rule if the commissioner determines that the waiver or fee reduction is in the public interest because making the record available primarily benefits the general public.

(a) The commissioner may require that a request for a fee waiver or reduction be submitted in writing.

(b) In determining whether making the record available primarily benefits the general public, relevant factors include, but are not limited to:

- (A) The requester's identity;
- (B) The intended use of the information;
- (C) The character of the information;

(D) Whether the requested information is already in the public domain;

(E) Whether the requester can demonstrate the ability to disseminate the information to the public;

(F) The requester's inability to pay, although this alone is not sufficient basis to waive a fee.

(c) Even if the commissioner determines that making the record available primarily benefits the general public, the commissioner has discretion whether to grant a fee waiver or reduction. With respect to a particular records request, factors relevant to that discretion include, but are not limited to:

- (A) Financial hardship on the agency;
- (B) Impact on the operations of the agency including but not limited to use of staff time, equipment and supplies;
- (C) Extent to which inspection of records would be sufficient for the public interest or the particular needs of the requester;
- (D) Volume of records requested; and
- (E) The necessity of segregating exempt from non-exempt materials.

Stat. Auth.: ORS 651.060(4)

Stats. Implemented: ORS 192.410 - 192.505

Hist.: BL 4-1986, f. & ef. 6-16-86; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93; BLI 9-1998, f. & cert. ef. 11-2-98; BLI 25-2000, f. 11-17-00, cert. ef. 12-1-00; BLI 15-2006, f. 4-6-06, cert. ef. 4-7-06; BLI 34-2008, f. 10-22-08, cert. ef. 10-25-08

Rule Caption: Rule amendments to clarify procedures for informal disposition of contested cases.

Adm. Order No.: BLI 35-2008

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 10-25-08

Notice Publication Date: 9-1-2008

Rules Amended: 839-050-0220

Subject: The amendments will clarify procedures to be used by participant in contested cases for resolution by informal disposition.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-050-0220

Informal Disposition of Contested Case

(1) After the Agency issues a charging document, a case may be resolved informally by stipulation, agreed settlement, consent order, settlement agreement, or default.

(2) When a charging document involves a license revocation proceeding, informal settlement may be made by written agreement of the parties and the Agency consenting to a suspension, civil penalty, or other intermediate sanction.

(3) Any informal disposition of a contested case, other than by default, must be in writing and signed by the party or parties to the case and the Agency.

(4) A party interested in resolving a case before the contested case hearing should contact the person designated in the notice of hearing to present the case for the Agency. Settlement negotiations are not a basis for postponing the hearing and participants should continue to prepare for hearing until they reach an agreement to settle. An agreement to settle is reached when the participants have agreed to resolve all issues of the contested case and have agreed, orally or in writing, to all terms and conditions of the agreement.

(5) When an agreement to settle is reached before the hearing date, the

participants will submit a joint written notice to the Hearings Unit that includes a synopsis of the substantive terms and conditions of the agreement. The administrative law judge will waive the case summary requirement and cancel the hearing upon receipt of the written notice of agreement to settle and synopsis of the substantive terms and conditions of the agreement signed by the agency case presenter and respondent or respondent's authorized representative or counsel, if represented. The participants will file fully executed settlement documents with the Hearings Unit within 10 days after submitting written notice of the agreement to settle. If fully executed settlement documents are not filed within that period and no extension of time to submit those documents has been granted, the administrative law judge will set a new hearing date that is at least 14 days after the original hearing date unless the administrative law judge and participants agree to an earlier date. No further cancellations or postponements will be allowed based on a purported settlement and the case summary requirement will not be waived for the rescheduled hearing.

(6) Fully executed settlement documents submitted to the Hearings Unit will not contain terms the Agency lacks the authority to enforce or to which the Agency is not a party, such as an agreement by a claimant or complainant not to pursue legal action against a respondent other than the claim or complaint being settled.

(7) Fully executed settlement documents submitted to the Hearings Unit will not contain provisions requiring the settlement terms to be confidential or requiring a claimant, complainant, or the Agency to keep the settlement terms confidential.

(8) Participants waive their right to a contested case hearing by their signatures on fully executed settlement documents.

(9) When a contested case is resolved by informal disposition other than default (see OAR 839-050-0330), the administrative law judge will incorporate the settlement terms into a Final Order Incorporating Informal Disposition ("FOID"). When an Order of Determination or Notice of Intent has been issued, but a Notice of Hearing has not been issued, the fully executed settlement document may be incorporated into a FOID by either the Administrator of the Wage and Hour Division or an administrative law judge.

(a) The Hearings Unit will deliver or mail a copy of a FOID issued by an administrative law judge, and the Wage and Hour Division will deliver or mail a copy of a FOID issued by the Administrator of the Wage and Hour Division, to each participant and participant's attorney of record.

(b) A FOID is not subject to ORS 183.470.

(c) A FOID is not subject to judicial review.

(d) Within 60 days after a FOID is issued, a participant may petition the Bureau of Labor and Industries to set aside the order on the ground that the informal disposition was obtained by fraud or duress.

Stat. Auth.: ORS 183 & 651.060(4)

Stats. Implemented: ORS 183.417(3), 279.361, 279C.865, 652.332(3), 653.065(1), 658.115, 658.407(3), 658.820 & 659A.850

Hist.: BL 8-1986, f. & ef. 9-2-86; BL 10-1988, f. & cert. ef. 6-16-88; BL 6-1989, f. & cert. ef. 9-5-89; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93, Renumbered from 839-030-0200; BL 12-1996, f. & cert. ef. 12-10-96; BLI 3-1998, f. & cert. ef. 2-11-98; BLI 2-2000, f. & cert. ef. 1-27-00; BLI 15-2004, f. 11-1-04, cert. ef. 11-3-04; BLI 6-2005, f. 2-8-05, cert. ef. 2-11-05; BLI 35-2008, f. 10-22-08, cert. ef. 10-25-08

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2008.

Adm. Order No.: BLI 36-2008

Filed with Sec. of State: 10-29-2008

Certified to be Effective: 10-29-08

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2008.

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, 2008, 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, 2008, and the effective dates of the applicable special wage determination and rates amendments:

ADMINISTRATIVE RULES

(a) Amendments/Corrections to July 1, 2008 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 June 6, 2008).

(b) Amendments/Corrections to July 1, 2008 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 June 13, 2008).

(c) Amendments/Corrections to July 1, 2008 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 June 20, 2008).

(d) Amendments/Corrections to July 1, 2008 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 July 4, 2008).

(e) Amendments/Corrections to July 1, 2008 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 July 25, 2008).

(f) Amendments/Corrections to July 1, 2008 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 August 29, 2008).

(g) Amendments/Corrections to July 1, 2008 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 September 19, 2008).

(h) Amendment to Oregon Determination 2008-02 (effective October 1, 2008).

(i) Amendments/Corrections to July 1, 2008 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, 2008).

(j) Amendments/Corrections to July 1, 2008 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 3, 2008).

(k) Amendments/Corrections to July 1, 2008 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 24, 2008).

(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, 2008, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, 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. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04, cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06, cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06, cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI

12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07, cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07, cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07, cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08

Rule Caption: Adopt rules to conform to the amendments in SB 822, which require a public employer to give a veterans' preference in public employment.

Adm. Order No.: BLI 37-2008

Filed with Sec. of State: 11-6-2008

Certified to be Effective: 11-10-08

Notice Publication Date: 10-1-2008

Rules Adopted: 839-006-0435, 839-006-0440, 839-006-0445, 839-006-0450, 839-006-0455, 839-006-0460, 839-006-0465, 839-006-0470

Subject: The adopted rules would implement SB 822, enacted by the 2007 Oregon Legislature, which amended the statutes related to veterans' preference in public employment.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-006-0435

Veterans' Preference in Public Employment

(1) It is the policy of the State of Oregon that a public employer grant a preference in hiring and promotion to veterans and disabled veterans under the provisions of ORS 408.230.

(2) The requirement to grant a preference in hiring and promotion to veterans and disabled veterans under the provisions of ORS 408.230 applies only to a public employer's civil service positions.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 408.230, 408.235, 659A.885

Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0440

Definitions

(1) "Active duty" does not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a National Guard unit.

(2) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof. (Title 38 USC Part I Chapter 1 Section 101). Reserve components mean:

(a) The Army Reserve;

(b) The Navy Reserve;

(c) The Marine Corps Reserve;

(d) The Air force Reserve;

(e) The Coast Guard Reserve;

(f) The Army National Guard of the United States; and

(g) The Air National Guard of the United States.

(3) "Civil service position" means a position that requires merit-based selection and promotion to be ascertained by competitive examination. Such positions need not be denominated "civil service" positions.

(4) "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the Armed Forces of the United States are or have engaged in combat.

(5) "Disabled veteran" means a person entitled to disability compensation under the laws administered by the U.S. Department of Veterans Affairs, a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a person who was awarded the Purple Heart for wounds received in combat.

(6) "Military leave" means any period of time for which a person is absent from a permanent civil service position for the performance of active duty in the Armed Forces of the United States.

(7) "Promotion" means any position with a higher maximum salary rate.

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(8) "Public employer" means the state or any agency or political subdivision of the state and any person authorized to act on behalf of the state or any agency or political subdivision of the state with respect to control, management or supervision of any employee. "Public employer" includes:

- (a) Employers in local governments;
- (b) Employers of a public corporation created under a statute of this state and specifically designated as a public corporation; and
- (c) Employers of any entity that is created by statute, ordinance or resolution that is not part of state government or local government.

(9) "Veteran" means a person who:

- (a) Served on active duty with the Armed Forces of the United States:
 - (i) For a period of more than 178 consecutive days and was discharged or released from active duty under honorable conditions;
 - (ii) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability; or
 - (iii) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions; or
- (b) Received a combat or campaign ribbon for service in the Armed Forces of the United States.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.225, 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0445

Eligibility for Employment Preference

(1) A veteran is eligible to use the preference provided for in OAR 839-006-0450 and 839-006-0455 only for a position for which application is made within 15 years of discharge or release from service in the Armed Forces of the United States. Such time limit will not apply in the case of a disabled veteran.

(2) Except as provided in (1) of this rule there are no limitations to the number of times a person can claim the preference.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0450

Applying the Employment Preference

At each stage of the application process a public employer will grant a preference to a veteran or disabled veteran who successfully completes an initial application screening or an application examination or a civil service test the public employer administers to establish eligibility for a vacant civil service position.

(1) For an initial application screening used to develop a list of persons for interviews, the public employer will add five preference points to a veteran's score and ten preference points to a disabled veteran's score.

(2) For an application examination, given after the initial application screening, that results in a score, the public employer will add five preference points to a veteran's and ten preference points to a disabled veteran's total combined examination score without allocating the points to any single feature or part of the examination.

(3) If a public employer uses an application examination that consists of an evaluation method of ranking an applicant that does not result in a score, the public employer will devise and apply methods by which the public employer gives special consideration in the public employer's hiring decision to veterans and disabled veterans.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0455

Employment Preference for Promotions

(1) A public employer will grant a preference to a person seeking promotion and who is employed by the public employer in a permanent civil service position only if the person:

- (a) Was granted military leave by the public employer to serve in the Armed Forces of the United States;
- (b) Returned from the military leave to the civil service position;
- (c) Qualified as a veteran or disabled veteran, as defined in OAR 839-006-0440(5) and (2), by reason of the person's service during the military leave or otherwise;
- (d) Successfully completed a test or examination for the promotional position; and
- (e) Meets the minimum qualifications and any special qualifications for the promotional position.

(3) If a person meets the criteria for a promotional preference under subsection (1) of this rule, the public employer will add five preference

points to a veteran's score and ten preference points to a disabled veteran's score.

(4) For the purposes of a promotional preference under subsection (1) of the rule, if a public employer uses an application examination that consists of an evaluation method of ranking an applicant that does not result in a score, the public employer will devise and apply methods by which the public employer gives special consideration in the public employer's hiring decision to veterans and disabled veterans.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.225, 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0460

Appointment to a Position

(1) A public employer will appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination, when combined with the veteran's or disabled veteran's preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

(2) Preferences of the type described in OAR 839-006-0450 and 839-006-0455

are not a requirement that a public employer appoint a veteran or disabled veteran to a civil service position.

(4) A public employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

(5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service position, upon written request of the veteran or disabled veteran, the public employer, will provide the public employer's reasons for the decision not to appoint the veteran or disabled veteran to the position.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0465

Certification

(1) A public employer may require an applicant to provide certification that the person is an eligible veteran or disabled veteran under OAR 839-006-0440(5) and (9).

(2) An applicant for a position with a public employer claiming veteran's or disabled veteran's preference points may submit as certification of eligibility under OAR 839-006-0440(5) and (9) a copy of the Certificate of Release or Discharge from Active Duty (a federal DD Form 214 or 215) with the application for employment.

(3) Disabled veterans may also submit a copy of their veteran's disability preference letter from the U.S. Department of Veterans Affairs, unless the information is included in the federal DD Form 214/215.

(4) If a person's record appears to show service qualifying for the preference the public employer may provisionally designate an applicant as an eligible veteran or disabled veteran. However, before the person can be appointed, the person must submit proof of the entitlement to the preference.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.225, 408.230, 408.235, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

839-006-0470

Enforcement

The Civil Rights Division of the Bureau of Labor and Industries enforces the provisions of ORS 408.230. A person claiming a violation of ORS 408.230 may file a verified written complaint with the Civil Rights Division in accordance with ORS 659A.820.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 408.230, 408.235, 659A.820, 659A.885
Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08

Rule Caption: Amendments to contested case rules to provide for participation of aggrieved persons in housing discrimination cases.

Adm. Order No.: BLI 38-2008

Filed with Sec. of State: 11-7-2008

Certified to be Effective: 11-7-08

Notice Publication Date: 10-1-2008

Rules Amended: 839-050-0020, 839-050-0030, 839-050-0170

Subject: Amendments to contested case rules will provide for participation by aggrieved persons in cases involving alleged housing

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discrimination. The bureau was given authority to process federal housing discrimination cases during 2007, and state housing discrimination law was amended to be substantially similar. Now both laws provide for participation in housing cases by aggrieved persons. Aggrieved persons have not previously had standing to appear in any type of bureau contested cases.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-050-0020

Definitions

Unless the context requires otherwise, the following definitions apply to OAR 839-050-0000 through 839-050-0445:

(1) "Administrative law judge" means the commissioner or an individual or a special tribunal designated by the commissioner to preside over any or all aspects of a contested case hearing including motions, oral or written hearings, preparation of the Proposed Order and assistance in preparation of the Final Order. The administrative law judge may or may not be an employee of the Agency, except that when a case involves a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, the administrative law judge or anyone appointed as a hearings officer or member of a special tribunal to hear the matter must be an employee of the Agency.

(2) "Agency" means the Bureau of Labor and Industries and any employee thereof, and includes the bureau when acting as the agent of another governmental entity, but for the purposes of these rules does not refer to the administrative law judge or the commissioner.

(3) "Aggrieved person," for the purpose of proceedings involving a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, includes, but is not limited to, a person who believes that the person either:

(a) Has been injured by an unlawful practice or discriminatory housing practice; or

(b) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(4) "Authorized representative" means a member of a partnership, an authorized officer or regular employee of a corporation, association or organized group, including fiduciaries, mutual companies, trusts and unincorporated organizations, or an authorized officer or employee of a governmental agency who has been authorized by the partnership, corporation, association, organized group, or governmental agency to represent that entity during the contested case proceeding.

(5) "Case presenter" means the Agency staff person assigned to present the case for the Agency at the contested case hearing and to handle all related matters, but does not include counsel for the Agency.

(6) "Charging document" means any document issued by the Bureau of Labor and Industries stating that any person, entity, or government agency has violated the laws within this Agency's jurisdiction and includes, but is not limited to:

- (a) Formal Charges;
- (b) Order of Determination;
- (c) Notice of Intent to Revoke License;
- (d) Notice of Intent to Deny License;
- (e) Notice of Intent to Refuse to Renew a License;
- (f) Notice of Intent to Place Name on List of Ineligibles;
- (g) Notice of Intent to Assess Civil Penalties;
- (h) Notice of Intent to Suspend or Revoke License or to Assess Civil Penalty in Lieu Thereof.

(7) "Claimant" means any individual who has filed a wage claim pursuant to ORS 652 or 653 and who has assigned that claim to the commissioner.

(8) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

(9) "Complainant" means an individual who has, or whose attorney has, filed a complaint pursuant to ORS 658 or 659A, those statutes in ORS 279 enforced by the Bureau of Labor and Industries, and any laws, regulations, or ordinances enforced by the bureau as the agent of another governmental entity.

(10) "Counsel" means an attorney who is in good standing with the Oregon State Bar or an out-of-state attorney who is granted permission by the administrative law judge to appear in the matter pursuant to ORS 9.241 and Oregon Uniform Trial Court Rule 3.170. Local counsel who obtained the order on behalf of the out-of-state attorney must participate meaningfully in the case in which the out-of-state attorney appears.

(11) "Counsel for the Agency" means the Attorney General or the Attorney General's designee.

(12) "Good cause" means, unless otherwise specifically stated, that a participant failed to perform a required act due to an excusable mistake or a circumstance over which the participant had no control. "Good cause" does not include a lack of knowledge of the law, including these rules.

(13) "Hearings Unit" means the section of the Bureau of Labor and Industries handling all aspects of contested case hearings. The address for the Unit is: Bureau of Labor and Industries, Hearings Unit, 1045 State Office Building, 800 N.E. Oregon Street, Portland, OR 97232-2162.

(14) "Issuance" means the act of sending out a document from the Hearings Unit. For purposes of these rules, the date of issuance is the date, as noted on the document, that the document was sent out from the Hearings Unit.

(15) "Participant" means any party, including any person, aggrieved person intervening in a proceeding involving a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, or entity granted party status under OAR 137-003-0005, or the Agency.

(16) "Party" means:

(a) Any person, government agency, or entity upon whom a charging document has been served;

(b) Any person, government agency, or entity that has been granted party or limited party status under OAR 137-003-0005;

(c) Any aggrieved person intervening in a proceeding involving a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

(17) "Service" means, for purposes of these rules, the method of forwarding documents and includes personal service, registered or certified mail, hand delivery or regular U.S. mail.

Stat. Auth.: ORS 183 & 651.060(4)

Stats. Implemented: ORS 279C.860, 279C.865, 652.332(3), 653.065(1), 658.115, 658.407(3), 658.820, 659A.845 & 659A.850, 659A.885

Hist.: BL 8-1986, f. & ef. 9-2-86; BL 10-1988, f. & cert. ef. 6-16-88; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93, Renumbered from 839-030-0025; BL 12-1996, f. & cert. ef. 12-10-96; BLI 2-2000, f. & cert. ef. 1-27-00; BLI 15-2004, f. 11-1-04, cert. ef. 11-3-04; BLI 24-2008, f. 7-10-08, cert. ef. 7-11-08; BLI 38-2008, f. & cert. ef. 11-7-08

839-050-0030

Service of Documents

(1) Except as otherwise provided in ORS 652.332(1) the charging document will be served on the party or the party's representative by personal service or by registered or certified mail. Service of a charging document is complete upon the earlier of:

(a) Receipt by the party or the party's representative; or

(b) Mailing when sent by registered or certified mail to the correct address of the party or the party's representative.

(2) All other documents may be served on the party or the party's representative by personal service or by mailing to the last known address in the Agency file for the case to be heard. Service of a document other than the charging document is complete upon personal service or mailing, whichever occurs earlier.

(3) Any participant to a contested case proceeding filing a document with the Hearings Unit will serve a copy of such document upon all other participants or their representatives.

(4) Each party must notify the Hearings Unit and the Agency of the party's change of address. Such notice must be in writing and served on the Hearings Unit and the Agency within 10 days of the party's change of address. Unless the Hearings Unit and the Agency have been so notified, they will presume that the party's address on file with the Agency is correct.

(5) For the purpose of this rule, the term "party" does not include an aggrieved person intervening in a proceeding involving a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

Stat. Auth.: ORS 183 & 651.060(4)

Stats. Implemented: ORS 279C.860, 279C.865, 652.332(3), 653.065(1), 658.115, 658.407(3), 658.820, 659A.845, 659A.850, 659A.885

Hist.: BL 8-1986, f. & ef. 9-2-86; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93, Renumbered from 839-030-0030; BLI 2-2000, f. & cert. ef. 1-27-00; BLI 15-2004, f. 11-1-04, cert. ef. 11-3-04; BLI 38-2008, f. & cert. ef. 11-7-08

839-050-0170

Joinder of Parties, Claimants, Complainants, or Aggrieved Persons

(1) Complainants or claimants: Any number of persons may be joined in one proceeding as complainants or claimants if they assert a right to relief arising out of the same or similar transaction(s) or occurrence(s) and if questions of law or fact common to all these persons will arise in the proceeding.

(2) Parties: Any number of persons may be joined in one proceeding as parties if there is asserted against them any right to relief arising out of

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the same transaction(s) or occurrence(s) and if questions of law or fact common to all these persons will arise in the proceeding.

(3) Aggrieved persons: Any aggrieved person may intervene and be joined as a party in a proceeding in which the Agency has issued Formal Charges alleging violations of ORS 659A.145, 659A.421, or federal housing law. The procedures set out in OAR 137-003-0005 of the Attorney General's Model Rules apply.

(4) The Final Order may find for or against one or more of the complainants or claimants, aggrieved persons, or parties according to their respective rights or liabilities.

(5) Misjoinder of complainants, claimants, or parties is not a ground for dismissal of a proceeding. Parties may be added or deleted by order of the administrative law judge upon the motion of any participant, upon the administrative law judge's own motion, or upon the application of any person or entity seeking party or limited party status, at any stage of the contested case proceeding. When necessary to complete disposition of the case, the administrative law judge may postpone the hearing to allow a newly added complainant, claimant, or party to prepare for the hearing.

(6) In proceedings in which the Agency has issued Formal Charges alleging violations of ORS 659A.145, 659A.421, or federal housing law, misjoinder of an aggrieved person is not a ground for dismissal of the proceeding. Aggrieved persons may be added by order of the administrative law judge under OAR 137-003-0005 at any stage of the contested case proceeding.

Stat. Auth.: ORS 183 & 651.060(4)
Stats. Implemented: ORS 279C.860, 279C.865, 652.332(3), 653.065(1), 658.115, 658.407(3), 658.820, 659A.845, 659A.850, & 659A.885
Hist.: BL 8-1986, f. & cf. 9-2-86; BL 4-1993(Temp), f. 4-7-93, cert. ef. 4-12-93; BL 8-1993, f. & cert. ef. 9-3-93, Renumbered from 839-030-0085; BL 12-1996, f. & cert. ef. 12-10-96; BLI 2-2000, f. & cert. ef. 1-27-00; BLI 15-2004, f. 11-1-04, cert. ef. 11-3-04; BLI 38-2008, f. & cert. ef. 11-7-08

Rule Caption: The rule will provide procedure for hearings on pre-determination of prevailing wage coverage.

Adm. Order No.: BLI 39-2008

Filed with Sec. of State: 11-7-2008

Certified to be Effective: 11-7-08

Notice Publication Date: 9-1-2008

Rules Adopted: 839-050-0445

Subject: The rule will provide contested case procedures for hearings on predeterminations of prevailing wage coverage. This rule replaces a temporary rule of the same number, currently in place.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-050-0445

Hearings on Prevailing Wage Rate Determinations

(1) This rule sets forth the procedures used in contested case hearings requested pursuant to ORS 279C.817(4) and OAR 839-025-0005(7).

(2) Hearings on prevailing wage rate determinations are governed by the procedures set forth in OAR 839-050-0000 to 839-050-0430, except to the extent those procedures are modified by this rule.

(3) The following definitions apply to this rule:

(a) "Aggrieved person" means a person adversely affected or aggrieved by a commissioner's determination under ORS 279C.817.

(b) "Determination" means a determination issued by the commissioner under the provisions of ORS 279C.817 and OAR 839-025-0005.

(c) "Party" means a requester or aggrieved person who has requested a hearing after the commissioner issues a determination.

(d) "Requester" means a public agency or other interested person who requests a determination under ORS 279C.817 about whether a project or proposed project is or would be a public works on which payment of the prevailing rate of wage is or would be required under ORS 279C.840.

(4) When the commissioner has issued a determination and the requester or aggrieved person requests a hearing, an administrative law judge will be assigned to hear the case and the Hearings Unit will issue a Notice of Hearing to the party that meets the requirements of OAR 839-050-0080(3) and 839-050-0100.

(5) Within ten days after the Notice of Hearing is issued, the administrative law judge will issue an order requiring:

(a) The party to file a written statement identifying all of the party's reasons for contesting the determination; and

(b) The agency to file copies of all materials provided by the requester under OAR 839-025-0005(1)-(4), a copy of the agency's determination, and a copy of any other materials the agency relied on to reach its determination. The agency will mark these materials and the agency's determination for identification in the manner set forth in OAR 839-050-0270.

(6) The statement, materials, and agency determination filed pursuant to section (5) of this rule will be received into the record as exhibits.

(7) Within twenty days prior to hearing, the party and the agency each will file written statements containing the names of all persons they propose to call as witnesses at the hearing, along with a statement of how each person's testimony will help the administrative law judge understand the materials provided by the requester under OAR 839-025-0005(1)-(4) or the reasons for the agency's determination.

(8) After reviewing the materials and statements filed pursuant to sections (5) and (7) of this rule, the administrative law judge may issue an interim order finding that the testimony of any proposed witness is irrelevant to the issues at hearing and disallowing the proposed testimony. The administrative law judge may also request that the party or agency bring additional witnesses to the hearing.

(9) Evidence presented at hearing is limited to the exhibits and witness testimony explaining the exhibits and their significance.

(10) At hearing, the party will have an opportunity to explain the reasons that the party contests the determination and the agency will have an opportunity to explain the reasons for its determination.

(11) If the party withdraws its request for hearing or does not appear at the scheduled hearing, the administrative law judge will issue an order canceling the hearing. When a hearing is cancelled based on a party's failure to appear at the scheduled hearing, the hearing may be rescheduled if the party establishes good cause for its failure to appear within 10 days after the party fails to appear at hearing. The party's request to reschedule the hearing must be in writing and be accompanied by a written statement, together with appropriate documentation, setting forth facts supporting the claim of good cause.

Stat. Auth.: ORS 183, 651.060(4), 279C.817
Stat. Implemented: ORS 279C.817

Hist.: BLI 25-2008(Temp), f. & cert. ef. 7-29-08 thru 1-23-09; BLI 39-2008, f. & cert. ef. 11-7-08

Rule Caption: Rule amendments that implement statutory changes to Oregon housing discrimination law.

Adm. Order No.: BLI 40-2008(Temp)

Filed with Sec. of State: 11-10-2008

Certified to be Effective: 11-12-08 thru 5-1-09

Notice Publication Date:

Rules Amended: 839-003-0005, 839-003-0010, 839-003-0020, 839-003-0025, 839-003-0040, 839-003-0045, 839-003-0050, 839-003-0055, 839-003-0060, 839-003-0065, 839-003-0070, 839-003-0080, 839-003-0085, 839-003-0090, 839-003-0095, 839-003-0100, 839-003-0200, 839-003-0205, 839-003-0210, 839-003-0215, 839-003-0220, 839-003-0225, 839-003-0230, 839-003-0235, 839-003-0240, 839-003-0245, 839-005-0000, 839-005-0003, 839-005-0010, 839-005-0016, 839-005-0026, 839-005-0195, 839-005-0200, 839-005-0205, 839-005-0220

Subject: Amend the administrative rules listed above in order to implement House Bill 3639, enacted by the 2008 special session of the Oregon Legislature, and conform rules to federal housing discrimination law.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-003-0005

Definitions

Except where otherwise required by ORS 654.005 and except as provided below, definitions for terms used in these rules are found in ORS 659A.001 and 659A.100:

(1) "Administrator" means the Administrator of the Civil Rights Division of the Bureau of Labor and Industries or a designee of the administrator.

(2) "Bureau" means the Bureau of Labor and Industries.

(3) "Commissioner" means the Commissioner of the Bureau of Labor and Industries or a designee of the commissioner.

(4) "Complaint" means for the purpose of ORS chapter 659A, except complaints alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, a written, verified statement signed by the complainant or the complainant's attorney that:

(a) Gives the name and address of the complainant and the respondent;

(b) Identifies the protected class basis of the complaint;

(c) Describes the actions complained of, including:

(A) The date(s) of occurrence;

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(B) What the action was and how it harmed the complainant; and
(C) The causal connection between the complainant's protected class and the alleged harm.

(5) "Complainant" means a person filing a complaint personally or through an attorney.

(6) "Days," unless otherwise stated in the text of a document, means calendar days. "Work days" means Monday through Friday, except holidays officially recognized by the State of Oregon or the federal government.

(7) "Division" means the Civil Rights Division of the Bureau of Labor and Industries.

(8) "EEOC" means the Equal Employment Opportunity Commission of the federal government.

(9) "Federal Housing Law" means The Fair Housing Act (42 U.S.C. 3601 et seq.) for which the U.S. Department of Housing And Urban Development ("HUD") has jurisdiction.

(10) "Notice" means written information delivered personally or sent by mail to the person's last known personal or business address or business address of the person's designated representative.

(11) "OSEA" means the Oregon Safe Employment Act, ORS 654.001 et seq.

(12) "Protected class" means a group of people protected by law from discrimination on the basis of a shared characteristic, or a perception of that characteristic, such as race, sex, age, disability or other.

(13) "Person" has the meaning given in ORS 659A.001 (9).

(14) "Respondent" includes any person or other entity against whom a complaint or charge of unlawful practices is filed with the division or whose name has been added to such complaint or charge pursuant to ORS 659A.835(1).

(15) "Formal Charges" are formal charges drafted and issued by the bureau's Hearings Unit.

(16) "Substantial evidence" means proof that a reasonable person would accept as sufficient to support the allegations of the complaint.

(17) "Substantial Evidence Determination" means the division's written findings of substantial evidence.

(18) "Written verified complaint" means a complaint that is:

(a) In writing; and

(b) Under oath or affirmation

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.001, 659A.145 & 659A.421, Fed Housing Law
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 7-1982, f. & ef. 4-22-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0010

Who May File

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Complaints of housing discrimination must be filed in accordance with 839-003-0200.

(1) Any person claiming to be harmed by an act prohibited by statutes enforced by the Civil Rights Division may file a complaint with the division personally or through an attorney.

(2) Any employee, or a representative authorized to do so by ORS 654.062(2), may file a complaint with the division alleging discrimination by an employer against the employee for raising issues of employee safety or health in the workplace.

(3) The commissioner or Attorney General of Oregon may file a complaint whenever there is reason to believe that a person or entity has violated statutes enforced by the division.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.820 & 659A.825
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 7-1982, f. & ef. 4-22-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0020

Civil Suit

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law, except as provided below.

(1) A person alleging unlawful discrimination under state law may file a civil suit as provided in ORS 659A.870 to 659A.885, or 30.680.

(a) A person is not required to file a complaint of a violation of state law with the division before filing a civil suit.

(b) A person filing a civil suit in state or federal court waives the right to file a complaint with the division with respect to those matters alleged in

the civil suit. This subsection does not apply to a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

(2) After filing a complaint with the division, a complainant may file a civil suit in state or federal court alleging the same matters as those alleged in the complaint filed with the division. The complainant should notify the division of the civil suit. When the division receives notice from the complainant or complainant's attorney, or court documents indicating that such a suit has been filed, the division will dismiss the complaint. The division will notify the complainant and respondent that the division has dismissed the complaint and will take no further action. This subsection does not apply to a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

(3) The commissioner will notify the complainant in writing of the right to file suit in state court, as provided in ORS 659A.870 to 659A.885, when a complaint is dismissed by the division or on the one-year anniversary of the complaint filing, whichever occurs first. The complainant will have 90 days from the notice mailing date to file a civil suit. A complainant filing suit against a public body must also file a tort claim notice as required by ORS 30.275. This subsection does not apply to a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

(4) A civil action under ORS 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS 30.260, based on an unlawful employment practice must be commenced within one year after the occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS 659A.820.

(5) An action alleging breach of a division settlement agreement, entered into under ORS 659A.001 to 659A.030, 659A.233, 659A.303, 659A.145, 659A.409, 659A.420, 659A.421, 659A.150 to 659A.224 and 659A.800 to 659A.890, may be filed under 659A.860 in accordance with the applicable statute of limitations.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 30.275, 30.680, 659A.001-659A.030, 659A.233, 659A.303, 659A.409, 659A.420, 659A.421, 659A.150-659A.224 & 659A.800- 659A.890
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 12-1982, f. & ef. 8-10-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 9-2006, f. 3-16-06, cert. ef. 3-20-06; BLI 24-2006(Temp), f. 7-5-06, cert. ef. 7-7-06 thru 1-3-07; BLI 38-2006, f. 10-25-06, cert. ef. 10-27-06; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0025

Filing a Complaint

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Complaints of housing discrimination must be filed in accordance with 839-003-0200.

(1) A person or the person's attorney may file a complaint, in person or by mail, with the division at any bureau office in the state of Oregon. The complaint must meet the standards provided in OAR 839-003-0005(4).

(2) The filing date is the date the division receives a complaint that meets the standards contained in OAR 839-003-0005(4).

(3) Except as provided in section (5) of this rule, a person must file a complaint with the division no later than one year after the alleged unlawful practice. If the alleged unlawful practice is of a continuing nature, the right to file a complaint exists so long as the person files the complaint within one year of the most recent date the unlawful practice occurred.

(4) A person alleging constructive discharge must file a discrimination complaint with the division within one year of the date the discharge occurred.

(5) A person alleging discrimination for reporting or opposing unsafe or unhealthy work conditions under ORS 654.062 must contact the division within 90 days of having reasonable cause to believe that such violation has occurred. An employee would have reasonable cause to believe a violation has occurred on the earliest date that the employee:

(a) Believed retaliation had occurred against the employee for opposing employee health and safety hazards; and

(b) Knew or should have known of the right to file a complaint with the division and of the requirement that the complaint be filed within 90 days of the alleged retaliation.

(A) If a notice required by OSEA, as provided in OAR 437-001-0275(2)(a), was properly posted in the employee's workplace, continuously on and following the date of the alleged retaliation, the division will find that the employee knew or should have known of the 90-day filing requirement.

(B) If the employer failed to post the required OSEA poster, the 90-day filing requirement will begin on the date the employee learned of the

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right to file a complaint and of the 90-day filing requirement. The employee may establish this date based on the employee's own statement or other evidence offered by the employee.

(C) If the employer disagrees with the employee's presented date as the date the employee learned of the right to file a complaint, the burden is on the employer to show that the employee knew or should have known on an earlier date.

(D) If extenuating circumstances exist, the division may extend the 90-day period as provided in 29 CFR Part 15(d)(3).

(6) The procedures for filing a complaint are as follows:

(a) A person or the person's attorney makes an inquiry to the division;

(b) The division may provide the person or the person's attorney with a letter of information and/or questionnaire to assist in determining if there is a basis for filing a complaint;

(c) If the division determines the person has a basis for filing a complaint, the division will draft a complaint based upon the information provided by the person and send or give the complaint to the person or the person's attorney for verification. The person or the person's attorney will request any necessary changes to the complaint.

(d) The person or the person's attorney will verify and sign the complaint. The complaint will then be submitted to the division.

(e) If the person is an unemancipated minor the complaint must be signed by the minor and the parent or legal guardian of the minor.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 654.062, 659A.820 & 29 CFR Part 15(d)(3)

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BL 2-1998, f. & cert. ef. 2-3-98; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 12-2004, f. 10-22-04 cert. ef. 10-25-04; BLI 19-2007(Temp), f. & cert. ef. 7-18-07 thru 1-1-08; BLI 29-2007, f. 9-27-07 cert. ef. 10-1-07; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0040

Amendment of Complaints

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Complaints of housing discrimination must be amended in accordance with 839-003-0205.

(1) The division may amend a complaint to correct technical defects and to add additional persons as respondents. The division may amend a complaint on its own initiative or at the complainant's request (with the division's agreement) at any time prior to the issuance of Formal Charges, except that respondents may only be added during the course of investigation. Examples of technical defects include: clerical errors, additions or deletions, name and address corrections, and statute citation errors.

(2) A complaint may be amended to add a protected class only if the addition is supported by facts already alleged. New facts may not be added. If new facts are alleged, the complainant must file a new complaint meeting the standards provided in OAR 839-003-0005(4).

(3) Amended complaints need not be verified or signed by the complainant or the complainant's attorney.

(4) The division will send a copy of the amended complaint to the complainant and all respondents.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.820

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 2-2005, f. 1-6-05, cert. ef. 1-7-05; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0045

Withdrawal of Complaint

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. The withdrawal of a housing discrimination complaint is addressed in 839-003-0210. A complainant may voluntarily withdraw a complaint at any time by giving the division written notice of the complainant's decision to withdraw. If the complainant wants a federal "right to sue letter," the complainant must provide a written request to EEOC or to the division. If the complainant makes the request to the division, the division will forward the request to EEOC.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0050

Administrative Dismissal

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Administrative dismissal of a housing discrimination complaint is addressed in 839-003-0215.

(1) The division will dismiss the complaint if it determines that the bureau has no jurisdiction over the allegations of the complaint.

(2) The division may dismiss the complaint if the complainant files a proceeding, based on the same set of facts, with another agency having the authority to provide remedy to the complainant for the alleged discrimination.

(3) If a complainant or the complainant's attorney fails to cooperate with the division, the division may dismiss the complaint.

(4) The complainant must notify the division in writing of address and telephone number changes. When a complainant cannot be located by reasonable efforts, the division may dismiss the complaint.

(5) The division will dismiss a complaint unless substantial evidence of unlawful discrimination is found. Such dismissal notice will include a statement that the complaint has been dismissed and a notice of complainant's right to file a civil suit, if such right exists.

(6) The division will dismiss complaints alleging violation of federal discrimination statutes administered by EEOC (OAR 839-003-0015) in accordance with federal requirements.

(7) The division may elect to administratively dismiss a complaint without investigation. In such instances, the division will notify the complainant and respondent of the dismissal and issue notice of the complainant's right to file a civil suit, if such right exists.

(8) The division will dismiss a complaint if it learns that the complainant has filed a civil suit alleging the same matters, as provided in OAR 839-003-0020.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 30.680, 659A.835, 659A.850 & 659A.870 - 659A.885

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0055

Conciliation Agreements Prior to Completion of the Investigation

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) The division encourages complainants and respondents to resolve complaints by mutual agreement at any time. The division will facilitate settlement negotiations between the complainant and respondent, as provided in this rule, at any time during the investigation.

(2) If the complainant and respondent agree upon settlement, the division will draft a settlement agreement that states:

(a) That a "no fault" settlement has been reached;

(b) That the complainant, the respondent and the Civil Rights Division accept the terms of the agreement as a resolution of the complaint;

(c) The specific action(s) the complainant and respondent will take as a result of the complaint settlement and the time within which the action(s) will be taken; and

(d) That the division may investigate any alleged breach of the agreement.

(3) The settlement agreement will not include release language that applies to any forum other than the Civil Rights Division.

(4) The complainant, the respondent and a representative of the division will sign the division's settlement agreement. The complainant and respondent will receive copies of the signed agreement. Upon execution of this agreement, the division will notify the complainant and respondent that the complaint is dismissed.

(5) The division may allow the complainant and the respondent to enter into a private agreement with release language in addition to the division's agreement. The division will not be a party to nor enforce private agreements.

(6) Nothing in these rules is intended to preclude private settlement between the complainant and the respondent.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.835, 659A.840 & 659A.850

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

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839-003-0060

Fact-Finding Conference

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) At its discretion, the division may hold a fact-finding conference. This conference may encompass part or all of the division's investigation of the complaint. The complainant and the respondent will attend the conference and a division representative will conduct the conference. The purposes of the conference will be to:

- (a) Review evidence regarding the complaint;
- (b) Identify the undisputed elements of the complaint;
- (c) Define and, if possible, resolve the disputed elements of the complaint; and

(d) Attempt to settle the complaint.

(2) The division will schedule the conference, notifying the complainant and the respondent of the time and place. The division may require the complainant and the respondent to provide information and documents relevant to the complaint. The division may issue subpoenas ad testificandum to compel the respondent's representatives to attend the conference and issue subpoenas duces tecum to compel the production of documents at the conference.

(3) The conference may be rescheduled, subject to the division's approval, at the request of the complainant or the respondent, or at the division's discretion.

(4) The complainant's failure to attend the conference may cause the complaint to be administratively dismissed if the division determines that the complainant has failed to cooperate pursuant to OAR 839-003-0050(3).

(5) If the complainant attends the conference but the respondent's representatives fail to attend, the division representative may proceed based on the information in the division's possession.

(6) The respondent's representatives at a fact-finding conference should include persons with:

- (a) Knowledge of the facts bearing on the complaint; and
- (b) Authority to negotiate a settlement agreement.

(7) The complainant and the respondent may be accompanied by legal counsel, but counsel's role is strictly limited to providing legal advice to the counsel's client.

(8) The division's representative conducting the conference may:

- (a) Question the participants about their knowledge of the situation;
- (b) Ask for additional statements and documentation from the complainant and the respondent;

(c) Terminate discussion of a particular point when further discussion would be irrelevant or repetitive;

(d) Exclude witnesses with the exception of the complainant, the respondent and counsel;

(e) Order unruly participants to leave the conference;

(f) Tape-record the conference with the knowledge of the participants;

(g) Attempt to negotiate a settlement agreement between the parties; and

(h) Recess or terminate the conference at any time.

(9) If the conference does not result in settlement, the division will either continue the investigation or dismiss the complaint. This subsection does not apply to a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.800, 659A.850 & 659A.860

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 1-1993, f. 3-25-93, cert. ef. 4-1-93; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0065

Investigations

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Investigation of housing discrimination complaints is addressed in 839-003-0220.

(1) The division may investigate the allegations contained in a complaint to determine objectively whether there is substantial evidence of unlawful discrimination. The division will determine the method by which complaints will be investigated or otherwise processed. The division will not investigate allegations occurring more than one year prior to the date the complaint was filed unless the allegations constitute a continuing violation or the circumstances occurring more than one year prior to the date the complaint was filed pertain to timely allegations.

(2) The investigation may include interviews with the complainant, the respondent representatives, and any other persons whom the division chooses to interview. The investigation may also involve the examination and analysis of written documents.

(3) The investigator may tape-record statements with the knowledge of the participants.

(4) The respondent has the right to have a representative present during interviews of current supervisory employees.

(5) The respondent's current, non-supervisory, or former employees, may request that a representative for the respondent be present during interviews by a division representative.

(6) A complainant, respondent or witness interviewed by the division may request a copy of the summary report of the individual's own interview. The division may request that the complainant, respondent or witness confirm by signature that the summary report is an accurate representation of the interview. The complainant, respondent or witness may submit to the division additional comments regarding the interview.

(7) The division representative may make written request to the respondent for documents, records, files or other sources of evidence. The respondent will provide such information within 21 days of the date of the division's written request. The division may grant the respondent additional time in which to respond.

(8) The division may issue subpoenas compelling division access to premises, records and witnesses. Failure to respond to a subpoena may result in the division making a determination based on available information.

(9) Upon conclusion of the investigation, the division will either issue a Substantial Evidence Determination or will dismiss the complaint. The division will mail a copy of the Substantial Evidence Determination or dismissal notice to the complainant and respondent.

(10) If the division does not find substantial evidence of unlawful discrimination, the division will dismiss the complaint, notify the complainant and respondent of the dismissal and notify the complainant of the right to file a civil suit, if such right exists.

(11) If the division finds substantial evidence of unlawful discrimination, the complaint may be assigned to a division representative for settlement. However, the commissioner may proceed directly to a contested case hearing if the interests of justice so require.

(12) A Substantial Evidence Determination or dismissal may not be appealed to the division.

(13) The division may reopen a case at its own discretion.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.800, 659A.805, 659A.835, 659A.870 - 659A.885

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 13-1981, f. & ef. 11-18-81; BL 12-1982, f. & ef. 8-10-82; BL 12-1992(Temp), f. & cert. ef. 11-3-92; BL 2-1993, f. 3-25-93, cert. ef. 4-1-93; BL 4-1996, f. & cert. ef. 3-12-96; BL 2-1998, f. & cert. ef. 2-3-98; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0070

Settlement Process After Substantial Evidence Determination

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. The settlement process after substantial evidence determination in housing discrimination complaints is addressed in 839-003-0225.

(1) If the division finds substantial evidence of unlawful discrimination, the division may seek to eliminate the effects of the unlawful discriminatory act(s) by conference, settlement and persuasion. The division will facilitate settlement negotiations between the complainant and respondent as provided in OAR 839-003-0055.

(2) If no settlement agreement is reached in the period of time set aside for settlement after a Substantial Evidence Determination, the division retains the discretion to further negotiate settlement, administratively dismiss the complaint, or proceed to a contested case hearing.

(3) The complainant may withdraw the complainant's own complaint at any time.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.835 & 659A.840

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0080

Access to Records/Confidentiality

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) During an investigation, the contents of the investigative file and

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related records, other than the complaint, are confidential. However, any individual may inspect and copy information or statements that the individual has given to the division. The division may charge a fee for inspection or to copy information.

(2) After the complaint is closed, a copy of the closed file will be available for a fee. To obtain a copy of a closed file a person must make a written request to the division. The request must include the person's name, address and telephone number, the complainant's and the respondent's names and payment of the fee, as determined by the division.

(3) The division will not at any time disclose any information that is required to be kept confidential by ORS 659A.840(6) or any other state or federal law or under any contractual agreement between the bureau and federal, state and local agencies.

(4) A complainant's or respondent's designation of information as confidential will not supercede the State of Oregon Public Records Law.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 192.440(3) & 192.501(8)
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 10-1984(Temp), f. & ef. 9-6-84; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0085 Subpoenas

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) The commissioner or the commissioner's designee may issue a subpoena to require:

- (a) The presence and testimony of witnesses;
- (b) The production of evidence, including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed; and
- (c) Access to evidence to be examined or copied.

(2) If any person fails to comply with a subpoena issued under this rule, the commissioner may initiate the legal procedures necessary to enforce compliance.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.800(4)
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0090 Remedy

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Remedies in complaints of housing discrimination are addressed in 839-003-0230.

(1) In cases of employment discrimination remedy includes, but is not limited to:

- (a) Employment or reemployment;
- (b) Wages or other benefits lost due to the practice;
- (c) Out-of-pocket expenses attributable to the practice;
- (d) Compensation for emotional distress and impaired personal dignity; and
- (e) Interest.

(2) Consideration of all acts alleged to comprise a hostile work environment in a complaint, including alleged acts occurring outside the one year statute of limitations for filing a complaint, is permissible for the purposes of assessing liability, so long as any act contributing to that hostile work environment takes place within the statutory period.

(3) In order to recover damages for lost wages, the complainant will generally be required to mitigate damages by seeking employment.

(a) Earned income from employment may be deducted from lost wage damages.

(b) In most cases, unearned income such as unemployment or public assistance benefits will not be deducted from lost wage damages.

(4) Settlements of complaints and the awards in commissioner's Final Orders do not necessarily include all possible remedies named in sections (1) and (2) of this rule. Nothing in this rule will be construed to limit or alter the statutory powers of the commissioner to protect the rights of persons similarly situated to the complainant or to order the performance of an act or a series of acts designed to eliminate the effect of any unlawful practice found.

(5) The commissioner may order the respondent to eliminate the effects of any unlawful practice found and may require respondent to:

(a) Perform a designated act or series of acts that are calculated to carry out the policy of these rules in order to eliminate the effects of an unlawful practice and to protect the rights of those affected;

(b) Take action and submit reports to the commissioner on the manner of compliance with the terms and conditions specified in the commissioner's order or agreement;

(c) Refrain from any action prohibited by the order or agreement that would jeopardize the rights of the individuals or groups named in the complaint or would frustrate the purpose and the policy of these rules and relevant statutes.

(6) When the respondent makes an offer of remedy, the division will inform the complainant of the offer. If the complainant does not accept an offer that the division has determined will eliminate the effects of the unlawful practice, the division may dismiss the complaint.

(7) Any agreement or order issued by the commissioner may be enforced by mandamus or injunction or by suit in equity to compel specific performance.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.800, 659A.850, 659A.860, 659A.865, 659A.885
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 20-2005, f. 10-20-05, cert. ef. 10-21-05; BLI 8-2006, f. 3-16-06 cert. ef. 3-20-06; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0095 Enforcement of Settlement Agreements and Orders

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Enforcement of settlement agreements and orders is addressed in 839-003-0240.

(1) Any agreement or order issued by the commissioner may be enforced by mandamus or injunction or by suit in equity to compel specific performance, as provided in ORS 659A.860.

(2) If the complainant believes the terms of a bureau settlement agreement have been breached, the complainant may file a complaint with the division alleging retaliation, or file a new complaint re-alleging the original violation if it is still occurring. The division may review the provisions of the settlement agreement and investigate.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.850, 659A.860 & 659A.865
Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0100 Commissioner's Complaint

This section does not apply to housing discrimination complaints filed under ORS 659A.145 or 659A.421 or federal housing law. Commissioner's complaints of housing discrimination are addressed in 839-003-0245.

(1) The Commissioner of the Bureau of Labor and Industries may make, sign and file a complaint whenever the commissioner has reason to believe that any person or group of persons has been denied rights due to an unlawful practice or employment practice. The complaint will be processed in the same manner as any other complaint filed under OAR 839-003-0005.

(2) In the matter of concurrent complaints, nothing in these rules will be construed to:

(a) Require or prohibit the filing of a commissioner's complaint involving the same or similar issues or allegations stated in any other complaint filed with the division or circuit court by an individual under ORS 659A.820, 659A.825, or 659A.885;

(b) Require or prohibit the continued processing or initiation of a commissioner's complaint in the event that a complaint filed with the division or circuit court by an individual under ORS 659A.820, 659A.825, or 659A.885, is resolved or dismissed, with or without remedy to the individual; or

(c) Alter or limit an individual's private right of action provided under ORS 659A.870 to 659A.885.

Stat. Auth.: ORS 183 & 659A.805
Stats. Implemented: ORS 659A.820, 659A.825 & 659A.870 - 659A.885
Hist.: BL 7-1985(Temp), f. & ef. 10-17-85; BL 11-1986, f. & ef. 10-29-86; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

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839-003-0200

Filing a Complaint Under State and Federal Housing Discrimination Laws

(1) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law includes a person who believes that the person has been injured by an unlawful practice or discriminatory housing practice or will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(2) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law or the person's attorney, or the commissioner may file a complaint, in person or by mail, with the division at any bureau office in the state of Oregon complaint means a written, verified statement signed by the complainant or the complainant's attorney that:

(a) Gives the name and address of the complainant and the respondent;

(b) Describes the acts or omissions alleged to be an unlawful practice, including those acts or omissions the person believes are about to occur and;

(c) Describes how the person was harmed or will be harmed by such actions.

(3) The filing date is the date the division receives a complaint that meets the standards contained in OAR 839-003-0200(2).

(4) A person must file a complaint with the division no later than one year after the alleged unlawful practice. If the alleged unlawful practice is of a continuing nature, the right to file a complaint exists so long as the person files the complaint within one year of the most recent date the unlawful practice occurred.

(5) The procedures for filing a complaint are as follows:

(a) A person or the person's attorney makes an inquiry to the division;

(b) The division may provide the person or the person's attorney with a letter of information and/or questionnaire;

(c) If the division determines the person has a basis for filing a complaint, the division will draft a complaint based upon the information provided by the person and send or give the complaint to the person or the person's attorney for verification. The person or the person's attorney will request any necessary changes to the complaint.

(d) The person or the person's attorney will verify and sign the complaint. The complaint will then be submitted to the division.

(e) If the person is an unemancipated minor the complaint must be signed by the minor and the parent or legal guardian of the minor.

(6) The Division will serve notice upon the complainant acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under ORS chapter 659A and federal housing law.

(7) Within 10 days after the filing of a complaint, the division will serve the respondent with a copy of the original complaint that identifies the alleged discriminatory housing practice and a notice that advises the respondent of the procedural rights and obligations of the Respondent, including the respondent's right to file an answer to the complaint.

(8) Each respondent may file, not later than 10 days after receipt of notice from the division, an answer to such complaint.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 654.062, 659A.145, 659A.421, 659A.820 & 29 CFR Part 15(d)(3)
Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0205

Amending a Housing Discrimination Complaint

(1) The division may amend a complaint to correct technical defects, to add additional persons as respondents and to add additional information found during the investigation of a complaint, including new factual allegations. The division may amend a complaint on its own initiative or at the complainant's request (with the division's agreement) at any time prior to the issuance of Formal Charges, except that respondents may only be added during the course of investigation. Examples of technical defects include: clerical errors, additions or deletions, name and address corrections, and statute citation errors.

(a) Within 10 days after identifying an additional person who will named as a respondent, the division will serve the person with a copy of the complaint that identifies the alleged discriminatory housing practice and a notice that advises the person of the procedural rights and obligations of the person, including the person's right to file an answer to the complaint.

(b) Such notice, in addition to meeting the requirements of subsection (1)(a), will explain the basis for the division's belief that the person to

whom the notice is addressed is properly joined as a respondent.

(c) Each respondent may file, not later than 10 days after receipt of notice from the division, an answer to such complaint.

(2) The division will send a copy of the amended complaint to the complainant and all respondents.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.820

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0210

Withdrawal of a Housing Discrimination Complaint

A complainant may voluntarily withdraw a complaint at any time by giving the division written notice of the complainant's decision to withdraw.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0215

Administrative Dismissal of a Housing Discrimination Complaint

(1) The division will dismiss the complaint if it determines that the bureau has no jurisdiction over the allegations of the complaint.

(2) If a complainant or the complainant's attorney fails to cooperate with the division, the division may dismiss the complaint.

(3) The complainant will notify the division in writing of address and telephone number changes. When a complainant cannot be located by reasonable efforts, the division may dismiss the complaint.

(4) The division will dismiss a complaint unless substantial evidence of unlawful discrimination is found. The division will provide written notice of such dismissal to complainant and respondent.

(5) The division cannot issue a finding of substantial evidence of discrimination once complainant has filed a civil suit alleging the same matters as provided in OAR 839-003-0235, and the trial for the civil suit has commenced.

(6) The division will dismiss complaints alleging discrimination under federal housing law statutes administered by HUD in accordance with federal requirements.

(7) The division will notify the complainant in writing of the right to file suit in state court, as provided in ORS 659A.870 to 659A.885, when a complaint is dismissed by the division. A complainant filing suit against a public body must also file a tort claim notice as required by ORS 30.275.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 30.680, 659A.145, 659A.421, 659A.835, 659A.850 & 659A.870 - 659A.885

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0220

Housing Discrimination Investigations

(1) The division will investigate the allegations contained in any complaint filed under ORS 659A.820 or 659A.825 alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law to determine objectively whether there is substantial evidence of unlawful discrimination. The division will determine the method by which complaints will be investigated or otherwise processed. The division will not investigate allegations occurring more than one year prior to the date the complaint was filed unless the allegations constitute a continuing violation or the circumstances occurring more than one year prior to the date the complaint was filed pertain to timely allegations.

(2) The division will commence an investigation of any complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law within 30 days after the timely filing of the complaint.

(3) (a) At the end of each investigation of a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law the division will prepare a final investigative report containing:

(A) The names and dates of the contacts with witnesses;

(B) A summary and the dates of correspondence and other contacts with the complainant and the respondent;

(C) A summary description of other pertinent records;

(D) A summary of witness statements; and

(E) Answers to interrogatories.

(b) A final investigative report under this section may be amended if

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additional evidence is later discovered.

(c) The division will make the final investigative report available, upon request, to both the complainant and the respondent.

(4) The division will complete an investigation of any complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law within 100 days after the filing of the complaint, unless it is impracticable to do so. If the division is unable to complete the investigation of the complaint within 100 days after the filing of the complaint the division will notify the complainant and respondent in writing of the reasons for not doing so.

(5) The division will make final disposition of any complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law within one year after the filing of the complaint, unless it is impracticable to do so. If the division is unable to make final disposition of the complaint within one year the division will notify the complainant and respondent in writing of the reasons for not doing so.

(6) If the division determines that it is impracticable to complete an investigation and make final disposition of any complaint within one year the commissioner's authority to conduct investigations or other proceedings to resolve a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law does not cease within the one year period under ORS 659A.830(3).

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.800, 659A.805, 659A.835 & 659A.870 - 659A.885

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0225

Settlement Process After Substantial Evidence Determination in Housing Discrimination Complaints

(1) During the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the division, the division will, to the extent feasible, seek to eliminate the effects of the unlawful discriminatory act(s) by engaging in conciliation, settlement and persuasion. The division will facilitate any settlement negotiations between the complainant and respondent as provided in OAR 839-003-0055.

(2) Nothing said or done in the course of settlement discussions concerning a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law may be disclosed under ORS 192.410 to 192.505 or in any other manner, or used as evidence in a subsequent proceeding under this chapter or federal housing law, without the written consent of the persons concerned.

(3) If no settlement agreement is reached in the period of time set aside for settlement after a Substantial Evidence Determination, the division will proceed to a contested case hearing.

(4) The complainant may withdraw the complainant's own complaint at any time.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.835, 659A.840

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0230

Remedies in Housing Discrimination Complaints

(1) In cases of housing discrimination remedy includes, but is not limited to:

- (a) Rental, lease or sale of real property;
- (b) Service lost;
- (c) Expenses or lost benefits attributable to the practice;
- (d) Compensation for emotional distress and for impaired personal dignity; and
- (e) Interest.

(2) Settlements of complaints and the awards in commissioner's Final Orders do not necessarily include all possible remedies named in sections (1) of this rule. Nothing in this rule will be construed to limit or alter the statutory powers of the commissioner to protect the rights of persons similarly situated to the complainant or to order the performance of an act or a series of acts designed to eliminate the effect of any unlawful practice found.

(3) The commissioner may order the respondent to eliminate the effects of any unlawful practice found and may require respondent to do one or more of the following:

(a) Perform a designated act or series of acts that are calculated to carry out the policy of these rules in order to eliminate the effects of an unlawful practice and to protect the rights of those affected;

(b) Take action and submit reports to the commissioner on the manner of compliance with the terms and conditions specified in the commissioner's order or agreement;

(c) Refrain from any action prohibited by the order or agreement that would jeopardize the rights of the individuals or groups named in the complaint or would frustrate the purpose and the policy of these rules and relevant statutes.

(4) Any agreement or order issued by the commissioner may be enforced by mandamus or injunction or by suit in equity to compel specific performance.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.800, 659A.850, 659A.860, 659A.865 & 659A.885

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0235

Civil Suit

(1)(a) A person alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law may file a civil suit as provided in ORS 659A.870 to 659A.885, or 30.680. A person is not required to file a complaint of a violation of state law with the division before filing a civil suit.

(2) A civil suit alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, may be filed no later than two years after the occurrence or termination of an alleged discriminatory housing practice, or within two years after the breach of any settlement agreement entered into under ORS 659A.840, whichever occurs last. The two-year period may not include any time during which an administrative proceeding was pending with respect to the housing practice.

(3) After filing a complaint with the division, a complainant may file a civil suit in state or federal court alleging the same matters as those alleged in the complaint filed with the division. The complainant should notify the division of the civil suit. When the division receives notice from the complainant or complainant's attorney, or court documents indicating that such a suit has been filed the division will not dismiss the complaint until the civil trial commences. The division will notify the complainant and respondent that the division has dismissed the complaint and will take no further action.

(4) If Formal Charges have been issued with respect to a housing discrimination complaint, and an administrative law judge has commenced a hearing on the record under ORS chapter 659A, the complainant may not commence a civil action in court that alleges the same matters.

(5) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved individuals in the same manner as an individual or group of individuals may file a civil action under ORS 659A.885.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 30.275, 30.680, 659A.001 - 659A.030, 659A.145, 659A.150 - 659A.224, 659A.233, 659A.303, 659A.409, 659A.420, 659A.421, & 659A.800 - 659A.890

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0240

Enforcement of Settlement Agreements and Orders in Housing Discrimination Complaints

(1) Any agreement or order issued by the commissioner may be enforced by mandamus or injunction or by suit in equity to compel specific performance, as provided in ORS 659A.860.

(2) If the complainant believes the terms of a bureau settlement agreement have been breached, the complainant may file a complaint with the division alleging retaliation, or file a new complaint re-alleging the original violation if it is still occurring. The division will review the provisions of the settlement agreement and investigate.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.850, 659A.860, 659A.865

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-003-0245

Commissioner's Complaint

(1) The Commissioner of the Bureau of Labor and Industries may make, sign and file a complaint whenever the commissioner has reason to believe that any person or group of persons has been denied rights or is

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about to be denied rights due to an unlawful practice under ORS 659A.145 or 659A.421 or federal housing law. The complaint will be processed in the same manner as any other complaint filed under OAR 839-003-0200.

(2) In the matter of concurrent complaints, nothing in these rules will be construed to:

(a) Require or prohibit the filing of a commissioner's complaint involving the same or similar issues or allegations stated in any other complaint filed with the division or circuit court by an individual under ORS 659A.820, 659A.825, or 659A.885;

(b) Require or prohibit the continued processing or initiation of a commissioner's complaint in the event that a complaint filed with the division or circuit court by an individual under ORS 659A.820, 659A.825, or 659A.885, is resolved or dismissed, with or without remedy to the individual; or

(c) Alter or limit an individual's private right of action provided under ORS 659A.870 to 659A.885.

Stat. Auth.: ORS 183, 659A.805

Stats. Implemented: ORS 659A.145, 659A.421, 659A.820, 659A.825, 659A.870 - 659A.885

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0000

Purpose and Scope

(1) It is the policy of the State of Oregon that unlawful discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes is a matter of state concern and that such discrimination threatens individual rights and privileges and menaces the institutions and foundations of a free democratic state.

(2) Prohibited discrimination is a basis of unlawful practices and unlawful employment practices described in ORS chapter 659A and other chapters of the Oregon statutes.

(3) The Civil Rights Division of the Bureau of Labor and Industries is responsible for protecting individual rights through the enforcement of civil rights statutes prohibiting unlawful practices and unlawful employment practices over which the bureau has jurisdiction.

(4) The purpose of these rules is to implement, interpret and describe the division's approach to civil rights enforcement under the bureau's jurisdiction.

(5) These rules apply to all inquiries and complaints received by the division on or after the effective date of these rules.

(6) An individual claiming a violation of the civil rights statutes may file a complaint with the Civil Rights Division as provided in OAR 839-003-0025 or 839-003-0200 for complaints alleging housing discrimination filed under ORS 659A.145, 659A.421 or federal housing law.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A

Hist.: BL 9-1982, f. & ef. 6-11-8; BL 4-1996, f. & cert. ef. 3-12-96; BLI 19-2000, f. & cert. ef. 9-15-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0003

Definitions

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) "Bureau" means the Bureau of Labor and Industries.

(2) "Complainant" means an individual who files a complaint with the division, personally or through the individual's attorney, pursuant to the guidelines provided in OAR 839-003-0025 or OAR 839-003-0200 for complaints alleging housing discrimination filed under ORS 659A.145, 659A.421 or federal housing law.

(3) "Division" means the Civil Rights Division of the Bureau of Labor and Industries.

(4) "Employee" does not include any individual employed by that individual's parents, spouse or child or in the domestic service of any person.

(5) "Employer" means any person in this state who, directly or through an agent, engages or utilizes the personal service of one or more employees, reserving the right to control the means by which such service is or will be performed. Employer also includes any public body that, directly or through an agent, engages or utilizes the personal service of one or more employees, reserving the right to control the means by which such service is or will be performed, including all officers, agencies, departments, divisions, bureaus, boards and commissions of the legislative, judicial and administrative branches of the state, all county and city governing bodies, school districts, special districts, municipal corporations and all

other political subdivisions of the state.

(6) "Person" includes one or more individuals, partnerships, associations, labor organizations, limited liability companies, joint-stock companies, corporations, legal representatives, trustees, and trustees in bankruptcy or receivers. "Person" also includes a public body as defined in ORS 30.260. For the purposes of ORS 659A.145 or 659A.421 or federal housing law, "person" also includes fiduciaries, mutual companies, trusts and unincorporated organizations.

(7) "Employment agency" includes any person undertaking to procure employees or opportunities to work.

(8) "Labor organization" includes any organization that is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

(9) "Protected class" means a group of people protected by law from discrimination on the basis of a shared characteristic, such as race, sex, sexual orientation, disability, or other, or a perception of that characteristic.

(10) "Respondent" includes any person against whom a complaint or charge of unlawful practices is filed with the division or whose name has been added to such complaint or charge pursuant to ORS 659A.835(1).

(11) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's assigned sex at birth.

(12) "Gender identity" means an individual's gender-related identity, whether or not that identity is different from that traditionally associated with the individual's assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous.

(13) "Gender expression" means the manner in which an individual's gender identity is expressed, including, but not limited to, through dress, appearance, manner, or speech, whether or not that expression is different from that traditionally associated with the individual's assigned sex at birth.

(14) "Sex" means the anatomical, physiological and genetic characteristics associated with being male or female.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A, OL 2007 Ch 100

Hist.: BLI 19-2000, f. & cert. ef. 9-15-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0010

Discrimination Theories

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law.

(1) Substantial evidence of intentional unlawful discrimination exists if the division's investigation reveals evidence that a reasonable person would accept as sufficient to support the following elements:

(a) The respondent is a respondent as defined by ORS 659A.001(10) and OAR 839-005-0003(10) of these rules;

(b) The complainant is a member of a protected class;

(c) The complainant was harmed by an action of the respondent; and

(d) The complainant's protected class was a motivating factor for the respondent's action. In determining whether the complainant's protected class was the reason for the respondent's action, the division uses whichever of the following theories applies:

(A) Specific Intent Theory: The respondent knowingly and purposefully discriminates against an individual because of that individual's membership in a protected class. Unless the respondent can show that a bona fide occupational qualification or a bona fide voluntary, court-ordered affirmative action plan (OAR 839-005-0045) allows the action.

(B) Different or Unequal Treatment Theory: The respondent treats members of a protected class differently than others who are not members of that protected class. When the respondent makes this differentiation because of the individual's protected class and not because of legitimate, non-discriminatory reasons, unlawful discrimination exists. In establishing a case of different or unequal treatment:

(i) There must be substantial evidence that the complainant was harmed by an action of the respondent under circumstances that make it appear that the respondent treated the complainant differently than comparably situated individuals who were not members of the complainant's protected class. Substantial evidence of discrimination exists if the division's investigation reveals evidence that a reasonable person would accept as sufficient to support that protected class membership was a motivating factor for the respondent's alleged unlawful action. If the respondent fails to rebut this evidence with evidence of a legitimate non-discriminatory reason, the

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division will conclude that substantial evidence of unlawful discrimination exists.

(I) Pretext: If the respondent rebuts the evidence with evidence of a legitimate non-discriminatory reason, but there is substantial evidence that the respondent's reason is a pretext for discrimination, the division will conclude there is substantial evidence of unlawful discrimination.

(II) Mixed Motive: If the respondent presents substantial evidence that a legitimate, non-discriminatory reason contributed to the respondent's action, but the division finds the individual's protected class membership was also a substantial factor in the respondent's action, the division will determine there is substantial evidence of discrimination.

(ii) The complainant at all times has the burden of proving that the complainant's protected class was the reason for the respondent's unlawful action.

(e) For the purposes of housing discrimination complaints filed under ORS 659A.145 or 659A.421 or discrimination under federal housing law, a complainant need not be a member of a protected class. Substantial evidence in complaints of housing discrimination exists when the division's investigation reveals, based on the totality of circumstances known at the time of the decision, that a reasonable person would accept as sufficient to believe that a discriminatory housing practice has occurred or is about to occur.

(2) Adverse Impact Discrimination in employment: Substantial evidence of adverse impact discrimination does not require establishment of intentional discrimination as provided in (1) of this rule. Adverse impact discrimination exists if the division's investigation reveals evidence that a reasonable person would accept as sufficient to support the following elements:

(a) The respondent is a respondent as defined by ORS 659A.001(10) and OAR 839-005-0003(10) of these rules;

(b) The respondent has a standard or policy that is applied equally.

(c) The standard or policy has the effect of screening out or otherwise affecting members of a protected class at a significantly higher rate than others who are not members of that protected class; and

(d) The complainant is a member of the protected class adversely affected by the respondent's standard or policy and has been harmed by the respondent's application of the standard or policy.

(3) Disparate Impact Discrimination in Housing:

(a) For the purposes of interpreting ORS 90.390, a court or the commissioner may find a person to have violated ORS 659A.145 or 659A.421 if:

(A) The person applies a facially neutral housing policy to a member of a protected class;

(B) Application of the policy adversely impacts members of the protected class to a greater extent than the policy impacts persons generally.

(b) In determining under subsection (a) of this section whether a violation has occurred and, if a violation has occurred, what relief should be granted, a court or the commissioner will consider:

(A) The significance of the adverse impact on the protected class;

(B) The importance and necessity of any business purpose for the facially neutral housing policy; and

(C) The availability of less discriminatory alternatives for achieving the business purpose for the facially neutral housing policy.

(c) For the purposes of housing discrimination complaints filed under ORS 659A.145 or 659A.421 or discrimination under federal housing law, a complainant need not be a member of a protected class.

(4) Discrimination based on disability may involve intentional discrimination, including harassment, or discrimination that need not be intentional, including adverse impact, or the failure to permit reasonable modifications, the refusal to make reasonable accommodations or the failure to design and construct covered buildings under applicable rules. To be protected from discrimination based on disability, an individual must have a disability, as defined in ORS 659A.100(1) and (2) and the relevant rules. Reasonable accommodation for purposes of employment is defined in ORS 659A.118 and OAR 839-006-0206. Reasonable accommodation in real property transactions is covered by ORS 659A.145 and OAR 839-005-0220. Reasonable modifications in services, programs or activities, provision of auxiliary aids, services by state government, removal of barriers to facilities, goods and services and provision of auxiliary aids by public accommodations are covered by ORS 659A.142 and OAR 839-006-0310 to 0330. Reasonable modifications in housing and the design and construction of covered buildings are covered by ORS 659A.145. Claims of disability discrimination brought under federal housing law are defined under that law.

(5) An employer must reasonably accommodate an employee or applicant's religious belief, observance or practice unless the employer can

demonstrate that such accommodation would cause undue hardship on the employer's business.

(6) Harassment in employment based on an individual's protected class is a type of intentional unlawful discrimination. In cases of alleged unlawful sexual harassment in employment see OAR 839-005-0030.

(a) Conduct of a verbal or physical nature relating to protected classes other than sex is unlawful when substantial evidence of the elements of intentional discrimination, as described in section (1) of this rule, is shown and:

(A) Such conduct is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

(B) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

(C) Submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual.

(b) The standard for determining whether harassment is sufficiently severe or pervasive to create a hostile, intimidating or offensive working environment is whether a reasonable person in the circumstances of the complaining individual would so perceive it.

(c) Employer Proxy: An employer is liable for harassment when the harasser's rank is sufficiently high that the harasser is the employer's proxy, for example, the employer's president, owner, partner or corporate officer.

(d) Harassment by Supervisor plus Tangible Employment Action: An employer is liable for harassment by a supervisor with immediate or successively higher authority over an individual when the harassment results in a tangible employment action that the supervisor takes or causes to be taken against the individual. A tangible employment action includes, but is not limited to, any of the following:

(A) Terminating employment, including constructive discharge;

(B) Failing to hire;

(C) Failing to promote; or

(D) Changing a term or condition of employment, such as work assignment, work schedule, compensation or benefits or making a decision that causes a significant change in an employment benefit.

(e) Harassment by Supervisor, No Tangible Employment Action: When harassment by a supervisor with immediate or successively higher authority over the individual is found to have occurred, but no tangible employment action was taken, the employer is liable if:

(A) The employer knew of the harassment, unless the employer took immediate and appropriate corrective action.

(B) The employer should have known of the harassment. The division will find that the employer should have known of the harassment unless the employer can demonstrate:

(i) That the employer exercised reasonable care to prevent and promptly correct any harassing behavior; and

(ii) That the complaining individual unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to otherwise avoid harm.

(f) Harassment by Coworkers or Agents: An employer is liable for harassment by the employer's employees or agents who do not have immediate or successively higher authority over the complaining individual when the employer knew or should have known of the conduct, unless the employer took immediate and appropriate corrective action.

(g) Harassment by Non-Employees: An employer is liable for harassment by non-employees in the workplace when the employer or the employer's agents knew or should have known of the conduct unless the employer took immediate and appropriate corrective action. In reviewing such cases, the division will consider the extent of the employer's control and any legal responsibility the employer may have with respect to the conduct of such non-employees.

(h) Withdrawn Consent: An employer may be liable for harassment by the employer's supervisory or non-supervisory employees, agents or non-employees even if the acts complained of were of a kind previously consented to by the complaining individual, if the employer knew or should have known that the complaining individual had withdrawn consent to the offensive conduct.

(i) When employment opportunities or benefits are granted because of an individual's submission to an employer's harassment, the employer is liable for unlawful discrimination against other individuals who were qualified for but denied that opportunity or benefit.

(7) Harassment in Housing and Public Accommodations: Harassment on the basis of a protected class, including sexual harassment, is an unlawful practice in housing and in places of public accommodation when:

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(a) Substantial evidence of the elements of OAR 839-005-0010(1) is shown; and

(b) Such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment. The standard for determining whether harassment in housing and in places of public accommodation creates an intimidating, hostile or offensive environment is whether a reasonable person in the circumstances of the complaining individual would so perceive it.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A & 42 U.S.C. 3601 et seq.

Hist.: BL 9-1982, f. & ef. 6-11-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 6-1998, f. & cert. ef. 10-22-98; BLI 19-2000, f. & cert. ef. 9-15-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 3-2007, f. 1-29-07, cert. ef. 2-2-07; BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0016

Exceptions to Discrimination Based on Sexual Orientation

(1) The following actions are not unlawful practices under ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or federal housing law:

(a) Housing and the use of facilities. It is not an unlawful practice for a bona fide church or other religious institution to take any action with respect to housing or the use of facilities when:

(A) The action taken is based on a bona fide religious belief about sexual orientation; and

(B) The housing or the use of facilities involved is closely connected with or related to the primary purpose of the church or institution; and

(C) The housing or the use of facilities involved is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(b) Employment Preference. It is not an unlawful employment practice for a bona fide church or other religious institution, including but not limited to a school, hospital or church camp, to prefer an employee, or an applicant for employment, of one religious sect or persuasion over another if:

(A) The employee or applicant belongs to the same religious sect or persuasion as the church or institution; and

(B) In the opinion of the church or institution, the preference will best serve the purposes of the church or institution; and

(C) The employment involved is closely connected with or related to the primary purposes of the church or institution; and

(D) The employment involved is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(c) Employment Actions. It is not an unlawful employment practice for a bona fide church or other religious institution to take any employment action based on a bona fide religious belief about sexual orientation when:

(A) The employment position involved is directly related to the operation of the church or other place of worship, such as clergy, religious instructors and support staff;

(B) The employment position involved is in a nonprofit religious school, nonprofit religious camp, nonprofit religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, non profit religious radio station or nonprofit religious shelter; or

(C) The employment position involves religious activities, as long as the employment position:

(i) Is closely connected with or related to the primary purpose of the church or institution; and

(ii) Is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(d) Dress Code. An employer is not prohibited from enforcing an otherwise valid dress code or policy, as long as the employer provides, on a case-by-case basis, for reasonable accommodation of an individual based on the health and safety needs of the individual.

(2) The above exceptions do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A, OL 2007 Ch 100

Hist.: BLI 35-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0026

Protections and Rights Relating to Pregnancy

(1) Pregnant women are protected from sex discrimination in employment.

(2) In judging the physical ability of an individual to work, pregnant women must be treated the same as males, non-pregnant females and other

employees with off-the-job illnesses or injuries.

(3) The statutes prohibit discrimination regarding employee and dependent spouse or domestic partner benefits for pregnancy when employee and dependent spouse or domestic partner benefits exist for other medical conditions. Domestic Partnership for the purposes of chapter 659A means two individuals who have received a Certificate of Registered Domestic Partnership from the State of Oregon in compliance with Oregon Laws, 2007, Chapter 99 and rules adopted by the State Registrar of the Center for Health Statistics.

(4) Women needing to be absent from work because of pregnancy or childbirth may have rights under the Oregon Family Leave Act, as provided in ORS 659A.150 to 659A.186 and OAR 839-009-0200 to 839-009-0320.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.029, 659A.030, 659A.150- 659A.186, OL 2007 Ch 99

Hist.: BLI 19-2000, f. & cert. ef. 9-15-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 35-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0195

Purpose and Scope

(1) The public policy of the State of Oregon guarantees all persons the fullest possible participation in the social and economic life of the state, including the right to purchase, lease, rent or occupy property without discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes. The Bureau of Labor and Industries, through the Civil Rights Division, protects these rights by enforcement of ORS 659A.145, 659A.421 and the Fair Housing Act (42 U.S.C. 3601 et seq.) for which the U.S. Department of Housing and Urban Development has jurisdiction.

(2) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing Law may file a complaint with the Civil Rights Division as described in OAR 839-003-0200.

(a) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law includes a person who believes that the person has been injured by an unlawful practice or discriminatory housing practice or will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(3) These rules apply to all complaints and inquiries relating to these sections received on or after the effective date of these rules.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.103, 659A.142 & 659A.145, 659A.421 & 42 U.S.C. 3601 et seq.

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0200

Definitions

(1) "Disabled Person" means a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

(2) "Dwelling" means any building, structure, or portion of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location of any such building, structure, or portion of such a building or structure. "Family" includes a single individual.

(3)(a) "Familial status" means the relationship between one or more individuals who have not attained 18 years of age and who are domiciled with:

(A) A parent or another person having legal custody of the individual; or

(B) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

(b) "Familial status" includes any individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained 18 years of age.

(4) "Federal Housing Law" means The Fair Housing Act (42 U.S.C. 3601 et seq.) for which the U.S. Department of Housing And Urban Development has jurisdiction.

(5) "Major life activity" includes, but is not limited to, self-care, ambulation, communication, transportation, education, socialization, employment and ability to acquire, rent or maintain property.

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(a) Examples of specific major life activities include, but are not limited to, walking, sitting, standing, lifting, reaching, speaking, interacting with others, thinking, seeing, hearing, breathing, learning, reading, eating, sleeping, performing manual tasks, reproduction and working.

(b) To be substantially limited in the major life activity of working, a person must be significantly restricted in the ability to perform a class of jobs or a broad range of jobs in various classes as compared to the ability of an average person with comparable skill, experience, education or other job-related requirements needed to perform those same positions.

(6) "Misclassified," as used in ORS 659A.100(2)(b), means an erroneous or unsupported medical diagnosis, report, certificate or evaluation.

(7) "Person associated with a purchaser," as used in ORS 659A.145(1), includes one or more individuals, partnerships, associations, labor organizations, limited liability companies, joint stock companies, corporations, legal representatives, trustees, trustees in bankruptcy or receivers, fiduciaries, mutual companies, trusts and unincorporated organizations and public bodies as defined in ORS 30.260 that have the primary purpose of serving, representing or otherwise benefiting the protected class.

(8) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.

(9) "Property" and "real property" means property used or intended for commercial, business or residential purposes including, but not limited to a dwelling.

(10) "Purchaser" includes an occupant, prospective occupant, renter, prospective renter, lessee, prospective lessee, buyer or prospective buyer.

(11) "Receipt or alleged receipt of treatment for a mental disorder," as used in ORS 659A.142(5), means actual treatment of a person for a mental condition or an assertion that the person received such treatment.

(12) "Regarded as having an impairment," as used in ORS 659A.100(2)(c), means:

(a) A person having a physical or mental impairment that does not substantially limit a major life activity but who has been treated as having an impairment by a seller, lessor, advertiser, real estate broker or salesperson, or the agent of any seller, lessor, advertiser, real estate broker or salesperson;

(b) A person having a physical or mental impairment that substantially limits a major life activity only as a result of the attitude of others toward such impairment; or

(c) A person having no physical or mental impairment but who is treated as having an impairment by a seller, lessor, advertiser, real estate broker or salesperson, or the agent of any seller, lessor, advertiser, real estate broker or salesperson.

(13) "Residential real estate related transaction" means any of the following:

(a) The making or purchasing of loans or providing other financial assistance:

(A) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

(B) Secured by residential real estate; or

(b) The selling, brokering or appraising of residential real property.

(14) "Substantially limits" means:

(a) The impairment renders the person unable to perform a major life activity that the average person in the general population can perform; or

(b) The impairment significantly restricts the condition, manner or duration under which a person can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform the same major life activity.

(15) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(16) "Treatment" includes examination, evaluation, diagnosis and therapy by a health professional within the scope of the professional's applicable license.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.103, 659A.142 & 659A.145, 659A.421 & 42 U.S.C. 3601 et. seq., OL 2007 Ch. 100

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0205

Prohibited Discrimination

(1) A person may not, because of race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes of any person:

(a) Refuse to sell, lease or rent any real property to a purchaser;

(b) Expel a purchaser from any real property;

(c) Make any distinction, discrimination or restriction against a purchaser in price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection with real property;

(d) Attempt to discourage the sale, rental, lease or occupancy of any real property to a purchaser;

(e) Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, or sign of any kind whether oral, written or electronic, relating to the sale, rental or leasing of real property that indicates any preference, limitation, specification or unlawful discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes ;

(f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that violates ORS 659A.145, 659A.421, Federal Housing Law or these rules;

(g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by ORS 659A.145, 659A.421, federal housing law or these rules;

(h) Deny access to, or membership or participation in, any multiple listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of the access, membership or participation;

(i) Represent to a person that a dwelling is not available for inspection, sale, rental or lease when the dwelling in fact is available for inspection, sale, rental or lease;

(j) Otherwise make unavailable or deny a dwelling to a person.

(2) A person whose business includes engaging in residential real estate related transactions may not discriminate against any person in making a transaction available, or in the terms or conditions of the transaction, because of race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes.

(3) A real estate licensee may not accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof because of race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes.

(4) A person may not, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income and other classes protected under Oregon statutes.

(5) For purposes of OAR 839-005-0205 subsections (1) to (4), "source of income" does not include federal rent subsidy payments under 42 U.S.C. 1437f, income from specific occupations or income derived in an illegal manner.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.103, 659A.142 & 659A.145, 659A.421 & 42 U.S.C. 3601 et. seq.

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

839-005-0220

Disabled Persons

(1) Persons protected from discrimination on the basis of disability in real property transactions include any disabled person associated with a purchaser.

(2) In addition to the prohibitions in OAR 839-005-0205, discrimination in real property transactions based on a person's disability includes, but is not limited to:

(a) Refusing to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full

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enjoyment of the premises, except that, in the case of rental, the landlord may, where it is reasonable to do so, condition permission for modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(A) In the case of a rental, a disabled renter is only required to restore the interior premises to the condition that existed before the modification when the landlord required restoration as a condition to granting the disabled renter's reasonable modification request.

(b) Refusing to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling and;

(c) Failure to design and construct a covered multifamily dwelling as required by the Fair Housing Act (42 U.S.C. 3601 et seq.).

(3) Direct Threat. A lessor or agent may engage in conduct otherwise prohibited by ORS 659A.145 when:

(a) A disabled person's leasing or rental of the subject property would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others; and

(b) No reasonable accommodation is possible that would eliminate or acceptably minimize the risk to health and safety.

(4) A lessor or agent must allow alterations of existing premises if the premises are occupied by or to be occupied by a disabled person, and the disabled person pays for the alterations, as provided in OAR 839-005-0220(2).

(5) There is no just cause for discrimination on the basis of perceived disability.

(6) Receipt or alleged receipt of treatment for a mental disorder does not constitute evidence of an individual's inability to acquire, rent or maintain property.

(7) In the sale, lease or rental of real estate, a person may not disclose to any person that an occupant or owner of real property has or died from human immunodeficiency virus or acquired immune deficiency syndrome.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.103, 659A.142 & 659A.145, 659A.421 & 42 U.S.C. 3601 et seq.

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09

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Rule Caption: Amends prevailing rates of wage for the period beginning July 1, 2008.

Adm. Order No.: BLI 41-2008

Filed with Sec. of State: 11-12-2008

Certified to be Effective: 11-12-08

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2008.

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, 2008, 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, 2008, and the effective dates of the applicable special wage determination and rates amendments:

(a) Amendments/Corrections to July 1, 2008 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 June 6, 2008).

(b) Amendments/Corrections to July 1, 2008 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 June 13, 2008).

(c) Amendments/Corrections to July 1, 2008 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 June 20, 2008).

(d) Amendments/Corrections to July 1, 2008 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 July 4, 2008).

(e) Amendments/Corrections to July 1, 2008 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 July 25, 2008).

(f) Amendments/Corrections to July 1, 2008 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 August 29, 2008).

(g) Amendments/Corrections to July 1, 2008 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 September 19, 2008).

(h) Amendment to Oregon Determination 2008-02 (effective October 1, 2008).

(i) Amendments/Corrections to July 1, 2008 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, 2008).

(j) Amendments/Corrections to July 1, 2008 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 3, 2008).

(k) Amendments/Corrections to July 1, 2008 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 24, 2008).

(l) Amendments/Corrections to July 1, 2008 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 November 7, 2008).

(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, 2008, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, 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. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08;

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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

Columbia River Gorge Commission Chapter 350

Rule Caption: Repeal unused rules, enact conforming amendment and new section.

Adm. Order No.: CRGC 2-2008

Filed with Sec. of State: 11-4-2008

Certified to be Effective: 12-15-08

Notice Publication Date: 8-1-2008

Rules Adopted: 350-015-0100

Rules Amended: 350-081-0046

Rules Repealed: 350-015-0001, 350-015-0002, 350-015-0003, 350-015-0004, 350-015-0005, 350-015-0006, 350-015-0007, 350-015-0008, 350-015-0009, 350-015-0010, 350-015-0011, 350-015-0012, 350-015-0013, 350-015-0014, 350-015-0015, 350-015-0016, 350-015-0017, 350-015-0018, 350-015-0019, 350-015-0020, 350-015-0025, 350-015-0026, 350-015-0027, 350-015-0028, 350-020-0001, 350-020-0002, 350-020-0003, 350-020-0004, 350-020-0005, 350-020-0006, 350-020-0007, 350-020-0008, 350-020-0009, 350-020-0010, 350-020-0011, 350-020-0012, 350-020-0013, 350-020-0014, 350-020-0015, 350-020-0016, 350-020-0017, 350-020-0018, 350-020-0019, 350-020-0020, 350-020-0021, 350-080-0010, 350-080-0020, 350-080-0025, 350-080-0030, 350-080-0040, 350-080-0050, 350-080-0060, 350-080-0070, 350-080-0075, 350-080-0080, 350-080-0090, 350-080-0100, 350-080-0110, 350-080-0120, 350-080-0130, 350-080-0140, 350-080-0150, 350-080-0160, 350-080-0170, 350-080-0180, 350-080-0190, 350-080-0200, 350-080-0210, 350-080-0220, 350-080-0230, 350-080-0240, 350-080-0250, 350-080-0260, 350-080-0270, 350-080-0280, 350-080-0290, 350-080-0300, 350-080-0310, 350-080-0320, 350-080-0330, 350-080-0335, 350-080-0340, 350-080-0350, 350-080-0360, 350-080-0370, 350-080-0380, 350-080-0390, 350-080-0400, 350-080-0410, 350-080-0420, 350-080-0430, 350-080-0440, 350-080-0450, 350-080-0460, 350-080-0470, 350-080-0480, 350-080-0490, 350-080-0500, 350-080-0510, 350-080-0520, 350-080-0530, 350-080-0540, 350-080-0550, 350-080-0560, 350-080-0570, 350-080-0580, 350-080-0590, 350-080-0600, 350-080-0610, 350-080-0620

Subject: This rule repeals two prior chapters of the Commission's rules relating to land use permitting. The Commission no longer uses these rules to review development applications. The Commission amended one section to require that changes to existing land use decisions comply with the current land use ordinance, which is the only land use ordinance that remains after this rulemaking activity. Finally, the Commission repealed its existing public contracting provisions, which are out-of-date, and adopted a new public contracting provision that specifies the Commission use Washington's public contracting laws, which is the Commission's current practice. These repeals will save more than 300 pages of printing.

Rules Coordinator: Nancy A. Andring—(509) 493-3323, ext. 221

350-015-0100

Public Contracting

For reasons of efficiency, and to avoid a piecemeal approach to public contracting administration, the Commission shall conduct public contracting in accordance with the public contracting law of the State of Washington. The Commission deems the public contracting law of the State of Washington as a total package to be equivalent in its degree of restrictiveness to the public contracting law of the State of Oregon.

Stat. Auth.: ORS 196.150

Stats. Implemented: ORS 196.150, RCW 43.97.016 & 16 USC 544c(b)

Hist.: CRGC 2-2008, f. 11-4-08, cert. ef. 12-15-08

350-081-0046

Changes or Alterations to an Approved Action

Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusions, and condi-

tions of approval deemed to be consistent with the guidelines of Commission Rule 350-081 and the findings and conclusions for the original action. If the Executive Director approves a minor change, the Director shall notify all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.

Stat. Auth.: ORS 196.150, RCW 43.97.015 & 16 U.S.C. sec. 544c(b)

Stats. Implemented: ORS 196.150

Hist.: CRGC 1-2005, f. 5-17-05, cert. ef. 7-1-05; CRGC 2-2008, f. 11-4-08, cert. ef. 12-15-08

Department of Administrative Services Chapter 125

Rule Caption: Renumbering of Area Plans contained in Chapter 110 to Chapter 125.

Adm. Order No.: DAS 8-2008

Filed with Sec. of State: 11-4-2008

Certified to be Effective: 11-4-08

Notice Publication Date:

Rules Renumbered: 110-001-0000 to 125-125-0048, 110-001-0010 to 125-125-0049, 110-010-0030 to 125-125-0520, 110-010-0034 to 125-125-0522, 110-010-0039 to 125-125-0524, 110-020-0005 to 125-125-0525, 110-020-0010 to 125-125-0526, 110-020-0015 to 125-125-0527, 110-020-0020 to 125-125-0528, 110-030-0010 to 125-125-0530, 110-030-0015 to 125-125-0531, 110-030-0020 to 125-125-0532, 110-040-0012 to 125-125-0535, 110-040-0014 to 125-125-0540, 110-050-0010 to 125-125-0545, 110-050-0015 to 125-125-0546, 110-050-0020 to 125-125-0547, 110-060-0010 to 125-125-0550, 110-060-0015 to 125-125-0551, 110-060-0020 to 125-125-0552, 110-070-0010 to 125-125-0555, 110-080-0010 to 125-125-0560, 110-080-0015 to 125-125-0561, 110-080-0020 to 125-125-0562, 110-090-0010 to 125-125-0565, 110-090-0015 to 125-125-0566, 110-090-0020 to 125-125-0567

Subject: The Area Plans previously adopted by the Capitol Planning Commission was abolished in SB 90 (2005 Legislative Session) and the duties, functions and powers of the commission were transferred to the Oregon Department of Administrative Services.

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

125-125-0048

Notice of Proposed Rulemaking

Prior to adoption, amendment or repeal of any rule, the Commission shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days before the effective date of the intended action;

(2) By mailing a copy of the notice to persons on the Commission's mailing list established pursuant to ORS 183.335(7);

(3) By mailing or furnishing a copy of the notice to:

(a) United Press International;

(b) Associated Press;

(c) Statesman Journal Newspaper;

(d) Salem Neighborhoods, Inc.;

(e) Any Salem Neighborhood Association which has, in writing, requested notice;

(f) Any governing body and planning commission of any city or county that may be affected by a proposed rule.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1981(Temp), f. & ef. 10-14-81; CPC 5-1981, f. & ef. 12-1-81; Renumbered from 110-001-0000 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0049

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Capitol Planning Commission adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective November 17, 1981.

Stat. Auth.: ORS 183

Stats. Implemented:

Hist.: CPC 3-1981, f. & ef. 10-14-81; CPC 3-1982, f. & ef. 4-6-82; Renumbered from 110-001-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

ADMINISTRATIVE RULES

125-125-0520

Definitions for Development Standards Contained in Area Plans

As used in OAR Chapter 110, the following terms have the meanings indicated, unless the context requires otherwise:

- (1) "Agency" means any state officer, board, commission or department, or any division thereof, authorized by law to engage in capital construction or improvement projects in the areas described by ORS 276.028.
- (2) "Area Plan" means a plan setting policies and standards to guide development of a specific geographical area within the city of Salem.
- (3) "CPAB" means the Capital Projects Advisory Board.
- (4) "DAS Director" means the Director of the Department of Administrative Services or his/her designee.
- (5) "Department" means the Department of Administrative Services.
- (6) "Project" means expenditures for capital construction or for capital improvement and adoption or approval of area plans in the area described by ORS 276.028, and within the following limitations:
 - (a) Capital Construction includes expenditures related to construction or remodeling of physical facilities with a project cost of \$500,000 or more;
 - (b) Capital Improvement includes expenditures related to construction or remodeling of physical facilities with a project cost of more than \$5,000, but less than \$500,000;
 - (c) A project does not include:
 - (A) Interior remodeling that does not substantially change the existing use of space to another use (e.g., office space, or space used by the public);
 - (B) Repair or maintenance which does not substantially change the existing use of space, which does not add additional square footage to a building, and which does not change exterior building design;
 - (C) Individual plantings within an established landscape plan that do not alter the overall plan concept.
- (7) Notwithstanding the provisions of subsection (6)(c) of this rule, capital improvement or capital construction which includes interior remodeling or repair for the purpose of converting an existing use to a use relating to the housing of Correctional or Forensic Psychiatric Inmates shall be a "project" and shall require DAS Director review and approval.

Stat. Auth.: ORS 183, 197 & 276

Stats. Implemented:

Hist.: CPC 5-1981, f. & ef. 12-1-81; CPC 1-1983, f. & ef. 11-29-83; COC 2-1988, f. & cert. ef. 6-23-88; CPC 1-2008(Temp), f. & cert. ef. 4-15-08 thru 10-12-08; CPC 3-2008, f. & cert. ef. 6-17-08; Renumbered from 110-010-0030 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0522

Development Standards Contained in Area Plans

Development standards applicable to new projects specific to each area plan shall be included in the area plans, while development standards common to all properties subject to area plans shall be included within the Salem Area Coordination Plan. Development standards shall address, but not be limited to:

- (1) Setback requirements;
- (2) Height, bulk, and lot coverage limitations;
- (3) Landscaping requirements; and
- (4) Requirements for the protection of the surrounding community environment.

Stat. Auth.: ORS 276.098

Stats. Implemented:

Hist.: CPC 1-2008(Temp), f. & cert. ef. 4-15-08 thru 10-12-08; CPC 3-2008, f. & cert. ef. 6-17-08; Renumbered from 110-010-0034 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0524

Criteria and Authority to Permit Divergence

The CPAB may recommend and the DAS Director may permit a divergence from the provisions contained in the Design Standards contained in the adopted Area Plan if:

- (1) The property and proposed improvements are challenged by unusual topographic, environmental, functional, or aesthetic circumstances; or
- (2) The proposed alternative achieves the purposes of the Design Standards contained in the Area Plan as well or better than a compliant alternative.
- (3) Permitting a divergence will not, under the circumstances of the particular case, create material adverse aesthetic, function, or health and welfare effects on neighboring owners or others coming to or passing by the Property.
- (4) Each divergence request shall be considered solely on its own merits; permitting of a divergence in one situation shall not change the Design Standards contained in the Area Plan or compel the DAS Director to permit any further divergence.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-2008(Temp), f. & cert. ef. 4-15-08 thru 10-12-08; CPC 3-2008, f. & cert. ef. 6-17-08; Renumbered from 110-010-0039 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0525

Definitions for Master Plan for Development of the Capitol Mall Area

As used in OAR chapter 110, division 20, the following terms have the meanings indicated, unless the context requires otherwise:

- (1) "Building Envelope" means the building space created by the setback and height limitations imposed under OAR 110-020-0015.
- (2) "Capitol Mall" means the area consisting of the Formal Mall, the Central Mall, the North Mall, and shall include the area known as the General Services complex, east of 12th Street and the Employment Building Annex.
- (3) "Central Mall" means the area bounded by Union Street on the North, Center Street on the South, Winter Street on the West and Capitol Street on the East.
- (4) "Formal Mall" means the area bounded by Center Street on the North, Court Street on the South, Winter Street on the West, and Capitol Street on the East, together with the area bounded by Court Street on the North, State Street on the South, Church Street on the West and 12th Street on the East, together with the Commerce Building on the East side of 12th Street.
- (5) "North Mall" means the area bounded by D Street on the North, Union Street on the South, Winter Street on the West, and Capitol Street on the East.
- (6) "Subsurface Parking" means an enclosed vehicular parking facility located below ground level, provided that the facility may be located above ground level to the extent required by high water table or similar construction problems making a below ground level facility impractical.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 5-1981, f. & ef. 12-1-81; Renumbered from 110-020-0005 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0526

Master Plan for Development of the Capitol Mall Area

The Master Plan for Development of the Capitol Mall Area, 1976, as amended on the effective date of this rule, is hereby adopted by reference.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented: ORS 276.034

Hist.: CPC 5-1981, f. & ef. 12-1-81; CPC 1-1986, f. & ef. 1-29-86; CPC 1-1988, f. & cert. ef. 6-10-88; CPC 1-1993, f. & cert. ef. 1-27-93; CPC 1-1997, f. & cert. ef. 2-12-97; Renumbered from 110-020-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0527

Standards for Development of the Capitol Mall Area

The following standards for development shall apply to projects in the Capitol Mall area:

- (1) Setback requirements for buildings located in the Capitol Mall Area are as follows:
 - (a) From a Street — A minimum depth of 20 feet for the Central Mall area. For the Formal Mall and the North Mall areas, setback shall be 20 feet plus one additional for each one foot of height of the building in excess of 35 feet;
 - (b) From Other Buildings — As required by the **Oregon State Structural Specialty Code and Fire and Life Safety Code**;
 - (c) From the Mill Creek — The greater of a minimum of 50 feet, or not less than 1.4 times the height of the building measured south from the top of the creek bank to the exterior wall of the building, such that the building shall not cast its shadow on the creek bank at 35° (degree) of noon sun angle.

- (2) No building or other structure in the Capitol Mall area shall exceed 70 feet in height, except for the area of the North Mall north of Mill Creek, where no building or other structure shall exceed 35 feet in height. Mechanical penthouses shall not be included in calculating building or structure height if the height (h) of the penthouse, measured from the top of the parapet of the exterior wall of the building or structure to the top of the penthouse, is less than the distance (d) from the parapet to the exterior wall of the penthouse, so that (h) < (d), and if the building or structure height, including penthouse, meets the applicable height requirements under the Salem GI Capitol District Zoning Ordinance or a variance from those height requirements has been granted by the city.

- (3) The maximum lot coverages for buildings in the Capitol Mall Area are as follows:

- (a) For the Formal Mall, 33 percent of the lot;
- (b) For the Central Mall, 50 percent of the lot;

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(c) For the North Mall, 45 percent of the lot. Minimum lot size shall be as required by the Salem City Zoning Ordinance for GI Capitol District.

(4) Maximum building envelope utilization for the Capitol Mall area is as follows:

- (a) For the Formal Mall, 100 percent;
- (b) For the Central Mall, 100 percent;
- (c) For the North Mall, 70 percent.

(5) Subsurface parking is required for all new buildings constructed in the Capitol Mall area. Supplemental surface parking may be approved by the Commission for use between phases of construction on a building site. Approval of such supplemental parking shall not be considered approval of permanent surface parking for a site.

(6) Development within the Capitol Mall area shall comply with the following landscaping requirements:

(a) Area to be landscaped shall include all of the designated site not occupied by the building or structure, by surface parking, if approved, and by pedestrian walkways, driveways, service areas and plazas;

(b) A landscaped area shall consist of lawn, trees, and shrubs. Ornamental flower beds may also be provided. All lawn and planting areas shall be provided with automatic lawn irrigation systems.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 5-1981, f. & ef. 12-1-81; Renumbered from 110-020-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0528

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-020-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-020-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0530

Airport Road Area Plan

The Airport Road Area Plan, 1985 is hereby adopted by reference.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 3-1985, f. & ef. 10-22-85; Renumbered from 110-030-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0531

Standards for Development in the Airport Road Area

The following standards for development shall apply to projects in the Airport Road Area:

(1) Setback requirements for buildings located in the Airport Road area are as follows:

- (a) From arterial streets — A minimum of 50 feet;
- (b) From on-site access streets — A minimum of 25 feet;
- (c) From side and rear property lines abutting adjacent properties — A minimum of 20 feet;
- (d) From front, side or rear property line abutting open space or parkways — A minimum of 25 feet;
- (e) From other buildings — As required by the **Oregon State Structural Specialty Code and Fire and Life Safety Code**.

(2) No building or other structure in the Airport Road Area shall exceed 50 feet in height.

(3) The maximum building coverage in Airport Road Area is 40 percent of the land area not including paved areas for storage or parking of vehicles, equipment and materials.

(4) Development within the Airport Road Area shall be landscaped in a manner protective of the surrounding community environment.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 3-1985, f. & ef. 10-22-85; Renumbered from 110-030-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0532

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-030-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-030-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0535

Southeast Salem Area Plan

The Southeast Salem Area Plan, 2008 is hereby adopted by reference.

This Area Plan replaces the Oregon State Corrections Area Plan, 1985.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 2-1985, f. & ef. 5-13-85; CPC 2-2008(Temp), f. & cert. ef. 4-15-08 thru 10-12-08; CPC 4-2008, f. & cert. ef. 6-17-08; Renumbered from 110-040-0012 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0540

Fairview/Hillcrest Area Plan

The Fairview/Hillcrest Area Plan, 1985, is hereby adopted by reference.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 2-1985, f. & ef. 5-13-85; CPC 2-2008(Temp), f. & cert. ef. 4-15-08 thru 10-12-08; CPC 4-2008, f. & cert. ef. 6-17-08; Renumbered from 110-040-0014 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0545

MacLaren School Area Plan

The MacLaren School Area Plan, 1984 is hereby adopted by reference.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 2-1984, f. & ef. 4-2-84; Renumbered from 110-050-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0546

Standards for Development in the MacLaren School Area

The following standards for development shall apply to projects in the MacLaren School Area:

(1) Set back requirements for buildings located in MacLaren School Area are as follows:

- (a) From a street — A minimum of 20 feet;
- (b) From other buildings — As required by the **Oregon State Structural Specialty Code and Fire and Life Safety Code**.

(2) No building or other structure in the MacLaren School Area shall exceed 35 feet in height.

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(3) The maximum building coverage in the MacLaren School Area is 50 percent of the land area.

(4) Development within the MacLaren School Area shall be landscaped in a manner protective of the surrounding community environment.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 4-1982, f. & ef. 4-6-82; Renumbered from 110-050-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0547

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-050-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-050-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0550

Oregon State Fair and Exposition Center Master Plan

The *Oregon State Fair and Exposition Center Area Plan, 2003*, is hereby adopted by reference.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183.341 & 276.028 - 276.043
Stats. Implemented: ORS 276.034(1)
Hist.: CPC 1-1982(Temp), f. & ef. 1-5-82; CPC 4-1982, f. & ef. 4-6-82; CPC 1-2003(Temp), f. & cert. ef. 3-19-03 thru 9-14-03; CPC 2-2003, f. & cert. ef. 5-22-03; Renumbered from 110-060-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0551

Standards for Development in the Oregon State Fair and Exposition Center Area

The following standards for development shall apply to projects in the Oregon State Fair and Exposition Center Area:

(1) Set back requirements for buildings located in the Oregon State Fair and Exposition Center Area are as follows:

(a) From a street — A minimum depth of 20 feet;
(b) From other buildings — As required by the Oregon Structural Specialty Code and Fire and Life Safety Code.

(2) No building or other structure in the Oregon State Fair and Exposition Center Area shall exceed 70 feet in height.

(3) The maximum building coverage in the Oregon State Fair and Exposition Center area is 50 percent of the land area.

(4) Development within the Oregon State Fair and Exposition Center Area shall be landscaped in a manner protective of the surrounding community environment.

(5) Consistency with the *Oregon State Fair and Exposition Center Area Plan 2003*.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183.341 & 276.028 - 276.043
Stats. Implemented: ORS 276.034(1)
Hist.: CPC 1-1982(Temp), f. & ef. 1-5-82; CPC 4-1982, f. & ef. 4-6-82; CPC 1-2003(Temp), f. & cert. ef. 3-19-03 thru 9-14-03; CPC 2-2003, f. & cert. ef. 5-22-03; Renumbered from 110-060-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0552

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-060-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-060-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0555

Oregon State Hospital and Penitentiary Properties Area Plan

The *Oregon State Hospital and Penitentiary Properties Area Plan, June 2008* is hereby adopted by reference. This Area Plan replaces the Oregon State Hospital and Penitentiary Properties Land Use Plan, 1976, as amended 1983.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 1-1983, f. & ef. 11-29-83; CPC 1-1986, f. & ef. 1-29-86; CPC 5-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08; CPC 6-2008, f. 10-9-08, cert. ef. 10-11-08; Renumbered from 110-070-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0560

Oregon State School for the Blind Area Plan

The *Oregon State School for the Blind Area Plan, 1984*, is hereby adopted by reference.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 3-1984, f. & ef. 10-3-84; Renumbered from 110-080-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0561

Standards for Development in the Oregon State School for the Blind Area

The following standards for development shall apply to projects in the Oregon State School for the Blind Area:

(1) Set back requirements for buildings located in the Oregon State School for the Blind Area are as follows:

(a) From a street — A minimum of 20 feet, plus one additional foot for each one foot of height of building in excess of 35 feet;
(b) From other buildings — As required by the **Oregon State Structural Specialty Code and Fire and Life Safety Code**.

(2) No building or other structure in the Oregon State School for the Blind Area shall exceed 70 feet in height;

(3) The maximum building coverage in the Oregon State School for the Blind Area is 50 percent of the land area. (Review for compliance with the City of Salem Ordinances.);

(4) Development within the Oregon State School for the Blind Area shall be landscaped in a manner protective of the surrounding community environment.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 183 & 276
Stats. Implemented:
Hist.: CPC 4-1982, f. & ef. 4-6-82; Renumbered from 110-080-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0562

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-080-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute

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such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-080-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0565

Oregon State School for the Deaf Area Plan

The **Oregon State School for the Deaf Area Plan, 1984** is hereby adopted by reference.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; CPC 1-1984, f. & ef. 4-2-84; Renumbered from 110-090-0010 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0566

Standards for Development in the Oregon State School for the Deaf Area

The following standards for development shall apply to projects in the Oregon State School for the Deaf Area:

(1) Set back requirements for buildings located in the Oregon State School for the Deaf Area are as follows:

(a) From a street — A minimum depth of 20 feet, plus one additional foot for each one foot of height of the building in excess of 35 feet;

(b) From other buildings — As required by the **Oregon State Structural Specialty Code** and **Fire and Life Safety Code**.

(2) No building or other structure in the Oregon State School for the Deaf Area shall exceed 70 feet in height.

(3) The maximum building coverage in the Oregon State School for the Deaf Area is 50 percent of the land area. (Review for compliance with the City of Salem Ordinances.)

(4) Development within the Oregon State School for the Deaf Area shall be landscaped in a manner protective of the surrounding community environment.

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

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 4-1982, f. & ef. 4-6-82; Renumbered from 110-090-0015 by DAS 8-2008, f. & cert. ef. 11-4-08

125-125-0567

Criteria and Authority to Grant Variance

The Commission may grant the degree of variance from the provisions contained in OAR 110-090-0015 imposed on a particular subject property under this rule which is reasonably necessary to permit development of an otherwise lawful use upon the finding that each of the following criteria is met:

(1) There are special conditions applying to the land, buildings, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same area, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. The purely economic interests of the agency shall not in itself constitute such special conditions. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this section.

(2) Granting a variance will not be unreasonably detrimental to the public welfare or to the property or improvements in the neighborhood of the subject property.

(3) Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working, residing or visiting in the neighborhood of the subject property.

(4) Granting a variance will be consistent with the Area Plan.

Stat. Auth.: ORS 183 & 276

Stats. Implemented:

Hist.: CPC 1-1985, f. & ef. 1-30-85; Renumbered from 110-090-0020 by DAS 8-2008, f. & cert. ef. 11-4-08

Department of Administrative Services, Human Resource Services Division Chapter 105

Rule Caption: Amending rule to provide 365 days to file a complaint, updating and correcting language.

Adm. Order No.: HRSD 2-2008

Filed with Sec. of State: 11-4-2008

Certified to be Effective: 11-4-08

Notice Publication Date: 10-1-2008

Rules Amended: 105-040-0001

Subject: 105-040-0001(1)(a)(B) Affirmative Action Plan was changed to Affirmative Action Guidelines. This section was revised with a minor grammatical change.

105-040-0001(1)(a)(B)(i) The word “goal” was substituted for “objectives” as the latter term is more consistent with ORS 659A.012. “Persons with disabilities” was deleted to avoid targeting a single group. Disability is one of the eight statutorily recognized population groups.

105-040-0001(1)(a)(B)(ii) The section about assessing the diversity of the applicant pool was deleted as it is not feasible in every circumstance.

105-040-0001(1)(b)(A) The word “goal” was substituted for “objectives”. “Persons with disabilities” was deleted to avoid targeting a single group.

105-040-0001(1)(b)(B) The word “goals” was substituted for “objectives.”

105-040-0001(c) “Designated office” was substituted for “affirmative action representative” to give more clarification to employees. Thirty days was changed to 365 days to allow agencies additional time to address a concern from an individual prior to a complaint being brought to an enforcement agency.

105-040-0001(3) The last section is deleted to broaden the types of outreach strategies.

105-040-00001(4) The section was deleted because it was repetitive.

105-040-0001(5) Language was changed to make the section read smoother.

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

105-040-0001

Equal Employment Opportunity and Affirmative Action

(1) The State of Oregon is committed to achieving a workforce that represents the diversity of the Oregon community and being a leader in providing its citizens with fair and equal employment opportunities. Accordingly:

(a) State agency heads shall insure:

(A) Equal employment opportunities are afforded to all applicants and employees by making employment related decisions that are non-discriminatory;

(B) Employment practices are consistent with the state’s Affirmative Action Guidelines under ORS 659A.012–659A.015 and federal laws to:

(i) Promote good faith efforts to achieve established affirmative action objectives; and

(ii) Take proactive steps to develop diverse applicant pools for position vacancies.

(b) The Department of Administrative Services shall:

(A) Maintain an automated affirmative action tracking system which uses a uniform methodology for communicating affirmative action objectives for each state agency.

(B) Produce periodic reports showing hiring opportunities and each agency’s progress toward achieving established affirmative action objectives as identified in the state wide automated system.

(c) Persons, who believe they have been subjected to discrimination by an agency in violation of this rule, may file a complaint with the agency’s affirmative action representative within 365 calendar days of the alleged act or upon knowledge of the occurrence.

(2) Employment related decisions include, but are not limited to: hiring, promotion, demotion, transfer, termination, layoff, training, compensation, benefits, and performance evaluations;

(3) Diverse applicant pools are developed by using proactive outreach strategies.

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(4) This rule does not preclude any person from filing a formal complaint in accordance with a collective bargaining agreement, or with appropriate state or federal agency under the applicable law.

Stat. Auth.: ORS 184.340, 240.145 & 240.250
Stats. Implemented: ORS 240.306, 243.305 & 559A.012 - 559A.015
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; HRSD 11-2003, f. 7-15-03, cert. ef. 7-21-03; HRSD 2-2008, f. & cert. ef. 11-4-08

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**Department of Administrative Services,
Oregon Educators Benefit Board
Chapter 111**

Rule Caption: Establishes Oregon Educators Benefit Board's policies for continuation of coverage for active employees.

Adm. Order No.: OEBB 16-2008(Temp)

Filed with Sec. of State: 10-16-2008

Certified to be Effective: 10-16-08 thru 4-13-09

Notice Publication Date:

Rules Adopted: 111-050-0060, 111-050-0065, 111-050-0070, 111-050-0075, 111-050-0080

Subject: Establishes Oregon Educators Benefit Board's policies for continuation of coverage for active employees.

Rules Coordinator: Rose Mann—(503) 378-4606

111-050-0060

Continuation of Coverage for Active Eligible Employees Covered under the Federal Family Medical Leave Act

OEBB will allow participating districts to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted leave under the Federal Family Medical Leave Act (FMLA) as required under related federal rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(a)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

111-050-0065

Continuation of Coverage for Employees Covered under the Oregon Family Leave Act

OEBB will allow participating districts to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted leave under the Oregon Family Leave Act (OFLA) as required under related state rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(a)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

111-050-0070

Continuation of Coverage for Eligible Employees during an Approved Leave of Absence.

OEBB will allow participating districts to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted a leave of absence based on collective bargaining agreements and/or documented district policies in effect on or before October 1, 2008.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(a)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

111-050-0075

Continuation of coverage for Eligible Employees on Active Military Service

OEBB will allow participating districts to continue medical, dental, and vision coverage for Active Eligible Employees and covered dependents as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and related federal rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(a)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

111-050-0080

Portability of Coverage

OEBB medical carriers will make portability plans available to members in accordance with related state and federal laws, rules and regulations. Eligibility criteria for this coverage can be found in carrier member handbooks.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(a)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

Rule Caption: Establishes Oregon Educators Benefit Board's policies for complaints and appeals for members.

Adm. Order No.: OEBB 17-2008(Temp)

Filed with Sec. of State: 10-16-2008

Certified to be Effective: 10-16-08 thru 4-13-09

Notice Publication Date:

Rules Adopted: 111-080-0030

Subject: Establishes Oregon Educators Benefit Board's policies for complaints and appeals for members.

Rules Coordinator: Rose Mann—(503) 378-4606

111-080-0030

Complaints and Appeals

(1) Benefit or Claims Appeals. The following process will be used when a member requests an appeal regarding an adverse decision on a benefit or claim filed with the insurance carrier:

(a) The Insurance Carrier. Each carrier has their own three level appeal process. All three levels must be exhausted with the carrier prior to filing an appeal with OEBB.

(b) The OEBB Board Appointed Appeal Subcommittee. The OEBB Board will establish an Appeal Subcommittee who will be given delegated authority to evaluate and determine the appropriate course of action of an appeal within the specified scope of benefit or claims appeals. After all levels of appeals have been exhausted with the carrier, a member may request a review by the OEBB Board Appointed Appeal Subcommittee. The request must be made within 30 days from the date the carrier appeal process is completed. Appeals to the Appeal Subcommittee will be limited to a determination of whether or not a service or benefit was intended by the Board to be covered under the current contract. The Appeal Subcommittee will respond with a written decision, including the basis for the decision, within 10 working days from the date the Appeal Subcommittee completed its review no later than 45 days from the date the appeal was received.

(2) Eligibility or Enrollment Complaints and Appeals. The following process will be used when a member disagrees with an eligibility determination or enrollment rights:

(a) Complaint: A complaint may be submitted in writing or taken over the phone by OEBB staff. A complaint is informal and may be rectified over the phone. If additional information is needed, a request will be made within 5 working days from the date the complaint was received. When the requested information is received, it will be reviewed and a decision will be made. Written notification will be sent to the member within 10 working days from the date OEBB received the complaint or additionally requested information. The notification will include the outcome and reason for the determination. If the requested information is not received within 30 days, the complaint will be closed and notification will be sent to the member.

(b) Request for Reconsideration: If the complaint was not settled to the member's satisfaction, they may request reconsideration of the initial decision. The member will have 30 days from the date of the written notification of the complaint outcome to file a Request for Reconsideration. The Request for Reconsideration will be reviewed by OEBB management. If additional information is needed, a request for information will be made within 5 working days of the date the Request for Reconsideration was received. When the requested information is received, it will be reviewed and a decision will be made. Written notification will be sent to the member within 10 working days from the date OEBB received the complaint or additional requested information. The notification will include the outcome and reason for the determination. If the requested information is not received within 30 days, the Request for Reconsideration will be closed and notification will be sent to the member.

(c) Appeal: If the Request for Reconsideration is not settled to the member's satisfaction, the member may request an appeal. The OEBB Board will establish an Appeal Subcommittee who will be given delegated authority to evaluate and determine the appropriate course of action on an appeal. The member will have 30 days from the date of the Request for Reconsideration Notification to file an appeal. If the Appeal Subcommittee determines additional information is needed, a request will be made within 5 working days of the Subcommittee's preliminary review. Once the needed information is received, the Subcommittee will review and make a determination within 20 working days. Written notification will be sent to the member within 5 working days of the Subcommittee's determination. The notification will include the outcome and reason for the determination. If the requested information is not received within 30 days, the appeal will be closed and notification will be sent to the member.

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(3) Closed complaints and appeals due to requested information not being received. The member has 30 days to send the requested information from the date the complaint or appeal was closed and the notice was sent.

Stat. Auth.: ORS 243.860 to 243.886

Stats. Implemented: ORS 243.864(a)

Hist.: OEBB 17-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09

Department of Agriculture Chapter 603

Rule Caption: Creates a control area regulating importation of hazelnut plants into Oregon.

Adm. Order No.: DOA 22-2008

Filed with Sec. of State: 10-16-2008

Certified to be Effective: 10-16-08

Notice Publication Date: 8-1-2008

Rules Adopted: 603-052-0825

Subject: The proposed rule would help protect Oregon's hazelnut industry from a new strain of Eastern filbert blight by restricting imports of hazelnut plants to those meeting one of the following criteria: (1) originating in a pest free area; (2) imported into post entry quarantine; or (3) produced by micro propagation. The Oregon Department of Agriculture must be notified of shipments of imported hazelnut plants and the plants may be required to be inspected and held for up to two years.

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

603-052-0825

Hazelnut Nursery Stock Control Area

(1) A control area is established as authorized under ORS 561.510 and 570.405 to protect Oregon's hazelnut industry from the introduction of Eastern filbert blight, caused by the fungus *Anisogramma anomala*. Eastern filbert blight causes stem cankers in ornamental and commercial hazelnuts leading to a decline in productivity and eventual death of the plant. Eastern filbert blight does occur in the Pacific Northwest but new commercial varieties of hazelnut are resistant to the local strain. However, a more virulent strain of Eastern filbert blight occurs in other areas that would have a severe impact on Oregon's ornamental and commercial hazelnut industries if it were introduced into Oregon. The strains of Eastern filbert blight cannot be readily distinguished by standard laboratory testing methods.

(2) This control area includes the entire state of Oregon.

(3) The following definitions apply to ORS 603-052-0825:

(a) "Hazelnut plants" means plants and plant parts of *Corylus* species.

(b) "Pest Free Area" means an area where Eastern filbert blight does not occur as demonstrated by scientific evidence and, where appropriate, this condition is being officially maintained.

(c) "Director" means the director of the Oregon Department of Agriculture or the director's authorized representative.

(d) "Micropropagate" means plant propagation using aseptic laboratory techniques and an artificial culture medium.

(4) To prevent the introduction of Eastern filbert blight, hazelnut plants shown to be a host of Eastern filbert blight that are imported into the control area must meet at least one of the following conditions. A phytosanitary certificate with an additional declaration corresponding to one of the options below is required.

(a) The hazelnut plants must originate from a pest free area.

(b) The importer of the hazelnut plants agrees to the following conditions:

(A) A maximum of 25 plants of each cultivar will be imported.

(B) The plants will be segregated in a greenhouse or similar secure location for a post-entry quarantine period of two (2) years.

(C) An official inspector will inspect the plants twice per year during the post-entry quarantine period. At least one inspection will take place during the dormant season. Plants that pass all inspections will be released from post-entry quarantine with no further restrictions. Plants on which Eastern filbert blight is detected must be destroyed immediately at the importer's expense.

(c) The importer of the hazelnut plants will import a maximum of 25 plants of each cultivar for the specific purpose of micropropagation. The micropropagated plants may be released from post-entry quarantine provided an official inspection reveals no evidence of disease while the plants are growing in the artificial culture medium. Parent plants must be maintained as described in (4)(b) or destroyed.

(d) The hazelnut plants are micropropagated and are shipped in an artificial culture medium in sealed containers.

(e) Hazelnut nuts must be free of green twigs and other green plant debris before being imported into the control area. Notification and phytosanitary certificates are not required for shipments of hazelnut nuts.

(5) Notification of regulated commodity shipment is required. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate of compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results, contact numbers to: Nursery Program Supervisor, Plant Division, Oregon Department of Agriculture, 635 Capitol Street NE, Salem, Oregon 97301; FAX 503-986-4786; e-mail: quarantine@oda.state.or.us. The department may require that shipments be held until inspected and released. In addition, field grown plants may be required to be held for up to two years so they can be inspected for the disease as necessary before final release. ODA will contact importers within one business day of the receipt of notification, if the hazelnut plants must be held for inspection.

(6) Violation of the control area may result in a fine, if convicted, of not less than \$500 nor more than \$5,000 as provided by ORS 561.990. Violators may also be subject to civil penalties of up to \$10,000 as provided by 570.410, 570.990, and 570.995; nursery license suspension or nursery license revocation. Commodities shipped in violation may be treated, destroyed or returned to their point of origin at the importer's expense.

(7) The need for this control area and its effectiveness will be reviewed by the department and other interested parties biennially.

Stat. Auth.: ORS 570.405□

Stats. Implemented: ORS 561.510

Hist.: DOA 22-2008, f. & cert. ef. 10-16-08

Rule Caption: Tree seedling nurseries maintained noxious weed-free.

Adm. Order No.: DOA 23-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 9-1-2008

Rules Adopted: 603-052-1205

Subject: The proposed rule would establish a requirement that nurseries growing tree seedlings for commercial forest plantings be free of noxious weeds. Noxious weeds found in forest tree seedling nurseries include yellow nutsedge, thistles, St. Johnswort, creeping yellow cress and quackgrass. Fumigation with methyl bromide is currently recognized as the most effective control method, though research is underway to find an alternative because methyl bromide is being phased out due to environmental impacts.

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

603-052-1205

Weed-Free Tree Seedling Nurseries

(1) Nursery-grown tree seedlings for commercial forest production can spread noxious weeds if they become contaminated with weed seeds. In order to prevent the spread of noxious weeds, it is necessary to keep them out of the seedling production fields at nurseries that grow conifer and hardwood seedlings for commercial forest plantings. Noxious weeds found in seedling nurseries include, but are not limited to, yellow nutsedge, thistles, St. Johnswort, creeping yellow cress, and quackgrass. OAR 603-052-1200 has a complete list of noxious weeds quarantined in Oregon.

(2) To prevent the establishment and spread of noxious weeds via tree seedlings used for commercial forest plantings, seedling production fields must be kept noxious weed-free.

(3) Currently the preferred method of treatment of seedling production fields, though not the only acceptable treatment, is fumigation with methyl bromide prior to seeding or transplanting of seedlings. This rule is intended as a bridge to ensure effective noxious weed control until technically viable and economically feasible alternative controls and methods can be developed and tested. Active testing of alternatives is underway but has not yet proven operationally successful. This section (3) of this rule may be repealed on December 31, 2013 unless a thorough review as to its importance results in a finding that it is still necessary.

Stat. Auth.: ORS 570.505 & 571.200

Stats. Implemented: ORS 570.505 & 571.200

Hist.: DOA 23-2008, f. & cert. ef. 10-31-08

ADMINISTRATIVE RULES

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

Rule Caption: Adopts minimum safety standards for recreational vehicles and recreational park trailers.

Adm. Order No.: BCD 25-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 11-1-08

Notice Publication Date: 10-1-2008

Rules Adopted: 918-525-0042

Rules Amended: 918-525-0000, 918-525-0005, 918-525-0015, 918-525-0020, 918-525-0035, 918-525-0040, 918-525-0045, 918-525-0055, 918-525-0060, 918-525-0065, 918-525-0070, 918-525-0080, 918-525-0090, 918-525-0100, 918-525-0120, 918-525-0130, 918-525-0140, 918-525-0150, 918-525-0160, 918-525-0170, 918-525-0210, 918-525-0220, 918-525-0240, 918-525-0250, 918-525-0260, 918-525-0270, 918-525-0310, 918-525-0320, 918-525-0325, 918-525-0330, 918-525-0350, 918-525-0360, 918-525-0370, 918-525-0410, 918-525-0420, 918-525-0430, 918-525-0440, 918-525-0450, 918-525-0460, 918-525-0510, 918-525-0520, 918-530-0005, 918-530-0010, 918-530-0020, 918-530-0040, 918-530-0050, 918-530-0060, 918-530-0070, 918-530-0080, 918-530-0090, 918-530-0100, 918-530-0110, 918-530-0120, 918-530-0310, 918-530-0320, 918-530-0340

Rules Repealed: 918-525-0110, 918-530-0330

Subject: These rules adopt the most current editions of nationally recognized standards for the construction, conversion, alteration and repair of recreational vehicles and recreational park trailers with Oregon amendments. The rules also contain minor housekeeping changes to provide clarity and modernize the rules in order to keep them in line with current practices.

Rules Coordinator: Shauna Parker—(503) 373-7438

918-525-0000

Reasonable Notice to Interested Parties

Before the adoption, amendment, or repeal of any rule relating to the construction or inspection of recreation vehicles adopted under ORS 446.003 to 446.280 and 446.990, 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 183.335 at least 21 days before the effective date; and

(2) By mailing a copy of the notice to persons on the interested parties mailing list established under ORS 183.335(7).

Stat. Auth.: ORS 446

Stats. Implemented: ORS 183.335

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0005

Definitions

The following definitions shall apply to OAR chapter 918, divisions 520, 525, and 530 and are in addition to those included in ORS 446.003 and 455.010:

(1) "Accessible" means having access thereto, but which may require removal of an access panel or opening a door.

(2) "Accessory Building" means an accessory building which specifically includes, but is not limited to, cabanas, ramadas, storage sheds, and garages.

(3) "Accessory Structure" means an accessory structure which specifically includes, but is not limited to, awnings, carports, decks, steps, and ramps.

(4) "Additional Living Space," as used in these rules has two meanings:

(a) As it relates to a cabana, means a freestanding, self-supporting accessory building installed adjacent to a recreational vehicle and subject to OAR 918-530-0320; or

(b) As it relates to additions to a recreational vehicle, means any attached structure that is dependent upon the recreational vehicle for support or systems. These attached structures shall be within the 400 square foot maximum allowable gross floor area of a non-motorized recreational vehicle, as identified in OAR 918-525-0035(1), (2) and (4) and are subject

to OAR 918-525-0040 standards for recreational vehicles or recreational park trailers as appropriate.

(5) "Adjustment of Equipment" means the adjustment of the rate, flow, speed, temperature, etc. as necessary for the continued operation of the equipment but does not include the repair, replacement, conversion, alteration, or addition to any equipment.

(6) "Anchoring System" means any equipment or device designed to secure a recreational vehicle for the purpose of resisting uplift, sliding, and overturning.

(7) "Controlled Fill" means fill intended to bear a structural load in which the fill material is placed in layers of soil, crushed stone or masonry waste material, compacted and tested to ensure it meets specified compaction standards determined by laboratory tests of soil samples from the fill material.

(8) "Design Option" means an option to a model or model group submitted with the original model or with a model supplement.

(9) "Earthquake-resistant Bracing System" means a certified anchoring system, bracing system, or other devices designed and constructed to protect the health and safety of the occupants of, and reducing damage to, a recreational park trailer in the event of an earthquake.

(10) "Field Technical Service" means the clarification of technical data, including but not limited to division interpretations, investigations, or training relating to the application of laws, rules, standards, and regulations administered and enforced by the Building Codes Division.

(11) "Full Foundation System" means a certified, engineered system of prefabricated foundation supports installed to the pier manufacturer's installation instructions.

(12) "Labeled" means equipment or materials, used in the manufacture or installation of a recreational vehicle, to which has been attached a label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization, which evaluates products to nationally recognized standards and periodically inspects production of equipment and materials to show compliance with those standards for usage in a specified manner.

(13) "Listing Agency" means an agency that:

(a) Is regularly engaged in conducting its own tests, or listing, labeling, or contracting its testing procedures to a nationally recognized testing agency;

(b) Maintains a periodic inspection program on production of currently listed products; and

(c) Publishes, at a minimum, an annual report which is used to determine whether products have been tested to such national standards and found safe for use in a specified manner.

(14) "Load Bearing Device" means any equipment or device used in the support of a recreational vehicle including, but not limited to, footings, piers, caps, and shims.

(15) "Main Frame" means the part of the structural system of a recreational vehicle normally used to transfer design load to the support system.

(16) "Minor Repair" means a simple repair such as replacing broken glass, fittings, devices, or fixtures, using approved component parts, but does not include the repair or replacement of major portions of the structural, plumbing, electrical, or mechanical systems or conversions, alterations, or additions.

(17) "Model" means an individual recreational vehicle designated by the manufacturer to be manufactured to a specific floor plan, which includes specific structural components, plumbing, electrical, and mechanical equipment, and installed and located in accordance with the plans submitted to the division.

(18) "Model Group" means two or more models with identical floor plans and plumbing, electrical and mechanical systems but identified by different names, numbers, or letters.

(19) "Noncompliance" means a failure of a recreational vehicle, equipment, or installation to comply with these rules or the codes and standards described in OAR 918-525-0040.

(20) "Notice of Violation" means written notification by the division stating the recreational vehicle or equipment may not be used, rented, leased, or sold or offered for sale, rent, or lease due to violations of ORS chapter 446 or these rules.

(21) "Option Ready" means a provision made during the manufacture of a recreational vehicle to facilitate the future installation of an appliance or other equipment (e.g., air conditioner, generator, dishwasher).

(22) "Park Trailer" or "Recreational Park Trailer" means a recreational vehicle built on a single chassis, mounted on wheels, which may be connected to utilities necessary for operation of installed fixtures and appliances, and with a gross trailer area not exceeding 400 square feet when in

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the set-up mode. Such a vehicle shall be referred to and identified by the manufacturer or converter as a recreational vehicle.

(23) "Pier" means that portion of the support system between the footing and the recreational vehicle.

(24) "Plan Supplement" means the revision, modification, or updating of an existing division-approved plan.

(25) "Prefabricated Pier" means a listed or approved pier which is manufactured at an off-site location but does not include concrete blocks.

(26) "Ramada" means a stationary structure having a roof extending over a recreational vehicle, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from snow, ice, sun, or rain.

(27) "Readily Accessible" means having direct access without the necessity of removing a panel, door, or similar obstruction.

(28) "Recreational Vehicle" means a vehicle as defined in ORS 446.003 and specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

- (a) Holding tank(s);
- (b) Liquid petroleum gas; or
- (c) A 110 to 240 volt electrical systems.

(29) "Recreational Vehicle Site" means a designated parcel of land designed to accommodate a recreational vehicle, its accessory structures or buildings and accessory equipment for the exclusive use of the occupant's recreational vehicle.

(30) "Registered Design Professional" as defined in the Oregon Residential Specialty Code is an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

(31) "Regulated Repair" means an alteration, repair, or conversion regulated by the codes and standards described in OAR 918-525-0040 but excludes those unregulated repairs described in ORS 446.003(2)(b) and OAR 918-525-0350(2).

(32) "Repair" means the reconstruction or renewal of any part of an existing recreational vehicle or piece of equipment for the purpose of its maintenance.

(33) "Repair Operation" means any person in the business of making alterations, repairs, or conversions to recreational vehicles or recreational vehicle equipment regulated by the division under ORS Chapter 446 and these rules.

(34) "Replacement in Kind" means replacing equipment or accessories with approved like equipment or accessories such as switches, thermostats, fittings, elements, or motors, but does not include the replacement of major portions of the structural, plumbing, electrical, or mechanical systems.

(35) "Stabilizing Devices" means all components of the anchoring system and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports or secures the recreational vehicle to the ground.

(36) "Stand" means that area of the recreational vehicle site which has been reserved for the placement of a recreational vehicle or accessory structure.

(37) "Support System" means a combination of footings, piers, caps, and shims that will, when properly installed, support the weight of the recreational vehicle, and all imposed live loads.

(38) "Technician" means a quality assurance technician approved by the division to perform inspections according to a repair operation's quality assurance manual.

(39) "Testing Laboratory" or "Testing Agency" means an organization:

- (a) In the business of testing equipment and systems;
- (b) Qualified and equipped to perform or to observe experimental testing to approved standards;
- (c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry;
- (d) Publishing reports, including specific information about the equipment and systems tested and found safe for use in a specified manner; and
- (e) Whose methods and standards have been approved by the division.

(40) "Travel Mode" means the overall size of the recreational vehicle as it travels on a highway including all horizontal projections except for

expandable rooms, retractable awnings, exterior plumbing, mechanical, or electrical fixtures, or equipment or other minor exterior attachments.

(41) "Visual inspection" means an inspection by the division of the visible portions of completed construction for the purpose of identifying code violations or approving and issuing an insignia of compliance.

Stat. Auth.: ORS 446.160

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 11-1997, f. 7-23-97, cert. ef. 1-1-98; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0015

Objective

The provisions of OAR chapter 918, division 525 apply to the design, manufacture, conversion, alteration, and repair of recreational vehicles and recreational park trailers rented, leased, sold, installed, or offered for rent, lease, or sale in Oregon.

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.155

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0020

Equipment and Equipment Installations

(1) All equipment and equipment installations in the thermal, fire and life safety, plumbing, mechanical, and electrical systems of recreational vehicles or intended for use in recreational vehicles and recreational park trailers shall be subject to the provisions of these rules.

(2) The division may accept for approval equipment and equipment installations listed and labeled by a testing agency using standards approved by the division.

(3) If the division determines that listed or labeled equipment and equipment installations are not adequate for the protection of health, safety, and the general welfare, then the division may revoke the approval for installation in recreational vehicles and recreational park trailers manufactured, sold, rented, leased, or offered for sale, rent, or lease in Oregon.

Stat. Auth.: ORS 446.155

Stats. Implemented: ORS 446.155

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0035

Allowable Floor Areas

(1) The maximum gross floor area of a recreational vehicle and recreational park trailers but not including motorized recreational vehicles, is limited to 400 square feet in the set-up mode including all tipouts, slide-outs, expandable rooms, and other horizontal projections. The 400-square-foot limitation does not include:

(a) Vertical multi-level additions such as basements, second stories, lofts (mezzanines), or overhead storage with a maximum ceiling height of five feet;

(b) Any space less than five feet in height which does not increase the size of the recreational vehicle or extend horizontally beyond the recreational vehicle floor line;

(c) Bay windows, walk-a-bays, and other window projections with a floor or platform at least 12 inches above the vehicle floor;

(d) Space occupied by drawbars, couplings, hitches, or lights;

(e) Exterior chassis mounted decks, landings, platforms, or porches that are not enclosed;

(f) Eaves, awnings, or porch roof overhangs; or

(g) Freestanding, self-supporting cabanas approved for use as accessory buildings adjacent to the recreational park trailer according to OAR 918-530-0320.

(2) Factory-built porches, decks, roof overhangs, and other similar construction that is built by the manufacturer and connected to and supported by a recreational vehicle shall not be enclosed with walls, glass, or other solid materials if the gross floor area of the enclosure and the recreational vehicle combined would exceed 400 square feet.

(3) The gross floor area of a recreational vehicle shall not be increased through the use of a manufactured dwelling, another recreational vehicle, or through any other means except as specifically permitted by these rules.

(4) Additions that are structurally attached to a recreational vehicle and depend on the recreational vehicle for structural support or that are connected to the plumbing, mechanical, or electrical systems of the recreational vehicle, shall be considered part of the recreational vehicle or recreational park trailer, constructed to the recreational vehicle or recreational park trailer codes as described in OAR 918-525-0040 and shall be includ-

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ed within the maximum 400-square-foot area allowed for the recreational vehicle and recreational park trailer.

(5) In addition to OAR 918-525-0035(1), the gross floor area of a combination vehicle shall not exceed 400 square feet of gross floor area if there is no permanent separation between the recreational vehicle and the other use (i.e., horse trailer/recreational vehicle). When a combination vehicle has a permanent wall separating the two uses, only the recreational vehicle portion of the combination vehicle is limited to the maximum 400 square feet of gross floor area.

Stat. Auth.: ORS 446.003 & 446.160

Stats. Implemented: ORS 446.003 & 446.160

Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0040

Adopted Minimum Safety Standards

Effective November 1, 2008 the following standards are adopted by reference as the standards for the manufacture, conversion, alteration, or repair of recreational vehicles, recreational park trailers, accessory buildings, and accessory structures:

(1) The **2008 Edition of NFPA 1192**, Standard on Recreational Vehicles, as published by the National Fire Protection Association, and further amended by the division.

(2) The **2005 Edition of ANSI 119.5, Standard for Recreational Park Trailers**, as published by the American National Standards Institute, and further amended by the division.

(3) The 2008 Edition of NFPA 70, National Electrical Code, specifically but not limited to, Article 551 pertaining to Recreational Vehicles and Article 552 Park Trailers, as published by the National Fire Protection Association, and further amended by the division.

(4) The **2008 Edition of ANSI/RVIA Standard for Low Voltage Systems in Conversion and Recreational Vehicles**, as published by the Recreational Vehicle Industry Association.

(5) The **Oregon Residential Specialty Code**, as adopted in OAR chapter 918, division 480, and those standards referenced within are adopted as the division's standards for the construction, manufacture, alteration, repair, and conversion of accessory buildings and accessory structures used in conjunction with recreational vehicles and recreational park trailers.

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

Stat. Auth.: ORS 183.325 - 183.410 & 446.003 - 446.285

Stats. Implemented: ORS 446.185

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 22-1990(Temp), f. & cert. ef. 9-4-90; BCA 27-1990, f. 11-28-90, cert. ef. 11-30-90; BCA 16-1993, f. 8-12-93, cert. ef. 9-1-93; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 16-1996, f. 8-6-96, cert. ef. 9-1-96; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 11-1997, f. 7-23-97, cert. ef. 1-1-98; BCD 22-1998, f. 11-9-98, cert. ef. 1-1-99; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0042

Amendments to the Adopted Minimum Safety Standards

(1) Amend NFPA 1192 as follows:

(a) Amend Section 5.4 Fuel-Burning Appliances by adding the following language after Section 5.4.1. "Solid-fuel-burning appliances and unvented room heaters shall not be installed in recreational vehicles, except where specifically permitted in these rules."

(b) Amend Section 6.2 Minimum Means of Escape by adding subsection 6.2.1.3. "6.2.1.3. Each bedroom or separate designated area for sleeping shall be required to have a means of escape to the exterior of the vehicle. For the purposes of this code, a bedroom or separate designated area for sleeping means an area separated from the main living and cooking area by a wall or partition. The means of escape may be an outside window, outside door, or roof hatch sized in accordance with 6.2.5.

(2) The following amendments apply to recreational park trailers over 8-1/2 feet wide in the travel mode.

(a) Amend ANSI 119.5 as follows:

(A) Amend Chapter 1 by inserting the following language after Section 1-5.

(i) Each loft area shall have a minimum of one electrical light fixture and a convenience receptacle.

(ii) Each enclosed stairway shall have a light fixture that is controlled by switches from both the top and the bottom of the stairway. The light fixture in subparagraph (i) of this rule may be used to serve this purpose.

(B) Amend Chapter 2 by inserting the following language after Section 2-1. "Recreational park trailers shall not be equipped with gasoline or diesel fuel storage, transfer or dispensing systems as identified in NFPA 1192, Section 5.11."

(C) Amend Section 2-6 Fuel-Burning Appliances by inserting the following language after Section 2-6.1. "Wood-burning stoves, wood-burning fireplaces and pellet-fired appliances may be installed if they are approved and listed for manufactured home use and installed according to OAR Chapter 918, Division 520.

(b) Amend NFPA 70 Article 552.43(A) by inserting the following language after paragraph (A). "Recreational park trailers over 8-1/2 feet wide in the travel mode may have up to two listed power supply cords for the electrical feeders."

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

Stat. Auth.: ORS 183.325 - 183.410 & 446.003 - 446.285

Stats. Implemented: ORS 446.185

Hist.: BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0045

Recreational Park Trailer Disclosures

(1) Dealers and distributors shall present each potential buyer of a new recreational park trailer that is over 8-1/2 feet wide with a disclosure statement to read and sign prior to the completion of the sales contract of any new recreational park trailer. Prior to presenting disclosures to potential buyers and prior to any sale, dealers and distributors shall complete the disclosure in writing indicating the date, dealer's or distributor's name, address, and Department of Consumer and Business Services license number. Dealers and distributors shall give one signed copy of the disclosure to the buyer and retain one signed copy in the dealer's or distributor's files for not less than five years from the date of sale. Copies of signed disclosures shall be made available to the division upon request.

(2) Dealers or distributors may reprint the division's disclosure form or include the division's disclosure statement within their own sales contract. If a dealer or distributor prints its own disclosure, the content shall be identical to the division's disclosure statement and shall have not less than a 10 point type size. **NOTE:** Disclosure form is available from the division and can be found on the division Web site.

Stat. Auth.: ORS 446.260

Stats. Implemented: ORS 446.260

Hist.: BCD 4-1998, f. 2-10-98, cert. ef. 7-1-98; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0055

Recreational Park Trailer License Requirements

Persons engaged in the business of installing recreational park trailers, accessory structures, and accessory buildings are not required to have a division issued manufactured dwelling installer's license but are required to be licensed by the Construction Contractors Board. Persons in the business of making on-site electrical or plumbing installations shall be licensed by the division according to ORS 479.620, 693.030, or 447.060.

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0060

Manufacturer's Quality Assurance Manual

(1) Each manufacturer of recreational vehicles seeking certification under these rules shall submit to the division a manual outlining the quality assurance procedures to be followed at its particular manufacturing facility or facilities. If the quality assurance manual is applicable to more than one manufacturing facility, the manual shall adequately define procedures specific to each facility. The quality assurance manual shall be submitted in duplicate and contain:

(a) The name and address of the facility in which this quality assurance manual will be used;

(b) An organizational chart showing the accountability, by position, of the manufacturer's quality assurance personnel;

(c) A description of production tests, test procedures, and test equipment required to determine compliance with this division of rules;

(d) A station-by-station description of each manufacturing facility's manufacturing process;

(e) A plant layout showing each stage of the production line;

(f) A list of quality assurance inspections required by the manufacturing facility at each station;

(g) Identification, by title, publisher, edition, date, and publication number, those codes and standards to be enforced by the manufacturer's quality assurance program; and

(h) A description of procedures for the receipt, storage, and handling of materials and components used in the manufacture of recreational vehicles.

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(2) Each manufacturer shall supplement its quality assurance manual following each code change, change in production process or change to any item described in subsections (1)(a) through (i) of this rule and submit the supplement to the division along with the fees in OAR 918-525-0510 according to section (1) of this rule.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0065

Compliance Monitoring of Manufacturers

(1) To maintain consistent compliance with these rules the division:

(a) May inspect recreational vehicles at each facility selling, offering for sale, or displaying for sale, the manufacturers products whether for wholesale, retail, or consignment.

(b) May inspect recreational vehicles at all manufacturing facilities to evaluate the manufacturer's compliance with the rules adopted by the division.

(2) If the division determines that recreational vehicles produced by the manufacturer consistently fail to conform with the requirements of these rules, the manufacturer's quality assurance program, or the preestablished acceptable quality level, the division may:

(a) Post a Notice of Violation on each recreational vehicle which fails to conform in accordance with OAR 918-525-0330;

(b) Remove the Insignia of Compliance from each recreational vehicle which fails to conform in accordance with OAR 918-525-0450(2);

(c) Increase inspections as necessary to assure adequate compliance in accordance with OAR 918-525-0080, 918-525-0310, and 918-525-0320;

(d) Rescind the manufacturer's certification in accordance with OAR 918-525-0080(4); or

(e) Require mandatory division training in accordance with OAR 918-525-0080(5).

(3) Fees for increased inspections or mandatory division training shall be set forth in OAR 918-525-0510 and 918-525-0520.

(4) Dealer lot monitoring inspections are paid through the insignia label fee set forth in OAR 918-525-0510.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 14-1996(Temp), f. & cert. ef. 7-1-96; BCD 24-1996, f. & cert. ef. 11-8-96; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0070

Manufacturer Registration

(1) All manufacturers of recreational vehicles shall register with the division if the manufacturer produces or intends to produce two or more recreational vehicles per year that will bear or are required to bear an Oregon insignia of compliance and be offered for sale in Oregon. Manufacturing facility registration shall be renewed by August 1 of each year by submitting an application for renewal to the division, together with the renewal fee specified in OAR 918-525-0510.

(2) Manufacturers not registered or whose registration has expired will not be issued Oregon insignia of approval or receive Oregon plan review and approval or division inspections.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0080

Manufacturing Facility Certification

(1) Each recreational vehicle manufacturer placed on a quality assurance system and authorized to use bulk insignia of compliance shall be certified by the division. Manufacturing facilities may be certified by the division if the following criteria are met:

(a) The manufacturer has registered with the division;

(b) The manufacturer has submitted and the division has approved the manufacturer's quality assurance manual;

(c) The manufacturer has division approved plans;

(d) The division has inspected a manufacturer's product and an inspection report has been issued verifying that the manufacturer's product meets the minimum safety standards adopted in OAR 918-525-0040; and

(e) Random units inspected by the division on dealer lots conform to the provisions of OAR 918-525-0065.

(2) The division may inspect a manufacturing facility and verify that facilities ability to follow the procedures outlined in its approved quality assurance manual.

(3) Certification inspections shall be performed at the division's convenience and at the inspection fee rates provided in OAR 918-525-0510.

(4) The division may rescind a manufacturing facility's certification if the division determines that any of the criteria identified in section (1) of this rule are not satisfied. The division shall notify a manufacturer in writing of its intent to decertify a manufacturing facility. The notice shall identify the circumstances and reasons for decertification. If the manufacturer fails to bring the facility into conformance with the requirements of these rules within the time specified by the division, the division may decertify the facility.

(5) As an alternative to decertifying the manufacturing facility, the division may require mandatory division training and increase the frequency of inplant inspections and dealer lot-monitoring. Violations identified on an inplant inspection report or a dealer lot monitoring report shall be corrected prior to the departure of the issuing inspector or a Notice of Violation shall be posted on the recreational vehicle. At the discretion of the issuing inspector, violations may be corrected after the departure of the issuing inspector if a summary of the corrective actions taken is submitted to the division within the time frame specified in OAR 918-525-0330.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0090

Change of ownership

(1) If there is a change in the ownership of a recreational vehicle manufacturer or repair operation, the new owner shall register with the division within ten days of the date of change according to OAR 918-525-0070.

(2) If the new owner intends to operate according to the current approved quality assurance manual, the new owner shall indicate their intent in the written notice of change of ownership.

(3) If the new owner does not intend to operate under the current approved quality assurance manual, the new owner shall submit to the division a new quality assurance manual within 30 days of the change in ownership when required by OAR 918-525-0060 or 918-525-0150.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0100

Change of Name or Address

When a manufacturer or repair operation changes its name, address, or location, the manufacturer or repair operation shall notify the division in writing within ten days of the date of change. The notice shall be accompanied by an Application for Manufacturer Registration Form, together with the fee required by OAR 918-525-0510.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0120

Repair Operation Requirements

(1) Each repair operation shall assure that alterations, repairs, or conversions of or to recreational vehicles or recreational vehicle equipment regulated by the division are made according to the standards adopted by the division and are inspected according to the following. Each regulated recreational vehicle alteration, repair, or conversion is inspected by:

(a) The division; or

(b) A division-approved quality assurance technician in a registered and certified repair operation monitored by the division.

(2) Each recreational vehicle which has been altered, repaired or converted shall bear an insignia of compliance issued by the division.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0130

Repair Operation Registration

(1) All repair operations shall register with the division each facility or operation which performs division-regulated alterations, repairs, or conversions of or to recreational vehicles and recreational vehicle equipment. Repair operation registration shall be renewed by July 31 of each year by submitting a renewal application to the division and paying the renewal fee.

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(2) Repair operations not registered or whose registration has expired will not receive inspections or be issued Oregon insignia of compliance from the division.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0140

Repair Operation Certification and Technician Approval

(1) Repair operations may be certified by the division and issued bulk insignia of compliance if the repair operation had:

- (a) Registered with the division;
- (b) Employed one or more quality assurance technicians approved by the division according to these rules; and
- (c) Submitted, and the division has approved, the repair operation's quality assurance manual according to OAR 918-525-0150.

(2) A person wishing to be approved by the division as a quality assurance technician shall successfully complete a division-approved training class.

(3) Random unannounced monitoring inspections shall be performed by the division to confirm alterations, repairs, or conversions are being made in compliance with the codes and standards adopted in OAR 918-525-0040 and the approved quality assurance manual.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0150

Repair Operation's Quality Assurance Manual

(1) Each repair operation seeking certification under these rules shall submit to the division a manual outlining the quality assurance procedures to be followed at its particular repair operation. If the quality assurance manual is applicable to more than one location, the manual shall adequately define procedures specific to each location. The quality assurance manual shall be submitted in duplicate and contain a minimum of the following information:

- (a) The name and address of each repair operation in which this quality assurance manual will be used;
- (b) Identification of the owners/operators of the repair operation;
- (c) Identification of the quality assurance technician(s) approved by the division to oversee the repair operation's quality assurance program;
- (d) A description of quality assurance procedures used to determine the operation's ability to comply with the division's rules, codes, and standards;
- (e) A list of quality assurance inspections used by the repair operation to verify compliance with the codes, standards, and this division of rules; and
- (f) A description of all tests and testing methods used to verify compliance with the codes, standards, and this division of rules.

(2) Each repair operation shall supplement its quality assurance manual to reflect applicable changes in the code, quality assurance process, or any item described in subsections (1)(a) through (f) of this rule and submit the supplement to the division within ten days of the change along with the required fees in OAR 918-525-0510 according to section (1) of this rule.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0160

Compliance Monitoring of Repair Operations

(1) To assure consistent compliance with the division's rules, codes, and standards adopted in OAR 918-525-0040 and the certified repair operation's quality assurance manual, the division:

- (a) May inspect recreational vehicles at all certified repair operations;
- (b) Shall evaluate the certified repair operation's compliance with the rules adopted by the division; and
- (c) Shall evaluate the effectiveness of the certified repair operation's quality assurance program and compliance to its approved quality assurance manual.

(2) A division inspector shall post a Notice of Violation if violations identified during a monitoring inspection are not corrected prior to the inspector's departure. The inspector may allow violations to be corrected after the inspector's departure if the repair operation submits to the division a summary of the corrective action taken within 20 days.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0170

Repair Operation Compliance Procedures

(1) If the division determines a certified repair operation or the recreational vehicles altered, repaired, or converted by a certified repair operation consistently fail to conform with the requirements of this division of rules, the codes or standards adopted in OAR 918-525-0040 or the certified repair operation's quality assurance program, the division may:

- (a) Post a Notice of Violation on each recreational vehicle which fails to conform according to OAR 918-525-0330;
- (b) Remove the Insignia of Compliance from each recreational vehicle which fails to conform according to OAR 918-525-0450(2);
- (c) Increase Inspections as necessary to assure adequate compliance in accordance with OAR 918-525-0150, 918-525-0310, and 918-525-0320; or

(d) Decertify the facility according to section (2) of this rule if the repair operation fails to bring the facility into conformance with the requirements of these rules within the time specified by the division.

(2) If the division determines the repair operation consistently fails to comply with this division of rules, the codes or standards adopted in OAR 918-525-0040 or the repair operation's approved quality assurance manual the division may revoke or suspend a repair operation's certification for up to one year.

(a) The division shall notify a repair operation in writing of its intent to revoke or suspend the repair operation's certification.

(b) The notice shall identify the circumstances and reasons for the revocation or suspension.

(c) The repair operation may continue to operate during the revocation or suspension period if inspections are performed by the division according to OAR 918-525-0120(1)(a) and 918-525-0320.

(d) As an alternative to revoking or suspending a repair operation's certification, the division may require mandatory division approved training and increase the frequency of monitoring inspections until such time that the division is satisfied with the performance of the repair operation.

(3) The division may charge fees for increased inspections or training according to OAR 918-525-0510 and 918-525-0520.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0210

General — Plans and Specifications

(1) All persons engaged in the manufacture of two or more recreational vehicles requiring an Oregon insignia of compliance, shall apply to the division for plan approval prior to construction. The application shall be submitted in duplicate on forms supplied by the division and shall include:

(a) Two copies of complete plans as required by OAR 918-525-0220; and

(b) The fees as provided in OAR 918-525-0510.

(2) The division may provide visual inspections of each individual recreational vehicle in lieu of the required plan review.

(3) Persons intending to construct or install an accessory building or accessory structure shall have approved plans from the building official prior to construction or installation. Plans shall be submitted according to the **Oregon Residential Specialty Code**.

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

Stat. Auth.: ORS 446
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0220

Recreational Vehicle and Recreational Park Trailer Plan Requirements

(1) Plans submitted to the division shall indicate the nature and extent of the work proposed and all options. Plans shall meet the following requirements.

(2) General: Plans shall be on substantial paper or cloth, be a minimum of 8-1/2 x 11 inches but not exceed 17 x 22 inches, and shall show at least the following:

(a) Fire and Life Safety:

(A) Floor plan and all design options drawn to scale showing all window sizes, exit locations, the gross floor area, and egress requirements;

(B) Design and proposed use of each room, space, and area, including lofts;

(C) Location of required smoke detector, carbon monoxide detector, and liquefied petroleum gas (LPG) detector;

(D) Fire extinguisher location;

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(E) Locations of drain, water, gas, and electrical supply connections; and

(F) Exterior elevations indicating all vehicle fuel filler locations, all appliance combustion air inlets, engine exhaust locations, and LPG discharges.

(b) Mechanical:

(A) Location of all appliances and fixtures;

(B) Description of all materials, appliances, fittings, pipe, tubing, vents, and ducts;

(C) Schematics of all piping system designs;

(D) Maximum developed length of fuel piping required;

(E) Maximum Btuh input rating of all fuel-burning appliances;

(F) Source of combustion air for each appliance;

(G) Size of openings for combustion air, except an integral part of an approved appliance;

(H) Types of fuels used;

(I) Diameter, length, and type of pipe and tubing;

(J) Capacity and location of liquid fuel tanks and LPG cylinders;

(K) Size, location, and construction of fuel storage compartments;

(L) Location of fuel piping indicating protection for concealed tubing;

(M) Clearances between range burners and combustible materials and methods of protection where required;

(N) Size, length, type, and location of vents and vent connectors;

(O) Details showing the design and construction of air supply and return systems including type, width, and gauge of warm air ducts and size of openings for return circulating air duct insulation specified when required; and

(P) Size and location of circulating air supply inlet.

(c) Electrical:

(A) Floor plan indicating location of all electrical receptacles, appliances, and equipment;

(B) Type and rating of all appliances, fixtures, wire, cable fittings, panels, and equipment;

(C) Specifications of power supply assembly;

(D) Number of circuits;

(E) Number and location of outlets on each circuit;

(F) Number of fixtures;

(G) Number of fixed appliances;

(H) Conductor sizes;

(I) Voltage;

(J) Method of grounding all exposed noncurrent carrying metal parts of the vehicle;

(K) Method of grounding appliances;

(L) Location of distribution panel and minimum working space; and

(M) Method of neutral conductor isolation.

(d) Plumbing:

(A) Description of all materials, fixtures, fittings, pipe tubing, shower stalls, and walls, including applicable listings;

(B) Diameter and type of pipe and tubing;

(C) Size and type of fittings;

(D) Diagram of potable water supply system, waste, vent, and drain system; and

(E) Diagram of holding tank flushing systems.

(3) In addition to the plans identified in Sections (1) and (2) of this rule, manufacturers of recreational park trailers exceeding 8-1/2 feet wide in the travel mode shall submit two sets of structural plans to the division according to the requirements of this rule. Structural plans shall be on substantial paper or cloth, be a minimum of 8-1/2 x 11 inches but not exceed 17 x 22 inches, and shall show at least the following:

(a) If a recreational park trailer is being built to the prescriptive methods of Chapter 5 of ANSI A119.5, a cross sectional drawing of the recreational park trailer shall be submitted to the division and shall include the following:

(A) The size, species, and grade of floor joists, exterior wall studs, and roof rafters;

(B) When applicable, the name of the truss manufacturer and truss listing agency;

(C) The type, thickness, and span index of all floor, wall, and roof sheathing;

(D) Structural connections between the chassis, floor, walls, and roof;

(E) Lofts or attic storage areas;

(F) Size and design of steel chassis frame; and

(G) Method and location of provisions for attachment of anchoring systems.

(b) If a recreational park trailer is being built to an alternate method or using alternate materials according to Chapter 5, **Subsection 5-1.2 of ANSI A119.5**, structural plans shall be submitted to the division which shall include:

(A) Structural analysis, calculations, reports, test data, and other accepted engineering practices used by the manufacturer to validate the design conforms with Chapter 5, Section 5-3 of **ANSI A119.5**;

(B) A cross-sectional drawing of the recreational park trailer as described in subsection (a) of this section;

(C) Construction drawings showing structural framing details and layouts of frames, floors, walls, roofs, and chassis; and

(D) Specifications of all material used in the construction of the recreational park trailer.

(c) One set of the approved structural plans required by subsection (a) or (b) of this section shall be filed with the division and one set shall be kept on file and made available to the inspector at each manufacturing facility using that design.

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

Stat. Auth.: ORS 446.160

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 11-1997, f. 7-23-97, cert. ef. 1-1-98; BCD 22-1998, f. 11-9-98, cert. ef. 1-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0240

Nonconforming Application and Plans

(1) If an application or plans submitted to the division do not conform with the requirements of these rules, the division shall send a written notice within 20 working days of the date the application or plans were determined by the division to be nonconforming. The notice shall identify all deficiencies requiring correction.

(2) If an applicant fails to submit a completely corrected application and plans within 30 days of the date of the notice, the application shall be considered abandoned and all fees submitted shall be forfeited to the division. If abandoned, the applicant may reapply and submit the appropriate fees as provided in OAR 918-525-0510.

(3) Minor application and plan discrepancies may be corrected by and at the discretion of the division at the time of review.

Stat. Auth.: ORS 446

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0250

Evidence of Division Approval

(1) One copy of division approved plans and specifications will be returned to the manufacturer. An approved copy shall be retained by the manufacturer and be made available for use during the division inspection.

(2) Approved plans and specifications shall be stamped, signed, and dated by the division.

(3) Misuse or unauthorized reproduction of a division approval stamp is grounds for decertification of a manufacturer under OAR 918-525-0080(4).

Stat. Auth.: ORS 446

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0260

Plan Approval Expiration and Renewal

(1) Recreational vehicle plan approvals expire without notice 12 months from the date of division approval.

(2) Plan approval shall be renewed prior to the expiration date by submission of a division Plan Approval Renewal Application Form in duplicate accompanied by fees as shown in OAR 918-525-0510. Plans shall not be submitted with plan approval renewal applications.

(3) Except for a change in model name or designation, no change or modification may be made in plans when plan renewal is filed.

(4) Expired plans may be resubmitted per OAR 918-525-0210 and 918-525-0220.

Stat. Auth.: ORS 446

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0270

Model Name Change and Model Supplement

A manufacturer may revise or modify an existing approved plan by submitting, in duplicate, to the division, a plan approval supplement application, revised or modified plans per OAR 918-525-0210, along with the

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fees set by OAR 918-525-0510, prior to the expiration date of the existing plan.

Stat. Auth.: ORS 446.185
Stats. Implemented: ORS 446.185
Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0310

Required Inspections

(1) Any person manufacturing, selling, renting, leasing, or offering for sale, rent, or lease any recreational vehicle within the State of Oregon must request that the division perform an inspection and attach an Oregon insignia of compliance if any of the following conditions exist:

(a) A newly manufactured recreational vehicle which does not bear an Oregon insignia of compliance;

(b) The recreational vehicle bears an Oregon insignia of compliance, but has been subject to an alteration, conversion, or repair;

(c) The recreational vehicle has left the manufacturer's, distributor's, or dealer's facility with a "Notice of Violation" or "Red Tag"; or

(d) An in-plant inspection or dealer lot report indicates violations have not been corrected through the normal inspection process.

(2) The division is not obligated to provide recreational vehicle inspections when the recreational vehicles are:

(a) Previously lawfully registered and titled by any state department of motor vehicles within the United States;

(b) Previously issued an ownership document by the division, under ORS 446.571, or recorded in the deed records of a county, under ORS 446.626;

(c) Exempt from registration, title, or ownership document requirements because of United States government ownership;

(d) Manufactured in Oregon, but designated by the manufacturer as an out-of-state delivery, and delivered by the manufacturer or its agent to a purchaser in another state;

(e) Manufactured out-of-state, and not destined for an Oregon purchaser, but may be passing through Oregon to its out-of-state destination;

(f) Inspected by certified manufacturers at the manufacturing facilities; or

(g) Inspected by certified quality assurance technicians at the times and places of the alterations, repairs, or conversions.

(4) Any person installing a recreational park trailer over 8-1/2 feet wide in the travel mode or an earthquake-resistant bracing system on a recreational park trailer must request an inspection by the building official.

(5) Any person constructing or installing an accessory building or accessory structure must request all required inspections from the building official.

(6) Division inspection fees are as provided in OAR 918-525-0510.
Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160, 2005 OL, Ch. 89
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 28-2005, f. 12-30-05, c cert. ef. 1-1-06; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0320

Inspection and Approval

(1) Any person, other than a certified manufacturer, manufacturing and offering for sale a recreational vehicle within the state of Oregon shall request division inspection and approval of each vehicle according to these rules.

(2) Any person, other than a certified repair operation, who performs regulated repairs on a recreational vehicle within the state of Oregon shall request a division inspection and approval of each vehicle according to these rules.

(3) A request for inspection shall:

(a) Be made on forms supplied by the division, and received by the division at least five working days prior to the desired date of inspection; and

(b) Indicate the location, make, model, and serial number of the vehicle.

(4) Fees shall be as established in OAR 918-525-0510 and 918-525-0520 and are payable upon completion of each inspection.

(5) All work involving alteration, repair, or installation shall be accessible for inspection.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0325

Inspection of Prototype Models

A manufacturer of recreational vehicles may build a prototype model prior to plan approval under the following conditions:

(1) Prior to beginning construction, the manufacturer shall notify the division and request an inspection. The inspection may be made during or upon completion of the vehicle.

(2) The number of prototype models to be built prior to plan approval shall be approved in advance by the division.

(3) Prototype models may only be constructed at manufacturing facilities that have been registered and certified under OAR 918-525-0070 and 918-525-0080.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0330

Notice of Violation

(1) When an inspection reveals that a recreational vehicle, the equipment, or installation violates any provision of the statutes or administrative rules, the division shall serve upon the renter, lessor, seller, distributor, owner, repair operation, manufacturer, or agent thereof a copy of the inspection report giving details of the violations. The division may also post a Notice of Violation on the recreational vehicle, equipment, or installations.

(2) Violations shall be corrected within 20 days from the date of such notice or at a later date if approved by the division.

(3) If the violations are not corrected in the allotted time, the division may withdraw any previously issued insignia of compliance.

(4) The recipient of a Notice of violation shall inform the division in writing within 20 days of the date of the notice of the action taken to correct the violations. A recreational vehicle, equipment, or installation subject to a Notice of Violation shall not be moved without division approval.

(5) When a Notice of Violation has been posted on the recreational vehicle, equipment, or installation such notice shall not be removed until authorized by the division. A Notice of Violation may only be removed by division representatives or a person specifically authorized by the division. A recreational vehicle or equipment posted with a Notice of Violation shall not be displayed or offered for sale, rent, or lease.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0350

Alteration, Conversion and Repair

(1) Alterations, conversions, or repairs of thermal, fire and life safety, plumbing, mechanical, or electrical equipment installations on a recreational vehicle bearing an Oregon insignia, without the required inspections will void the insignia. Insignias on recreational vehicles damaged beyond repair shall be returned to or appropriated by the division.

(2) The following shall not constitute an alteration, conversion, or repair:

(a) Minor repairs with approved component parts as defined in OAR 918-525-0005;

(b) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(c) Adjustment and maintenance of equipment as defined in OAR 918-525-0005;

(d) Replacement of equipment or accessories in kind as defined in 918-525-0005; or

(e) Installation of option ready appliances, equipment, or accessories where pre-plumbing or wiring was provided by the manufacturer.

(3) Repairs to damaged recreational vehicles shall conform to the following:

(a) Repairs to a recreational vehicle made before or at the time of sale to the first consumer shall conform to the division's standards in effect at the time the repairs are performed; and

(b) All repairs to a recreational vehicle after the initial sale to the first consumer shall conform to the division's standards in effect at the time of original construction.

(4) Unaltered used recreational vehicles, when required, shall conform to the division's standards in effect at the time of original manufacture and may be verified by the division through a visual inspection.

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(5) Alterations performed on a recreational vehicle by the manufacturer, repair operation, or dealer shall conform to the division's standards in effect at the time of the alteration.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0360

Field Technical Service

The division may provide Field Technical Service when requested in writing and accompanied by the fees set by OAR 918-525-0510.

Stat. Auth.: ORS 446
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0370

Permit Requirements

(1) No person shall install a recreational park trailer over 8-1/2 feet wide in the travel mode without first obtaining an installation permit from the building official.

(2) No person shall construct or install an accessory building or accessory structure without first obtaining all required permits and approvals from the building official. The building official may require compliance with planning, zoning, health, sanitation, flood plain, sewage disposal, fire mitigation, and accessibility regulations prior to issuing permits or approvals.

(3) The permit application for the construction, alteration, or repair shall be accompanied by:

(a) Construction plans and specifications that meet all or part of the requirements of OAR 918-525-0220, if required by the division; and

(b) Permit or inspection fees as set by OAR 918-525-0510.

(4) Permit applications and permit fees for the construction of accessory buildings, accessory structures, or any other site-built construction shall be according to those regulations adopted by the building official.

(5) Every permit issued under these rules shall expire by limitation and become null and void if the work authorized by the permit is not started within 180 days from the date the permit is issued, or if the work authorized by the permit is suspended or abandoned for a period of 180 days at any time after the work is started. A new permit shall be obtained before any work is resumed.

Stat. Auth.: ORS 446.185
Stats. Implemented: ORS 446.160
Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0410

Procedure for Attaching Insignia

(1) An Oregon insignia of compliance must be securely attached to a specific recreational vehicle in the following manner:

(a) When a recreational vehicle is manufactured, the division, or a certified manufacturer, must attach the Oregon insignia of compliance to the outside surface of the exterior wall near the main entrance door, and placed 12 to 36 inches above the finished floor line; or

(b) When a recreational vehicle is altered, repaired, or converted, the division, or an approved quality assurance technician, must attach the Oregon insignia of compliance in an accessible location on or near the alteration, repair, or conversion.

(2) Oregon insignias of compliance may only be attached to recreational vehicles by a division inspector, an approved quality assurance technician at the time and place of alteration, repair, or conversion, or a certified manufacturer at the manufacturing facility, or elsewhere if approved by the division.

(3) Recreational park trailers may be dual labeled by the manufacturer as both a recreational park trailer and a manufactured home if the manufacturer meets all the requirements of OAR chapter 918, divisions 500 and 525. Where the requirements for recreational park trailer and manufactured homes are different, the more stringent of the two requirements apply.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 28-2005, f. 12-30-05, c cert. ef. 1-1-06; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0420

Enforcement Actions for Non-Compliance

(1) Oregon insignias of compliance are non-transferable.

(2) Oregon insignias of compliance remain the property of the division, and may be withdrawn from a manufacturer, distributor, dealer, converter, installer, or any individual or business for any violation of these rules, or rules adopted by the division.

(3) Oregon insignias of compliance and repair operation insignias are not interchangeable.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 28-2005, f. 12-30-05, c cert. ef. 1-1-06; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0430

Application For Insignia

(1) Following registration, any required plan approvals and certification, recreational vehicle manufacturers, and repair operations shall apply for insignias for each recreational vehicle, except as provided in OAR 918-525-0420. An Insignia Label Request shall be submitted to the division in duplicate, together with appropriate insignia fees set by OAR 918-525-0510.

(2) Each certified recreational vehicle manufacturing facility shall submit to the division, by the tenth day of each month, a Monthly Insignia Report for the preceding month showing:

- (a) The name of the manufacturer;
- (b) The location of the manufacturer's facility;
- (c) The plant identification number;
- (d) Insignia numbers;
- (e) Serial numbers;
- (f) Plan approval numbers;
- (g) Makes and models;
- (h) Dates of manufacture; and
- (i) Destinations.

(3) Insignias may be requested in bulk as long as the number of insignias is not more than the manufacturer or repair operation would reasonably expect to use in one month.

(4) Individuals, non-certified repair operations, or non-certified manufacturers shall apply for insignias for each recreational vehicle at the time the inspection is requested, except as provided in OAR 918-525-0420. An Insignia Label Request shall be submitted to the division in duplicate, together with appropriate insignia fees set by OAR 918-525-0510.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0440

Denial of Insignia

(1) Bulk insignia requests may be denied or bulk insignias withdrawn if:

(a) The applicable plan approvals have not been acquired per OAR 918-525-0210;

(b) A recreational vehicle manufacturer or repair operation is not registered with the division as required in OAR 918-525-0070 or 918-525-0130;

(c) A recreational vehicle manufacturing facility is not certified according to OAR 918-525-0080 or 918-525-0140;

(d) A Monthly Insignia Report is delinquent per OAR 918-525-0430(2);

(e) Through in-plant or dealer lot monitoring, the division determines a recreational vehicle manufacturer is not manufacturing recreational vehicles according to the approved quality assurance manual or any other provisions of these rules; or

(f) Through a monitoring inspection, the division determines a recreational vehicle repair operation is not performing alterations, repairs, or conversions according to the approved quality assurance manual or any other provision of these rules.

(2) Individual insignia requests may be denied if:

(a) The recreational vehicle does not conform to the requirements of ORS chapter 446, codes, standards, or these rules;

(b) The recreational vehicle manufacturer is not registered and certified with the division as required in OAR 918-525-0070; or

(c) The recreational vehicle repair operation is not registered and certified with the division as required in OAR 918-525-0130.

Stat. Auth.: ORS 446.160
Stats. Implemented: ORS 446.160
Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

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918-525-0450

Insignia Removal

(1) When a registered and certified recreational vehicle manufacturer or repair operation discontinues operations, it shall notify the division, in writing within ten days of the facility closure and return all unused insignias.

(2) The division may remove an insignia from a recreational vehicle if the vehicle, equipment, or installation violates any provision of OAR chapter 918, division 525 or ORS chapter 446. The division shall notify the vehicle owner in writing of the violations. The division shall reissue an insignia when the violations are corrected and the vehicle passes an inspection under OAR 918-525-0330.

(3) An insignia of compliance shall be removed and returned to the division by the building official when a recreational vehicle is converted to another occupancy or use. This does not waive the owner's responsibility to conform to other state or local requirements for the new occupancy or use.

(4) An insignia of compliance shall be removed and returned to the division when a recreational vehicle is attached to a permanent foundation. This does not waive the owner's responsibility to bring the recreational vehicle into conformance with the applicable Oregon Specialty Codes.

Stat. Auth.: ORS 446.160

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0460

Lost or Damaged Insignia

(1) When an insignia of compliance is lost or damaged, the owner shall notify the division immediately in writing specifying the name of the manufacturer, the vehicle's serial number, and if possible, the insignia number and approximate date of manufacture.

(2) All damaged insignia shall be promptly returned to the division. Damaged or lost insignias may be replaced by the division. A replacement insignia shall be requested on an Insignia Request Application Form accompanied by the appropriate fees as set in OAR 918-525-0510.

(3) A replacement insignia may be requested only after a visual inspection indicates the recreational vehicle meets the requirements of these rules.

Stat. Auth.: ORS 446.160

Stats. Implemented: ORS 446.160

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 25-1996, f. 11-8-96, cert. ef. 1-1-97; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0510

Fees

The following fees apply to the division only and do not apply to municipalities.

(1) Inspection Fee:

(a) \$45 for an inspection requiring one hour or less;

(b) \$22.50 for every 30 minutes or fraction exceeding one hour, including travel time and mileage; and

(c) Mileage shall be paid at the rate established by the Oregon Department of Administrative Services.

(2) Field Technical Service Fee:

(a) \$45 for service requiring one hour or less;

(b) \$22.50 for every 30 minutes or fraction exceeding one hour, including travel time and mileage; and

(c) Mileage shall be paid at the rate established by the Oregon Department of Administrative Services.

(3) Out-of-State Inspection or Field Technical Service Fee: In addition to the hourly charges of subsections (a) and (b) of this section, the division shall be reimbursed for actual cost based on published air fare or equivalent, plus necessary surface transportation and cost for food and lodging consistent with the allowances established by the Oregon Department of Administrative Services for authorized state employee travel.

(4) Reinspection Fee: Same fee schedule as noted in sections (1), (2), and (3) of this rule.

(5) Quality Assurance Manual Fee: \$30 for initial review of manuals and \$20 for review of manual supplements. This fee includes the initial issuance of five insignia to certified repair operations.

(6) Plan Renewal Fee: \$15 for administrative costs of renewing plans.

(7) Plan Supplement Fee: Same fee schedule as noted in sections (13) through (18) of this rule.

(8) Change of Name, ownership or Address Fee: \$20 for each change.

(9) Insignia Label Fee: \$25 per insignia for manufacturers and \$5 for a lot of five insignias for repair operations.

(10) Replacement Insignia Fee: \$25 per insignia for manufacturers and \$5 for a lot of five insignias for repair operations.

(11) Registration Fee: \$25 per manufacturer or operation.

(12) Annual Registration Renewal Fee: \$20 per manufacturer or operation.

(13) Plan Filing Fee: \$10 for each submittal.

(14) Plan Approval Model Fee: \$15.

(15) Plumbing Supplement Fees:

(a) Drain, waste and Vent: \$20 for each plan submitted;

(b) Potable Water: \$10 for each plan submitted.

(16) Electrical Supplement Fees:

(a) 12 Volt: \$20 for each plan submitted;

(b) 120 to 240 Volt: \$20 for each plan submitted;

(c) Generator: \$10 for each plan submitted.

(17) Mechanical Supplement Fee: \$10 for each plan submitted.

(18) Model Floor Plan Supplement Fee: \$15 for each plan submitted and \$5 for each model number supplement.

(19) Design Option, Plan Approval Model, or Number Change Fee: \$20.

(20) Recreational Vehicle Visual Inspection Fee: \$30. This fee includes the insignia label, one initial inspection and one reinspection.

(21) Recreational Vehicle Alteration Permit Fee: \$30. This fee includes one initial inspection and one reinspection.

(22) Permit Reinspection Fee: \$25.

(23) Recreational Park Trailer Installation Fee: \$105 per installation. This fee includes inspection of the stand and lot preparation; all support blocking; flood and wind anchoring devices; perimeter skirting; under-floor access and ventilation; temporary steps; and plumbing; mechanical, and electrical connections, when all work is ready for inspection at one time.

(24) Recreational Park Trailer Installation Reinspection Fee: \$85 per reinspection.

(25) Fees for the construction or installation of accessory buildings and accessory structures shall be those required by the municipality.

Stat. Auth.: ORS 446.160 & 446.176

Stats. Implemented: ORS 446.160 & 446.176

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 10-1992, f. 6-15-92, cert. ef. 7-1-92; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 14-1996(Temp), f. & cert. ef. 7-1-96; BCD 24-1996, f. & cert. ef. 11-8-96; BCD 12-1998(Temp), f. 6-2-98, cert. ef. 7-1-98 thru 12-27-98; BCD 23-1998, f. 11-9-98, cert. ef. 11-15-98; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 1-2005, f. & cert. ef. 3-1-05; BCD 12-2008, f. 6-30-08, cert. ef. 7-1-08; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-525-0520

Additional Fees

(1) When the division determines that a person has failed to obtain required inspections, permits, insignia, or plan review, requiring division staff to work outside normal business hours, the person shall be charged additional fees as described in sections (3) and (4) of this rule.

(2) Persons who sell or ship vehicles or equipment known to be out of compliance or requiring inspections or reinspections prior to sale or shipment requiring division staff to work outside normal business hours, shall be charged additional fees as described in sections (3) and (4) of this rule.

(3) Persons requesting or requiring inspections or field technical service, outside normal business hours of the division, shall be charged fees at 1-1/2 times the amounts required by OAR 918-525-0510, except for travel expenses.

(4) Persons requesting or requiring inspections or field technical service on recognized state holidays shall be charged double the amounts required by OAR 918-525-0510, except for travel expenses.

Stat. Auth.: ORS 446.176, 455.210 & 455.220

Stats. Implemented: ORS 446.176, 455.210 & 455.220

Hist.: BCA 1-1990, f. & cert. ef. 1-2-90; BCA 10-1992, f. 6-15-92, cert. ef. 7-1-92; BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 31-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0005

General Requirements

(1) All recreational park trailers exceeding 8-1/2 feet in width shall be installed to the manufacturer's installation instructions and where applicable, to these rules except for recreational park trailers installed temporarily on display or in storage and not occupied or intended to be occupied. This exception does not include recreational park trailers installed in recreational vehicle parks, mobile home parks, or subdivisions.

(2) Cabanas used in conjunction with a recreational vehicles or recreational park trailers shall be installed according to the manufacturer's installation instructions, the **Oregon Residential Specialty Code** and the provisions of these rules.

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

Stat. Auth.: ORS 446.185

ADMINISTRATIVE RULES

Stats. Implemented: ORS 446.185
Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99;
BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0010

Site Preparation

(1) Each site shall be suitable for its intended use and shall comply with applicable federal, state, and local laws.

(2) When, during preparation of the site, unforeseen factors such as rock formation, high ground water levels, springs, or biological generated gasses are encountered, corrective work shall be taken prior to the siting of the recreational park trailer or accessory building and structure.

(3) Grades shall slope downward away from patios, stands, walls, skirting, foundations, and water supply wells.

(4) Site grading and drainage shall:

(a) Provide a diversion of any surface water away from the recreational park trailer, accessory building, and structures and stands except as necessary for controlled irrigation; and

(b) Prevent standing water and soil saturation from becoming detrimental to structures and site use.

(5) Recreational park trailer stands without a subsurface drainage system shall have a crown gradient for surface drainage acceptable to the building official.

(6) Grading, plantings, or drainage systems shall be constructed to prevent erosion of the recreational park trailer stand from high velocity water runoff.

(7) Where natural soils or controlled fill (free of grass and organic material) are used, such soils or fill shall support the loads imposed by the support system of the recreational park trailer and cabana placed thereon.

(8) Up to 6" of non-compacted crushed rock or gravel, no smaller than 3/4" minus, may be placed on a recreational park trailer or cabana stand without affecting the soil bearing capacity of the stand.

(9) Provisions shall be made to reduce moisture and humidity in under-floor spaces by installing a continuous membrane sheeting vapor barrier to cover the ground surface or pavement within the perimeter enclosure of the recreational park trailer or cabana stand. A uniform six mil black polyethylene, linear low density poly (6x) sheet material or other approved equivalent membrane vapor barrier materials shall be installed for this purpose according to the following:

(a) Membrane seams shall be overlapped by at least eight inches;

(b) Edges of the sheeting shall extend to the perimeter of the recreational park trailer;

(c) Stones or bricks shall be placed over seams and around the point of contact of the sheeting with the perimeter enclosure on a spacing of approximately eight feet to maintain a reasonable seal between sheets and the foundation material;

(d) All holes, tears, and penetrations in the membrane shall be adequately patched and sealed with permanent tape;

(e) Under-floor continuous membrane sheeting vapor barrier shall not contact wood that is not treated foundation grade lumber; and

(f) Under-floor continuous membrane sheeting vapor barrier shall not be placed under concrete slabs.

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99;
BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0020

Foundation Systems

(1) This rule prescribes Oregon standards for siting, design and installation of recreational park trailer foundation systems and identifies acceptable foundation systems.

(2) The foundation shall be capable of transferring design vertical loads and other loads unique to local sites due to wind, seismic, and water conditions imposed by or on the structure into the underlying soil bedrock without failure. The building official may approve an installation design and materials not contained in these rules.

(3) Except for axles, wheels, tires, hitches, and transportation lights designed to be detached from the vehicle, no portion of a recreational park trailer transportation platform (chassis) shall be removed before or after the recreational park trailer is installed. Detached transportation equipment shall be left on the site for future use.

(4) Recreational park trailers shall be installed according to the manufacturer's installation instructions. Where manufacturer's installation instructions are not available for relocated recreational park trailers, installations shall meet the minimum requirements in these rules.

(5) Footings shall be a minimum of 256 square inches of pressure-treated wood on all six sides, precast concrete or poured-in-place concrete, including unreinforced slabs or runners. Footings shall be at least equal in area to the piers they support. Footings shall be placed level on a stand free of grass and organic materials.

(6) Piers shall be spaced at a maximum of four feet on center under the main frame (I-beam or channel beam). Pier spacing may be offset up to six inches for obstructions such as outriggers, cross members, axles and utilities. Piers shall not exceed 36 inches in height under the main frame (I-beam or channel beam). Piers shall be:

(a) Constructed of a single stack of open 8" x 8" x 16" concrete blocks with open cells placed vertically upon the footing. Single stacked block piers shall be installed with the 16-inch dimension perpendicular to the main frame (I-beam or channel beam). The pier blocks shall be capped with concrete or wood pier caps equal in area to the top of the pier blocking then shimmed tight to the bottom of the main frame (I-beam or channel beam) with wood blocks and wedges;

(b) Designed by a registered design professional and approved by the building official; or

(c) Prefabricated piers tested, listed, and labeled by a nationally recognized testing and listing laboratory. Prefabricated piers shall be tested to their dead load plus superimposed live load equal to three times the required live load using the test procedures in the **Manufactured Home Construction and Safety Standards 24 CFR 3280.401**. Prefabricated piers and load bearing devices shall be permanently marked or labeled with the following information:

(A) The product's intended use;

(B) The product manufacturer's name and location;

(C) The product's model or identification number;

(D) The product's design loads or capacity;

(E) The product's tested or calculated loads;

(F) The name, logo, or identification mark of the testing laboratory and listing agency; and

(G) The product's test report and listing numbers.

(d) Piers may be replaced in part with approved earthquake-bracing system components.

(e) Piers may be replaced in whole with an approved full foundation system.

(7) Earthquake-resistant bracing systems and full foundation systems when used with a recreational park trailer shall be:

(a) Approved for its intended use;

(b) Labeled to identify the component's model or identification number, manufacturer's name and location, testing and listing laboratory name or logo, testing and listing report numbers, certification expiration date, components tested or calculated loads, and minimum design loads or capacity;

(c) Installed according to the manufacturer's installation instructions; and

(d) Provided with installation instructions to be left on the job site for the inspectors use.

(8) A minimum clearance of 18 inches shall be maintained beneath the lowest member of the main frame (I-beam or channel beam).

(9) Under the main frame, (I-beam or channel beam) pier supports shall be placed not more than two feet from the exterior of each end wall. All pier supports shall be installed (centered) directly under and perpendicular to each main frame of the recreational park trailer.

(10) Retaining walls used to resist the lateral displacement of soil and other materials shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practices. A retaining wall shall not rely on the recreational park trailer for support. Retaining walls shall be constructed of treated foundation grade wood, concrete, masonry, or other approved materials or combinations of these materials according to the **Oregon Residential Specialty Code**.

(11) All fill and backfill soil surrounding the recreational park trailer shall be compacted to not allow displacement. Soil grading around the recreational park trailer shall allow water to drain away from the recreational park trailer at a slope of 1/2-foot vertical for every 12 feet horizontal.

(12) Regardless of the type foundation system provided, the foundation construction shall assure a level recreational park trailer or cabana floor.

(13) All lumber and concrete described in these rules are identified by their nominal sizes only. Actual sizes may vary from 1/8-inch to 3/4-inch.

ADMINISTRATIVE RULES

(14) All poured in place concrete shall cure seven days prior to installation of the recreational park trailer or cabana and shall have a compressive strength not less than 2,500 pounds per square inch in 28 days.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0040

Anchoring Systems

(1) To resist overturning and lateral movement from high winds, all recreational park trailers installed in the following counties shall be anchored: Clatsop, Tillamook, Lincoln, Coos, Curry, Multnomah, Hood River, Sherman, Gilliam, Morrow, and Umatilla; Lane and Douglas if located within 20 miles of the coast; and Wasco County if located within 30 miles of the Columbia River.

(2) To resist movement and reduce damage, all recreational park trailers installed in designated flood plain areas shall be anchored when required by a municipality.

(3) Anchoring systems shall be designed and tested according to the **Manufactured Home Construction and Safety Standards 24 CFR 3280.306**. Anchoring systems shall be:

(a) Designed by a registered design professional and approved by the building official; or

(b) Manufactured, tested, listed, and labeled as capable of meeting all the requirements of this rule. Each manufactured anchoring system shall be installed according to the manufacturer's installation instructions. Each manufactured anchoring system shall be permanently marked or labeled with the following information:

- (A) The product's intended use;
- (B) The product manufacturer's name and location;
- (C) The product's model or identification number;
- (D) The product's design loads or capacity;
- (E) The product's soil classification and soil depth when applicable;
- (F) The product's tested or calculated loads;
- (G) The name, logo, or identification mark of the testing laboratory and listing agency; and

(H) The product's test report and listing numbers.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0050

Skirting

(1) Skirting on recreational park trailers and cabanas shall be installed where specifically required by local ordinance.

(2) Skirting shall be of material suitable for exterior exposure. Untreated wood shall not be nearer than 5-1/2 inches to any earth, unless separated by three inches of metal or foundation grade lumber. Field cut ends, notches, and drilled holes of pressure-treated foundation grade lumber shall be retreated in the field according to AWPA U1-04.

(3) Skirting shall be installed according to the material manufacturer's installation instructions and these rules.

(4) Skirting shall be adequately secured to assure stability, minimize vibration, susceptibility to wind damage, and to compensate for possible frost heave.

(5) All holes or gaps between the skirting and the ground or other locations shall be substantially sealed to limit the entrance of wind and water.

(6) Access openings through skirting shall be not less than 18" x 24" and located as close as practical to the utilities so fuel, electric, water, and sewer connections located under the recreational park trailer are accessible for inspection, service, and repair. Such access panels or doors shall not require tools or operation of more than four devices to remove or open. There shall be a minimum 30-inch access space directly in front of each access panel or door.

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0060

Ventilation of Skirting

(1) Provisions shall be made to minimize condensation in underfloor areas through ventilation openings.

(2) If combustion air for heat-producing appliance(s) is taken from within the under-floor areas, ventilation shall be adequate to assure proper operation of appliances.

(3) A minimum of four ventilation openings shall be provided from the under-floor space to the exterior. A ventilation opening shall be placed at, or as near to, each corner as practicable and as high as practicable, except in flood hazard areas where the ventilation opening shall be near the bottom of the skirting. The total net free area for ventilation shall be 200 square inches or one square foot for every 300 square feet of under-floor area whichever is less. Openings shall provide cross ventilation on at least two sides. The openings shall be covered with 1/4-inch corrosion resistant wire mesh or with louvered openings with not less than 1/8-inch screen to retard entry of dry vegetation, waste materials, or rodents. The net free area of a vent shall not be diminished in size by vent hardware.

(4) Intake air for indoor ventilation purposes shall not be drawn from under floor spaces of the recreational park trailer or cabana. (This does not include combustion air.)

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0070

Electrical Connections

(1) Recreational park trailers shall be connected to power sources according to **Article 552 of the NFPA 70, National Electrical Code** and shall have a minimum 30 ampere rated power supply assembly and a maximum of two 50 ampere rated power-supply assemblies.

(2) Accessory equipment, structures, and buildings shall not be powered by the recreational park trailer electrical system.

(3) At the time of installation, all recreational park trailers shall be tested to the following criteria:

(a) All 110 volt electrical receptacle outlets shall be subjected to a polarity test to determine all connections have been made properly; and

(b) All electrical lights, equipment, ground fault circuit interrupters, and appliances shall be subjected to an operational test to demonstrate all equipment is connected and in working order.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0080

Plumbing Connections

Recreational park trailers and cabanas shall be connected to water sources and waste disposal terminals according to the **Oregon Plumbing Specialty Code** and to the following standards:

(1) A full way shutoff valve shall be provided on the water supply serving each recreational park trailer site.

(2) The water inlet shall be connected to the site water supply outlet by an approved flexible connector not less than 3/4-inch nominal diameter or by other approved means identified in the Oregon Plumbing Specialty Code.

(3) Where static water pressure exceeds 80 pounds per square inch, a pressure regulator shall be installed.

(4) The water distribution system of the recreational park trailer and cabana and the supply connection shall be subjected to a test to assure there is no evidence of leakage under normal operating pressure. If water under normal operating pressure is not available, the recreational park trailer and cabana water distribution system shall show no evidence of leakage, by sustaining 80 pounds per square inch of air pressure for 15 minutes.

(5) Each recreational park trailer and cabana shall be connected to the sewer inlet by means of a three-inch diameter drain connector consisting of approved pipe, not less than schedule 40, appropriate directional fittings and listed and approved shielded flexible connectors at each end of the pipe.

(6) The recreational park trailer and cabana drainage piping system shall be connected to the lot or site drain inlet and tested by allowing water to flow into all fixtures and receptors, including the clothes washer stand-pipe, for a period of three minutes. If water under pressure is not available, the drainage piping system shall be tested by dumping at least three gallons of water into each fixture and receptor. Each P-trap shall be visible during this test to assure there is no evidence of leaks.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

ADMINISTRATIVE RULES

918-530-0090

Mechanical

(1) Mechanical equipment installed outside of and not supported by the recreational park trailer or cabana shall be mounted two inches above grade on a level concrete slab not less than three inches thick, a three-inch thick precast reinforced concrete slab or be mounted according to the applicable equipment manufacturer's installation instructions.

(2) Mechanical equipment shall not be installed:

- (a) In a manner which obstructs any exit door;
- (b) In a window opening which is part of an emergency egress system;

and

(c) Where it might obstruct sidewalks or any means of egress from the recreational park trailer or cabana.

(3) Exhaust duct systems of clothes dryers, applicable cook tops, and other appliances shall not terminate beneath the recreational park trailer or cabana. Exhaust ducts shall be routed through the skirting to the exterior. Exhaust duct installations shall have no dips or traps and shall be installed according to the applicable appliance manufacturer's installation instructions.

(4) Moisture or heat producing appliances, such as dryers and applicable cook tops, shall be vented to the outside atmosphere to insure moisture-laden air is carried out beyond the perimeter of the recreational park trailer.

(5) Exhaust ducts shall be installed according to the appliance manufacturer's installation instructions and the following requirements:

(a) The duct shall be a minimum of four inches in diameter unless otherwise specified by the appliance manufacturer;

(b) The duct material shall be metal or listed flexible metal if approved by the appliance manufacturer;

(c) There shall be no dips in the duct run;

(d) There shall be no screws, mechanical fasteners, screens, or any other obstructions extending into any interior portion of the duct;

(e) The total length of the duct shall not exceed 15 feet unless otherwise specified by the appliance manufacturer;

(f) There shall not be more than two 90-degree elbow fittings or four 45-degree elbow fittings installed in the duct run; and

(g) The duct termination shall be equipped with a back-draft damper.

(6) When installed, adequate distance shall be maintained under the recreational park trailer and cabana for an external air conditioning or heat pump duct. The external air conditioning or heat pump duct shall be supported off the ground, providing a one-inch minimum ground clearance and be supported and connected according to the appliance manufacturer's installation instructions. Ducts shall not be crushed, dented, compressed, have sharp bends, or stress at the connections. All tears, holes, and penetrations in ducts shall be repaired and sealed.

(7) Inlets or outlets of an exhaust vent, combustion air vent, return air vent, or any other vent opening capable of conveying air or gasses into or out of the recreational park trailer or cabana, or to or from any appliance used in conjunction with the recreational park trailer, shall not be located in an area where an accessory building is to be sited.

(8) Inlets or outlets of an exhaust vent, combustion air vent, return air vent, condensation drain, or any other vent opening capable of conveying air or gasses into or out of the recreational park trailer or cabana, shall not be located under the recreational park trailer when located over a basement.

(9) Condensation drains from air conditioning, heat pumps, evaporative coolers, dehumidifiers, refrigeration equipment, or any other appliance shall not terminate under a recreational park trailer or cabana.

(10) Mechanical installations not a part of the recreational park trailer shall be in conformance with the **Oregon Residential Specialty Code**.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0100

Fuel Supply

(1) All fuel gas piping systems serving recreational park trailers and cabanas shall be designed and constructed according to applicable provisions of the **Oregon Residential Specialty Code**.

(2) Where fuel gas is provided, each recreational park trailer site shall have a listed gas shut off valve installed upstream from the recreational park trailer site gas outlet. Such valve shall not be located under any recreational park trailer or cabana. The outlet shall be equipped with a cap or plug to

prevent discharge of gas whenever the recreational park trailer site outlet is not connected to a recreational park trailer or cabana.

(3) Each gas supply shall be connected to the recreational park trailer with an approved six-foot flexible gas connector.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0110

Access

(1) Required egress doors on recreational park trailers shall be accessible by steps or ramps or have door thresholds within eight inches of grade.

(2) All ramps, decks, hand rails, guard rails, stairs, steps, porches, and landings constructed adjacent to a recreational park trailer to be used by the occupants of the recreational park trailer shall be constructed in conformance with the **Oregon Residential Specialty Code**.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0120

Rodent Proofing

All cuts, holes, or tears in the bottom board or floor insulation, including but not limited to areas around plumbing, mechanical, and heating equipment penetrations shall be adequately repaired and sealed to prevent the entrance of rodents and limit heat loss.

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0310

Accessory Buildings and Structures

(1) Accessory buildings and accessory structures shall be designed, constructed, and installed according to the **Oregon Residential Specialty Code** and these rules.

(2) Accessory buildings and accessory structures shall not obstruct required egress windows, exit doors, appliance access, exhaust vents or ducts, chimney or flue pipes, combustion air inlets, drains, sewer vents, or the utility access of a recreational vehicle or a recreational park trailer.

(3) Accessory buildings and accessory structures shall be free standing, self-supporting structures. No loads shall be imposed on a recreational vehicle or recreational park trailer from the installation of an accessory building or accessory structure unless approved by the building official.

(4) The total area of all accessory buildings and accessory structures on the same lot, in a recreation park, shall not exceed 400 square feet in area except as provided below:

(a) Where the accessory building is a cabana, the size restrictions in OAR 918-530-0320 shall apply;

(b) Where an accessory building or accessory structure has a six-foot clearance to all recreational vehicles, accessory buildings, and accessory structures, the size limitations of this section shall not apply;

(c) Where an accessory building or accessory structure has a three-foot clearance and is provided with a minimum of one-hour fire-resistive construction on the wall facing any recreational vehicle, accessory building or accessory structure, the size limitations of this section shall not apply;

(d) Where the accessory structure is a deck, patio, or ramada, the size limitations of this section shall not apply;

(e) Factory-built porches, decks, eaves, roof overhangs, and other construction that is built by the manufacturer and connected to and supported by the recreational vehicle shall not be counted within the size limitations of this section; and

(f) Where more than one accessory building or accessory structure occupies the same space (i.e., landing, ramp or stairs under an awning or carport), the area shall only be counted once within the size limitations of this section.

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

Stat. Auth.: ORS 446.155, 446.185 & 446.240

Stats. Implemented: ORS 446.185 & 446.240

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 24-1994, f. 10-26-94, cert. ef. 11-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99, Renumbered from 918-535-0010; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

ADMINISTRATIVE RULES

918-530-0320

Cabanas

(1) A cabana may be installed or constructed as an accessory building to a recreational vehicle according to the following restrictions:

(a) Cabanas shall not be designed or constructed to include sleeping or cooking facilities;

(b) Cabanas shall be restricted in size to a total of 240 square feet of gross floor area per recreational vehicle; and

(c) Cabanas shall not contain gas, liquid or solid fuel-burning fireplaces, fireplace stoves, room heaters or pellet-fired appliances.

(2) Cabanas shall be designed and constructed as freestanding, self-supporting structures. Cabanas may be attached to a recreational vehicle or recreational park trailer only with appropriate flashing or sealing materials to provide a weather seal.

(3) Each cabana shall have an exit door opening directly to the outside without passing through the recreational vehicle.

(4) Cabanas shall have smoke alarms installed according to Section 313 of the **Oregon Residential Specialty Code**. The smoke alarm in the cabana is not required to be interconnected with the smoke alarm(s) in the recreational vehicle.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99, Renumbered from 918-535-0020; BCD 10-2000(Temp), f. 6-21-00, cert. ef. 6-23-00 thru 12-19-00; BCD 29-2000, f. & cert. ef. 12-19-00; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

918-530-0340

Ramadas

(1) A ramada may be constructed or installed as an accessory to a recreational vehicle or recreational park trailer.

(2) A ramada or any portion thereof shall have a clearance of not less than 36 inches in a vertical direction above the highest portion of a recreational vehicle or recreational park trailer roof and not less than 18 inches in a horizontal direction from each side of a recreational vehicle.

(3) Cross braces, architectural appurtenances, and structural ties shall not obstruct the installation or removal of any recreational vehicle or recreational park trailer.

(4) Recreational park trailers with roof extensions or sited under a ramada that also have solid fuel burning appliances installed shall have the chimney, flue, or vent for the solid fuel burning appliance installed through the roof extension or ramada according to the appliance manufacturer's installation instructions. Chimney, flue, or vent pipe extensions shall be of the same type, brand, and specifications as the original pipes used in the recreational park trailer. Shipped-loose chimney, flue, or vent sections and equipment for solid fuel burning appliance shall be installed according to the appliance manufacturer's installation instructions. If manufacturer's installation instructions are not available, installations shall comply with the mechanical chapters of the **Oregon Residential Specialty Code**.

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

Stat. Auth.: ORS 446.185

Stats. Implemented: ORS 446.185

Hist.: BCA 30-1993, f. 12-1-93, cert. ef. 1-1-94; BCD 9-1999, f. 7-14-99, cert. ef. 9-1-99, Renumbered from 918-535-0040; BCD 25-2008, f. 10-31-08, cert. ef. 11-1-08

Rule Caption: Establishes a window label program for low volume window and exempt window related product manufacturers.

Adm. Order No.: BCD 26-2008(Temp)

Filed with Sec. of State: 11-3-2008

Certified to be Effective: 11-3-08 thru 5-1-09

Notice Publication Date:

Rules Adopted: 918-480-0150

Subject: The proposed administrative rule establishes a labeling program for certain windows and related window products, as required by the 2008 Oregon Residential Specialty Code. Manufacturers who must participate in the labeling program are identified. Requirements of the labeling program are established.

Rules Coordinator: Shauna Parker—(503) 373-7438

918-480-0150

Low Volume Window Label Program

(1) As used in this rule:

(a) "Exempt fenestration product" means a skylight or solarium that is exempt from the thermal performance standards established in the **Oregon Residential Specialty Code**.

(b) "Manufacturer" has the definition provided in Section NF1110.1 of the **2008 Oregon Residential Specialty Code**.

(c) "Window produced in low volume" has the definition provided in Section NF1110.1 of the **2008 Oregon Residential Specialty Code**.

(2) Manufacturers of windows produced in low volume or exempt fenestration products must participate in a labeling program administered by the division. Participating manufacturers shall:

(a) Print their own labels, subject to standards established in the **Oregon Residential Specialty Code**;

(b) Attach an appropriate label to each window produced in low volume or exempt fenestration product produced for installation in Oregon;

(c) Comply with any other applicable labeling requirements established in Section NF1113 of the **2008 Oregon Residential Specialty Code**; and

(d) Maintain a log in which the attachment of each label is recorded.

(3) A manufacturer participating in the division's labeling program must obtain, from the division, a log for recording the attachment of labels to either windows produced in low volume or exempt fenestration products. A participating manufacturer shall record in its log the type of window produced in low volume or exempt fenestration product that was labeled, the label's production number, and the date the label was attached. A copy of a manufacturer's labeling program log for the preceding year shall be sent to the division by no later than January 31 in each year, for the previous year. The log shall also be made available to the division upon request.

(4) Participating manufacturers may not:

(a) Sell, exchange, or transfer their labels to another manufacturer;

(b) Purchase or obtain labels produced by another manufacturer; or

(c) Produce or use labels in excess of the maximum established by

Section NF1113 of the **2008 Oregon Residential Specialty Code**.

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

Stat. Auth.: ORS 455.525

Stat. Implemented: ORS 455.525

Hist.: BCD 26-2008(Temp), f. & cert. ef. 11-3-08 thru 5-1-09

Department of Consumer and Business Services,

Division of Finance and Corporate Securities

Chapter 441

Rule Caption: Adopt rules to clarify and implement the Oregon Consumer Identity Theft Protection Act.

Adm. Order No.: FCS 10-2008

Filed with Sec. of State: 11-5-2008

Certified to be Effective: 11-5-08

Notice Publication Date: 9-1-2008

Rules Adopted: 441-646-0010, 441-646-0020, 441-646-0030, 441-646-0040

Subject: These rules define "continuing violation" and "harm," describe the expenses to be included in determining when substitute notification may be used, describe permissible use of a consumer's Social Security number, and clarify safeguarding of personal information.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-646-0010

Definitions

As used in ORS 646A.600 to 646A.628 and this division 646, unless the context requires otherwise:

(1) "Continuing violation" means the same activity extending longer than one day that violates the Oregon Consumer Identity Theft Protection Act.

(2) "Harm," for purposes of the notification requirement, is limited to monetary loss.

Stat. Auth.: ORS 646A.626

Stats. Implemented: ORS 646A.604; 646A.624

Hist.: FCS 10-2008, f. & cert. ef. 11-5-08

441-646-0020

Expenses of Providing Notification

(1) A person may calculate the expenses of providing notification by including reasonable and necessary expenses for:

(a) Staff time to generate a contact list of affected consumers;

(b) Paper to be used to print the notice;

(c) Printing or photocopying costs;

(d) Envelopes to be used to mail the notice; and

(e) First-class postage.

ADMINISTRATIVE RULES

(2) A person may not include the following costs to calculate the expenses of providing notification:

- (a) Attorney fees to draft or review the notice; or
- (b) Toll-free telephone line to be made available to consumers with additional questions.

Stat. Auth.: ORS 646A.626
Stats. Implemented: ORS 646A.604
Hist.: FCS 10-2008, f. & cert. ef. 11-5-08

441-646-0030

Use of Social Security Number

(1) Materials or documentation of a transaction or service are requested by a consumer when the consumer initiated the contact with the person that mails the documents to the consumer, such as a loan application started by the consumer by telephone, tax returns prepared from information the consumer left with a tax preparer, or periodic updated or renewal materials for a product or service purchased by the consumer.

(2) A person that prints a Social Security number on materials mailed to a consumer concerning a transaction or service requested by the consumer may not print the Social Security number on any part of the materials visible to the general public.

(3) When the consumer does not initiate contact with the person, and there is no federal or state law requiring the Social Security number to be printed on the materials, a person may not print the consumer's unredacted Social Security number on materials mailed to the consumer.

(4) A person may use or print a Social Security number for internal verification or administrative purposes, including materials sent outside of the person's business, when the SSN is not visible to, or accessible by, the general public.

(5) Persons are strongly encouraged to use a number other than the consumer's Social Security number to identify the consumer. If a person does use the consumer's Social Security number for identification, the person's plan to safeguard personal information under ORS 646A.622, including Social Security numbers, must specify reasonable procedures that:

- (a) Prevent unauthorized access to the Social Security number; and
- (b) Require electronic or physical transmission of the Social Security number to persons outside of the person's business to be accomplished through secure means, such as encryption or the use of a redacted Social Security number.

Stat. Auth.: ORS 646A.626
Stats. Implemented: ORS 646A.620, 646A.622
Hist.: FCS 10-2008, f. & cert. ef. 11-5-08

441-646-0040

Safeguarding of Personal Information

Protecting the security, confidentiality and integrity of personal information extends to:

- (1) Electronic and paper methods of storing personal information;
- (2) Electronic, paper and verbal methods of transmitting personal information; and
- (3) All methods of disposing of personal information.

Stat. Auth.: ORS 646A.626
Stats. Implemented: ORS 646A.622
Hist.: FCS 10-2008, f. & cert. ef. 11-5-08

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Rule Caption: Clarify and implement compliance requirements and fee restrictions in the pawnbroker industry.

Adm. Order No.: FCS 11-2008

Filed with Sec. of State: 11-13-2008

Certified to be Effective: 11-13-08

Notice Publication Date: 10-1-2008

Rules Adopted: 441-740-0015, 441-740-0016, 441-740-0025, 441-740-0035, 441-740-0040, 441-740-0045, 441-740-0050, 441-740-0055

Rules Amended: 441-740-0000, 441-740-0020

Rules Repealed: 441-740-0030

Subject: These rules clarify fees that may be charged and how interest must be calculated, add requirements about the minimum details to be recorded for pawned items, delete the requirement for the alternate year self-examination by pawnbrokers with several of the deleted items included as part of the existing annual report, prohibit noting a pledgor's race or sex in conformity with federal law, require use of the Oregon license number in paid advertising, clarify the process for the notice of forfeiture provisions for loans of \$500 or more, and

describe information to be included when surrendering a pawnbroker license.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-740-0000

Definitions

(1) Definitions of terms in ORS 726.010 govern the meaning of terms used in OAR chapter 441, division 740, except where the context otherwise requires.

(2) As used in ORS 726.040 and in division 740 of OAR chapter 441, except where the context otherwise requires:

(a) "Advertising" includes signs, inside or outside of a business premise, advertising in newspapers and print media, on radio, television, and electronic media by the licensee or on the licensee's behalf.

(b) "Renewal" means a subsequent pledge loan when the original loan was not paid in full.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.010 & 726.040
Hist.: FID 2-1985, f. & ef. 7-22-85; Renumbered from 805-076-0050; FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0015

Fees Charged by Pawnbrokers to Pledgors

(1) When a firearm must be registered under the laws of the United States, the pawnbroker may charge a \$3 fee only when the firearm is taken in. This fee may not be charged on any renewal of the pledge loan on the firearm.

(2) For any transaction reportable to a government agency, the pawnbroker may charge the fee imposed by a governmental agency for that transaction. For example: the pawnbroker may pass on a fee, such as \$0.50, that a city charges the pawnbroker for use of that city's online database to report a pledge transaction. However, if that city charged a flat annual fee of \$100 to the pawnbroker for use of an online database, that flat fee cannot be split up and charged back to pledgors.

(3) ORS 726.400 permits passing through to the pledgor "a reasonable fee for preparing the notice" on pledge loans of \$500 or more. A fee not to exceed \$5 will be deemed reasonable. Postal costs may also be recovered. Mileage costs and employee time to travel to and from the post office are not considered "preparing the notice" and are not recoverable.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.390, 726.395, 726.400
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0016

Daily-Interest Computation

Interest on a loan must be computed on a daily basis using a 365-day year. The maximum charge for each day shall be 1/365th of the annual rate when calculating the elapsed time of the loan.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.390

441-740-0020

Pawnbrokers Required to Use Reasonable Care in Caring for Pledges; "Reasonable Care" Defined

(1) A pawnbroker shall exercise reasonable care to protect pledges from theft and burglary.

(2) As used in this rule unless otherwise required, "reasonable care" means:

(a) Having a method or system of promptly notifying the police or a security company when a burglary or theft occurs or is in progress; and

(b) Having a structure or enclosure in which the business is conducted that is designed, constructed, furnished and maintained so as to create physical deterrents to unauthorized entry or unauthorized removal of pledged goods, giving special consideration to security of high value items and weapons.

(3) In complying with section (2) of this rule, a pawnbroker shall give serious consideration to:

(a) An alarm system with a direct connection to an off-site security company or a police agency;

(b) Bars on the windows, extra thick doors, vaults of heavy metal and similar structural deterrents to unauthorized entry;

(c) Safes for jewelry, gems and coins and storage areas for guns, all of which are so constructed and located as to deter and delay unauthorized entry and to provide time for a police agency or other security company to respond to a call in the event of a burglary or theft;

(d) The suggestions and recommendations of the local law enforcement agency or agencies; and

(e) Other or similar security precautions and systems.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.380
Hist.: FID 2-1985, f. & ef. 7-22-85; Renumbered from 805-076-0300; FCS 11-2008, f. & cert. ef. 11-13-08
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0025

Description of Pledged Items

(1) The description of items in the register maintained by the pawnbroker, to satisfy needs of local law enforcement, must include:

- (a) Brand name;
- (b) Model number, if evident;
- (c) Serial number, if evident; and
- (d) Any other unique identifying marks, numbers, names, or letters.

(2) Notwithstanding section (1) of this rule, in the case of multiple similar items delivered in one transaction which do not bear model or serial numbers and which do not include precious metal or gemstones, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered. For example, if a tool box containing hand tools was pledged, it would be sufficient to identify the number of hand tools and the type of hand tools contained in the tool box.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.280
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0035

Other Information to be Submitted with Annual Report

At the same time the pawnbroker files an annual report, the pawnbroker must include with that annual report:

(1) A copy of the front and back of the pawn ticket currently used by the pawnbroker;

- (2) Any change of its mailing address;
- (3) Specific details about any change of ownership of the pawnbroker;
- (4) Any change in the surety bond or issuer of the surety bond;
- (5) The current rate of interest and schedule of fees being charged;

and
(6) A copy of the declarations page of an insurance policy or policies showing current fire, theft and burglary coverage.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.130
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0040

Loan Agreement

A pawnbroker may not capture a pledgor's race or sex on any copy of a loan agreement other than the copy to be provided to law enforcement.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.280 and 726.285
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0045

Advertising

(1) A licensed pawnbroker must use its Oregon license number in any paid advertising.

(2) Without a pawnbroker license, a business may not use an assumed business name or advertising of a business that would lead the public to believe the business is a licensed pawnbroker, including use of "pawn," "hawk," "hock," or any synonym of any of those terms, in the assumed business name or in advertising referring to the business, whether used as a single word or part of a word.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.040
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0050

Pledge Loans of \$500 or More

(1) When a pawnbroker agrees to renew any pledge loan of \$500 or more on or before the expiration date of that pledge loan, the pawnbroker shall not send a notice of forfeiture letter.

(2) When a pledge loan of \$500 or more is not paid or renewed on or before the expiration date, the pawnbroker must send the notice of forfeiture letter as required by ORS 726.400. Following the sending of the notice of forfeiture letter, the pawnbroker may only give the pledgor a grace period of 30 days within which to redeem the pawned item, or a one-time renewal period of up to 60 days.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.400
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

441-740-0055

Surrender of License

When a pawnbroker surrenders a license, the written notice to the director must include:

- (1) The original pawnbroker license;
- (2) A copy of the notice posted on the front of the pawnbroker's place of business notifying customers of the closure of the pawnbroker business;
- (3) A list of outstanding pledge loans and a description of how those loans will be handled;
- (4) The physical location where pledged items will be held; and
- (5) The physical location where the pawnbroker's books and records will be held.

Stat. Auth.: ORS 726.260
Stats. Implemented: ORS 726.190
Hist.: FCS 11-2008, f. & cert. ef. 11-13-08

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**Department of Consumer and Business Services,
Oregon Medical Insurance Pool Board
Chapter 443**

Rule Caption: Aligns eligibility with federal law; creates new definitions; permits OMIP to charge fees for untimely assessment payments.

Adm. Order No.: OMIPB 8-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 11-15-08

Notice Publication Date: 10-1-2008

Rules Amended: 443-002-0010, 443-002-0030, 443-002-0060

Subject: 443-002-0010: Amends definition of "creditable coverage" and creates definition for "resident" and "substantially equivalent benefits".

443-002-0030: Amends current rule in order to allow OMIP to charge interest, fees, and other penalties as approved by the OMIP Board on untimely assessment payments.

443-002-0060: This rule making amends the rules for OMIP portability eligibility to accommodate portability eligibility requirements contained in federal HIPAA law (42 U.S.C. §300gg-41).

Rules Coordinator: Linnea Saris—(503) 378-5672

443-002-0010

Definitions

(1) "Administering Insurer" means the insurance company or third party administrator selected pursuant to ORS 735.620 to provide administrative services to operate OMIP on behalf of the OMIP Board.

(2) "Appeal" means a request to have an adverse grievance decision reviewed.

(3) "Applicant" means a person who is applying for OMIP coverage.

(4) "Benefit Enrollment Year" means a year beginning on the enrollee's effective date of OMIP coverage.

(5) "Calendar Year" means January 1st through December 31st each year.

(6) "Carrier" means an insurance company, a health maintenance organization or health care service contractor that has a valid certificate of authority from the Director of the Department of Consumer and Business Services that authorizes the transaction of health insurance.

(7) "Certificate of Coverage (COC)" means a certificate that is provided by an insurance carrier as proof of prior insurance coverage.

(8) "Children" means the applicant's natural, legally adopted child, or legal guardian, stepchildren living in the home or non-resident stepchildren if there is a qualified medical child support order that requires the applicant to provide health insurance.

(9) "Claim" means a request for payment under the terms of an insurance Contract.

(10) "Creditable Coverage" means prior health insurance coverage that reimburses for medical and hospital expenses without regards to a specific medical condition or disease and has comparable, similar benefits and payout amounts to OMIP's health benefit plans.

(11) "Dependent" means the contract holder's enrolled legal spouse, domestic partner, and unmarried children less than 23 years of age.

(12) "Eligibility" means meeting the Oregon residency and medical, portability, or federal Health Coverage Tax Credit (HCTC) requirements to qualify for the OMIP program as established in OAR 443-002-0060.

(13) "Enrollee" means an individual who is enrolled in one of the OMIP medical or portability benefit plans.

ADMINISTRATIVE RULES

(14) "External Review" is a review performed by a state contracted independent review organization when an enrollee has exhausted all internal grievance and appeal procedures and wants the opinion of a medical professional who is separate from the patient's health insurance company. External review applies only to disputes about medical necessity, experimental or investigational treatment, or need for continuity of care.

(15) "Grievance" means a written complaint submitted to OMIP's administering insurer by or on behalf of an enrollee regarding:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and OMIP.

(16) Health Coverage Tax Credit (HCTC) is a federal tax credit that pays 65% of qualified health insurance premiums for eligible individuals and their family members. In order to receive the HCTC, you must meet certain requirements, such as being a:

(a) Trade Adjustment Assistance (TAA) or Alternative Trade Adjustment Assistance (ATAA) recipient; or

(b) Pension Benefit Guaranty Corporation (PBGC) benefits recipient.

(17) "Medicaid" means federal medical assistance provided under 42 U.S.C. section 396a administered by the Oregon Department of Human Services.

(18) "OMIP" means the Oregon Medical Insurance Pool.

(19) "Pre-existing Condition" means a condition for which professional medical advice, diagnosis, care, or treatment was recommended or received in the six months before coverage began. For purposes of the six month limitation period, the term pregnancy shall include: pre-and postnatal care, miscarriage, abortion, delivery (vaginal or surgical), and complication of pregnancy. Complication of pregnancy includes but is not limited to: intra-abdominal surgical procedures; placenta abruptio and placenta previa; acute exacerbations or heart conditions and or diabetes; toxemias.

(20) "Resident" means a person who is legally domiciled and maintains a principal place of residence in Oregon. Once a person is enrolled in OMIP coverage, he/she must also reside at this principle place of residence at least 180 days each benefit enrollment year.

(21) "Substantially Equivalent Health Benefits or Coverage" means health insurance coverage that reimburses for medical and hospital expenses without regards to a specific medical condition or disease and has comparable, similar benefits and payout amounts, to OMIP's health benefit plan.

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 2-2005, f. 12-30-05, cert. ef. 1-1-06; OMIPB 1-2008, f. & cert. ef. 1-2-08; OMIPB 5-2008(Temp), f. & cert. ef. 7-1-08 thru 12-27-08; OMIPB 8-2008, f. 11-14-08, cert. ef. 11-15-08

443-002-0030

Assessment for Operating Expenses and Counting Insureds

(1) OMIP shall assess insurers and reinsurers, as defined in ORS 735.605, for the purpose of collecting monies to cover expenses and losses of OMIP in excess of premiums, which are not or will not be sufficiently covered by funds in the OMIP Account defined in 735.612.

(a) Pursuant to ORS 735.614(2), OMIP counts both the number of Oregon insureds and Oregon certificate holders for assessment purpose. Health insurance issued in other states for certificate holders in Oregon shall be subject to the assessment count.

(b) OMIP will assess insurance companies based on the number of persons insured in Oregon. The actual insurance transaction does not have to take place in the State of Oregon for it to be counted.

(c) All insurers that are authorized to transact health or medical insurance in Oregon and that insure persons residing in Oregon will be subject to the assessment. All reinsurers that reinsure medical insurance in Oregon on or after September 27, 1987, will be subject to assessment.

(2) The OMIP Board shall determine the frequency of such assessments based on projected cash balances and operating revenues and expenditures.

(3) The projected cash balance shall take into account a reserve intended to cover claims incurred but not reported or paid. The Board shall review the reserve quarterly to determine its adequacy and adjust it as needed.

(4) The amount for which OMIP assesses each insurer or reinsurer as defined in ORS 735.605 shall depend on each insurer's or reinsurer's proportion of the total of all Oregon insureds and certificate holders insured or

reinsured and the amount of funds that OMIP needs to cover projected expenses and losses in excess of the premiums:

(a) Annually, OMIP will send a request to all insurers insuring or reinsuring health or medical insurance in Oregon to report the number of persons insured or reinsured in Oregon as of March 31 of the current year.

(A) The insurer or reinsurer will have 30 days from the date of the request to return the requested count.

(B) Based on the information obtained in the requested count, OMIP will issue bi-annual assessments. Insurers, including reinsurers, will have 30 days from the notice of assessment to make payment. Effective May 1st of 2006, if the insurer does not make payment in full to OMIP within 30 days from the notice of assessment, OMIP may add interest, fees, and other penalties as approved by the Board.

(C) If OMIP discovers that an insurer (including a reinsurer) has inaccurately reported the number of persons insured, OMIP may request that the insurer provide an accurate count and may reassess the insurer accordingly.

(b) OMIP shall determine the total number of Oregon insureds and certificate holders insured or reinsured as follows:

(A) OMIP shall limit the count of insureds and certificate holders insured or reinsured to medical insurance as defined in ORS 735.605(5);

(B) The count shall include all insureds and certificate holders, including dependents, other individuals whose medical insurance coverage is insured or reinsured in whole or in part, and, to the extent permitted by federal law, individuals covered under excess loss coverage written on self-funded medical plans;

(C) Reinsurers may exclude from the number reported those individuals that the other insurers or reinsurers have counted;

(D) The insurers and reinsurers may use any reasonable method of estimating or may use actual counts of the number of individuals for whom coverage is provided. They must inform OMIP how they calculated any estimates.

(5) If assessment collections exceed the amount needed to meet OMIP expenses and losses, OMIP shall hold and invest the excess funds and use the earnings and interest, to offset future net losses or to reduce OMIP premiums. For the purposes of this section, "future net losses" include reserves for incurred-but-not-reported claims.

(6) OMIP allows a three-year look back period for adjusting assessments based on discrepancies reported to determine counts of covered lives. This rule applies retroactively from May of 2006.

(a) If OMIP discovers that a carrier over-reported the number of covered lives during the three-year look back period, OMIP may apply a credit to future assessments if applicable. If the actual count of covered lives drops to zero, OMIP may return the assessment payment to the carrier.

(b) If a carrier under-reported the number of covered lives during the three-year look back period, OMIP may charge the carrier the per member per month amount for each assessment applicable to each year. OMIP may also charge interest from the year of the discrepancy and for each additional year in the amount equivalent to what OMIP most recently earned on its cash account.

Stat. Auth.: ORS 735.610(6) & 735.614

Stats. Implemented: ORS 735.600 - 735.650

Hist.: OMIPB 2-2004, f. 12-30-04, cert. ef. 1-1-05; OMIPB 2-2005, f. 12-30-05, cert. ef. 1-1-06; OMIPB 2-2008(Temp), f. & cert. ef. 1-2-08 thru 6-30-08; OMIPB 3-2008, f. & cert. ef. 4-15-08; OMIPB 4-2008(Temp), f. & cert. ef. 6-10-08 thru 12-5-08; OMIPB 8-2008, f. 11-14-08, cert. ef. 11-15-08

443-002-0060

Eligibility

(1) **MEDICAL.** Individuals applying for OMIP medical coverage must be a resident of the State of Oregon and meet one of the following eligibility requirements:

(a) Applicant was denied individual health insurance coverage within six months from the mailing date of the OMIP application; or

(b) Applicant has been diagnosed or treated within the last five years for one or more medical conditions listed on the most current OMIP application; or

(c) Applicant is now a resident of Oregon and has transferred from another state's high-risk pool; or

(d) Applicant was offered individual health insurance that contained a waiver which excluded coverage for a specific medical condition; or

(e) Applicant was offered individual health insurance but was limited by the choice of plans the carrier was willing to offer due to a specific medical condition; or

(f) Applicant is eligible for the health coverage tax credit (HCTC) under Section 35 of the Internal Revenue Code effective for taxable years beginning after December 31, 2001.

ADMINISTRATIVE RULES

(2) **PORTABILITY.** Individuals applying for OMIP portability coverage must be a resident of the state of Oregon; apply to OMIP within 63 days of losing the prior group coverage, **AND** meet one of the following portability requirements:

(a) Applicant has had at least 180 days of group coverage, **AND** has exhausted all COBRA or state continuation coverage if available and no portability coverage is available through the previous group plan's health insurer; or

(b) Applicant is eligible for Oregon portability through the previous insurance carrier but has moved from the insurance carrier's service area or the insurance carrier no longer services the area in which the member currently lives; or

(c) Applicant has had at least 18 months of prior creditable health insurance coverage without a gap in coverage of greater than 63 days and the most recent was in a group plan, **AND** has exhausted COBRA or state continuation coverage if available, **AND** no portability coverage is available through the previous group plan's health insurer.

Stat. Auth.: ORS 735.610(6), 735.615 & 735.616

Stats. Implemented: ORS 735.600 - 735.650

Hist.: OMIPB 2-2004, f. 12-30-04, cert. ef. 1-1-05; OMIPB 1-2005(Temp), f. & cert. ef. 8-26-05 thru 2-20-06; OMIPB 2-2005, f. 12-30-05, cert. ef. 1-1-06; OMIPB 1-2008, f. & cert. ef. 1-2-08; OMIPB 6-2008(Temp), f. & cert. ef. 7-1-08 thru 12-27-08; OMIPB 8-2008, f. 11-14-08, cert. ef. 11-15-08

Department of Corrections Chapter 291

Rule Caption: Assessment, Assignment and Supervision of Inmates for Work Assignments and Unfenced Minimum Housing.

Adm. Order No.: DOC 27-2008

Filed with Sec. of State: 11-7-2008

Certified to be Effective: 11-7-08

Notice Publication Date: 6-1-2008

Rules Adopted: 291-082-0110, 291-082-0115, 291-082-0120, 291-082-0125, 291-082-0130

Rules Repealed: 291-082-0025, 291-082-0026, 291-082-0027

Rules Ren. & Amend: 291-082-0010 to 291-082-0100, 291-082-0020 to 291-082-0105, 291-082-0021 to 291-082-0135, 291-082-0035 to 291-082-0140, 291-082-0045 to 291-082-0145

Subject: The Department has established new criteria for determining an inmate's eligibility for assignment to community custody work crews, on-site work assignments and unfenced minimum housing. These rule modifications are necessary to implement the new criteria. Other modifications are necessary to reflect organizational and operational changes that have occurred within the Department since the last revision.

Rules Coordinator: Janet R. Worley — (503) 945-0933

291-082-0100

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 421.445, 423.020, 423.030, 423.075 and Article I, Section 41 of the Oregon Constitution.

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures relating to the assessment, assignment, and supervision of inmates assigned to community custody work crews, on-site work assignments and unfenced minimum housing.

(3) Policy: It is the policy of the Department to establish specific eligibility criteria for inmates who are assigned to community custody work crews, on-site work assignments and unfenced minimum housing. Consistent with the mandates and purposes of Article I, section 41 of the Oregon Constitution, the Department of Corrections will seek opportunities to enter into cooperative agreements with local, state, federal governmental agencies, private non-profit and private entities for the use of inmate labor and services on work projects. The department will enforce the following procedures for inmate work crew supervision to support the safety and security of the community, staff, supervisors, and inmates.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0010, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0105

Definitions

(1) Agency Work Crew: One or more inmates assigned to work on an on-site or community crew.

(2) Agency Work Crew Supervisor: An employee or agent of the local, state or federal governmental agency or private non-profit and private entities who may supervise inmates assigned to an agency work crew pursuant to an intergovernmental agreement entered into by the agency and the Department of Corrections.

(3) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

(4) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification procedures in accordance with the DOC rule on Classification (Inmate)(OAR 291-104).

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the Department present a threat sufficient to require special security housing on intensive management status.

(B) Has been committed to the Oregon Department of Corrections with a sentence of death.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has extensive time remaining.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern.

(5) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(6) Department of Corrections Employee: Any person employed full-time, part-time, or under any temporary appointment by the Department of Corrections; any person under contractual agreement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to the department programs. An agreement entered into under this section requires that the person exercising custodial supervision over inmates receive security training approved and provided by the Department of Corrections.

(7) Designator: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(8) Direct Supervision: The responsibility of authorized supervisors to ensure the on-site presence of an inmate while outside the institution secure perimeter, and to immediately report any authorized absence or departure.

(9) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(10) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(11) Institution Work Program Coordinator: A Department of Corrections employee that is responsible for overseeing daily planning and coordination of inmate work assignments.

(12) Protection/Restraining Order: Any valid court order intended to protect one person from another and restraining one person from any form of contact with another person.

(13) Stalking Conviction: Any court conviction for stalking as described in ORS 163.732 and 163.750.

(14) Stalking Order: Any court order prohibiting one person from stalking another as described in ORS 163.732 and 163.750.

(15) Static 99: An assessment designed to determine a sex offender's risk of re-offense. Scoring ranges between 1 (low) and 10 (high).

ADMINISTRATIVE RULES

(16) Unfenced Housing Assignment: A housing assignment to a Department of Corrections facility that does not have a secure perimeter fence.

(17) WHALE Work Assignment Levels:

(a) Inside: A work assignment restricted to inside the perimeter fence of a Department of Corrections facility.

(b) On-Site: A work assignment on the grounds of the facility in which an inmate is housed, but outside the perimeter fence of the facility.

(c) Community: A work assignment located outside the perimeter fence and off the grounds of the Department of Corrections facility in which an inmate is housed.

(18) Work Housing Assignment Level Evaluation (WHALE): The automated assessment program in the Corrections Information System (CIS) used by the Department of Corrections to determine an inmate's work assignment levels and unfenced housing assignment.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0020, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0110

Work Housing Assignment Level Evaluation (WHALE) Eligibility

(1) All inmates at custody Level 1 or 2 are minimally eligible for an inside work assignment.

(2) Community Work Assignment: An inmate must meet the following criteria to be considered for a community work assignment:

- Served more than 60 days in DOC custody.
- No conviction for Arson I or Attempted Arson I.
- No conviction of a sex offense or a crime with a sexual element.
- No active protection/restraining order(s).
- No conviction for Stalking offense.
- No active court Stalking Order.
- Not found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct.

(h) Minimal escape risk as defined in the Custody Classification Guide and the rule on Classification (Inmate)(OAR 291-104).

(i) No felony detainer(s) that are untried or expire after the inmate's projected release date.

(j) No multiple misdemeanor detainers that expire after the inmate's projected release date.

(k) No designators on file disqualifying community assignment.

(3) Unfenced Housing: An inmate must meet the following criteria to be considered for an unfenced housing assignment:

- Custody Classification Level 1.
- Meets all community work assignment criteria.
- No conviction for Arson II, Attempted Arson II, Reckless Burning or other related arson crimes, including attempts.
- No escape history.
- No misdemeanor detainers that are untried.
- No consecutive misdemeanor detainer that expires one year or less from the inmate's projected release date.

(5) On-Site Work Assignment: An inmate must meet the following criteria to be considered for an on-site work assignment:

- Served more than 60 days in DOC custody,
- No Predatory Sex Offender designation in Oregon or any other state, and if a sex offender, scores 5 or below on the Static 99.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0115

Initial Work Housing Assignment Level Evaluation (WHALE)

(1) A WHALE shall be completed on all inmates who have been classified as Level 1 or Level 2 in order for the inmate to be considered for a community work assignment or for housing in an unfenced facility.

(2) The assigned counselor shall initiate the automated WHALE, review for accuracy of information imported from the CIS, and enter any additional information gleaned from file review or other sources.

(3) The WHALE shall be forwarded to the Transitional Services Manager for approval. An evaluation is not considered official until approved by the Transitional Services Manager or designee.

(4) All approved WHALE actions are historically recorded and maintained in the CIS system.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0120

Work Housing Assignment Level Evaluation (WHALE) Review

(1) An inmate's WHALE shall be reviewed when new information is received that affects the WHALE level.

(2) The inmate's assigned counselor will receive an automated alert when new information is received that will affect the WHALE level.

(3) The new WHALE action shall be forwarded to the Transitional Services Manager or designee for approval. No WHALE action is official until approved by the Transitional Services Manager or designee.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0125

On-site Work Exception

(1) Recommendation of an inmate for an on-site work exception will be at the discretion of the assigned counselor. Reasons for consideration for on-site recommendation by the counselor may be, but are not limited to, positive program and work history, positive behavior, or no victim concerns.

(2) Final approval of an on-site work assignment will be made by the facility functional unit manager or designee.

(3) On-site work assignment approval is only valid at the facility where the decision was made, and will automatically expire if the inmate is transferred to any other Department of Corrections facility.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0130

Work Housing Assignment Level Evaluation Quality Assurance Review

(1) The Office of Population Management is responsible for auditing institution WHALE procedures and decisions.

(2) Auditing shall consist of routine review of Work Housing Assignment Level Evaluations at each DOC facility. Such reviews shall be conducted to ensure:

- The policies and procedures set forth in this rule are followed; and
- The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager and to the Operations Division Institution Administrators for corrective action.

(4) The Office of Population Management is responsible to review the last WHALE for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Operation Division Institution Administrators.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0135

Inmate Work Crews Agreements

(1) The Department of Corrections may, in its discretion, assign inmate work crews to work in the community on local, state, federal governmental agencies, private non-profit or private entity work projects.

(2) Facility functional unit managers will use private partnership review guidelines in determining appropriateness of private sector agreement requests.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; Renumbered from 291-082-0030, DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0021, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0140

Supervision/Security Provisions for Inmate Work Crews

(1) If the Department of Corrections assigns an inmate work crew within three blocks of a school, the functional unit manager or designee will ensure notification is made with the affected school on dates, times and location of inmate work crew.

ADMINISTRATIVE RULES

(2) When an inmate work crew is scheduled to work within city limits, a designee of the institution will notify the appropriate local law enforcement agency prior to the project start date.

(3) Inmate work crews working out-of-doors within a city or in a residential community located outside of a city will be supervised by a minimum of one supervisor for every ten inmates. The facility functional unit manager may, with the approval of the Assistant Director of Operations or designee, assign additional inmates without an additional supervisor if an unforeseen and unique circumstance arises.

(4) The provisions specified in sections (2) and (3) are not required for inmate work crews deployed during natural disasters, including but not limited to, floods and forest fires.

(5) The provisions specified in sections (2) and (3) do not apply to inmate work crews assigned to work in programs operated by Oregon Corrections Enterprises under ORS 421.344 to 421.367.

(6) All assigned inmates will be dressed uniformly in clothing clearly stenciled in orange writing that designates them as inmates.

(7) Upon arrival at a worksite, Department of Corrections signs stating an inmate work crew is present will be posted in or near the work area in a place that is visible to the public.

(8) While at the work site supervisors will maintain direct supervision of all assigned inmates, unless the nature of a work task requires the supervisor to monitor an inmate by physically moving throughout the worksite.

(9) At a minimum, the inmate work crew supervisor will account for each inmate once every 30 minutes.

(10) All inmate work crews will be supervised by an employee of the Department of Corrections or Oregon Corrections Enterprises, unless performing a work project for a local, state, or federal governmental agency. The crew may be supervised by an employee of a governmental agency pursuant to an intergovernmental agreement entered into by that agency and the Department of Corrections.

(11) The Department will require in its intergovernmental agreements with local, state or federal government agencies that the employees exercising supervision over inmates assigned to agency work crews receive appropriate training in accordance with OAR 291-082-0145.

(12) Institution post orders will be maintained in support of this rule.
Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0035, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

291-082-0145

Work Crew Supervision Training

(1) Before supervising a community inmate work crew, all employees of the Department of Corrections and other local, state or federal governmental agencies that have been designated to supervise inmates assigned to community work crews will receive eight hours of supervisory training. This training shall be developed, approved, and provided by the Department of Corrections.

(2) The Department will provide the designated employees periodic follow-up training at least annually. Training may be provided by the Department more frequently if the Department determines additional training to be necessary or advisable.

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075
Hist.: DOC 3-2002, f. & cert. ef. 1-16-02; Renumbered from 291-082-0045, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08

Department of Energy

Chapter 330

Rule Caption: Amend Residential Energy Tax Credit (RETC) program rules.

Adm. Order No.: DOE 7-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 11-1-08

Notice Publication Date: 9-1-2008

Rules Amended: 330-070-0010, 330-070-0026, 330-070-0070, 330-070-0073, 330-070-0089

Subject: The proposed rules would:

Amend the eligibility of tax credits qualified heat pump and duct systems to be based in the company (not the technicians) participation in annual ODOE training.

Eliminate the five-year requirement for geothermal technicians to have International Ground Source Heat Pump Association (IGSHA-PA) training.

Amend the requirement for downhole heat exchangers (direct use geothermal systems) to state that they must include a summary report from Oregon Institute of Technology or other source approved by the Director which describes the system and indicates that it will deliver sufficient heat and the design meets current good practice guidelines.

Increase the maximum size requirement for a tax credit qualified refrigerator to 31 cubic feet.

Add to the requirement for water heaters that they may also be listed with Energy Star or California Energy Commission to qualify.

Replace the requirement that warm air furnaces must have electronically commutated, permanent magnetic viable speed DC (ECPM) motor with the requirement that they must be listed in the Gas Appliance Manufacturers Association (GAMA) Directory of Certified Energy Rating in effect at the time these rules are adopted as "electrically efficient."

Add the requirement that boilers have a minimum AFUE rating of 0.92 (92 percent) and must include an outdoor temperature reset control effective January 1, 2009.

Clarify the requirement for a solar tax credit certified technicians to maintain their certification each year.

Amend the date for requiring North American Board of Certified Energy Practitioners (NABCEP) certification for first-time solar technician applicants to May 4, 2009 and for renewing solar technicians to May 4, 2010.

Amend rules for wind systems to require a five year manufacturer's warranty.

Make editorial and housekeeping changes to OAR 330-070-0010 to OAR 330-070-0097

Rules Coordinator: Kathy Stuttaford—(503) 378-4128

330-070-0010

Purpose

(1) ORS 469.160 through 469.180 offer tax credits for Alternate Energy Devices (AEDs).

(2) These rules are OAR 330-070-0010 through 330-070-0097. They govern the way tax credits for AEDs will be granted or denied. None of these rules replace any building code requirements.

(3) Effective Date: November 1, 2008. All decisions made by the Oregon Department of Energy (ODOE) regarding AED eligibility, issuance of tax-credit technician certification, complaints regarding performance of tax-credit certified technician, revocation of technician tax-credit certification and other matters relating to the administration of this program after the effective date of these rules will be made consistent with the criteria and standards contained in these rules.

(4) These rules apply to tax years beginning on or after January 1, 2008. For all prior tax years, the law and rules applicable to those years remain in full force.

(5) ODOE grants or denies AED tax credits. By granting a tax credit, neither ODOE nor the state implies that the AED will save more money than it will cost. Meeting standards in these rules does not assure that an AED is safe or reliable.

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-1990; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08

ADMINISTRATIVE RULES

330-070-0026

Technician Tax Credit Certification

(1) Technicians may on a voluntary basis apply for ODOE tax-credit certification for a particular technology on an annual basis. Certification is intended to assist consumers with the state tax credit program, ensure that the systems are installed according to ODOE rules, and verify system installation quality and performance.

(2) A tax-credit certified technician applies only to the following products:

- (a) Solar water heating systems;
- (b) Ground source heat pumps (geothermal);
- (c) Photovoltaic systems;
- (d) Performance-tested ducts; and
- (e) Air source heat pumps/air conditioning systems.

(3) The tax-credit certified technician's status is based on the following:

- (a) Knowledge and understanding of the tax credit program requirements and expectations;
- (b) Ability to provide systems that are designed and installed with a focus on performance and longevity;
- (c) Ability to deal with both ODOE and consumers in a professional manner; and
- (d) Employment by a company with a Construction Contractors Board (CCB) license. Failure to meet any of these criteria are grounds for removal from being certified. (See Section 330-070-0045 (2)).

(4) Tax-credit certified technician status entitles a technician to:

(a) Inform the owner that he or she has attended an ODOE-required training class and is familiar with the rules and requirements of the Residential Energy Tax Credit Program.

(b) Verify that installation of tax-credit qualified equipment and systems meet ODOE standards for performance and longevity.

(5) Tax-credit certified technician status requires that the technicians must follow ODOE requirements including:

(a) Duct and air-source heat pump/air conditioning technicians must be in good standing with Performance Tested Comfort System (PTCS) or Proctor Engineering CheckMe! programs.

(b) Solar technicians must show certification (North American Board of Certified Energy Practitioners-NABCEP or Limited Renewable Energy Technician (LRT) license for solar electric and Solar Thermal License (STL) for solar thermal or pass an ODOE competency testing with a score of 70 or above for the technology. On or after May 4, 2009, new applicants for tax credit certified solar technicians must show NABCEP photovoltaic (PV) certification or NABCEP entry-level certification or Limited Renewable Energy Technician (LRT) license or Solar Thermal License (STL) or other certification approved by the Director to be a tax credit certified solar technician. On and after May 4, 2010 all tax credit certified solar technicians must show proof of appropriate NABCEP or LRT or STL certification or other certification approved by the Director to maintain their tax credit solar certification with the Oregon Department of Energy.

(c) First-time geothermal technician applicants must show proof of successful completion of International Ground Source Heat Pump Association training (IGSHPA) or IGSHPA certified manufacturer's installer training program or other training approved by the ODOE Director.

(d) Solar and geothermal tax credit certified technicians must participate in ODOE tax-credit training and annual ODOE update telephone conference calls.

(e) Verify owner has user manual for equipment/system.

(f) Provide the customer with a completed application and a copy of the final itemized dated invoice for the system that is marked "inspected and paid for." Verify owner has a written full warranty for the system that lasts no less than 24 months after the system is installed.

(g) Maintain tax-credit certification status by completing the following technology-specific requirements during the previous calendar year:

(A) For solar technology:

(i) Submit and approve two (2) Residential or Business Energy Tax Credit applications for systems in technology in which technician is certified and complete four (4) hours of related technical continuing education; or

(ii) Submit and approve one (1) Residential or Business Energy Tax Credit application for system in technology in which technician is certified and complete six (6) hours of related technical continuing education; or

(iii) Complete eight (8) hours of related technical education.

(B) For air source heat pumps/air conditioning — Remain in good standing with PTCS or Proctor Engineering CheckMe! Programs.

(C) For performance tested duct systems — Remain in good standing with PTCS.

(D) For ground-source heat pumps — Have submitted and approved a minimum of one (1) tax credit application or proof of having completed at least two hours of relevant installer training, community college HVAC course, or other training approved by the Director.

(6) Tax credits for installation of air source heat pumps/air conditioning systems, performance-tested ducts, geothermal systems, solar electric and solar thermal systems must be verified by an ODOE tax-credit certified technician. Homeowner-installed systems will be verified by ODOE on a case-by-case basis.

(7) A tax-credit certified technician must notify ODOE within 30 days if changes are made in any of the information in the certification application.

(8) ODOE may reject any application if the AED does not comply with ORS 469.160 through 469.180 and OAR 330-070-0010 through 330-070-0097. ODOE will explain all rejected applications in writing. Approved requests for lesser cost than claimed by the applicant will also include written reasons.

(9) ODOE will list companies employing duct and air-source heat pump/air conditioning technicians who can verify tax credit eligible systems. A listed company must:

(a) Employ a tax credit certified technician who is in good standing with PTCS or Proctor Engineering CheckMe! Programs.

(b) Apply in writing and renew their listing on an annual basis.

(c) Have a minimum of two key administrative staff participate in annual ODOE conference call update training.

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 7-1984, f. & ef. 12-19-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1995, f. & cert. ef. 1-17-95; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08

330-070-0070

Guidelines for Ground-Water Heat Pump and Ground Loop AEDs

(1) Only total systems will qualify for a tax credit. All systems must comply with OAR 330-070-0025 and 330-070-0040 and be of closed loop design and operation. See also OAR 330-070-0027.

(2) Systems must limit waste of the resource.

(3) Systems must not have adverse effects on:

(a) Other systems; and

(b) Water quality applying the standards of the Department of Environmental Quality.

(4) Systems must not create hazards such as:

(a) Steam or water vapor;

(b) Vapors or odors;

(c) Noise; and

(d) Hazardous wellhead design.

(5) System parts must have adequate:

(a) Structural strength;

(b) Resistance to weather and fire;

(c) Ease of upkeep; and

(d) Durability.

(6) No system will cause harmful physical effects on people or unwanted tastes or odors.

(7) Some heat transfer fluids need special handling. These include toxic, corrosive, and explosive fluids. Such fluids shall only be used when the system is designed to safely handle them.

(8) Under normal operation, any part of a system that may be touched by people must be cooler than 141 degrees F. If this cannot be done, any part that reaches more than 140 degrees F. must have warning labels. Each system must include a device to limit water for domestic use to 140 degrees F.

(9) Each system and nearby structures must be protected against pressures, vacuums and temperatures.

(10) Systems must fully protect drinking water as specified in the Oregon Plumbing Specialty Code.

(11) Systems must use storage tanks built by accepted methods. Each tank must be tested for leaks.

(12) Expansion and contraction due to changing heat levels must not cause undue strain or distortion.

(13) Systems that use heat transfer fluids that may freeze must have freeze protection.

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(14) Systems must use accepted methods to guard against the known corrosion/scaling level of the water.

(15) Systems must also be designed for the least effect on groundwater.

(16) Ground loop systems must cover enough ground to meet total annual heating requirements, as required by manufacturers' recommended design standards. Ground loops used for cooling must restore soil moisture.

(17) Downhole heat exchangers (direct use geothermal systems) must include a summary report from Oregon Institute of Technology or other source approved by the Director which describes the system and indicates that it will deliver sufficient heat and the design meets current good practice guidelines. They will be reviewed on a case-by-case basis.

(18) The system COP must be at least 3.3 for closed loop systems and 3.5 for direct expansion (DX) systems, including energy used by pumps. COP shall be determined by the following methods:

(a) For water source heat pumps, the COP must be determined in accordance with ARI Standard 325-85, at an entering water temperature of 50 degrees F.

(b) For water source or ground loop heat pumps using ambient surface water as an energy source and for solar assisted heat pumps, the COP must be the measured ratio of the heating season energy output divided by the heating season energy input. Both energy values must be expressed in the same units.

(19) All other types of ground water heat pumps and ground loop AEDs must be reviewed on their COP.

(20) Bermed or earth covered buildings will not qualify for the geothermal tax credit.

(21) All ground water heat pumps and ground loop water heating AEDs must include setting the water heater thermostat to 120 degrees F as a hot water conservation measure.

(22) A ground source heat pump system may receive a supplemental tax credit amount, determined by ODOE, based on additional energy savings, if the duct system to which it is attached is tested and certified in accordance with the protocols specified in Section 330-070-0073(9)(a) through 330-070-0073(9)(g). This amount is in addition to the tax credit amount for the ground source heat pump system itself, and in addition to the tax credit amount provided for the duct testing and certification itself. In order to earn the supplemental tax credit amount, the ground source system must be installed, the duct system must be tested and certified, and the applications for all tax credit amounts associated with the system must be received, as a single package, at ODOE by April 1st of the tax year following the tax year for which the credits are being claimed.

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 12(Temp), f. & ef. 10-14-77; DOE 3-1978, f. & ef. 3-7-78; DOE 5-1978, f. & ef. 9-27-78; DOE 6-1979, f. & ef. 11-13-79; DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 6-1983, f. 12-16-83, ef. 1-1-84; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1989, f. & cert. ef. 6-15-89; DOE 2-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08

330-070-0073

Guidelines for Energy Efficient Appliances and Alternative Fuel Devices

(1) Energy efficient appliances must meet or exceed the following energy efficiency ratings, as measured in accordance with current United States Department of Energy (USDOE) test procedures where applicable, and be currently listed with ODOE as qualifying premium efficiency appliances. In the event that the same model number has more than one energy efficiency rating, one of which is non-qualifying, all units with that model number will be declared ineligible and removed from the ODOE qualifying list of premium efficiency appliances. Models declared ineligible due to multiple energy efficiency ratings may be reinstated upon demonstration by the manufacturer that the problem has been remedied, but not earlier than 12 months from the time of removal from the list.

(2) Where USDOE test procedures do not exist, ODOE will designate a nationally recognized test procedure that will apply instead.

(3) Clothes washers.

(a) For the purpose of this program, clothes washer efficiency performance is determined using the USDOE Appendix J1 test procedure for residential clothes washers in effect at the time the rules are adopted.

(b) Effective April 1, 2007, clothes washers shall have a minimum Modified Energy Factor (MEF) of 2.0 and a maximum Water Factor (WF) of 6.5 gal/cubic foot/cycle.

(4) Refrigerator-Freezers.

(a) Must have at least 20 percent lower energy consumption than that allowed by the July 1, 2001 USDOE standard for refrigerator/freezers;

(b) Must have a total net volume (sum of the fresh food compartment and freezer compartment volumes) of at least 12 cubic feet, but less than 31 cubic feet; and

(c) Must have a fully automatic defrost cycle.

(5) Dishwashers.

(a) Effective January 1, 2008, dishwashers must have an Energy Factor of 0.70 cycles/kWh or higher; and

(b) Dishwashers must have tax credit eligibility based on an Energy Factor derived from the DOE Dishwasher Test Procedure effective September 28, 2003.

(6) Water Heating Appliances.

(a) Water heater efficiency requirements:

(A) Equipment efficiency requirements for units of nominal 1-ton or less capacity are based on listing by ENERGY STAR® or California Energy Commission or on the USDOE Energy Factor, as derived from the USDOE Appendix E test procedure for residential water heating equipment in effect at the time the rules are adopted. Efficiency requirements for units larger than 1-ton in capacity and smaller than 6-tons in capacity, are based on the system COP at 47 degrees F outdoor air temperature or other rating point appropriate for the system deemed equivalent by ODOE.

(B) Electric units of nominal 1-ton or less shall have an Energy Factor not less than 1.0; units with capacity greater than 1-ton and less than 6-tons shall have a COP rating of not less than 2.5.

(C) Natural gas, propane, or oil-fired units shall have an Energy Factor of 0.80 or greater as tested with natural gas fuel. If tankless, the water heater shall have a maximum firing rate of at least 140,000 Btu/hour and a minimum firing rate no higher than 24,000 Btu/hour.

(b) Combined space/water-heating system efficiency must be based on the water heating Energy Factor for Combined Systems (C_{EF}) as derived from the American National Standards Institute/American Society of Heating, Refrigerating, and Air Conditioning Engineers (ANSI/ASHRAE) 124-1991 test method. Water heaters that are part of a combined space and water heating system may not receive a tax credit for space heating efficiency as a boiler in addition to the tax credit as a water heating appliance.

(7) For Wastewater Heat Recovery Systems, field performance data submitted to and approved by ODOE must be the basis for tax credit qualification. The following rules also apply:

(a) The systems must meet all plumbing code requirements for vented double-wall heat exchangers;

(b) The system must not interfere with the proper operation of the dwelling's wastewater system; and

(c) Energy recovered must be re-introduced into the dwelling's hot water supply system.

(8) Performance Checked Space Conditioning Duct Systems must meet the following requirements:

(a) All work must be done in accordance with Performance Tested Comfort Systems (PTCS) specifications, a regionally developed set of protocols with provisions for testing and sealing duct work that is maintained by the Regional Technical Forum (RTF), as adopted by the RTF and in effect at the time the work is performed.

(b) If the home serviced by the performance checked duct system is new, or the building envelope is being altered, the house must meet residential energy conservation requirements of the Oregon Structural Specialty Code or of the Oregon One and Two Family Dwelling Code in effect at the time the home is constructed or structurally altered.

(c) Duct leakage must be tested in accordance with Performance Tested Comfort Systems (PTCS) approved testing protocols.

(d) Testing to verify that these standards have been achieved must be conducted by technicians approved by ODOE.

(e) Measures eligible for the purpose of calculating a performance checked duct system tax credit include:

(A) New construction.

(i) Duct sealing labor and materials;

(ii) Heating and cooling load calculations;

(iii) Duct system sizing and design calculations;

(iv) Labor and materials for installing multiple returns;

(v) Labor and materials for installing passive pressure relief grilles;

(vi) Duct testing; and

(vii) Labor and materials for bringing duct systems inside heated space.

(B) New ducts in existing homes.

(i) Duct sealing labor and materials;

(ii) Heating and cooling load calculations;

(iii) Duct system sizing and design calculations;

(iv) Labor and materials for installing multiple returns;

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(v) Labor and materials for installing passive pressure relief grilles;
and

(vi) Duct testing.

(C) **Duct repair and sealing/existing ducts in existing homes.**

(i) Duct sealing labor and materials;

(ii) Labor and materials for installing multiple returns;

(iii) Labor and materials for installing passive pressure relief grilles;

and

(iv) Duct testing.

(f) To apply for a performance checked duct tax credit, the following information must be submitted in a form approved by ODOE:

(A) Application form;

(B) Test results worksheet for “new construction,” “new duct systems in existing homes,” or “duct repair and sealing”/existing ducts in existing homes, as applicable; **or** inclusion of the PTCS identification number associated with the measure being submitted for tax credit on the application form.

(C) Copies of heating and cooling load calculations and/or duct sizing calculations, as applicable, shall be made available to ODOE upon request; and

(D) Itemized invoice identifying measures detailed in (e).

(g) The amount of the tax credit for performance checked duct systems must be 25 percent of the eligible costs detailed in (e), up to \$250.

(9) **Performance Checked Heat Pumps and Central Air Conditioners** must meet the following standards:

(a) Systems must be tested and serviced as needed to confirm correct refrigerant charge and air flow by technicians certified by ODOE and by an approved Performance Tested Comfort System (PTCS) provider.

(b) Testing shall be in accordance with PTCS specifications, a regionally developed set of protocols with provisions for testing the operation of air-source heat pumps and air conditioners that are maintained by the Regional Technical Forum (RTF), as adopted by the RTF and in effect at the time the work is performed.

(c) To verify electronically commutated motor (ECM) installation results, the wattage of the existing fan motor and new ECM fan motor must be measured using a wattmeter or by clocking the revenue meter using the following procedure:

(A) Turn off all circuit breakers except the breaker to the AC/HP air handler.

(B) Turn on the air handler fan (cooling speed).

(C) At the meter, use a stopwatch, and for a period of at least 90 seconds, count the number of revolutions of the wheel. Record seconds and number of revolutions.

(D) Record meter data: kWh and multiplier if any.

(E) Calculate the watt draw of the fan: $\text{Watts} = [\text{kWh} \times \text{number of revolutions} \times \text{multiplier} \times 3600] / \text{seconds}$.

(d) Eligible measures must be confirmed by the system diagnostic tests using PTCS protocols in use at the time of measure installation. Duplicate tax credits may not be claimed.

(e) Measures eligible for the purpose of calculating a performance checked heat pump/air conditioner tax credit include:

(A) System diagnostic tests;

(B) Adding or removing refrigerant when initial diagnostic tests indicate need for refrigerant adjustment and post repair tests indicate correct charge has been installed;

(C) Altering the duct system to improve air flow when initial diagnostic tests show low air flow and post repair tests show an air flow improvement of 10 percent or more;

(D) Cleaning the inside coil when initial diagnostic tests indicate low air flow and post repair tests show an air flow improvement of 10 percent or more;

(E) Replacing an existing inside fan motor with an electronically commutated motor (ECM) when initial diagnostic tests show low air flow and tests after ECM installation show an air flow improvement of 10 percent or more; and

(F) Control modifications necessary for the system to pass the diagnostic test.

(f) To apply for a performance checked heat pump/air conditioner tax credit, the following information must be submitted in a form approved by ODOE:

(A) Application form;

(B) Performance checked heat pump/AC diagnostics data entry form;

(C) Pre and post repair system air flow measurements using approved methods listed in (b), if applicable;

(D) Watt draw of existing fan motor and new ECM, if applicable; and

(E) Itemized labor and materials cost information for applicable measures, testing, and repairs.

(g) The amount of the performance checked heat pump/AC tax credit must be 25 percent of the cost of testing and modifications to existing equipment, up to \$250.

(10) **Alternative Fuel Vehicles** must have equipment installed to make the vehicle capable of storing and utilizing an alternative fuel for vehicle propulsion. Equipment may consist of original equipment manufacturer components; or

(a) Components for natural gas powered vehicles that meet EPA1-A requirements current at the time these rules are adopted; or

(b) Components for hybrid vehicles must provide the hybrid vehicle with a combination of power between propulsion energy systems such that the peak power ratio of the vehicle is 0.10 or greater; or

(c) Other components as recognized by ODOE as necessary for alternative fuel use.

(d) Those applying for hybrid vehicle tax credits must acknowledge that they do not intend to transfer ownership of the vehicle to a non-Oregon resident for a period of one year.

(11) **Alternative Fuel Fueling Systems** must be installed to meet all state and local fire and life safety codes and be capable of re-fueling/recharging an alternative fuel vehicle within 14 hours. The following rules also apply:

(a) On-board charging systems that feed into the rechargeable energy storage system in a hybrid vehicle must be high-voltage systems of 100 Volts or higher that have an active regenerative braking system integrated into the recharging system of the hybrid vehicle; and

(b) The use of an on-board charging system on a hybrid vehicle must result in significant energy savings as determined by the Director of ODOE.

(12) **Energy Recovery Ventilators (ERVs)** must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Be capable of at least 30 percent Latent Recovery/Moisture Transfer (LRMT) at 32°F when operating on the lowest fan speed;

(c) Have a maximum $\text{EUI}_{(\text{HERV})}$ of 1.5 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(d) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 65 percent at 32°F/0°C when operating at the lowest fan speed;

(B) 60 percent at 32°F/0°C when operating at the highest fan speed;

and

(C) 60 percent at -13°F/-25°C when operating at the lowest fan speed, if rated at this condition.

(13) **Heat Recovery Ventilators** must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Have a maximum EUI of 1.5 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(c) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 65 percent at 32°F/0°C when operating at the lowest fan speed;

(B) 60 percent at 32°F/0°C when operating at the highest fan speed;

and

(C) 60 percent at -13°F/-25°C when operating at the lowest fan speed, if rated at this condition.

(14) **Very High Efficiency Air Conditioning Systems** must:

(a) Be a central, split-system designed and installed to operate in conjunction with the air handling unit or furnace of a home's heating system;

(b) Be tested and rated in accordance with the DOE test procedure for residential air-conditioning systems in effect at the time these rules are adopted, and certified by, and listed in the directory of the Air Conditioning and Refrigeration Institute (ARI) in effect at the time these rules are adopted;

(c) Consist of a matched outdoor unit and indoor unit (air handler and coil or furnace and coil), as tested, rated and listed in the ARI Directory;

(d) Have a minimum EER rating at DOE “A” conditions of 13.0; and

(e) Be installed in accordance with the protocols specified in section 330-070-0073(9)(a) through 330-070-0073(9)(g) of these rules.

(15) **Very High Efficiency Air Source Heat Pump Systems** must:

(a) Be a central, split-system;

(b) Be tested and rated in accordance with the USDOE Appendix M test procedure for residential air-conditioning systems in effect at the time these rules are adopted, and be certified by, and be listed in the directory of the Air Conditioning and Refrigeration Institute (ARI) that is in effect at the time these rules are adopted;

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(c) Consist of a matched outdoor unit and indoor unit (air handler and coil or furnace and coil), as tested, rated and listed in the ARI Directory;

(d) Have a minimum DOE Region IV HSPF rating of 9.0;

(e) Have a minimum EER rating at DOE "A" conditions of 12.0; and

(f) Be installed in accordance with the protocols specified in section 330-070-0073(9)(a) through 330-070-0073(9)(g) of these rules.

(16) **Very High Efficiency Warm Air Furnace Systems** must:

(a) Be tested and rated in accordance with the USDOE Appendix N test procedure for furnaces in effect at the time these rules are adopted, and be certified by and listed in the directory of the Gas Appliance Manufacturers Association (GAMA) in effect at the time these rules are adopted;

(b) Have a minimum AFUE rating of 0.90 (90 percent); effective January 1, 2009, the minimum AFUE rating will increase to 0.92 (92 percent);

(c) Use ducted outdoor air for combustion; and

(d) Effective January 1, 2009, the air handler for the unit must be listed in the Gas Appliance Manufacturers Association (GAMA) Directory of Certified Energy Rating in effect at the time these rules are adopted as "electrically efficient."

(17) **Very High Efficiency Air Handlers** must:

(a) Be installed as part of a hydronic space heating system; and

(b) Be equipped with an electronically commutated, permanent magnet variable speed DC (ECPM) motor.

(18) **Very High Efficiency Hot Water Boiler Systems** must:

(a) Be tested and rated in accordance with the USDOE Appendix N test procedure for furnaces in effect at the time these rules are adopted, and be certified by and listed in the directory of the Gas Appliance Manufacturers Association (GAMA) in effect at the time these rules are adopted; and

(b) Have a minimum AFUE rating of 0.88 (88 percent). Effective January 1, 2009 the minimum AFUE rating will increase to 0.92 (92 percent) and must include an outdoor temperature reset control.

(19) **Very High Efficiency Air Conditioning, Air Source Heat Pump or Furnace systems** may receive a supplemental tax credit amount, determined by ODOE, based on additional energy savings if the duct system to which it is attached is tested and certified in accordance with the protocols specified in Section 330-070-0073(9)(a) through 330-070-0073(9)(g). This amount is in addition to the tax credit amount for the Very High Efficiency Air Conditioning, Air Source Heat Pump or Furnace system itself, and in addition to the tax credit amount provided for the duct testing and certification itself. In order to earn the supplemental tax credit amount, the air conditioning and/or heating system must be installed, the duct system must be tested and certified, and the applications for all tax credit amounts associated with the system must be received, as a single package, at ODOE by April 1st of the tax year following the tax year for which the credits are being claimed.

(20) **Very High Efficiency Ductless Air Source Heat Pump Systems** must:

(a) Include an inverter-driven variable speed compressor;

(b) Be listed in the Air Conditioning, Heating and Refrigeration Institute (AHRI) Certified Products Directory.

(c) Deliver at least 50 percent of its ARI-certified rated capacity at 17°F outside temperature;

(d) Include no integrated electric resistance backup heat;

(e) Be sized and installed per manufacturer specifications; and

(f) Be installed by a technician trained by the equipment manufacturer within the last five years.

(21) **Very Efficient Biomass Combustion Devices** must be:

(a) Less than one quarter of a million British thermal units (Btu) per hour heat output, and

(b) Installed in an Oregon residential dwelling; and

(c) Installed with a dedicated outside combustion air intake; and

(d) Listed in the United States Department Environmental Protection Agency *List of EPA Certified Wood Stoves* or other third-party certified list approved by the Director with emissions of 4.5 grams of smoke per hour or less if it is designated in that list as a non-catalytic wood stove; or

(e) Listed in the *List of EPA Certified Wood Stoves* or other third-party certified list approved by the Director with emissions of 2.5 grams of smoke per hour or less if it is designated in that list as a catalytic wood or pellet stove; or

(f) Have a certificate of performance for the specific manufacturer and model of wood burning device from a currently US EPA certified wood-stove testing laboratory. The certificate must show emissions of 4.5 grams of smoke per hour or less if it is designated as a non-catalytic wood stove

or emissions of 2.5 grams of smoke per hour or less if it is designated as a catalytic wood or pellet stove.

(22) Any other standards adopted by ODOE for energy efficient appliances and alternative fuel devices, their components, and/or systems as determined by the Director of the Oregon Department of Energy.

[ED. NOTE: Appendices referenced are available from the agency.]

Stat. Auth.: ORS 469.086

Stats. Implemented: ORS 316.116

Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 4-2004, f. & cert. ef. 8-2-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08

330-070-0089

Guidelines for Wind AEDs

(1) To qualify for a tax credit:

(a) A wind AED system manufacturer must provide monthly data of average energy produced (kWh) and average wind speed for one consecutive year for each model of system to demonstrate reliable operation of that model of equipment at a site with average annual wind speeds of at least 12 mph; **OR** The wind AED system model must be listed on the official list of Qualified Wind Generators published by the California Energy Commission or the New York State Energy Research and Development Authority (NYSERDA) in effect as of December 1, 2007.

(b) A wind AED system application must include the nominal rated electric capacity, the power curve and energy production data as a function of the average annual wind speed.

(c) A wind system must have a minimum five-year manufacturer's warranty.

(2) The Oregon Department of Energy reserves the right to deny eligibility for any wind AED for any reason including, but not limited to: poor generator performance, concerns about wind generation system design or quality of data presented; lack of manufacturing support for maintenance, warranties, etc., insufficient experience with generator, etc.

(3) Systems must be designed and located to reduce the potential for hazards and unpleasant living conditions. Systems must be designed and located taking into account:

(a) The proximity of the system to buildings, power lines, antennae or other similar hazards;

(b) The effect of high winds on the system and on any building connected to the system by guy wires;

(c) Whether the system blocks fire lanes, obstructs dwelling access, or otherwise increases fire danger;

(d) Whether the operation of the system significantly increases background noise; and

(e) Whether connecting the system to other buildings by guy wires creates vibration and tension in other buildings.

(4) Materials used will assure that the wind AED has adequate:

(a) Strength;

(b) Resistance to wind, lightning, ice, moisture, corrosion and fire;

(c) Durability; and

(d) Low maintenance cost.

(5) The wind AED must withstand all natural forces it may be expected to experience.

(6) No part of a wind AED project must put toxic substances into the environment in amounts that will cause disease or harmful physical effects to humans, animals or plants.

(7) Wind AED parts must be serviceable without the need to trespass.

(8) **Maximum Design Wind Speed:** All parts of a Wind AED project must withstand the highest wind speed expected at its location. All parts must withstand this wind without damage. To meet this requirement, wind AEDs may be shut down during highest expected winds.

(9) **Manual Shutdown:** All wind AEDs must have a manual way to stop the rotor from turning. This method must work safely during high winds and routine service.

(10) **Overspeed Control:** Rotor overspeeds shall be prevented by the wind AED's design.

(11) **Tower safety:** All parts of a wind AED project shall meet accepted engineering standards. Tower design must include consideration of:

(a) Gravity load; and

(b) Peak thrust on the rotor, nacelle, tail and tower over the full wind speed operating range.

(12) **Electric:** All wind AED electrical parts must adhere to all standards and codes in force at the time they are installed.

(13) **Lightning:** Wind AEDs must withstand lightning strikes.

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(14) The Director may waive part or all of section (1) of this rule if production of the wind AED model stopped prior to 1990, or it is an owner-built system or a mechanical wind AED.

(15) The first-year energy yield of wind AEDs must be at least 350 kWh.

(a) The first-year energy yield must be estimated using the measured or estimated wind resource data and the wind AED's power curve or energy production data.

(A) The provided wind data must cover at least a one-year period.

(B) Wind data may be used from:

(i) Three nearby wind monitoring stations;

(ii) The wind AED site itself;

(iii) In the event of less than one year's measurements at the wind AED site, the application shall include the months of on-site measurements and one year's worth of data from two nearby locations; or

(iv) A nationally recognized firm that provides estimated wind resource data based on advanced national wind mapping technology.

(b) ODOE will use data supplied by the applicant to verify the first-year energy yield.

Stat. Auth.: ORS 469.160 - 469.180

Stats. Implemented:

Hist.: DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01;

DOE 1-2004, f. & cert. ef. 1-21-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2007,

f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08

Department of Environmental Quality Chapter 340

Rule Caption: Greenhouse Gas Mandatory Reporting Rules.

Adm. Order No.: DEQ 13-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 4-1-2008

Rules Adopted: 340-215-0010, 340-215-0020, 340-215-0030, 340-215-0040

Subject: The Oregon Department of Environmental Quality (DEQ) rules require sources to report greenhouse gas emissions to DEQ. The greenhouse gas mandatory reporting rules will govern the collection of data regarding GHG emission sources in Oregon. reporting will occur in two phases:

Phase 1 includes businesses that are required to obtain a state air discharge permit or a Title V permit. These businesses will be required to report to GHG emissions in 2010 for emissions in 2009.

Phase 2 includes certain solid waste disposal, wastewater treatment, electric generating units, and electricity and natural gas transmission and distribution businesses not required to have an air quality permit to report GHG emissions in 2011 for emissions in 2010.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-215-0010

Purpose and Scope

(1) The purpose of this division is to establish requirements and procedures for the annual registration and reporting of greenhouse gas emissions to the Department using Department-approved reporting protocols.

(2) Subject to the requirements in this Division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this Division within its area of jurisdiction. The requirements and procedures contained in this Division must be used by the Regional Agency to implement this Division unless the Regional Agency adopts superseding rules that are at least as restrictive as this Division.

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08

340-215-0020

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) "**Biomass**" means non-fossilized and biodegradable organic material originating from plants, animals, and micro-organisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered

from the decomposition of non-fossilized and biodegradable organic matter.

(2) "**Carbon dioxide**" (CO₂) means the chemical compound containing one atom of carbon and two atoms of oxygen.

(3) "**Carbon dioxide equivalent**" (CO₂e) means the quantity of a given greenhouse gas multiplied by a Global Warming Potential factor provided in Department-approved emissions reporting protocols.

(4) "**Categorically insignificant activity**" has the meaning given that term in OAR 340-200-0020(19).

(5) "**Direct emissions**" means emissions from an air contamination source, including but not limited to fuel combustion activities, process related emissions, and fugitive emissions.

(6) "**Fugitive emissions**" has the meaning given that term in OAR 340-200-0055(a) and (b).

(7) "**Global Warming Potential factor**" (GWP) means the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time.

(8) "**Greenhouse gas**" means any gas that contributes to anthropogenic global warming including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(9) "**Hydrofluorocarbons**" (HFCs) means gaseous chemical compounds containing only hydrogen, carbon and fluorine atoms.

(10) "**Indirect emissions**" means emissions associated with the purchase of electricity, heating, cooling or steam.

(11) "**Methane**" (CH₄) means the chemical compound containing one atom of carbon and four atoms of hydrogen.

(12) "**Metric ton, tonne, or metric tonne**" means one metric tonne (1000 kilograms) or 2204.62 pounds.

(13) "**Mobile combustion emissions**" means emissions from the combustion of fuels in mobile combustion sources such as cars, trucks, buses, trains, airplanes, ships including dredge vessels, and construction equipment.

(14) "**Nitrous oxide**" (N₂O) means the chemical compound containing two atoms of nitrogen and one atom of oxygen.

(15) "**Perfluorocarbons**" (PFCs) means gaseous chemical compounds containing only carbon and fluorine atoms.

(16) "**Sulfur hexafluoride**" (SF₆) means the chemical compound containing one atom of sulfur and six atoms of fluorine.

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08

340-215-0030

Applicability

(1) Except as provided in section (6) of this rule, any owner or operator of a source listed in this section that emits 2,500 metric tons or more of carbon dioxide equivalent per year of the greenhouse gases listed in section (5) of this rule must annually register and report greenhouse gas emissions beginning in 2010 regarding greenhouse gases emitted during the previous calendar year:

(a) Any source required to obtain a Title V Operating Permit, including those issued under OAR chapter 340, division 218;

(b) Any source required to obtain an Air Contaminant Discharge Permit, including those issued under OAR chapter 340, division 216 and that is referred to by one or more of the selected activities and source types listed in Table 1; [Table not included. See ED. NOTE.]

(c) Any source required to obtain an Air Contaminant Discharge Permit, including those issued under OAR chapter 340, division 216 that is referred to by the activities and source types listed in Table 1 Part B number 75 of OAR chapter 340, division 216, and by the Standard Industrial Classification (SIC) codes in Table 2. [Table not included. See ED. NOTE.]

(2) Except as provided in section (6) of this rule, any owner or operator of a source listed in this section that emits 2,500 metric tons or more of carbon dioxide equivalent per year of the greenhouse gases listed in section (5) of this rule and is not otherwise subject to registration and reporting under subsections (1)(a), (b) or (c) of this rule must annually register and report greenhouse gas emissions beginning in 2011 regarding greenhouse gases emitted during the previous calendar year:

(a) Solid waste disposal facilities required to obtain a permit issued under OAR chapter 340, divisions 93 through 96,

(b) Wastewater treatment facilities required to obtain an individual National Pollutant Discharge Elimination System permit issued under OAR chapter 340, division 45,

(c) Electric generating units, and

(d) Electricity and natural gas transmission and distribution systems.

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(3) Any owner or operator of a source required to register and report greenhouse gas emissions annually under this division may voluntarily include additional emissions from the previous calendar year not required under this division, including but not limited to mobile combustion and indirect emissions.

(4) Any owner or operator of a source not required to register and report greenhouse gas emissions annually under this division may do so voluntarily for emissions from the previous calendar year.

(5) The greenhouse gases subject to this rule are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(6) The Department may defer or exempt specific processes, or categories of sources, that result in greenhouse gas emissions, and types of greenhouse gas emissions from applicability under sections (1) and (2) of this rule upon determining that adequate reporting protocols are not available.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08

340-215-0040

Greenhouse Gas Registration and Reporting Requirements

(1) Any owner or operator required to register and report under OAR 340-215-0030(1) and (2) must report direct emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride greenhouse gases, excluding emissions from categorically insignificant activity.

(2) Emissions that originate from biomass must be reported separately from the source's other greenhouse gas emissions.

(3) Any person required to register and report under OAR 340-215-0030 must submit an annual greenhouse gas emissions registration and report to the Department as specified below:

(a) Any owner or operator of a source required to register and report under OAR 340-215-0030(1) must register and report regarding greenhouse gases emitted during the previous calendar year by the due date for the annual report for non-greenhouse gas emissions specified in the source's Title V Operating Permit or Air Contaminant Discharge Permit, or March 15th of each year, if no due date is otherwise specified in the permit;

(b) Any person required to register and report under OAR 340-215-0030(2) must register and report by March 15th of each year regarding greenhouse gases emitted during the previous calendar year; and

(c) Any person voluntarily including additional emissions pursuant to OAR 340-215-0030(3) must include those emissions with their report pursuant to subsections (a) and (b) of this section.

(4) Any person voluntarily registering and reporting pursuant to OAR 340-215-0030(4) must register and report regarding greenhouse gases emitted during the previous calendar year by March 15th of each year.

(5) Registration and reports must be submitted on paper or electronic forms issued by the Department, which will require the following information:

(a) Source information such as source name, address, contact person, phone number, and permit number, if applicable;

(b) Emissions of the applicable greenhouse gases identified in section (1) of this rule, pursuant to Department-approved reporting protocols, including estimated annual emissions, activity data, emission factors, conversion factors, global warming potential factor, and the emissions calculation methods used to determine emissions; and

(c) A signed statement certifying that the report is accurate to the best of the certifying individual's knowledge.

(6) The Department shall propose reporting protocols for use pursuant to this division and shall approve reporting protocols after holding a 30 day public comment period. The Department shall maintain a reference list of Department-approved reporting protocols to assist persons required to register and report under OAR 340-215-0030.

(7) Any person required to report under this division must retain all production information, fuel use records, and emission calculations used to prepare the greenhouse gas annual report. These records and greenhouse gas annual reports must be retained for a minimum of 5 years.

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08

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Rule Caption: Revisions to DEQ Enforcement Rules Describing the Use of Expedited Enforcement in DEQ programs.

Adm. Order No.: DEQ 14-2008

Filed with Sec. of State: 11-10-2008

Certified to be Effective: 11-10-08

Notice Publication Date: 4-1-2008

Rules Amended: 340-012-0030, 340-012-0038, 340-012-0155, 340-012-0170, 340-200-0040

Subject: This rulemaking adds OAR 340-012-0170(2), which describes the process by and conditions under which the Department may make "expedited enforcement offers" to settle violations of environmental law as an alternative to the Department's formal enforcement action process already waiving the right to a hearing and judicial review of the Department's enforcement action.

This rulemaking also defines "expedited enforcement offer" in OAR 340-012-0030 and describes what an "expedited settlement offer" is and how it is used in OAR 340-012-0038.

This rulemaking also makes two housekeeping changes regarding underground storage tank enforcement provisions that sunsetted on December 31, 2005.

Finally, the rulemaking amend the State of Oregon Clean Air Act Implementation Plan (SIP) and therefore will amend the date the SIP was last modified.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-012-0030

Definitions

All terms used in this division have the meaning given to the term in the appropriate substantive statute or rule or, in the absence of such definition, their common and ordinary meaning unless otherwise required by context or defined below:

(1) "Alleged Violation" means any violation cited in a Notice of Noncompliance, Warning Letter, Pre-Enforcement Notice, or Expedited Enforcement Offer that the department or other government agency records after observation, investigation or data collection, or for which the department receives independent evidence sufficient to issue a Notice of Noncompliance, Warning Letter, Pre-Enforcement Notice, or Expedited Enforcement Offer.

(2) "Class I Equivalent," which is used to determine the value of the "P" factor in the civil penalty formula, means two Class II violations, one Class II and two Class III violations, or three Class III violations.

(3) "Commission" means the Environmental Quality Commission.

(4) "Compliance" means meeting the requirements of the applicable statutes, and commission or department rules, permits or orders.

(5) "Conduct" means an act or omission.

(6) "Director" means the director of the department or the director's authorized deputies or officers.

(7) "Department" means the Department of Environmental Quality.

(8) "Expedited Enforcement Offer" (EEO) means a written offer by the department to settle an alleged violation pursuant to the expedited procedure described in OAR 340-012-0170(2).

(9) "Flagrant" or "flagrantly" means the respondent had actual knowledge that the conduct was unlawful and consciously set out to commit the violation.

(10) "Formal Enforcement Action" (FEA) means a proceeding initiated by the department that entitles a person to a contested case hearing or that settles such entitlement, including, but not limited to, Notices of Violation, Notices of Civil Penalty, Penalty Demand Notices, department orders, commission orders, Mutual Agreement and Orders, and other consent orders.

(11) "Intentional" means the respondent acted with a conscious objective to cause the result of the conduct.

(12) "Magnitude of the Violation" means the extent and effects of a respondent's deviation from statutory requirements, rules, standards, permits or orders.

(13) "Negligent" or "Negligent" means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation.

(14) "Penalty Demand Notice" (PDN) means a written notice issued to a respondent by the department demanding payment of a stipulated penalty pursuant to the terms of an agreement entered into between the respondent and the department.

(15) "Pre-Enforcement Notice" (PEN) means a written notice of an alleged violation that the department is considering for formal enforcement.

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(16) "Person" includes, but is not limited to, individuals, corporations, associations, firms, partnerships, trusts, joint stock companies, public and municipal corporations, political subdivisions, states and their agencies, and the federal government and its agencies.

(17) "Prior Significant Action" (PSA) means any violation cited in an FEA, with or without admission of a violation, that becomes final by payment of a civil penalty, by a final order of the commission or the department, or by judgment of a court.

(18) "Reckless" or "Recklessly" means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation.

(19) "Residential Owner-Occupant" means the person who owns or otherwise possesses a single family dwelling unit, and who occupies that dwelling at the time of the alleged violation. The violation must involve or relate to the normal uses of a dwelling unit.

(20) "Respondent" means the person to whom an FEA is issued.

(21) "Systematic" means any violation that occurred or occurs on a regular basis.

(22) "Violation" means a transgression of any statute, rule, order, license, permit, or any part thereof and includes both acts and omissions.

(23) "Warning Letter" (WL) means a written notice of an alleged violation for which formal enforcement is not anticipated.

(24) "Willful" means the respondent had a conscious objective to cause the result of the conduct and the respondent knew or had reason to know that the result was not lawful.

Stat. Auth.: ORS 468.020 & 468.130

Stats. Implemented: ORS 459.376, 459.995, 465.900, 468.090-140, 466.880 - 466.895, 468.996 - 468.997, 468A.990 - 468A.992 & 468B.220

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 14-2008, f. & cert. ef. 11-10-08

340-012-0038

Warning Letters, Pre-Enforcement Notices, and Notices of Permit Violation and Expedited Enforcement Offers

(1) A Warning Letter (WL) is a written notice of an alleged violation for which formal enforcement is not anticipated. WLs may contain an opportunity to correct noncompliance as a means of avoiding formal enforcement. A WL generally will identify the alleged violation(s) found, what needs to be done to comply, and the consequences of further noncompliance. WLs will be issued under the direction of a manager or authorized representative. A person receiving a WL may provide information to the department to clarify the facts surrounding the alleged violation(s). If the department determines that the conduct identified in the WL did not occur, the department will withdraw or amend the WL, as appropriate, within 30 days. A WL is not an FEA and does not afford any person a right to a contested case hearing.

(2) A Pre-Enforcement Notice (PEN) is a written notice of an alleged violation that the department is considering for formal enforcement. A PEN generally will identify the alleged violations found, what needs to be done to comply, the consequences of further noncompliance, and the formal enforcement process that may occur. PENs will be issued under the direction of a manager or authorized representative. A person receiving a PEN may provide information to the department to clarify the facts surrounding the alleged violations. If the department determines that the conduct identified in the PEN did not occur, the department will withdraw or amend the PEN, as appropriate, within 30 days. Failure to send a PEN does not preclude the department from issuing an FEA. A PEN is not a formal enforcement action and does not afford any person a right to a contested case hearing.

(3) Notice of Permit Violation (NPV):

(a) Except as provided in subsection (3)(e) below, an NPV will be issued for the first occurrence of an alleged Class I violation of an air, water or solid waste permit issued by the department, and for repeated or continuing alleged Class II or Class III violations of an air, water, or solid waste permit issued by the department when a Notice of Noncompliance or WL has failed to achieve compliance or satisfactory progress toward compliance.

(b) An NPV is in writing, specifies the violation and states that a civil penalty will be imposed for the permit violation unless the permittee submits one of the following to the department within five working days of receipt of the NPV:

(A) A written response from the permittee certifying that the permittee is complying with all terms and conditions of the permit from which the

violation is cited. The response must include a description of the information on which the permittee's certification relies sufficient to enable the department to determine that compliance has been achieved. The certification must be signed by a Responsible Official based on information and belief after making reasonable inquiry. For purposes of this rule, "Responsible Official" means one of the following:

(i) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(iii) For a municipality, state, federal, or other public agency: either a principal executive officer or appropriate elected official.

(B) A written proposal, acceptable to the department, describing how the permittee will bring the facility into compliance with the permit. At a minimum, an acceptable proposal must include the following:

(i) A detailed plan and time schedule for achieving compliance in the shortest practicable time;

(ii) A description of the interim steps that will be taken to reduce the impact of the permit violation until the permittee is in compliance with the permit; and

(iii) A statement that the permittee has reviewed all other conditions and limitations of the permit and no other violations of the permit were discovered; or

(C) For a water quality permit violation, a written request to the department that the department follow procedures described in ORS 468B.032. Notwithstanding the requirement for a response to the department within five working days, the permittee may file a request under this paragraph within 20 days from the date of service of the NPV.

(c) If a compliance schedule approved by the department under paragraph (3)(b)(B) provides for a compliance period of more than six months, the compliance schedule must be incorporated into a final order that provides for stipulated penalties in the event of any failure to comply with the approved schedule. The stipulated penalties may be set at amounts equivalent to the base penalty amount appropriate for the underlying violation as set forth in OAR 340-012-0140;

(d) If the NPV is issued by a regional authority, the regional authority may require that the permittee submit information in addition to that described in subsection (3)(b).

(e) The department may assess a penalty without first issuing an NPV if:

(A) The violation is intentional;

(B) The water or air violation would not normally occur for five consecutive days;

(C) The permittee has received an NPV or an FEA with respect to any violation of the permit within the 36 months immediately preceding the alleged violation;

(D) The permittee is subject to the Oregon Title V operating permit program and violates any rule or standard adopted under ORS Chapter 468A or any permit or order issued under Chapter 468A; or

(E) The requirement to provide an NPV would disqualify a state program from federal approval or delegation. The permits and permit conditions to which this NPV exception applies include:

(i) Air Contaminant Discharge Permit (ACDP) conditions that implement the State Implementation Plan under the federal Clean Air Act;

(ii) Water Pollution Control Facility (WPCF) permit conditions that implement the Underground Injection Control program under the federal Safe Drinking Water Act;

(iii) National Pollutant Discharge Elimination System (NPDES) Permit conditions; and

(iv) Municipal Landfill Solid Waste Disposal Permit conditions that implement Subtitle D of the federal Solid Waste Disposal Act.

(f) For purposes of section (3), a "permit" includes permit renewals and modifications. No such renewal or modification will result in the requirement that the department provide the permittee with an additional advance notice before formal enforcement if the permittee has received an NPV, or other FEA, with respect to the permit, within the 36 months immediately preceding the alleged violation.

(4) An Expedited Enforcement Offer (EEO) is a written offer by the department to settle an alleged violation that the department has determined may be resolved through its expedited enforcement procedures. An EEO will identify the alleged violation or violations to which the EEO applies

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and the amount for which the department will settle the alleged violation(s). It may also specify corrective actions that must be taken to address those violations. An EEO constitutes the department's offer to settle the violation(s) through a consent order. The EEO will be incorporated into a final commission order only if the alleged violator accepts the department's offer to settle by signing the EEO, paying the full amount stipulated in the offer, and waiving any right to administrative and judicial review regarding the EEO, the final commission order, or any violations settled therein. Violations cited in an EEO that are incorporated into a final commission order will be treated as "prior significant actions" in any subsequent formal enforcement action.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 459.376, 468.090 - 468.140, 468A.990 & 468B.025

Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 25-1979, f. & ef. 7-5-79; DEQ 22-1984, f. & ef. 11-8-84; DEQ 16-1985, f. & ef. 12-3-85; DEQ 22-1988, f. & cert. ef. 9-14-88; DEQ 4-1989, f. & cert. ef. 3-14-89; DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 4-1994, f. & cert. ef. 3-14-94; DEQ 19-1998, f. & cert. ef. 10-12-98; Renumbered from 340-012-0040, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 14-2008, f. & cert. ef. 11-10-08

340-012-0155

Additional or Alternate Civil Penalties

(1) The following violations and violators may be subject to additional civil penalties as specified below:

(a) In addition to any other penalty prescribed by these rules, any person who intentionally or recklessly violates any provisions of ORS 164.785, 459.205-459.426, 459.705-459.790, Chapters 465, 466, 467, 468, or 468A or 468B or any rule or standard or order of the commission adopted or issued pursuant to 459.205-459.426, 459.705-459.790, Chapters 465, 466, 467, 468, 468A, or 468B, that results in or creates the imminent likelihood for an extreme hazard to the public health or that causes extensive damage to the environment, may incur a civil penalty of up to \$100,000. When determining the civil penalty to be assessed under this subsection, the director will apply the following procedures:

(A) Select one of the following base penalties after evaluating the cause of the violation:

- (i) \$50,000 if the violation was caused intentionally;
- (ii) \$75,000 if the violation was caused recklessly;
- (iii) \$100,000 if the violation was caused flagrantly.

(B) Then determine the civil penalty through application of the following formula: $BP + [(1 \times BP) (P + H + O + C)] + EB$.

(b) In addition to any other penalty prescribed by these rules, any person who intentionally or negligently causes or permits the discharge of oil to waters of the state will incur a civil penalty not to exceed \$20,000 dollars for each violation. The amount of the penalty is determined by doubling the penalty derived from application of the \$8,000 penalty matrix in 340-012-0140(2) and the civil penalty formula contained in OAR 340-012-0045.

(c) In addition to any other penalty prescribed by these rules, any person who willfully or negligently causes or permits the discharge of oil to state waters will incur, in addition to any other penalty derived from application of the \$8,000 penalty matrix in 340-012-0140(2) and the civil penalty formula contained in OAR 340-012-0045, a civil penalty commensurate with the amount of damage incurred. The amount of the penalty will be determined by the director with the advice of the director of the Oregon Department of Fish and Wildlife. In determining the amount of the penalty, the director may consider the gravity of the violation, the previous record of the violator in complying with the provisions of ORS 468B.450 to 468B.460, and such other considerations the director deems appropriate.

(d) In addition to any other penalty prescribed by these rules, any person who has care, custody or control of a hazardous waste or a substance that would be a hazardous waste except for the fact that it is not discarded, useless or unwanted will incur a civil penalty according to the schedule set forth in this subsection for the destruction, due to contamination of food or water supply by such waste or substance, of any of the following wildlife that are property of the state:

- (A) Each game mammal other than mountain sheep, mountain goat, elk or silver gray squirrel, \$400.
- (B) Each mountain sheep or mountain goat, \$3,500.
- (C) Each elk, \$750.
- (D) Each silver gray squirrel, \$10.
- (E) Each game bird other than wild turkey, \$10.
- (F) Each wild turkey, \$50.
- (G) Each game fish other than salmon or steelhead trout, \$5.
- (H) Each salmon or steelhead trout, \$125.
- (I) Each fur-bearing mammal other than bobcat or fisher, \$50.
- (J) Each bobcat or fisher, \$350.

(K) Each specimen of any wildlife species whose survival is specified by the wildlife laws or the laws of the United States as threatened or endangered, \$500.

(L) Each specimen of any wildlife species otherwise protected by the wildlife laws or the laws of the United States, but not otherwise referred to in this section, \$25.

(2) The following violations are subject to the civil penalties specified below, in lieu of civil penalties calculated pursuant to OAR 340-012-0045:

(a) The department will assess a field penalty as specified under OAR 340-150-0250 unless the department determines that an owner, operator or permittee is not eligible for the field penalty.

(b) Any owner or operator of a vessel discharging ballast water in violation of ORS 783.635 may incur a civil penalty not to exceed \$5,000 for each violation. In determining the amount of the penalty, the director will consider whether the violation was intentional, negligent or without any fault and will consider the quality and nature of risks created by the violation, the previous record of the violator in complying with the provisions of 468B.450 to 468B.460, and such other considerations the director deems appropriate.

(c) Any owner or operator of a vessel violating the ballast water reporting requirements in ORS 783.640 will incur a civil penalty not to exceed \$500 per violation.

(d) Air emission sources operating under the Western Backstop SO2 Trading Program will be assessed a civil penalty of at least \$5,000 for each ton and each day of violation in excess of the applicable allowance limitation as determined by OAR chapter 340 division 228.

(e) Any owner or operator of a confined animal feeding operation that has not applied for or does not have a permit required by ORS 468B.050 will be assessed a civil penalty of \$500.

(f) Any person that fails to comply with Toxics Use and Hazardous Waste Reduction Plan, system or summary requirements of ORS 465.003 to 465.034 may incur a civil penalty of \$500 for each violation on each day.

Stat. Auth.: ORS 465, 466, 468.020, 468.130, 468.996 & 783.992

Stats. Implemented: ORS 465.021, 466.785, 466.835, 466.992, 468.090 - 468.140, 468.996, 468B.220, 468B.450 & 783.992

Hist.: DEQ 15-1990, f. & cert. ef. 3-30-90; DEQ 21-1992, f. & cert. ef. 8-11-92; DEQ 9-2000, f. & cert. ef. 7-21-00; DEQ 1-2003, f. & cert. ef. 1-31-03; Renumbered from 340-012-0049, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 14-2008, f. & cert. ef. 11-10-08

340-012-0170

Compromise or Settlement of Civil Penalty by Department

(1) The department may compromise or settle a civil penalty assessed in a formal enforcement action at any amount that the department deems appropriate. In determining whether a penalty should be compromised or settled, the department may take into account the following:

(a) New information obtained through further investigation or provided by the respondent that relates to the penalty determination factors contained in OAR 340-012-0045;

(b) The effect of compromise or settlement on deterrence;

(c) Whether the respondent has or is willing to employ extraordinary means to correct the violation or maintain compliance;

(d) Whether the respondent has had any previous penalties which have been compromised or settled;

(e) Whether the respondent has the ability to pay the civil penalty as determined by OAR 340-012-0160;

(f) Whether the compromise or settlement would be consistent with the department's goal of protecting human health and the environment; and

(g) The relative strength or weakness of the department's evidence.

(2) Expedited Enforcement Officers:

(a) The department may pursue informal disposition of any alleged violation by making an expedited enforcement offer.

(b) The decision as to whether to make an expedited enforcement offer with respect to any alleged violation is within the department's sole discretion, except as otherwise provided in this section (2).

(c) In determining whether to make an expedited enforcement offer, the department must consider the amount of the economic benefit gained by the alleged violator as a result of the noncompliance; whether the alleged violator has been the subject of a formal enforcement action or been issued a warning letter or pre-enforcement notice for the same or similar violations; whether the alleged violation is isolated or ongoing; and the mental state of the alleged violator.

(d) The department will not make an expedited enforcement offer to settle a Class I violation that has been repeated within the previous three years or to settle a violation that would be a major magnitude violation under OAR 340-012-0130(3) regardless of whether a selected magnitude under 340-012-0135 applies.

ADMINISTRATIVE RULES

(e) The penalty amount for an alleged violation cited in an expedited enforcement offer will be 40% of the moderate base penalty listed in OAR 340-012-0140 under the applicable matrix and the applicable classification.

(f) Participation in the expedited enforcement program is voluntary. An alleged violator to whom the department makes an expedited enforcement offer is under no obligation to accept the offer.

(g) A person to whom an expedited enforcement offer is made has 30 calendar days from the date of the offer to accept the offer by signing the expedited enforcement offer and submitting the signed expedited enforcement offer and payment for the total amount stipulated in the expedited enforcement offer. The signed expedited enforcement offer and payment are deemed submitted when received by the department.

(h) By signing the expedited enforcement offer and submitting payment to the department in the total amount stipulated in the expedited enforcement offer, the alleged violator accepts the expedited enforcement offer, consents to the issuance of a final order of the commission which may include a compliance schedule, and agrees to waive any right to appeal or seek administrative or judicial review of the expedited enforcement offer, the final order, or any violation cited therein.

(i) Expedited enforcement offers incorporated into final orders of the commission will be treated as prior significant actions in accordance with OAR 340-012-0145.

(j) The department may initiate a formal enforcement action for any violation not settled by acceptance of the expedited enforcement offer.

Stat. Auth.: ORS 459, 466, 467, 468.020 & 468.130, 183.415, 183.745
Stats. Implemented: ORS 468.130-140, 183.415, 183.470, 183.745, 459.376, 459.995, 465.900, 466.990, 466.994, 468.035, 468.090 - 140 & 468B.220
Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 22-1984, f. & ef. 11-8-84; DEQ 22-1988, f. & ef. 9-14-88, Renumbered from 340-012-0075; DEQ 4-1989, f. & ef. 3-14-89; DEQ 15-1990, f. & ef. 3-30-90; DEQ 21-1992, f. & ef. 8-11-92; Renumbered from 340-012-0047, DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 14-2008, f. & ef. 11-10-08

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, **42 U.S.C.A 7401 to 7671q**.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on October 23, 2008.

(3) Notwithstanding any other requirement contained in the SIP, the Department may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of **40 CFR 51.102** (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.035
Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & ef. 2-14-91; DEQ 19-1991, f. & ef. 11-13-91; DEQ 20-1991, f. & ef. 11-13-91; DEQ 21-1991, f. & ef. 11-13-91; DEQ 22-1991, f. & ef. 11-13-91; DEQ 23-1991, f. & ef. 11-13-91; DEQ 24-1991, f. & ef. 11-13-91; DEQ 25-1991, f. & ef. 11-13-91; DEQ 1-1992, f. & ef. 2-4-92; DEQ 3-1992, f. & ef. 2-4-92; DEQ 7-1992, f. & ef. 3-30-92; DEQ 19-1992, f. & ef. 8-11-92; DEQ 20-1992, f. & ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & ef. 11-2-92; DEQ 27-1992, f. & ef. 11-12-92; DEQ 4-1993, f. & ef. 3-10-93; DEQ 8-1993, f. & ef. 5-11-93; DEQ 12-1993, f. & ef. 9-24-93; DEQ 15-1993, f. & ef. 11-4-93; DEQ 16-1993, f. & ef. 11-4-93; DEQ 17-1993, f. & ef. 11-4-93; DEQ 19-1993, f. & ef. 11-4-93; DEQ 1-1994, f. & ef. 1-3-94; DEQ 5-1994, f. & ef. 3-21-94; DEQ 14-1994, f. & ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & ef. 11-2-94; DEQ 9-1995, f. & ef. 5-1-95; DEQ 10-1995, f. & ef. 5-1-95; DEQ 14-1995, f. & ef. 5-25-95; DEQ 17-1995, f. & ef. 7-12-95; DEQ 19-1995, f. & ef. 9-1-95; DEQ 20-1995 (Temp), f. & ef. 9-14-95; DEQ 8-1996(Temp), f. & ef. 6-3-96; DEQ 15-1996, f. & ef. 8-14-96; DEQ 19-

1996, f. & ef. 9-24-96; DEQ 22-1996, f. & ef. 10-22-96; DEQ 23-1996, f. & ef. 11-4-96; DEQ 24-1996, f. & ef. 11-26-96; DEQ 10-1998, f. & ef. 6-22-98; DEQ 15-1998, f. & ef. 9-23-98; DEQ 16-1998, f. & ef. 9-23-98; DEQ 17-1998, f. & ef. 9-23-98; DEQ 20-1998, f. & ef. 10-12-98; DEQ 21-1998, f. & ef. 10-12-98; DEQ 1-1999, f. & ef. 1-25-99; DEQ 5-1999, f. & ef. 3-25-99; DEQ 6-1999, f. & ef. 5-21-99; DEQ 10-1999, f. & ef. 7-1-99; DEQ 14-1999, f. & ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & ef. 5-22-00; DEQ 8-2000, f. & ef. 6-6-00; DEQ 13-2000, f. & ef. 7-28-00; DEQ 16-2000, f. & ef. 10-25-00; DEQ 17-2000, f. & ef. 10-25-00; DEQ 20-2000 f. & ef. 12-15-00; DEQ 21-2000, f. & ef. 12-15-00; DEQ 2-2001, f. & ef. 2-5-01; DEQ 4-2001, f. & ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & ef. 12-26-01; DEQ 16-2001, f. & ef. 12-26-01; DEQ 17-2001, f. & ef. 12-28-01; DEQ 4-2002, f. & ef. 3-14-02; DEQ 5-2002, f. & ef. 5-3-02; DEQ 11-2002, f. & ef. 10-8-02; DEQ 5-2003, f. & ef. 2-6-03; DEQ 14-2003, f. & ef. 10-24-03; DEQ 19-2003, f. & ef. 12-12-03; DEQ 1-2004, f. & ef. 4-14-04; DEQ 10-2004, f. & ef. 12-15-04; DEQ 1-2005, f. & ef. 1-4-05; DEQ 2-2005, f. & ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & ef. 7-12-05; DEQ 9-2005, f. & ef. 9-9-05; DEQ 2-2006, f. & ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & ef. 4-12-07; DEQ 4-2007, f. & ef. 6-28-07; DEQ 8-2007, f. & ef. 11-8-07; DEQ 5-2008, f. & ef. 3-20-08; DEQ 11-2008, f. & ef. 8-29-08; DEQ 12-2008, f. & ef. 9-17-08; DEQ 14-2008, f. & ef. 11-10-08

Department of Fish and Wildlife Chapter 635

Rule Caption: Tillamook Bay Commercial Cockle Clam Dive Fishery Closure.

Adm. Order No.: DFW 133-2008(Temp)

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-18-08 thru 12-31-08

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. Saturday, October 18, 2008 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. Saturday, October 18, 2008 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

ADMINISTRATIVE RULES

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; FWC 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

Rule Caption: Treaty Indian Fall Salmon Season In the Columbia River and Tributaries Extended.

Adm. Order No.: DFW 134-2008(Temp)

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-17-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule adds a 3.5 days (84 hours) fishing period to the Tribal Indian fall commercial gill net salmon season in the Columbia River and tributaries. The new fishing period begins at 6:00 a.m. Monday, October 20, 2008 and extends through 6:00 p.m. Thursday, October 23, 2008. Modifications are consistent with action taken October 16, 2008 by the Columbia River Gorge Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:

6:00 a.m. Tuesday, September 9 through 6:00 p.m. Friday, September 12, 2008 (84 hours);

6:00 a.m. Tuesday, September 16 through 6:00 p.m. Friday, September 19, 2008 (84 hours);

6:00 a.m. Monday, September 22 through 6:00 p.m. Friday, September 26, 2008 (108 hours);

6:00 a.m. Tuesday, September 30 through 6:00 p.m. Friday, October 3, 2008 (84 hours);

6:00 a.m. Tuesday, October 7 through 6:00 p.m. Friday, October 10, 2008 (84 hours);

6:00 a.m. Monday, October 20 through 6:00 p.m. Thursday, October 23, 2008 (84 hours).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, walleye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas are set forth in OAR 635-041-0045, except the Spring Creek Hatchery sanctuary is not in place.

(2) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

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. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08

Rule Caption: Establish 2009 Seasons and regulations for Game Mammals.

Adm. Order No.: DFW 135-2008

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-17-08

Notice Publication Date: 9-1-2008

Rules Amended: 635-065-0765

Subject: This amended rule adds Michigan to the list of states from which the import of certain cervid parts is banned.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is *unlawful* to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is *unlawful* to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's

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scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(i) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(ii) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally attached to one quarter of the carcass or to another major portion of meat.

(iii) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum, penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(iv) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either:

(i) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male, or;

(ii) the head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4) (a)(i)–(iv) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the department or by the Oregon State Police.

(8) It is *unlawful* to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any

horns of bighorn sheep or Rocky Mountain goat obtained by the department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, New York, Oklahoma, South Dakota, Wisconsin, Wyoming, Utah, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection

(11) shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 135-2008, f. & cert. ef. 10-17-08

Rule Caption: Columbia River Late Fall Non-Indian Commercial Gill Net Season Is Extended.

Adm. Order No.: DFW 136-2008(Temp)

Filed with Sec. of State: 10-21-2008

Certified to be Effective: 10-21-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

Subject: Amended rule implements five new 12-hour fishing periods in Columbia River zones 4 and 5 and two new 12-hour fishing periods in Columbia River zones 1 through 3 (upstream to the Longview bridge) for the commercial harvest, retention and sales of salmon and white sturgeon beginning October 21, 2008. The proposed fisheries provide commercial fishers the opportunity to harvest most of their remaining allocation. Revisions are consistent with action taken October 21, 2008 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) through (19) below. Retention of green sturgeon is prohibited.

(a) In sections (2), (3), (4) and (6) below: Elokomina-B, Abernathy, Cowlitz, Kalama-B, Lewis-B*, Sandy and Washougal river sanctuaries are in effect. *Lewis-B includes all of the area from the upper boundary of the Lewis-B sanctuary downstream to a line projected from the red navigation Marker 62 at the head of Deer Island, Oregon, across to the green navigation Marker 63 at Martin Island, Washington.

(b) In sections (5) and (7) thru (11) below: Lewis-B*, Sandy and Washougal river sanctuaries are in effect. *Lewis-B includes all of the area from the upper boundary of the Lewis-B sanctuary downstream to a line projected from the red navigation Marker 62 at the head of Deer Island, Oregon, across to the green navigation Marker 63 at Martin Island, Washington.

(c) In sections 12 through 19 below: Grays River; Elokomina-A, Lewis-B, Sandy and Washougal rivers sanctuaries are in effect as applicable.

(d) In sections (2) through (8) below: a maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(e) In sections (9) through (19) below: a maximum of three white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The Columbia River Select Areas are currently closed to the retention of white sturgeon.

(f) In sections (3) through (19) below: 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 0.375-inches or greater.

(2) From 7:00 a.m. to 7:00 p.m. (12 hours) Thursday, September 18, 2008 in Zones 1-5. Gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) From 7:00 p.m. Sunday, September 21 to 7:00 a.m. Monday, September 22, 2008 (12 hours) in Zones 1-5. Gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size.

(4) From 9:00 p.m. Tuesday, September 23 to 7:00 a.m. Wednesday, September 24, 2008 (10 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size.

(5) From 7:00 p.m. Wednesday, September 24 to 7:00 a.m. Thursday, September 25, 2008 (12 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(6) From 7:00 a.m. to 7:00 p.m. (12 hours) Thursday, September 25, 2008 in Zones 1-5. Gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(7) From 7:00 p.m. Thursday, September 25 to 7:00 a.m. Friday, September 26, 2008 (12 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(8) Nightly from 7:00 p.m. to 7:00 a.m. (12 hours) beginning Sunday, September 28 through Thursday, October 3, 2008 in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(9) From 7:00 p.m. Wednesday, October 8 to 7:00 a.m. Thursday, October 9, 2008 (12 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(10) From 7:00 p.m. Thursday, October 9 to 7:00 a.m. Friday, October 10, 2008 (12 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(11) From 6:00 p.m. Wednesday, October 15 to 6:00 a.m. Thursday, October 16, 2008 (12 hours) and from 8:00 p.m. Thursday, October 16 to 8:00 a.m. Friday, October 17, 2008 (12 hours) in Zones 4-5. Gear is restricted to gill nets with a 8-inch minimum mesh size.

(12) From 7:00 a.m. to 7:00 p.m. Thursday, October 16, 2008 (12 hours) in Zones 1-3 (upstream to the Longview Bridge) and Zones 4-5. No minimum mesh size restriction in effect.

(13) From 7:00 p.m. Tuesday, October 21 to 7:00 a.m. Wednesday, October 22, 2008 (12 hours) in Zones 4-5. No minimum mesh size restriction in effect.

(14) From 7:00 a.m. to 7:00 p.m. Wednesday, October 22, 2008 (12 hours) in Zones 1-3 (upstream to the Longview Bridge). No minimum mesh size restriction in effect.

(15) From 7:00 p.m. Thursday, October 23 to 7:00 a.m. Friday, October 24, 2008 (12 hours) in Zones 4-5. No minimum mesh size restriction in effect.

(16) From 7:00 p.m. Sunday, October 26 to 7:00 a.m. Monday, October 27, 2008 (12 hours) in Zones 4-5. No minimum mesh size restriction in effect.

(17) From 7:00 p.m. Tuesday, October 28 to 7:00 a.m. Wednesday, October 29, 2008 (12 hours) in Zones 4-5. No minimum mesh size restriction in effect.

(18) From 7:00 a.m. to 7:00 p.m. Wednesday, October 29, 2008 (12 hours) in Zones 1-3 (upstream to the Longview Bridge). No minimum mesh size restriction in effect.

(19) From 7:00 p.m. Thursday, October 30 to 7:00 a.m. Friday, October 31, 2008 (12 hours) in Zones 4-5. No minimum mesh size restriction in effect.

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. & ef. 9-19-88; FWC 93-1988(Temp), f. & ef. 9-16-88; FWC 99-1988(Temp), f. & 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. & ef. 9-21-89; FWC 109-1989(Temp), f. & ef. 10-6-89; FWC 113-1989(Temp), f. & ef. 11-9-89; FWC 100-1990(Temp), f. & ef. 9-18-90; FWC 101-1990(Temp), f. & ef. 9-19-90; FWC 102-1990(Temp), f. & ef. 9-20-90; FWC 114-1990, f. & ef. 10-8-90; FWC 105-1991, f. & ef. 9-20-91; FWC 118-1991, f. & ef. 10-4-91; FWC 122-1991(Temp), f. & ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & 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. & ef. 10-6-97; FWC 64-1997(Temp), f. & ef. 10-14-97; FWC 65-1997(Temp), f. & ef. 10-20-97; FWC 68-1997(Temp), f. & ef. 11-3-97; 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. & 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), f. 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 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. & ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 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. & 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. & ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. 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. & ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 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. & ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. 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. & 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. & ef. 10-21-08 thru 12-31-08

ADMINISTRATIVE RULES

Rule Caption: Amendments to the EE Wilson Wildlife Area and Columbia Basin Areas management plans.

Adm. Order No.: DFW 137-2008

Filed with Sec. of State: 10-27-2008

Certified to be Effective: 10-27-08

Notice Publication Date: 9-1-2008

Rules Amended: 635-008-0070, 635-008-0105, 635-008-0130, 635-008-0185, 635-008-0190

Subject: Amended Oregon Administrative Rules for the EE Wilson Wildlife Area and Columbia Basin Areas Management Plans. Amendments will guide management activities for the next ten years.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0070

Coyote Springs Wildlife Area

The Coyote Springs Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.
- (2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.
- (3) Open fires between April 1 and November 30 are prohibited.
- (4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (5) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.
- (6) Possession or use of shot other than federally-approved nontoxic shot is prohibited, except for deer hunters using slugs or buckshot.
- (7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.
- (8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.
- (9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(3); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08

635-008-0105

Irrigon Wildlife Area

The Irrigon Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.
- (2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.
- (3) Horses must stay on the Lewis and Clark Heritage trail.
- (4) Trapping may occur during authorized trapping seasons (trapping permit required).
- (5) Open fires between April 1 and November 30 are prohibited.
- (6) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (7) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.
- (8) Possession or use of shot other than federally-approved nontoxic shot is prohibited, except for deer hunters using slugs or buckshot
- (9) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.
- (10) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.
- (11) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(8); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08

635-008-0130

Power City Wildlife Area

The Power City Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons or by permit.
- (2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.
- (3) Open fires between April 1 and November 30 are prohibited.
- (4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (5) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.
- (6) Possession or use of shot other than federally-approved nontoxic shot is prohibited, except for deer hunters using slugs or buckshot.
- (7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.
- (8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.
- (9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(13); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08

635-008-0185

Willow Creek Wildlife Area

The Willow Creek Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.
- (2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.
- (3) Open fires between April 1 and November 30 are prohibited.
- (4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (5) Discharging firearms other than a shotgun is prohibited except during, and as authorized for, eastern Oregon controlled deer seasons, or by permit issued by the Department.
- (6) Possession or use of shot other than federally approved nontoxic shot for all game bird hunting is prohibited.
- (7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.
- (8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.
- (9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(23); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08

635-008-0190

E.E. Wilson Wildlife Area

The E. E. Wilson Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 E. E. Wilson Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) Hunting is prohibited except as authorized in annual game bird and big game regulations.
- (2) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.
- (3) Discharging rifles and handguns is prohibited.
- (4) All dogs must be on a leash except during authorized hunting seasons, or by permit.
- (5) Camping is prohibited except by permit.
- (6) Horses and other domestic livestock use are restricted to established roads only.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(24); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08

Rule Caption: Modifications to Southwest Zone Sport Chinook Salmon Regulations for the Chetco and Winchuck Rivers.

Adm. Order No.: DFW 138-2008(Temp)

Filed with Sec. of State: 10-28-2008

Certified to be Effective: 11-1-08 thru 11-30-08

Notice Publication Date:

Rules Amended: 635-016-0090

Rules Suspended: 635-016-0090(T)

Subject: This amended rule will maximize the spawning escapement of fall Chinook in the Chetco and Winchuck rivers, while continuing to allow limited opportunity for harvest of fall Chinook in the Chetco Estuary.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-016-0090

Inclusions and Modifications

(1) The **2008 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 **2008 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the 2008 Oregon Sport Fishing Regulations, the following restrictions apply to the Southwest Zone: In the aggregate, combined with other open areas in the Marine and Northwest Zones (including terminal areas and inland fisheries), 2 adult salmon or steelhead may be retained per day of which only 1 may be a non-finclipped Chinook; 20 adult salmon or steelhead may be retained per year of which only 5 may be a non-finclipped Chinook per season (Aug. 1 — Dec. 31); and 5 jack salmon per day, 2 daily jack limits allowed in possession. Exceptions include:

(a) Isthmus Slough (Coos Bay): 2 adult salmon or steelhead per day, 20 per year and 5 jacks per day, 2 daily jack limits allowed in possession; and

(b) Rogue River (Curry/Josephine/Jackson Co.s): 2 adult salmon or steelhead per day, 20 per year of which only 10 may be non-finclipped Chinook salmon and 5 jacks per day, 2 daily jack limits allowed in possession.

(A) Mainstem upstream to Hog Creek boat landing, including tidewater is open for Chinook salmon Aug. 1 — Dec. 31.

(B) Hog Creek boat landing to Gold Ray Dam is open for Chinook salmon Aug. 1 — Sept. 30 and closed for Chinook salmon Oct. 1 — Dec. 31.

(C) Gold Ray Dam to Cole Rivers Hatchery Diversion Dam is closed for Chinook salmon Aug. 1 — Dec. 31.

(3) Chetco River (Curry Co.):

(a) Mainstem upstream to the Harbor water intake tower at river mile 3.0 open for Chinook salmon Nov. 1-Dec. 31; open for steelhead Jan. 1 — March 31 and May 24 — Dec. 31.

(b) Mainstem upstream from the Harbor water intake tower at river mile 3.0 closed for Chinook salmon Nov. 1 — Nov. 30; open for steelhead Jan. 1 — March 31 and May 24 — Dec. 31.

(4) Coquille River (Curry Co.):

(a) Inland from the tips of the jetties upstream to the South Fork, including tidewater open for Chinook salmon Aug. 1 — Dec. 31 and adipose fin-clipped steelhead entire year;

(b) Middle Fork open for adipose fin-clipped steelhead Jan. 1 — April 30 and Nov. 15 — Dec. 31;

(c) North Fork open for adipose fin-clipped steelhead Jan. 1 — April 30 and Nov. 15 — Dec. 31;

(d) South Fork open for adipose fin-clipped steelhead Jan. 1 — April 30 and Nov. 15 — Dec. 31; and closed for salmon upstream of confluence with Middle Fork, near Highway 42 and Powers Highway junction.

(5) Coos River (Curry Co.):

(a) Mainstem and South Fork up to head of tide located at Dellwood weir is open for Chinook salmon Aug. 1 — Dec. 31 and adipose fin-clipped steelhead entire year.

(b) South Fork from head of tide upstream to concrete bridge located near Tioga Creek is open for adipose fin-clipped steelhead Jan. 1 — April 30 and Nov. 15 — Dec. 31.

(6) Millicoma River (Coos Co.):

(a) Mainstem, including tidewater, is open for Chinook salmon Aug. 1 — Dec. 31 and open for adipose fin-clipped steelhead entire year.

(b) East and West Forks are open for adipose fin-clipped steelhead Jan. 1 — April 30 and Nov. 15 — Dec. 31.

(7) Floras Creek & Floras Lake outlet (Curry Co.) are open from New River upstream to Floras Creek Bridge at milepoint 1.5 on Floras Creek County Road (Rivermile 5) for Chinook salmon August 1 — Dec. 31.

(8) Sixes River (Curry Co.) mainstem upstream to Edson Creek including tidewater open for Chinook salmon Aug. 1 — Dec. 31.

(9) Umpqua River Basin (Douglas Co.):

(a) Umpqua River mainstem, including tidewater from the tips of the jetties upstream to the confluence with the North and South Forks: Open for adipose fin-clipped steelhead entire year; open for adipose fin-clipped coho salmon Aug. 1 — Dec. 31; and open for Chinook salmon Aug. 1 — Dec. 31. Use of bait allowed.

(b) Smith River mainstem from the mouth upstream to Spencer Creek open for Chinook salmon Aug. 1 — Dec. 31 and adipose fin-clipped steelhead Jan. 1 — March 31 and May 24 — Dec. 31. Use of bait allowed in tidewater areas.

(10) Winchuck River Mainstem up to Wheeler Creek, including tidewater (Curry Co.): Closed for Chinook salmon Nov. 1 — Nov. 30

[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; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 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 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; 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 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; 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 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; 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 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); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; 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 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08

Rule Caption: Rule correction relating to the Land Owner Preference (LOP) Program

Adm. Order No.: DFW 139-2008

Filed with Sec. of State: 10-30-2008

Certified to be Effective: 10-30-08

Notice Publication Date: 9-1-2008

Rules Amended: 635-075-0003

Subject: This correction is needed to reflect a change in text that was inadvertently left out at the time of filing.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-075-0003

Decision Standard for Suspension and Revocation from the LOP Program

(1) If a landowner as defined in OAR 635-045-0002 (or the landowner's partner, member, manager, employee, or any person using an LOP tag

ADMINISTRATIVE RULES

provided by the landowner) is convicted of violation of the wildlife laws arising from participating in the LOP program, the Department may suspend that landowner from participating in the LOP program for the remainder of the current year plus two additional years.

(a) When the Department suspends a landowner pursuant to paragraph (1), that suspension will include any and all properties associated with that landowner, including properties registered to the individual, as a partnership, or as a corporation, and the suspension will run for the same period of time as for the landowner.

(b) When the Department suspends a landowner pursuant to paragraph (1), the Department will also revoke any unused LOP tags previously issued for the landowner's properties.

(2) Any landowner whose LOP program participation the Department proposes to suspend may request a contested case hearing within 14 days of notice of the proposed decision.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 131-2008, f. & cert. ef. 10-14-08; DFW 139-2008, f. & cert. ef. 10-30-08

Rule Caption: Modifications to Southwest Zone Sport Chinook Salmon Regulations for the Chetco and Winchuck Rivers.

Adm. Order No.: DFW 140-2008(Temp)

Filed with Sec. of State: 11-4-2008

Certified to be Effective: 11-5-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-016-0090

Rules Suspended: 635-016-0090(T)

Subject: Amending rule to extend open season dates for Chinook salmon sport angling will allow opportunity for harvest of fall Chinook in the Chetco and Winchuck rivers.

Rules Coordinator: Therese Kucera—(503) 947-6035

635-016-0090

Inclusions and Modifications

(1) The 2008 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 2008 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other requirements provided in the 2008 Oregon Sport Fishing Regulations, the following restrictions apply to the Southwest Zone: In the aggregate, combined with other open areas in the Marine and Northwest Zones (including terminal areas and inland fisheries), 2 adult salmon or steelhead may be retained per day of which only 1 may be a non-finclipped Chinook; 20 adult salmon or steelhead may be retained per year of which only 5 may be a non-finclipped Chinook per season (Aug. 1–Dec. 31); and 5 jack salmon per day, 2 daily jack limits allowed in possession. Exceptions include:

(a) Isthmus Slough (Coos Bay): 2 adult salmon or steelhead per day, 20 per year and 5 jacks per day, 2 daily jack limits allowed in possession; and

(b) Rogue River (Curry/Josephine/Jackson Co.'s): 2 adult salmon or steelhead per day, 20 per year of which only 10 may be non-finclipped Chinook salmon and 5 jacks per day, 2 daily jack limits allowed in possession.

(A) Mainstem upstream to Hog Creek boat landing, including tidewater is open for Chinook salmon Aug. 1–Dec. 31.

(B) Hog Creek boat landing to Gold Ray Dam is open for Chinook salmon Aug. 1–Sept. 30 and closed for Chinook salmon Oct. 1–Dec. 31.

(C) Gold Ray Dam to Cole Rivers Hatchery Diversion Dam is closed for Chinook salmon Aug. 1–Dec. 31.

(3) Chetco River (Curry Co.):

(a) Mainstem including tidewater open for Chinook salmon Nov. 5–Dec. 31; open for steelhead Jan. 1–March 31 and May 24–Dec. 31.

(4) Coquille River (Curry Co.):

(a) Inland from the tips of the jetties upstream to the South Fork, including tidewater open for Chinook salmon Aug. 1–Dec. 31 and adipose fin-clipped steelhead entire year;

(b) Middle Fork open for adipose fin-clipped steelhead Jan. 1–April 30 and Nov. 15–Dec. 31;

(c) North Fork open for adipose fin-clipped steelhead Jan. 1–April 30 and Nov. 15–Dec. 31;

(d) South Fork open for adipose fin-clipped steelhead Jan. 1–April 30 and Nov. 15–Dec. 31; and closed for salmon upstream of confluence with Middle Fork, near Highway 42 and Powers Highway junction.

(5) Coos River (Curry Co.):

(a) Mainstem and South Fork up to head of tide located at Dellwood weir is open for Chinook salmon Aug. 1–Dec. 31 and adipose fin-clipped steelhead entire year.

(b) South Fork from head of tide upstream to concrete bridge located near Tioga Creek is open for adipose fin-clipped steelhead Jan. 1–April 30 and Nov. 15–Dec. 31.

(6) Millicoma River (Coos Co.):

(a) Mainstem, including tidewater, is open for Chinook salmon Aug. 1–Dec. 31 and open for adipose fin-clipped steelhead entire year.

(b) East and West Forks are open for adipose fin-clipped steelhead Jan. 1–April 30 and Nov. 15–Dec. 31.

(7) Floras Creek & Floras Lake outlet (Curry Co.) are open from New River upstream to Floras Creek Bridge at milepoint 1.5 on Floras Creek County Road (Rivermile 5) for Chinook salmon August 1–Dec. 31.

(8) Sixes River (Curry Co.) mainstem upstream to Edson Creek including tidewater open for Chinook salmon Aug. 1–Dec. 31.

(9) Umpqua River Basin (Douglas Co.):

(a) Umpqua River mainstem, including tidewater from the tips of the jetties upstream to the confluence with the North and South Forks: Open for adipose fin-clipped steelhead entire year; open for adipose fin-clipped coho salmon Aug. 1–Dec. 31; and open for Chinook salmon Aug. 1–Dec. 31. Use of bait allowed.

(b) Smith River mainstem from the mouth upstream to Spencer Creek open for Chinook salmon Aug. 1–Dec. 31 and adipose fin-clipped steelhead Jan. 1–March 31 and May 24–Dec. 31. Use of bait allowed in tidewater areas.

(10) Winchuck River Mainstem up to Wheeler Creek, including tidewater (Curry Co.): open for Chinook salmon Nov. 5–Dec. 31

[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; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 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 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; 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 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; 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 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; 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 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); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; 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 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08

Rule Caption: Treaty Indian Late Fall Salmon Season In the Columbia River and Tributaries.

Adm. Order No.: DFW 141-2008(Temp)

Filed with Sec. of State: 11-10-2008

Certified to be Effective: 11-12-08 thru 11-30-08

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule suspends commercial sales of fish caught after 6 p.m. on November 12, 2008 in the Tribal Indian fall commercial platform and hook-and-line fisheries in the Columbia River and tributaries above Bonneville Dam. Modification are consistent with action taken November 10, 2008 by the Columbia River

ADMINISTRATIVE RULES

Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Monday, June 16, 2008 through 6:00 p.m. Wednesday, November 12, 2008.

(a) Gear is restricted to subsistence fishing gear: hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Allowable sales of fish caught through 6:00 p.m. Wednesday, November 12, 2008 include Chinook, coho, sockeye, steelhead, walleye, carp, and shad. Fish caught after 6:00 p.m. Wednesday, November 12, 2008 may be retained for subsistence only.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas are set forth in OAR 635-041-0045, except the Spring Creek Hatchery sanctuary is not in place.

(2) Sales of Chinook and coho salmon, but not steelhead, caught in Yakama Nation tributary fisheries in the Klickitat and Big White Salmon rivers, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above. Chinook and coho sold outside a 1-mile radius from the Klickitat Falls may be sold by Yakama Nation Transfer Permit holders only.

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. 9-7-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90; cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91; 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. 9-4-92; 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. 9-23-92; 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; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; cert. ef. 9-2-97; FWC 57-1997(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. 9-22-98 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. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; DFW 91-1999(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. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW

104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-15-02 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. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-8-06, 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. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08

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

Rule Caption: Revision of terminology and references in OAR 415.

Adm. Order No.: ADS 2-2008

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Rules Adopted: 415-051-0165

Rules Amended: 415-012-0000, 415-012-0010, 415-012-0020, 415-012-0030, 415-012-0040, 415-012-0050, 415-012-0060, 415-012-0070, 415-012-0080, 415-012-0090, 415-020-0000, 415-020-0005, 415-020-0010, 415-020-0015, 415-020-0020, 415-020-0025, 415-020-0030, 415-020-0035, 415-020-0040, 415-020-0050, 415-020-0053, 415-020-0054, 415-020-0060, 415-020-0065, 415-020-0070, 415-020-0075, 415-020-0080, 415-020-0085, 415-020-0090, 415-050-0000, 415-050-0005, 415-050-0010, 415-050-0015, 415-050-0020, 415-050-0025, 415-050-0030, 415-050-0035, 415-050-0040, 415-050-0045, 415-050-0050, 415-050-0055, 415-050-0060, 415-050-0065, 415-050-0070, 415-050-0075, 415-050-0080, 415-050-0085, 415-050-0090, 415-050-0095, 415-051-0000, 415-051-0005, 415-051-0010, 415-051-0015, 415-051-0020, 415-051-0025, 415-051-0030, 415-051-0035, 415-051-0037, 415-051-0040, 415-051-0045, 415-051-0050, 415-051-0055, 415-051-0057, 415-051-0060, 415-051-0065, 415-051-0067, 415-051-0069, 415-051-0072, 415-051-0075, 415-051-0077, 415-051-0080, 415-051-0090, 415-051-0100, 415-051-0105, 415-051-0110, 415-051-0130, 415-051-0140, 415-051-0155, 415-054-0005, 415-054-0010, 415-054-0015, 415-054-0017, 415-054-0018, 415-054-0020, 415-054-0030, 415-054-0040, 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, 415-055-0000, 415-055-0005, 415-055-0010, 415-055-0015, 415-055-0020, 415-055-0025, 415-055-0030, 415-055-0035, 415-056-0000, 415-056-0005, 415-056-0010, 415-056-0015, 415-056-0020, 415-056-0025, 415-060-0010, 415-060-0020, 415-060-0030, 415-060-0040, 415-060-0050

Subject: The Addictions and Mental Health (AMH) Division is revising ALL rules in OAR 415 to update references, including division names and statutory and rule references. No substantial changes are being made at this time.

Rules Coordinator: Richard Luthe—(503) 947-1186

ADMINISTRATIVE RULES

415-012-0000

Purpose

Purpose. These rules establish procedures for approval of the following:

(1) Any alcohol or drug abuse service provider which is, or seeks to be, contractually affiliated with the Addictions and Mental Health (AMH) Division or local mental health authority for the purpose of providing alcohol and other drug abuse treatment and prevention services;

(2) Any service provider using public funds in the provision of alcohol or drug abuse prevention, intervention, or treatment services in Oregon;

(3) Performing providers under Addictions and Mental Health Division rules under OAR 309-016-0000 through 309-016-0120;

(4) Organizations that provide alcohol or drug abuse treatment services seeking approval from the Division to establish eligibility for insurance reimbursement as provided in ORS 430.065;

(5) Organizations seeking approval from the Division for provision of residential services as provided in ORS 430.010 and 443.400 or detoxification services under ORS 430.306; or

(6) Alcohol and drug evaluation specialists designated to do Driving Under the Influence of Intoxicants (DUI) diagnostic assessments under ORS 813.020 and 813.260.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0010

Definitions

(1) "Applicant" means any person or entity who has requested, in writing, a letter of approval or license.

(2) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(3) "Client" means an individual receiving services under these rules.

(4) "Community Mental Health Program (CMHP)" means the organization of all services for individuals with mental or emotional disturbances, drug abuse problems, mental retardation or other developmental disabilities, and alcoholism and alcohol abuse problems, operated by, or contractually affiliated with, a local mental health authority, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(5) "Direct Contract" or "Contract" is the document describing and limiting the relationship and respective obligations between an organization other than a county and the Division for the purposes of operating the alcohol and drug abuse program within a county's boundaries, or operating a statewide, regional, or specialized service.

(6) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(7) "Intergovernmental Agreement" or "Agreement" is the document describing and limiting the contractual relationship and respective obligations between a county or other government organization and the Division for the purpose of operating an alcohol and drug abuse service.

(8) "Letter of Approval (LOA)" means a certificate issued by the Assistant Director to applicants who are in substantial compliance with applicable administrative rules for alcohol and drug abuse treatment in an outpatient setting, Driving Under the Influence of Intoxicants (DUI) diagnostic assessment, or prevention services, and which is renewable every three years.

(9) "License" means a certificate issued by the Assistant Director to applicants who are in substantial compliance with applicable administrative rules for alcohol and drug abuse treatment in a residential setting and which is renewable every two years.

(10) "Non-Funded Provider" means an organization not contractually affiliated with the Division, a CMHP, or other contractor of the Division.

(11) "Provider" means an organization providing alcohol or drug abuse prevention, intervention, or treatment services under contract with the Division or under subcontract with a local entity or public body or otherwise receiving public funds for these services.

(12) "Provisional" means a LOA or license issued for one year or less pending completion of specified requirements because of substantial failure to comply with applicable administrative rules.

(13) "Quality Assurance" means the process of objectively and systematically monitoring and evaluating the quality and appropriateness of client care to identify and resolve identified problems.

(14) "Restriction" means any limitations placed on a LOA or license such as age of clients to be served or number of clients to be served.

(15) "Revocation" means the removal of authority for a provider to provide certain services under a LOA or license.

(16) "Service Element" means a distinct service or group of services for persons with alcohol or other drug abuse problems defined in administrative rule and included in a contract or agreement issued by the Division.

(17) "Subcontract" means the document describing and limiting the relationship and respective obligations between a government and other entity having an agreement or contract with the Division and a third organization (subcontractor) for the purpose of delivering some or all of the services specified in the agreement or contract with the Division.

(18) "Substantial Compliance" means a level of adherence to applicable administrative rules which, while not meeting one or more of the requirements, does not, in the determination of the Division:

(a) Constitute a danger to the health or safety of any individual;

(b) Constitute a willful or ongoing violation of the rights of service recipients as set forth in administrative rules; or

(c) Prevent the accomplishment of the state's purposes in approving or supporting the subject service.

(19) "Substantial Failure to Comply" is used in this rule to mean the opposite of "substantial compliance."

(20) "Suspension" means a temporary removal of authority for a provider to conduct a service for a stated period of time or until the occurrence of a specified event under a LOA or license.

(21) "Temporary" means a LOA license issued for 185 days to a program approved for the first time. A temporary LOA license cannot be extended.

(22) "Variance or Exception" means a waiver of a regulation or provision of these rules granted by the Division upon written application.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-2001, f. 3-29-01, cert. ef. 4-1-01; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0020

General Requirements

(1) Providers That Must Have LOA or License: Every provider that operates a service element by contract with the Division or subcontracts with a local entity or public body or otherwise receives public funds for providing alcohol or drug abuse prevention, intervention, or treatment services must have an LOA or license:

(a) No provider shall represent themselves as conducting any service described in this rule without first obtaining an LOA or license;

(b) A provider that does not have an LOA or license for conducting a service described in this rule may not admit a person needing that service; and

(c) The LOA or license shall be posted in the facility and available for inspection at all times.

(2) Discretionary LOA: The Division may also issue an LOA to organizations seeking approval for insurance reimbursement as provided in ORS 430.065 or to other non-funded providers.

(3) Facilities Requiring License: Any facility which meets the definition of a residential treatment facility for alcohol or drug-dependent persons under ORS 443.400 or a detoxification center as defined in ORS 430.306 must be licensed by the Division:

(a) No individual or entity shall represent themselves as a residential treatment facility for alcohol or drug-dependent persons or as a detoxification center without first being licensed;

(b) A residential treatment facility or a detoxification center that is not licensed may not admit individuals needing residential or detoxification care or treatment; and

(c) A license shall be posted in the facility and available for inspection at all times.

(4) LOA or License is not a Contract: Approval or licensure of a service element pursuant to this rule does not create an express or implied contract in the absence of a fully executed written contract.

(5) List of Service Elements: Services eligible for an LOA include but are not limited to:

(a) Outpatient alcohol or other drug treatment;

(b) Outpatient methadone maintenance and outpatient methadone detoxification;

(c) Outpatient DUI alcohol and other drug information and rehabilitation programs and marijuana education and treatment programs;

(d) Outpatient occupational drivers license program;

(e) Title XIX program;

(f) Prevention programs;

(g) Alcohol and drug evaluation specialists; and

ADMINISTRATIVE RULES

(h) Marijuana evaluation specialists.
Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500
Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0030

Initial Application Procedures

(1) Application Packet: The Division shall mail an application packet to all applicants upon request. This application process applies to all providers except persons who wish to become Alcohol and Drug Evaluation Specialists (ADES) who should refer to OAR 415-054-0045 to 415-054-0100.

(2) Initial Meeting: All programs applying for the first time for a LOA or license to operate a treatment or prevention program shall schedule a meeting with Division staff for the purpose of receiving needed technical assistance regarding the approval and licensure criteria and procedures.

(3) Multiple Locations: A separate application is required for each location where the provider intends to operate.

(4) Copy of Application: A copy of the application shall be provided by the applicant to the local mental health authority (CMHP) and to the Local Alcohol Planning Committee (LAPC) for review and comment. A program seeking to provide services on a statewide or regional basis must provide application material to the CMHP and the LAPC in the county where the program resides.

(5) Withdrawal of Application: The applicant may withdraw the application at any time during the application process by notifying the Division in writing. At such time, all materials shall be returned to the applicant.

(6) Initial Application Information: An applicant for a LOA or license shall submit the information listed below on forms provided by the Division:

- (a) Name and address of the applicant;
- (b) Name, address, and qualifications of the executive director or administrator;
- (c) Outline of the staff organization with names and qualifications;
- (d) Articles of incorporation and bylaws;
- (e) Names and addresses of the board of directors, sponsors, or advisory boards of the program;
- (f) Names and addresses of physicians, other professionally trained personnel, medical facilities, and other individuals or organizations with whom the program has a direct referral agreement or is otherwise affiliated;
- (g) Description of the treatment services provided by the program setting forth program philosophy, goals, objectives, and a description of the treatment methodology for each service element;
- (h) Materials demonstrating compliance with the administrative rules governing the specific service provided;
- (i) Materials showing compliance with all related federal, state and local acts, ordinances, rules and amendments such as State Fire Marshal rules, board of health and building zoning codes, and the American Disabilities Act;
- (j) Materials substantiating compliance with other licensing authorities such as the Children, Adults and Families (CAF) Division for residential adolescent programs or the Drug Enforcement Administration and Food and Drug Administration for methadone treatment programs;
- (k) For residential treatment and detoxification facilities, the maximum client capacity requested;
- (l) Source of funds used to finance the program such as an annual budget of the organization or a copy of the most current fiscal audit or review;
- (m) Written evidence of applicable insurance such as liability insurance;
- (n) Floor plan for the proposed facility;
- (o) Representative sample client file;
- (p) Written nondiscrimination policy including:
 - (A) Explanation of methods used to disseminate the policy;
 - (B) Description of procedures used to communicate with sensory impaired person or persons of limited English proficiency;
- (C) Written statement about the accessibility of the facility and programs for disabled persons; and
- (D) Written grievance procedure for handling discrimination complaints.

(7) Application Satisfactory: If the application is found to be complete and if the material documents compliance with applicable administrative rules, the Division shall issue a temporary LOA or license no later than 30 days after final approval of the application.

(8) Unsatisfactory Application: If the application is not complete or if the application does not document compliance:

(a) The applicant shall be provided with written notification that identifies needed information or areas of non-compliance within 60 days of receipt of the application; and

(b) The original application shall be kept on file for 60 days after written notice has been given, at which time, if no further material is submitted to correct the deficiencies noted, the application shall be denied and all material shall be returned to the applicant.

(9) Application Denied: If an initial LOA or license is denied:

(a) The applicant shall be entitled to a hearing with the Assistant Director if the applicant requests a hearing in writing within 60 days of the receipt of the notice;

(b) The Assistant Director, whose decision is final, shall hold a hearing within 60 days of receipt of the written request; and

(c) If no written request for a hearing is received within the 60-day timeline, the notice of denial shall become the final order by default and the Assistant Director may designate its file as the record for purposes of order by default.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500
Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0040

Letters of Approval and Licenses

(1) Types of Certification: The Division may issue the following types of certificates:

- (a) Temporary LOA or temporary license for 185 days;
- (b) Provisional LOA or license for one year or less;
- (c) A license for two years; or
- (d) An LOA for three years.

(2) Renewal: Renewal of three-year letters of approval and two-year licenses shall be contingent upon demonstration of compliance with appropriate administrative rules:

(a) A program may continue to operate until final determination of its approval or licensure status is made by the Division;

(b) Failure to demonstrate compliance may result in the issuance of a provisional LOA, license, suspension, or revocation.

(3) Provisional Certification: Programs with provisional letters of approval or licenses upon demonstrating substantial compliance with appropriate administrative rules may be eligible for a three-year LOA or a two-year license. However, the provider's failure to demonstrate substantial compliance may result in an extension, suspension, or revocation of the provisional LOA or license.

(4) Nondiscrimination; Special Populations: The Division shall not discriminate in its review procedures or services on the basis of race, color, national origin, age, or disability. The Division may issue LOA or licenses to specialized programs to assure maximum benefit for special populations, in which case, the Division may identify that special population in the LOA or license and impose applicable program criteria.

(5) Restrictions: Restrictions which may be attached to a LOA or license include:

- (a) Limiting the total number of clients (in residential or detoxification treatment);
- (b) Defining the age level of clients (i.e., youth or adult) to be admitted into the facility;
- (c) Defining the gender of clients, if the provider is identified as serving only males or females;
- (d) Assuring compliance with other licensing entities such as the CAF Division, the State Public Health Division, or the Food and Drug Administration; or
- (e) Other restrictions as required by the Division.

(6) Time Limits on Restrictions: Restrictions may be imposed for the extent of the approval period or limited to some other shorter period of time. If the restriction corresponds to the licensing period, the reasons for the restriction shall be considered at the time of renewal to determine if the restrictions are still appropriate.

(7) Restriction to Appear on LOA or License: The effective date and expiration date of the restriction shall be indicated on the certificate.

(8) Non-Transferability: An LOA or license issued by the Division for the operation of a substance abuse program applies both to the applicant program and the premises upon which the program is to be operated. A LOA or license is not transferable to another person, entity, or to any other location:

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(a) Any person or other legal entity acquiring an approved licensed facility for the purpose of operating a substance abuse program shall make an application as provided herein for a new LOA or license;

(b) Any person or legal entity having been issued a license and desiring to fundamentally alter the treatment philosophy or transfer to different premises must notify the Division 30 days prior to doing so in order for the Division to review the program or site change and to determine further necessary action.

(9) Change of Administrator: If the administrator of the program changes during the period covered by the letter of approval or license:

(a) A request for a change must be submitted to the Division within 15 days, along with the qualifications of the proposed new administrator;

(b) Upon a determination that the administrator meets the requirements of applicable administrative rules, a revised LOA or license shall be issued with the name of the new administrator.

(10) Discontinued Program: When a program is discontinued, its current LOA or license is void immediately and the certificate shall be returned to the Division. A discontinued program is one which has terminated its services for which it has been approved or licensed. A program planning to discontinue services must:

(a) Notify the Division 60 days prior to a voluntary closure of a facility with written notice of how the provider will comply with OAR 309-014-0035(4) and 42 CFR Part 2, Federal Confidentiality Regulations, regarding the preservation of all client records; and

(b) Provide clients 30 days written notice and shall be responsible for making reasonable efforts to obtain treatment placement of clients as appropriate.

[Publications: Publication(s) referenced are available from the agency.]

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-2001, f. 3-29-01, cert. ef. 4-1-01; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0050

Onsite Reviews

(1) Scheduled Inspections: The Division shall inspect the facilities and must review procedures utilized:

(a) Before issuing a LOA or license to an applicant; and

(b) Before renewal of an existing LOA or license.

(2) Discretionary Onsite Inspections: The Division may conduct onsite inspections:

(a) Upon receipt of verbal or written complaints of violations that allege conditions that may threaten the health, safety, or welfare of clients or for any other reason to be concerned for client welfare; or

(b) Any time the Division has reason to believe it is necessary to assure if a provider is in compliance with the administrative rules or with conditions placed upon the LOA or license.

(3) Substance of Reviews: The review may include but is not limited to case record audits and interviews with staff and clients, consistent with the confidentiality safeguards of state and federal laws.

(4) Access to Facilities and Records: Each applicant or provider agrees, as a condition of LOA or license approval:

(a) To permit designated representatives of the Division to inspect premises of programs to verify information contained in the application or to assure compliance with all laws, rules, and regulations during all hours of operation of the facility and at any other reasonable hour;

(b) To permit properly designated representatives of the department to audit and collect statistical data from all records maintained by the approved or licensed program; and

(c) That such right of immediate entry and inspection shall, under due process of law, extend to any premises on which the Division has reasons to believe a program is being operated by the provider in violation of these rules.

(5) Access if Requirement for LOA or License: An applicant or provider shall not be granted approval or licensing which does not permit inspection by the Division or examination of all records, including financial records as appropriate, methods of administration, the disbursement of drugs and method of supply, and any other records the Division considers to be relevant to the establishment of such a program.

(6) Inspection by Other Agencies: Each applicant or provider agrees, as a condition of LOA or license approval that:

(a) State or local fire inspectors shall be permitted access to enter and inspect the facility regarding fire safety upon the request of the Division; and

(b) State or local health inspectors shall be permitted access to enter and inspect the facility regarding health safety upon the request of the Division.

(7) Notice: The Division has authority to conduct inspections with or without advance notice to the administrator, staff, or clients:

(a) The Division is not required to give advance notice of any onsite inspection if the Division reasonably believes that notice might obstruct or seriously diminish the effectiveness of the inspection or enforcement of these administrative rules; and

(b) If Division staff are not permitted access for inspection, a search warrant may be sought.

(8) Review Process and Reports: For renewal of a LOA or license:

(a) The Division shall designate a lead specialist and other onsite review members as appropriate, such as a peer reviewer or the designee of the CMHP, to perform a formal onsite review of the service element or elements;

(9) Access to Reports: Public access to final reports of onsite inspections, except for confidential information, shall be available upon written request from the Division during business hours in accordance with OAR chapter 407, division 003.

(10) Corrective Action Plan: Programs issued a provisional LOA or license must submit an action plan to the Assistant Director or his or her designee for approval no later than 30 days following receipt of the final onsite report. The corrective action plan shall include, but not be limited to:

(a) Specific problem areas cited as out of compliance;

(b) A delineation of corrective measures to be taken by the program to bring the program into compliance; and

(c) A delineation of target dates for completion of corrective measures for each problem area.

(11) Failure to Take Corrective Action: Failure to demonstrate compliance with the corrective action plan may result in an extension, suspension or revocation of the provisional LOA or license.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0060

Denial, Revocation, Non-renewal, or Suspension

(1) Denial of Application or Request for Renewal: The Division shall deny an application or request for renewal for an LOA or license where it finds any of the following:

(a) The provider has substantially failed to comply with applicable administrative rules or with local codes and ordinances or any other applicable state or federal law or rule;

(b) The applicant or provider has had a prior LOA or license to operate an alcohol and drug abuse treatment program denied, suspended, revoked, or refused to be renewed in any county in Oregon within three years preceding the present application for reason of abuse or neglect of clients or the administrator's failure to possess adequate physical health, mental health, or good personal character;

(c) If such prior denial, suspension, revocation, or refusal to renew occurred more than three years from the present action, the provider is required to establish to the Division by clear and convincing evidence his or her ability and fitness to operate a treatment program. If the applicant or provider does not provide such evidence, the Division shall deny the application;

(d) The applicant or provider submits fraudulent or untrue information to the Division;

(e) The applicant or provider has a history of, or currently demonstrates, financial insolvency such as filing for bankruptcy, foreclosures, eviction due to failure to pay rent, termination of utility services due to failure to pay bills, failure to pay taxes such as employment or social security in a timely manner;

(f) The applicant or provider refuses to allow immediate access and onsite inspection by the Division; or

(g) The applicant or provider fails to maintain sufficient staffing or fails to comply with staff qualifications requirements.

(2) Notification of Denial: When the Division determines that an applicant's request for an LOA or license should be denied, the Assistant Director or designee shall notify the applicant, by certified mail, return receipt requested, of the Division's decision to deny the approval or licensure and the reasons for the denial.

(3) Summary Suspension: If the Division finds that the health, safety, or welfare of the public are seriously endangered by continued operation of a treatment or prevention program and sets forth specific reasons for its

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findings, summary suspension of an LOA or license may be ordered. The Division may suspend an LOA or license for any of the following reasons:

(a) Violation by the program, its director or staff, of any rule promulgated by this Division pertaining to treatment or prevention programs;

(b) Permitting, aiding or abetting the commitment of an unlawful act within the facilities maintained by the program, or permitting, aiding or abetting the commitment of an unlawful act involving chemical substances within the program;

(c) Conduct or practices found by the Division to be detrimental to the general health or welfare of a client in the program; or

(d) Deviation by the program from the plan of operation originally approved or licensed which, in the judgment of the Division, adversely affects the character, quality or scope of services intended to be provided to clients within the program.

(4) Criminal Record: The Division may deny, refuse to renew, suspend, or revoke an LOA or license if:

(a) Any of the program's staff, 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.

(b) Any of the program's staff has entered into, within the past three years, a diversion agreement under ORS 813.010 or ORS 135.907 through 135.921, or a diversion agreement under a substantially similar law in any other state;

(5) Criminal Record Checks: The Assistant Director or designee may make criminal record inquiries necessary to ensure implementation of these rules.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0070

Hearings

(1) Requesting Hearings: If a license or letter of approval is suspended, not renewed, or revoked:

(a) The provider shall be entitled to a hearing preceding the effective date of the denial, suspension, non-renewal, or revocation if requested in writing within 21 days after receipt of notice. (b) If no timely written request is received, the notice shall become the final order by default and the Assistant Director may designate the Division file as the record for purposes of order by default.

(2) Contested Case Hearings: Programs that wish to contest the suspension, non-renewal, or revocation of their LOA or license shall have an opportunity for a hearing by the Division according to the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0080

Complaints

(1) Investigation of Complaints: Any person who believes that administrative rules have been violated may file a complaint with the Division:

(a) The Division may require that complainant exhaust grievance procedures available to them through the provider prior to initiation of an investigation;

(b) The Division shall investigate complaints and notify the provider of the results of the investigation and any proposed action.

(2) Records of Complaints: A record shall be maintained by the Division of all complaints and any action taken on the complaint and shall:

(a) Be placed into the public file. Any information regarding the investigation of the complaint shall not be filed in the public file until the investigation has been completed;

(b) Protect the identification of the complainant; and

(c) Treat the identities of the witnesses and clients as confidential information.

(3) Inspection of Records: Any person may inspect and receive a photocopy of the public complaint files maintained by the Division upon requesting an appointment to do so. A fee shall be charged in accordance with OAR chapter 407, division 003.

(4) Substantiated Complaint Grounds for Action: Providers who acquire substantiated complaints pertaining to the health, safety, or welfare

of clients may have their LOA or licenses suspended, revoked, or not renewed and arrangements made to move the clients.

(5) Retaliation Toward A Client Forbidden: The provider shall not retaliate against any client for filing a complaint with the Division by:

(a) Increasing charges; decreasing services; rights or privileges;

(b) Threatening to increase charges or decrease services, rights, or privileges;

(c) Taking or threatening to take any action to coerce or compel the client to leave the facility; or

(d) Abusing or threatening to harass or abuse a client in any manner.

(6) Retaliation Toward Employee or Witness: The provider shall not retaliate against any complainant, witness, or employee of a facility for making a report to or being interviewed by the Division about a complaint including restriction to access to the program or to a client or, if an employee, to dismissal or harassment.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-012-0090

Variance or Exception

(1) Procedure for Submission of Request. Request must be made in writing:

(a) For an initial application it should be included with the application documents submitted to the Division, local mental health authority, and the Local Alcohol Planning Committee;

(b) If the provider is an agency under contract with the local mental health authority, it must submit the request through the local mental health authority to the Assistant Director; and

(b) If the provider is not under contract to the local mental health authority, the request should be submitted directly to the Assistant Director.

(2) Substance of Request: The request should include the following:

(a) The reason for the proposed variance or exception;

(b) The alternative practice proposed; and

(c) For an exception, a plan and timetable for compliance with the section of the rule from which the exception is sought.

(3) Approval or Denial: The Assistant Director, whose decision shall be final, shall approve or deny the request for variance or exception.

(4) Notification: The Division shall notify the provider requesting the variance or exception and the community mental health program of the decision.

(5) Variance Part of LOA or License: A variance granted by the Division shall be attached to, and become part of, the LOA or license. Continuance of the variance shall be reviewed at the time the LOA or license is considered for renewal.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0000

Purpose

These rules prescribe standards for the development and operation of Opioid Treatment Programs approved by the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0000; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0005

Definitions

(1) "Accreditation" means the process of review and acceptance by an accreditation body.

(2) "Accreditation Body" means an organization that has been approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) to accredit opioid treatment programs that use opioid agonist treatment medications.

(3) "Accredited Opioid Treatment Program" means a program that is the subject of a current, valid accreditation from an accreditation body approved by SAMHSA.

(4) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(5) "Community Mental Health Program (CMHP)" means the organization of all services for persons with mental or emotional disturbances,

ADMINISTRATIVE RULES

drug abuse problems, mental retardation or other developmental disabilities, and alcoholism and alcohol abuse problems operated by, or contractually affiliated with, a local mental health authority operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Department of Human Services.

(6) "Comprehensive maintenance treatment" means opioid agonist medication treatment that includes a broad range of clinically appropriate medical and rehabilitative services.

(7) "Division" means the Addiction and Mental Health Division of the Department of Human Services.

(8) "Medically Supervised Withdrawal" means the administration of an opioid agonist treatment medication in decreasing doses to an individual to alleviate adverse physical or psychological effects incident to withdrawal from the continuous or sustained use of an opioid drug and as a method of bringing the individual to a drug free state.

(9) "Diversion Control Plan" means a plan implemented by the opioid treatment program that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use.

(10) "Employee" means an individual who provides a program service or who takes part in a program service and who receives wages, a salary, or is otherwise paid by the program for providing the service.

(11) "Evaluation" means an assessment of an individual to determine the existence of drug abuse or drug dependence, its ancillary or causal factors, and the appropriate treatment and rehabilitation likely to overcome the problem.

(12) "Federal Opioid Treatment Standards" means the standards established by the Secretary of Health and Human Services that are used to determine whether an opioid treatment program is qualified to engage in opioid treatment.

(13) "Interim Maintenance Treatment" means treatment provided in conjunction with appropriate medical services while a patient is awaiting transfer to a program that provides comprehensive maintenance treatment.

(14) "Long-Term Medically Supervised Withdrawal Treatment" means treatment for a period of more than 30 days but not exceeding 180 days.

(15) "Maintenance Treatment" means the administration of an opioid agonist treatment medication at stable dosage levels for a period longer than 21 days.

(16) "Medical Director" means a physician licensed to practice medicine in the State of Oregon who is designated by the opioid treatment program to be responsible for the program's medical services.

(17) "Medical Professional" means a medical or osteopathic physician, physician's assistant licensed by the Board of Medical Examiners, or a registered nurse or nurse practitioner licensed by the Board of Nursing.

(18) "Opiate Addiction" means a cluster of cognitive, behavioral, and physiological symptoms in which the individual continues use of opiates despite significant opiate-induced problems. Opiate addiction is characterized by repeated self-administration that usually results in tolerance, withdrawal symptoms, and compulsive drug taking.

(19) "Opioid Agonist Medication" means any drug that is approved by the Food and Drug Administration under Section 505 of Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in the treatment of opiate addiction.

(20) "Opioid Treatment Program" means a program that dispenses and administers opioid agonist medications in conjunction with appropriate counseling, supportive, and medical services.

(21) "Patient" means any individual who receives services in an opioid treatment program.

(22) "Patient Record" means the official legal written file for each patient, containing all the information required to demonstrate compliance with these rules. Information in program records maintained in electronic format must be produced in a contemporaneous printed form, authenticated by signature and date of the person who provided the service, and placed in the patient record.

(23) "Program Staff" means:

(a) An employee or person who, by contract with the program, provides a clinical service and who has the credentials required in these rules to provide the clinical service; and

(b) Any other employee of the program.

(24) "Quality Assurance" means the process of objectively and systematically monitoring and evaluating the appropriateness of patient care to identify and resolve identified problems.

(25) "Rehabilitation" means those services, such as vocational rehabilitation or academic education, which assist in overcoming the problems

associated with drug abuse or drug dependence and which enable the patient to function at his or her highest potential.

(26) "State Methadone Authority" means the State Methadone Authority designated pursuant to section 409 of Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972, or in lieu thereof, any other State authority designated by the Governor for purposes of exercising the authority under this section. The State Methadone Authority for Oregon is the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(27) "Treatment" means the specific medical and non-medical therapeutic techniques employed to assist the patient in recovering from drug abuse or drug dependence.

(28) "Urinalysis Test" means an analytical procedure to identify the presence or absence of specific drugs or metabolites in a urine specimen.

(29) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0005; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0010

Program Approval

(1) Letter of Approval: No person or governmental entity shall operate an Opioid Treatment Program without a letter of approval from the State Methadone Authority in Oregon.

(2) Application: To receive a letter of approval the Opioid Treatment Program must meet the criteria under OAR 415-012-0000 to 415-012-0090; in addition, the Opioid Treatment Program must:

(a) Meet the standards set forth in these rules and any other administrative rules applicable to the program;

(b) Comply with the federal regulations contained in 42 CFR Part 2 and 42 CFR Part 8; and

(c) Submit documentation of accreditation as an opioid treatment program by an accreditation body approved by SAMHSA under 42 CFR Part 8.

(d) Specify in the application the identity and financial interest of any person (if the person is a corporation, the name of any stockholder holding stock representing an interest of 5 percent or more) or other legal entity who has an interest of 5 percent or more or 5 percent of a lease agreement for the facility.

(3) Renewal: The renewal of a letter of approval shall be governed by OAR 415-012-0040.

(4) Denial, Revocation, Nonrenewal, Suspension: The denial, revocation, nonrenewal, or suspension of a letter of approval or license for an opioid treatment program may be based on any of the grounds set forth in OAR 415-012-0060.

(5) In addition to the grounds set forth in OAR 415-012-0060, the Assistant Director may deny, revoke, refuse to renew, or suspend a letter of approval when he or she determines that the issuance or continuation of the letter of approval would be inconsistent with the public interest. In determining the public interest, the Assistant Director shall consider the following factors, or any one of them, which apply to the applicant, licensee, or any person holding a 5 percent or greater financial interest in the program or which apply to the medical director, clinical supervisor, or staff:

(a) Any convictions under any federal or state law

(b) Furnishing of false or fraudulent material in any application for a letter of approval; or

(c) Any other factors relevant to, and consistent with, the public health or safety.

(6) Federal Protocols: The program shall be responsible for filing and maintaining all necessary protocols and documentation required by the National Institute on Drug Abuse (NIDA), the Federal Substance Abuse and Mental Health Services Administration, and the Federal Drug Enforcement Administration.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b), 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0010; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

ADMINISTRATIVE RULES

415-020-0015

Administrative Requirements

(1) Administrative Rules: An Opioid Treatment Program which obtains reimbursement for publicly funded services shall comply with the public contracting rules including but not limited to:

- (a) OAR 309-013-0020;
- (b) OAR 309-013-0075 to 309-013-0105;
- (c) OAR 309-014-0000 to 309-014-0040;
- (d) OAR 309-016-0000 to 309-016-0130;
- (e) OAR 410-120-0000 through 410-120-1980; and
- (f) OAR 410-141-0000 through 410-141-0860.

(2) Policies and Procedures: An Opioid Treatment Program shall develop and implement written policies and procedures, which describe program operations. This shall include a quality assurance process that ensures that patients receive appropriate treatment services and that the program is in compliance with relevant administrative rules.

(3) Personnel Policies: If two or more staff provide services, the program shall have and implement the following written personnel policies and procedures which are applicable to program staff:

(a) Rules of program staff conduct and standards for ethical practices of treatment program practitioners;

(b) Standards for program staff use and abuse of alcohol and other drugs with procedures for managing incidences of use and abuse that, at a minimum, comply with Drug Free Workplace Standards; and

(c) Compliance with the federal and state personnel regulations including the Civil Rights Act of 1964 as amended in 1972, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act, Oregon civil rights laws related to employment practices, and any subsequent amendments effective on or before the effective date of these rules. The opioid treatment program shall give individualized consideration to all job applicants who, with or without reasonable accommodation, can perform the essential functions of the job position.

(4) Personnel Records: Personnel records for each member of the program's work force, including staff or volunteers shall be kept and shall include:

- (a) Resume or employment application, and job description;
- (b) Documentation of applicable qualification standards as described in OAR 415-020-0075;
- (c) For volunteers or interns or students, the record need only include information required by subsection (a) of this rule and the written work plan for such person.

(5) Confidentiality and Retention: Personnel records shall be maintained and utilized in such a way as to ensure program staff confidentiality and shall be retained for a period of three years following the departure of a program staff person.

(6) Disabilities Act: Programs receiving public funds must comply with Title 2 of the Americans with Disabilities Act of 1990, 42 USC § 1231 et al.

(7) Insurance: Each program shall maintain malpractice and liability insurance and be able to demonstrate evidence of current compliance with this requirement. If the program is operated by a public body, the program shall demonstrate evidence of insurance or a self-insurance fund pursuant to ORS 30.282.

(8) Prevention of Duplicate Dispensing: Opioid Treatment Programs will participate in any procedures, developed by the Division in consultation with opioid treatment providers, for preventing simultaneous dispensing of opioid agonist medications to the same patient by more than one program.

(9) Patient Recordkeeping: Each program shall:

(a) Accurately record all information about patients as required by these rules in the permanent patient record;

(b) Maintain each patient record to assure 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 patient or program record;

(c) Keep all documentation current unless specified otherwise, within seven days of delivering the service or obtaining the information;

(d) Include the signature of the person providing the documentation and service;

(e) Not falsify, alter, or destroy any patient information required by these rules to be maintained in a patient record or program records;

(f) Document all procedures in these rules requiring patient consent and the provision of information to the patient on forms describing what the patient has been asked to consent to or been informed of, and signed and

dated by the patient. If the program does not obtain documentation of consent or provision of required information, the reasons must be specified in the patient record and signed by the person responsible for providing the service to the patient;

(g) Require that errors in the permanent record 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

(h) Permit inspection of patient records upon request by the Division to determine compliance with these rules.

(10) Patient and Fiscal Record Retention: Patient records shall be kept for a minimum of seven years. If a program is taken over or acquired by another program, the original program is responsible for assuring compliance with the requirements of 42 CFR §2.19(a)(1) or (b), whichever is applicable. If a program discontinues operations, the program is responsible for:

(a) Transferring fiscal records required to be maintained under section (1) of this rule to the Division if it is a direct contract or to the community mental health program or managed care plan administering the contract, whichever is applicable; and

(b) Destroying patient records or, with patient consent, transferring patient records to another program.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0015; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0020

Patient Rights

(1) Patient Record Confidentiality: An Opioid Treatment Program shall comply with federal regulations (42 CFR part 2, 45 CFR 205.50) and state statutes (ORS 179.505 and 430.399) pertaining to confidentiality of patient records.

(2) Informed Consent: Participation in an Opioid Treatment Program shall be voluntary. Patients shall be fully informed concerning possible risks and side effects associated with the use of opioid agonist medications, including the effects of alcohol and other drugs taken in combination with these drugs. Programs dispensing both methadone and Levomethadyl acetate (LAAM) must inform patients of the differences between the action of these drugs. The program shall ensure that all relevant facts concerning the use of opioid agonist medications are clearly and adequately explained to the patient and that the patient gives written informed consent to treatment. A copy of the information above, signed by the patient, must be placed in the patient record.

(3) Allowable Restrictions: No person shall be denied services or discriminated against on the basis of age or diagnostic or disability category unless predetermined clinical or program criteria for service restrict the service to specific age or diagnostic groups or disability category.

(4) Policies and Procedures: Each patient shall be assured the same civil and human rights as other persons. Each program shall develop and implement and inform patients of written policies and procedures which protect patients' rights, including:

- (a) Protecting patient privacy and dignity;
- (b) Assuring confidentiality of records consistent with federal and state laws;
- (c) Prohibiting physical punishment or physical abuse;
- (d) Prohibiting sexual abuse or sexual contact between patients and staff, including volunteers, interns, and students; and
- (e) Providing adequate treatment or care.

(5) Services Refusal: The patient shall have the right to refuse service, including any specific procedure. If consequences may result from refusing the service, such as termination from other services or referral to a person having supervisory authority over the patient, that fact must be explained verbally and in writing to the patient.

(6) 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 patient shall have the right of access to the patient's own records except:

(a) When the medical director of the program determines that disclosure of records would constitute immediate and grave detriment to the patient's treatment; or

(b) If confidential information has been provided to the program on the basis that the information not be redisclosed.

(7) Informed Participation in Treatment Planning: The patient and others of the patient's choice shall be afforded an opportunity to participate

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in an informed way in planning the treatment services, including the review of progress toward treatment goals and objectives. Patients shall be free from retaliation for exercising their rights to participate in the treatment planning process.

(8) Informed Consent to Fees for Services: The amount and schedule of any fees or co-payments to be charged must be disclosed in writing and agreed to by the patient. The fee agreement shall include but is not limited to a schedule of rates, conditions under which the rates can be changed, and the program's policy on refunds at the time of discharge or departure.

(9) Grievance Policy: The program shall develop, implement, and fully inform patients of policy and procedure regarding grievances, which provide for:

(a) Receipt of written grievances from patients or persons acting on their behalf;

(b) Investigation of the facts supporting or disproving the written grievance;

(c) Initiating action on substantiated grievances within five working days; and

(d) Documentation in the patient's record of the receipt, investigation, and any action taken regarding the written grievance.

(10) Barriers to Treatment: Where there is a barrier to services due to culture, language, illiteracy, or disability, the program shall develop a holistic treatment approach to address or overcome those barriers. This may include:

(a) Making reasonable modifications in policies, practices, and procedures to avoid discrimination (unless the program 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 patient.

(b) Not charging patients for costs of the measures, such as the provision of interpreters, that are required to provide nondiscriminatory treatment to the patient and

(c) Referring patients to another provider if that patient requires treatment outside of the referring program's area of specialization and if the program would make a similar referral for an individual without a disability.

(11) Patient Work Policy: Any patient labor performed as part of the patient's treatment plan or standard program expectations or in lieu of fees shall be agreed to, in writing, by the patient

(12) Voter Registration: All publicly funded programs primarily engaged in providing services to persons with disabilities must provide onsite voter registration and assistance. Program staff providing voter registration services may not seek to influence an applicant's political preference or party registration or display any such political preference or party allegiance, such as buttons, expressing support for a particular political party or candidates for partisan political office. However, such program staff may wear buttons or otherwise display their preference on nonpartisan political matters and issues.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590.

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0020; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0025

Admission Policies and Procedures

(1) Admission Criteria: The Opioid Treatment Program shall have written criteria for accepting or rejecting admission requests. The criteria shall be available to patients, staff, and the community, and require:

(a) Evidence of current physical dependence on narcotics or opiates as determined by the program physician or medical director;

(b) A one year history, immediately prior to admission, of a continuous physical dependence on narcotics or opiates as documented by medical records, records of arrests for possession of narcotics, or records from drug treatment programs; or

(c) Documentation that medically supervised withdrawal or medically supervised withdrawal with acupuncture and counseling has proven ineffective or that a physician licensed by the Oregon State Board of Medical Examiners has documentation in the patient record that there is a medical need to administer opioid agonist medications

(d) Documentation that an effort was made to discover whether the applicant is on probation or parole. For applicants on parole or probation, the program must obtain documentation that the probation and parole officer has provided written approval for admission,

(e) Documentation that an initial urinalysis test has been completed and screened for opiates, methadone, benzodiazepines, barbiturates, cocaine, amphetamines, and Tetrahydrocannabinol (THC),

(f) That each patient voluntarily chooses opioid treatment and that all relevant facts concerning the use of an opioid agonist drug have been clearly and adequately explained.

(g) Documentation that the patient has provided written informed consent to treatment.

(2) Admission Criteria Exceptions: If clinically appropriate, the program physician may waive the requirement for a one-year history of opioid addiction for patients who:

(a) Have been released from a corrections facility within the previous six months;

(b) Are pregnant and whose pregnancy has been verified by the program physician; or

(c) Have previously been treated and discharged from opioid treatment programs within the last two years.

(3) Refusing Admissions: A patient may be refused opioid treatment even if the patient meets admission standards if, in the professional judgment of the medical director, a particular patient would not benefit from opioid treatment. The reasons for the refusal must be documented in the patient file within seven days following the refusal decision.

(4) Minors: No person under 18 years of age may be admitted to an opioid treatment program unless:

(a) A parent, legal guardian, or responsible adult designated by the State provides written consent for treatment; and

(b) The program can document two unsuccessful attempts at short-term medically supervised withdrawal or drug free treatment within a 12 month period

(5) Pregnant Patients: Admission and treatment of pregnant patients regardless of age is allowed under the following conditions:

(a) The patient has had a documented narcotic dependency in the past and may be in direct jeopardy of returning to narcotic dependency. For such patients, evidence of current physiological dependence on narcotic drugs is not needed if a program physician certifies the pregnancy and, in his or her reasonable clinical judgment, finds treatment to be medically justified. Evidence of all findings and the criteria used to determine the findings are required to be recorded in the patient's record by the admitting program physician, or by program personnel supervised by the admitting program physician;

(b) The patient undergoes a prenatal exam and health check to verify the pregnancy and identify any health problems;

(c) The patient is given the opportunity for prenatal care either by the program or by referral to appropriate health care providers. If a program cannot provide direct prenatal care for pregnant patients in treatment, the program shall establish a system for informing the patient of the publicly or privately funded prenatal care opportunities available. If there are no publicly funded prenatal referral opportunities and the program cannot provide such services or the patient cannot afford them or refuses them, then the treatment program shall, at a minimum, offer her basic prenatal instruction on maternal, physical, and dietary care as part of its counseling service;

(d) The patient is fully informed concerning risks to herself and her unborn child from the use of methadone and other drugs including alcohol;

(6) Intake Procedures: The program shall utilize a written intake procedure. The procedure shall require:

(a) Documentation that the medical director has:

(A) Examined and approved all admissions;

(B) Recorded in the patient's record the criteria used to determine the patient's current dependence and history of addiction; and

(C) Determined that the opioid treatment program's services are appropriate to the needs of the patient.

(b) A specific time limit within which the initial patient assessment must be completed on each patient prior to the initial dose of an opioid agonist treatment medication;

(c) Documentation that individuals not admitted to the opioid treatment program were referred to appropriate treatment or other services;

(7) Orientation Information: The program shall give to, and document the receipt of, written program orientation information. The program shall also make the information available to others. The information given shall include:

(a) The program's philosophical approach to treatment;

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- (b) A description of the program's stages of treatment;
 - (c) Information on patients rights and responsibilities, including confidentiality, while receiving services,
 - (d) Information on the rules governing patient behavior and those infractions that may result in discharge or other actions. As a minimum these rules shall state the consequence of alcohol and other drug use, absences from appointments, non-payment of fees, criminal behavior, and failure to participate in the planned treatment program including school, work, or homemaker activities;
 - (e) Information on the specific hours of service available, methods to accommodate patient needs before and after normal working hours, and emergency services information; and
 - (f) A schedule of fees and charges.
- (8) Patient Record: The following information shall be recorded in each patient's record at the time of admission:
- (a) Name, address, and telephone number;
 - (b) Whom to contact in case of an emergency;
 - (c) Name of individual completing intake; and
 - (d) If the patient refuses to provide necessary information, documentation of that fact in the patient file.

(9) Initial Medical Examination Services: Opioid Treatment Programs shall require each patient to undergo a complete, fully documented physical evaluation by a physician, or medical professional under the supervision of a physician before admission to the program. The laboratory tests must be completed within 14 days of admission and must include;

- (a) A skin test for tuberculosis, followed by a chest x-ray if the test is positive;
- (b) A screening test for syphilis; and
- (c) Other laboratory tests as clinically indicated by the patient history and physical examination.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0025; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0030

Diagnostic Assessment

(1) Written Procedure: The Opioid Treatment Program shall develop and implement a written procedure for assessing each patient's treatment needs based on the American Society of Addictions Medicine Patient Placement Criteria, 2nd Edition Revised (ASAM PPC 2R).

(2) The diagnostic assessment shall be documented in the permanent patient record. It shall consist of the elements described in the ASAM PPC 2R and documentation of the patient's self-identified cultural background. Cultural information documented should include level of acculturation, knowledge of own culture, primary language, spiritual or religious interests, and cultural attitudes toward alcohol and other drug use.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0030; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0035

Treatment Planning and Documentation of Treatment Progress

(1) The Opioid Treatment Program shall develop treatment plans, progress notes, and discharge plans consistent with the ASAM PPC 2R.

(2) Treatment Plan: The PTP shall develop an individualized treatment plan within 30 days of admission and shall be documented in the patient's record. The treatment plan shall:

- (a) Describe the primary patient-centered issues;
- (b) Focus on one or more individualized treatment plan objectives that are consistent with the patient's strengths and abilities and that address the primary obstacles to recovery;
- (c) Define the treatment approach, which shall include services and activities to be used to achieve the individualized objectives;
- (d) Document the participation of significant others in the planning process and the treatment where appropriate; and
- (e) Document the patient's participation in developing the content of the treatment plan and any subsequent modifications, with the patient's signature.

(3) Documentation of Progress: The treatment staff shall document in the permanent record any current obstacles to recovery and the patient's progress toward achieving the individualized objectives in the treatment plan.

(4) Treatment Plan Review: The permanent patient record shall document that the treatment plan is reviewed and modified continuously as needed and as clinically appropriate, consistent with the ASAM PPC 2R.

(5) Modifications: Changes in the patient's treatment needs identified by the review process must be addressed by modifications in the treatment plan. Any modifications to the treatment plan shall be made in conjunction with the patient.

(6) Treatment Summary: No later than 30 days after the last service contact, the program shall document in the permanent patient record a summary describing the reason for discharge, consistent with the ASAM PPC 2R, and the patient's progress toward the treatment objectives.

(7) Discharge Plan: Upon successful completion or planned interruption of the treatment services, the treatment staff and patient shall jointly develop a discharge plan. The discharge plan shall include a relapse prevention plan, which has been jointly developed by the counselor and patient.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0035; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0040

Treatment Services General

(1) Treatment Services: The Opioid Treatment Program shall provide patients the following services and activities and document the time or manner of each service or activity in the patient record:

- (a) Dispensing of approved opioid agonist medications;
- (b) Individual group, or family counseling, as clinically indicated;
- (c) Information and training in parenting skills;
- (d) HIV, AIDS, tuberculosis, sexually transmitted diseases, and other infectious disease information;
- (e) Completion of HIV, TB, STD risk assessment within 30 days of admission;
- (f) Relapse prevention training; and
- (g) For pregnant patients in a treatment program who were not admitted under OAR 415-020-0025(5), a treatment program shall give them the opportunity for prenatal care. If a program cannot provide direct prenatal care for pregnant patients in treatment, it shall establish a system of referring them for prenatal care, which may be either publicly or privately funded. If there is no publicly funded prenatal care available to which a patient may be referred, and the program cannot provide such services, or the patient cannot afford or refuses prenatal care services, then the treatment program shall, at a minimum, offer her basic prenatal instruction on maternal, physical, and dietary care as a part of its counseling service.

(2) Community Resources: The program, to the extent of community resources available and as clinically indicated, shall provide patients with information and referral to the following services:

- (a) Self help groups and other support groups;
- (b) Educational services;
- (c) Recreational programs and activities;
- (d) Prevocational, occupational, and vocational rehabilitation;
- (e) Life skills training;
- (f) Legal services;
- (g) Smoking cessation programs;
- (h) Medical services;
- (i) Housing assistance;
- (j) Financial assistance counseling programs.
- (k) Crisis intervention; and
- (l) Comprehensive drug education.

(3) Non-compliance: Patients who are non-compliant with program rules may be discharged following medically supervised withdrawal. Clinical justification for medically supervised withdrawal schedules of less than 21 days must be documented in the patient record. For discharges because of failure to pay fees, detoxification periods of less than 21 days are not permitted.

(4) Testing for Drug Use: The program shall use observed urine drug screening as an aid in monitoring and evaluating a patient's progress in treatment. The urine drug screening shall include;

- (a) A sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens; and
- (b) If the initial test is positive, a confirmatory test, which is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be conducted by a different analytical method from that of the initial test, to ensure reliability and accuracy.

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(5) Standards for Urine Tests: All urine tests shall be performed by laboratories meeting the licensing standards of OAR 333-024-0305 through 333-024-0365.

(6) All urine tests shall, at a minimum, screen for synthetic opiates, opiates, amphetamines, cocaine, benzodiazepines, and THC.

(7) Frequency of urine testing: The Opioid Treatment Program must provide adequate testing or analysis for drugs of abuse, including at least eight random drug abuse tests per year, for each patient in maintenance treatment, in accordance with generally accepted clinical practice. More frequent drug testing shall be done if clinically indicated. The program shall document in the patient record the results of any tests and interventions made by the program to address those tests which are positive for illicit substances.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0040; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0050

Transitional Treatment

(1) The Opioid Treatment Program shall provide transitional care for patients for who continued opioid agonist medication maintenance is no longer deemed appropriate.

(2) Transitional treatment services shall be provided with the purpose of assisting the patient to establish and maintain a stable, drug-free lifestyle. Transitional treatment will help prepare the patient to begin a reduction in opioid agonist medication dosage and shall be continued while the patient undergoes reduction in doses. The treatment shall continue following the final dose of opioid agonist medication, consistent with the clinical needs of the patient and with ASAM PPC 2R.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0050; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0053

Unsupervised Use of Opioid Agonist Medications

(1) Any patient in comprehensive maintenance treatment may receive a single take-home dose for a day that the clinic is closed for business, including Sundays, and state or federal holidays.

(2) Decisions on dispensing opioid treatment medications to patients for unsupervised use shall be made by the program medical director. In determining whether a patient is responsible in handling opioid medications and may be permitted unsupervised use, the medical director shall consider the following criteria;

- (a) Absence of drugs of abuse, including alcohol;
- (b) Regularity of program attendance;
- (c) Absence of serious behavioral problems at the program;
- (d) Absence of criminal activity while enrolled at the program;
- (e) Stability of the patient's home environment and social relationships;

- (f) Length of time in comprehensive maintenance treatment;
- (g) Assurance that take-home medication can be safely stored in the patient's home; and

(h) Whether the rehabilitative benefit the patient derives from decreasing the frequency of program attendance outweighs the potential risks of diversion.

(3) Decisions to approve unsupervised use of opioid medications, including the rationale for the approval, shall be documented in the patient record.

(4) If it is determined that a patient is responsible in handling opioid agonist medications, the supply shall be limited to the following schedule;

(a) During the first 90 days of treatment, the take-home supply is limited to a single dose each week, in addition to take-home doses allowed when the clinic is closed;

(b) During the second 90 days of treatment, the take-home supply is limited to two doses per week, in addition to take-home doses allowed when the clinic is closed;

(c) During the third 90 days of treatment, the take-home supply is limited to three doses per week, in addition to take-home doses allowed when the clinic is closed;

(d) In the remaining months of the first year, a patient may be given a maximum 6-day supply of take-home medication;

(e) After one year of continuous abstinence in treatment, a patient may be given a maximum two-week supply of take-home medication;

(f) After two years of continuous abstinence treatment, a patient may be given a maximum one-month supply of take-home medication.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0054

Diversion Control Plan

Each Opioid Treatment Program shall have a diversion control plan to reduce possibilities for diversion of controlled substances from legitimate treatment to illicit use. The plan shall include the following;

(1) A mechanism for continuous monitoring of clinical and administrative activities, to reduce the risk of medication diversion; and

(2) A mechanism for problem identification, prevention, and correction of diversion problems.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0060

Medically Supervised Withdrawal

(1) This section contains special provisions that apply to medically supervised withdrawal. Except as otherwise noted in this section, all requirements in the other sections of this rule apply to medically supervised withdrawal as well as comprehensive maintenance treatment patients.

(2) Admission Criteria: The opioid treatment program must establish current physical dependence on narcotics or opiates by way of grade 2 withdrawal symptoms. A one year history of dependence is not required for medically supervised withdrawal.

(3) Readmissions: Patients with two or more unsuccessful medically supervised withdrawal episodes within a 12 month period must be assessed by the Opioid Treatment Program physician for other forms of treatment. A program shall not admit a patient for more than two medically supervised withdrawal episodes in one year.

(4) Medically Supervised Withdrawal Contract: Before initial dosing of the patient, the program shall develop a contract with the patient that shall be dated and signed by the counselor and the patient, and shall specify:

(a) Maximum length of medically supervised withdrawal treatment, which may not exceed 180 days, and a rationale for the length chosen. Subsequent changes in length of medically supervised withdrawal must also be accompanied by a rationale.

(b) Required abstinence from alcohol and other drugs during medically supervised withdrawal treatment;

(c) Required counseling contacts;

(d) Take-out dose limits;

(e) Consequences regarding missed doses;

(f) Urine drug screening procedures;

(g) Consequences of failure to carry out the medically supervised withdrawal contract including involuntary termination;

(h) Criteria for involuntary termination

(5) Assessment: The program shall develop and implement a written procedure for assessing each patient's medically supervised withdrawal needs following initial dosing. The procedure shall specify that the assessment and evaluation is the responsibility of a member of the treatment staff, shall be recorded in the patient record, and shall include:

(a) Alcohol and drug use and problems history;

(b) Psychological history;

(c) Presenting problems) and

(d) History of previous treatment.

(6) Planning: Individualized medically supervised withdrawal planning shall occur and be documented in the patient's record within seven working days to include:

(a) Initial dose level and a planned reduction schedule that shall be completed within 180 days;

(b) Referral to appropriate agencies for needs identified during the intake assessment and evaluation procedure; and

(c) Monthly review by the medical director.

(7) Treatment: Each patient shall be assigned a counselor who shall:

(a) Meet at least weekly with the patient;

(b) Monitor the patient's response to the withdrawal schedule;

(c) Make and monitor referrals;

(d) Maintain the patient's record; and

(e) Monitor patient compliance with the medically supervised withdrawal contract.

(8) Take-Out Doses: Take-home medication is not allowed for medically supervised withdrawal treatment planned for 30 days or less. For medically supervised withdrawal treatment planned for longer than 30 days

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the program shall use the time frames and criteria established for maintenance patients.

(9) Discharge: An opioid treatment program shall discharge a patient who misses two consecutive doses unless an adequate explanation for the absences has been reviewed and approved by the medical director.

(10) Urinalysis: The program shall collect and test one random urine drug screen for each patient per week. Documentation of a specific clinical intervention shall accompany documentation of any positive urine sample and shall be followed by documentation of the effectiveness of the intervention in subsequent progress notes.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0060; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0065

Opioid Agonist Medication Administration

The Opioid Treatment Program shall meet the following standards for opioid agonist medication for administration:

(a) Methadone shall be administered only in oral form and shall be formulated in such a way as to reduce its potential for abuse by injection and accidental ingestion;

(b) Packaged for outpatient use in special packaging as required by 16 CFR Part 1700.14.

(2) Methadone Take-Out Doses: For take-out doses, the Poison Prevention Act (P.L. 91-601, 15 USC 1471 et seq.) must be followed. Any take-out medication must be in oral form, either liquid or diskette and shall be labeled with the treatment program name, address, telephone number, and medical director. All labeling shall be in compliance with the Oregon Board of Pharmacy standards.

(3) Opioid Treatment Programs shall maintain current procedures to ensure that each opioid agonist treatment medication used by the program is administered in accordance with its approved product labeling.

(4) Records: Accurate records traceable to specific patients shall be maintained showing dates, quantity, and any other Board of Pharmacy required identification for the drug administered and shall be retained for a period of seven years.

(5) Security: The program shall meet security standards for the distribution and storage of controlled substances as required by the Federal Drug Enforcement Administration, Department of Justice.

(6) Who May Administer Opioid Agonist Treatment Medications: Medications shall be administered by:

(a) A practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients; or

(b) A person licensed or approved by the State Board of Nursing or the State Board of Pharmacy, supervised by and pursuant to the order of the practitioner.

(7) Responsibility: The licensed practitioner is fully accountable and personally responsible for the amounts of opioid agonist treatment medications administered.

(8) Documentation: All changes in dosage schedule will be recorded and signed by the licensed practitioner.

(9) Medical Director: The medical director shall:

(a) Assume responsibility for the amounts of opioid agonist treatment medications administered and record, date, and sign in each patient's record each change in the dosage schedule; and

(b) Review each patient's dosage level at least once every 90 days.

(10) Initial Dose: The initial dose of methadone should not exceed 30 milligrams and the total dose for the first day should not exceed 40 milligrams unless the program medical director documents in the patient's record that 40 milligrams did not suppress opiate abstinence symptoms. The initial dose of opioid agonist treatment medication to a patient whose tolerance for the drug is unknown shall not exceed 40 milligrams.

(11) Maintenance Dose: The maintenance dose should be individually determined with careful attention to the information provided by the patient. The dose should be determined by a physician experienced in addiction treatment and should be adequate to achieve the desired effects for 24 hours or more. The desired effects are:

(a) Preventing the onset of opioid abstinence syndrome;

(b) Reducing drug cravings or hunger; and

(c) Blocking the effects of any illicitly administered opioids.

(12) All changes ordered by a physician in the opioid agonist treatment medication shall be documented in the patient record.

(13) Methadone Take Out Schedule: A patient may be permitted a temporary or permanently increased take-out schedule if it is the reasonable

clinical judgment of the program physician and documented in the records that:

(a) A patient is found to have a physical disability which interferes with the patient's ability to conform to the applicable take out schedule; or

(b) A patient, because of critical circumstances such as illness, personal or family crises, or other hardship is unable to conform to the applicable takeout schedule;

(c) The patient may not be given more than a 30-day supply of narcotic agonist medication at one time.

(14) Patient Treatment at Another Program: The patient shall report to the same treatment program unless prior written approval is obtained from the program physician allowing the patient to receive treatment at another program. If permission is granted, the programs involved shall meet the following requirements:

(a) The program referring the patient shall notify and obtain, in writing, permission from the other program for the patient to attend;

(b) The maximum period of time that a patient may attend another program is 30 days;

(c) During attendance at another program the patient may not receive more opioid agonist treatment medication take-out doses than currently authorized by his or her regular program; and

(d) The program making the referral shall provide the patient with positive identification for presentation to the other program.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0065; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0070

Medical Services

(1) There shall be at least one program physician available to supervise the initial medical evaluation, follow-up care and to supervise the patient medication schedules, who is licensed under the appropriate State law and registered under the appropriate State and Federal laws to order narcotic drugs for patients. The licensed physician assumes responsibility for the amounts of narcotic drugs administered or dispensed and shall record and countersign all changes in the dosage schedule.

(2) Administering of narcotic agonist medications may be performed by a registered nurse, licensed practical nurse, or other healthcare professional authorized by federal and state law to administer narcotic agonist medications under the direction and supervision of the program administrator.

(3) Dispensing services may be provided under the direction and supervision of the program physician, provided that the agent is a pharmacist or other healthcare professional authorized under federal and state law to dispense narcotic agonist medications.

(4) The medical director shall assure that the program's medical services are in full compliance with the standards, ethics, and licensure requirements of the medical profession and these rules.

(5) The program shall adopt, maintain, and implement written procedures for acquiring patient physical examinations including medical histories and any laboratory tests or other special examination required by the medical director including the required content of those examinations and procedures. The medical director shall review and approve all such examination procedures. Physical examinations must be completed before administering the first dose of an opioid agonist medication.

(6) The opioid treatment program shall adopt, maintain, and implement a policy and procedure to maintain the health and safety of patients and staff. This shall include:

(a) Control measures for infectious diseases such as hepatitis, tuberculosis, and AIDS;

(b) Informed consent for testing and medical treatment; and

(c) Medication monitoring.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88 ; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0070; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0075

Staffing

(1) Medical Director Qualifications: The Medical Director must be a physician licensed by the Oregon Board of Medical Examiners and whose license enables him or her to order, dispense, and administer opioid agonist medications. In addition, the program shall document that the Medical

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Director has completed a minimum of 12 hours per year of continuing education specific to the treatment of addiction disorder.

(2) Administrator — Qualifications: Each Opioid Treatment Program shall be directed by a person with the following qualifications at the time of hire and continuously throughout employment as the program administrator:

(a) Five years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity; or

(b) A Bachelor's Degree in a relevant field and four years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity; or

(c) A Master's degree in a relevant field and three years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity.

(3) Management Staff — Competency: The program administrator shall:

(a) Have knowledge and experience demonstrating competence in the performance of the following essential job functions: program planning and budgeting, fiscal management, supervision of staff, personnel management, employee performance assessment, data collection, reporting, program evaluation, quality assurance, and developing and maintaining community resources;

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules.

(4) Management Staff — Recovering Individuals: For an individual recovering from a substance abuse related disorder, the performance of a program administrator's essential job functions in connection with staff and patients who themselves may be trying to recover from a substance abuse related disorder demands that an applicant or person hired as program administrator be able to demonstrate continuous sobriety under nonresidential, independent living conditions for the immediate past two years.

(5) Clinical Supervisor — Qualifications: Each Opioid Treatment Program shall have an identified clinical supervisor who has one of the following qualifications at the time of hire:

(a) Five years of paid full-time experience in the field of alcohol and other drug treatment, including experience in a opioid treatment program, with a minimum of two years of direct alcohol and other drug treatment experience; or

(b) A Bachelor's degree in a relevant field and four years of paid full-time experience, with a minimum of two years of direct alcohol and other drug treatment experience including experience in a opioid treatment program; or

(c) A Master's degree in a relevant field and three years of paid full-time experience with a minimum of two years of direct alcohol and other drug treatment experience including experience in a opioid treatment program.

(6) Clinical Supervisor — Competency: All supervisors shall:

(a) Have knowledge and experience demonstrating competence in the performance of the following essential job functions: supervision of treatment staff including staff development, treatment planning, case management, and utilization of community resources including self-help groups; preparation and supervision of patient evaluation procedures; preparation and supervision of case management procedures for client treatment; conducting of individual, group, family, and other counseling; and assurance of the clinical integrity of all patient records for cases under their supervision, including timely entry or correctness of records and requiring adequate clinical rationale for decisions in admission and assessment records, treatment plans and progress notes, and discharge records;

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules; and

(c) Except as provided in section (9) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(7) Clinical Supervisors — Certification: For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 4,000 hours of supervised experience in alcohol/drug abuse counseling;

(b) 270 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(8) Clinical Supervisor — Licensure: For supervisors holding a health or allied provider license, such license shall have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing

(9) Clinical Supervisors — Existing Staff: Supervisors not having a credential or license that meets the standards identified in section (7) or (8) of this rule must apply to a qualified credentialing organization or state licensing board within 90 days of the effective date of this rule and achieve certification or licensure meeting the standards of section (7) or (8) of this rule within 24 months of the application date.

(10) Clinical Supervisors — Recovering Individuals: For an individual recovering from the disease of alcoholism /or from other drug dependence, the performance of a clinical supervisor's essential job functions in connection with staff and patients who themselves may be trying to recover from the disease of addiction demands that an applicant or person hired as clinical supervisor be able to demonstrate continuous sobriety under non-residential, independent living conditions for the immediate past two years.

(11) Administrator as Clinical Supervisor: If the program's administrator meets the qualifications of the clinical supervisor, the administrator may be the clinical supervisor.

(12) Treatment Staff — Competency: All treatment staff shall:

(a) Have knowledge, skills, and abilities demonstrating competence in the following essential job functions: treatment of substance-related disorders including patient evaluation and individual, group, family, and other counseling techniques; program policies and procedures for client case management and record keeping; and accountability for recording information in the patient files assigned to them consistent with those policies and procedures and these rules;

(b) Demonstrate by conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules;

(c) Except as provided in section (15) or (16) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(13) Treatment Staff — Certification: For treatment staff holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 1,000 hours of supervised experience in alcohol/drug abuse counseling;

(b) 150 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(14) Treatment Staff — Licensure: For treatment staff holding a health or allied provider license, such license shall have been issued by one of the following state bodies and the staff person must possess documentation of at least 60 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing.

(15) Treatment Staff — Existing Staff: Existing staff who do not hold a certificate or license that meets the standards identified in section (13) or (14) of this rule must apply to a qualified credentialing organization or state licensing board within 90 days of the effective date of this rule and achieve certification or licensure meeting the standards of section (13) or (14) of this rule within 36 months of the application date.

(16) Treatment Staff — New Hires: New hires need not hold a qualified certificate or license but those who do not must make application within six months of employment and receive the credential or license within 36 months of the application.

(17) Treatment Staff — Recovering Individuals: For an individual recovering from the disease of alcoholism or from other drug dependence, the performance of a counselor's essential job functions demands that an

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applicant or person hired as a counselor be able to demonstrate continuous sobriety under non-residential, independent living conditions for the immediate past two years.

(18) The Opioid Treatment Program shall provide a minimum of two hours per month of clinical supervisor consultation for each staff person or volunteer who is responsible for the delivery of treatment services. One hour of the supervision must be individual, face-to-face, and address clinical skill development. The supervision or consultation is to assist staff and volunteers to increase their treatment skills, improve quality of services to patient, and ensure compliance with program policies and procedures implementing these rules.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0075; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0080

Volunteers

An Opioid Treatment Program utilizing volunteers shall have the following standards for volunteers:

(1) Policy Required: A written policy regarding the use of volunteers that shall include:

- (a) Specific tasks and responsibilities of volunteers;
- (b) Procedures and criteria used in selecting volunteers, including sobriety requirements for individuals recovering from the disease of alcohol or other drug abuse;
- (c) Specific accountability and reporting requirements of volunteer;

and

- (d) Specific procedure for reviewing the performance of volunteers and providing direct feedback to them.

(2) Orientation and Training: The program shall document that the volunteers complete an orientation and training program specific to their responsibilities before they participate in assignments. The orientation and training shall:

- (a) Include a review of the program's philosophical approach to treatment;
- (b) Include information on confidentiality regulations and patient's rights;
- (c) Specify how volunteers are to respond to and follow procedures for unusual incidents;
- (d) Explain the program's channels of communication, reporting requirements, and accountability requirements for volunteers;
- (e) Explain the procedure for reviewing the volunteer's performance and providing feedback to the volunteer; and
- (f) Explain the procedure for discontinuing a volunteer's participation.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0080; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0085

Building Requirements

(1) Applicable Codes: Each Opioid Treatment Program shall maintain up-to-date documentation verifying that they meet applicable building codes, and state and local fire and safety regulations. The program must check with local government to make sure all applicable local codes have been met.

(2) Space Where Services Provided: Each Opioid Treatment Program shall provide space for services including but not limited to intake, assessment and evaluation, counseling, and telephone conversations that assures the privacy and confidentiality of clients and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling.

(3) Disabled Accessibility: Programs shall be accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received.

(4) Emergency Procedures: Programs shall adopt and implement emergency policies and procedures, including an evacuation plan and emergency plan in case of fire, explosion, accident, death or other emergency. The policies and procedures and emergency plans shall be current and posted next to the telephone used by staff. In addition, programs shall maintain a 24 hour telephone answering capability to respond to facility and patient emergencies;

(5) Disaster Plan: The program must develop and regularly update a disaster plan that outlines the program response to disasters of human or

natural origin that may render the program's facility unusable. The plan must address the following:

- (a) How emergency dosing will be implemented; and
 - (b) Identification of emergency links to other community agencies.
- Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0085; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-020-0090

Variations

Requirements and standards for requesting and granting variances or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 183, 430.560 & 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0090; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0000

Purpose

Purpose. These rules prescribe standards for the development and operation of alcohol detoxification centers approved by the Addictions and Mental Health (AMH) Division.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(1) & (2); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0000; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0005

Definitions

As used in these rules:

(1) "Alcohol Detoxification Center" or "Center" means a publicly or privately operated nonprofit facility approved by the Division, that provides 24-hour a day non-hospital emergency care and treatment services for persons who are suffering from alcohol intoxication or its withdrawal symptoms. A center is not intended to serve as a secure holding facility for the detention of any individual.

(2) "Alcoholic" means any person who has lost the ability to control the use of alcoholic beverages, or who uses alcoholic beverages to the extent that the health of the person or that of others is substantially impaired or endangered or the social or economic function of the person is substantially disrupted. An alcoholic may be physically dependent, a condition in which the body requires a continuing supply of alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of alcoholic beverages. An alcoholic suffers from the disease of alcoholism.

(3) "Biennial Plan" means the document prepared by the Community Mental Health Program (CMHP) or direct contractor and submitted to the Division.

(4) "Client" means a person receiving services under these rules.

(5) "Community Mental Health Program" or "CMHP" means the organization of all services for persons with mental or emotional disturbances, drug abuse problems, mental retardation or other developmental disabilities, and alcoholism and alcohol abuse problems, operated by, or contractually affiliated with, a local mental health authority, operated in a specific geographic area of the state under an omnibus contract with the Division.

(6) "County" means the board of county commissioners or its representatives.

(7) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(8) "Evaluation" means an assessment of an individual to determine the existence of alcoholism or problem drinking, and the appropriate treatment and rehabilitation likely to overcome the problem.

(9) "Local Alcoholism Planning Committee" means a committee appointed or designated by a board of county commissioners. The committee shall identify needs and establish priorities for alcoholism services in the county. Members of the committee shall be representative of the geographic area and include a number of minority members which reasonably reflect the proportion of the need for alcoholism treatment and rehabilitation services of minorities in the community.

(10) "Physical Restraint" means a device which restricts the physical movement of a client and which cannot be removed by the person and is not a normal article of clothing, a therapy device, or a simple safety device.

(11) "Problem Drinker" means a person who habitually or periodically uses alcoholic beverages to the extent that the person's health or that of

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others is substantially impaired or endangered or the person's social or economic functioning is substantially disrupted.

(12) "Rehabilitation" means those services to assist in overcoming problems associated with alcoholism or problem drinking that enable the client to function at the person's highest potential, such as through vocational rehabilitation services.

(13) "Seclusion" means the placement of a client alone in a locked room.

(14) "Treatment" means the specific medical and non-medical therapeutic techniques employed to assist the client in recovering from alcoholism or problem drinking.

(15) "Treatment Staff" means paid staff directly responsible for client care and treatment.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(3); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0005; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0010

Program Approval

(1) Letter of Approval. In order to receive a Letter of Approval from the Division under the process set forth in OAR 415-012-0000 to 415-012-0090, a Center shall meet the standards set forth in these rules, those provisions of OAR 309-014-0000 through 309-014-0040 that are applicable, and any other administrative rule applicable to the program. A Letter of Approval issued to a Center shall be effective for two years from the date of issue and may be renewed or revoked by the Division in the manner set forth in OAR 415-012-0000 to 415-012-0090.

(2) A Center seeking approval under these rules shall establish to the satisfaction of the Division that the local alcoholism planning committee was actively involved in the planning and review of the Center as it relates to the community mental health program plan.

(3) Inspection of a Center. The Division shall inspect at least every two years each Center under these rules.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(4), (5), & (6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0010; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0015

Management of Alcohol Detoxification Center

Each Center is required to meet the following standards for management:

(1) Compliance with OAR 309-013-0120 through 309-013-0220, 309-013-0075 through 309-013-0105, and applicable sections of 309-014-0000 through 309-014-0040. In addition to items listed in 309-014-0030(3)(c), the Center's personnel policies shall include:

- (a) The Center's philosophical approach to treatment;
- (b) Rules of employee conduct, including ethical standards; and
- (c) Standards for employee use and abuse of alcohol and other drugs.

(2) Compliance with the Civil Rights Act of 1964, as amended in 1972, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967, and any subsequent amendments.

(3) Implementation of a policy and procedure prohibiting client abuse which is consistent with OAR 407-045.

(4) Implementation of a policy and procedure for resolving employee performance problems, which shall specify the sequence of steps to be taken when performance problems arise, and identify the resources to be used in assisting employees to deal with problems which interfere with job performance.

(5) Maintenance of personnel records for each member of the Center's staff. The personnel record shall:

(a) Contain the employee's resume and/or employment application, wage and salary information, and the employee's formal performance appraisals;

(b) Contain documentation of training/development needs of the employee and identify specific methods for meeting those needs;

(c) Contain documentation of any formal corrective actions taken due to employee performance problems;

(d) Contain documentation of any actions of commendation taken for the employee; and

(e) Be maintained and utilized in such a way as to insure employee confidentiality. Records shall be retained for a period of three years following the departure of an employee.

(6) Implementation of personnel performance appraisal procedures that shall:

(a) Be based on pre-established performance criteria in terms of specific responsibilities of the position as stated in the job description;

(b) Be conducted at least annually;

(c) Require employees to review and discuss their performance appraisals with their supervisors, as evidenced by their signature on the appraisal document;

(d) Require that when the results of performance appraisal indicates there is a discrepancy between the actual performance of an employee and the criteria established for optimum job performance, the employee shall be informed of the specific deficiencies involved, in writing; and

(e) Require documentation that when deficiencies in employee performance have been found in an appraisal, a remedial plan is developed and implemented with the employee.

(7) Implementation of a development plan which addresses continuing training for staff members.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0015; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0020

Client Rights

Each Center shall provide clients the following rights and protection in addition to those described in OAR 309-016-0035:

(1) Clients shall give written informed consent to treatment. If informed consent is not a possibility due to the inability of the client to understand his or her rights, this fact shall be recorded in the client's file.

(2) The Center shall have established and implemented controls on client labor within the program. Work done as part of the client's treatment plan or standard program expectations shall be agreed to, in writing, by the client.

(3) The Center shall develop, implement and inform clients of a policy and procedure regarding grievances which provides for:

(a) Receipt of written grievances from clients or persons acting on their behalf;

(b) Investigation of the facts supporting or disproving the written grievance;

(c) The taking of necessary action on substantiated grievances within 72 hours; and

(d) Documentation in the client's record of the receipt, investigation, and any action taken regarding the written grievance.

(4) Physical restraint or seclusion of clients is not recommended. If used at all it shall only be used in extreme cases when physical injury to self or to others is otherwise unavoidable and after all other alternatives have been exhausted. Physical restraint or seclusion may only be used in accordance with these standards and the provisions of local, state, and federal laws and regulations. In the event physical restraint becomes necessary:

(a) A staff member shall remain in the same room with the client at all times;

(b) Use of physical restraint shall be reviewed within six hours by the program supervisor or manager; and

(c) Justification of the use of physical restraint shall be entered in the client's record by the program supervisor or director.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0020; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0025

Admission of Clients

Each Center shall meet the following standards pertaining to admission of clients:

(1) The Center shall have written criteria for admission and for rejecting admission requests. The criteria shall be available to clients, staff, and the community and be in compliance with ORS 430.397 through 430.401.

(2) The Center shall utilize a written intake procedure. The procedure shall include:

(a) A determination that the Center's services are appropriate to the needs of the client;

(b) Steps for making referrals of individuals not admitted to the Center;

(c) Steps for accepting referrals from outside agencies; and

(d) A specific time limit within which the initial client assessment must be completed on each client.

(3) The Center shall make available, for clients and others, program orientation information. The orientation information shall include:

(a) The Center's philosophical approach to treatment;

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(b) Information on clients' rights and responsibilities while receiving services from the Center;

(c) A written description of the Center's services; and

(d) Information on the rules governing client's behavior and those infractions, if any, that may result in discharge or other actions.

(4) In addition to the information required by the Division's data system, the following information shall be recorded in each client's record at the time of admission:

(a) Name, address, and telephone number;

(b) Who to contact in case of an emergency;

(c) Name of individual completing intake; and

(d) Identification of client's significant other, if any.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0025; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0030

Client Assessment and Evaluation

Each Center shall meet the following standards pertaining to client assessment and evaluation:

(1) The program shall develop and implement a written procedure for assessing and evaluating each client's treatment needs as soon as the client is able.

(2) The procedure shall specify that the assessment and evaluation be the responsibility of a member of the treatment staff and include:

(a) Alcohol/drug use and problems history;

(b) Family or interpersonal history;

(c) Educational and employment history;

(d) Medical history;

(e) Legal history;

(f) Psychological history;

(g) Presenting problem(s);

(h) History of previous treatment; and

(i) Diagnostic impression and treatment recommendations.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0030; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0035

Treatment Services

Each Center shall meet the following treatment standards:

(1) The Center shall provide individual or group motivational counseling sessions and client advocacy and case management services; all of which must be documented in client files.

(2) The Center shall encourage clients to remain in treatment for an appropriate duration as determined by the treatment plan. Also, the Center shall encourage all clients to enter programs for ongoing recovery.

(3) The Center shall refer clients to Alcoholics Anonymous, Al-Anon, Alateen, or other self-help groups when clinically indicated and to the extent available in the community.

(4) Individuals fluent in the language and sensitive to the special needs of the population served shall be provided as necessary to assist in the delivery of services.

(5) The Center shall develop an individualized treatment plan for each client accepted for treatment. The treatment plan shall be appropriate to the length of stay and condition of the client. The treatment plan shall:

(a) Identify the problems from the client assessment and evaluation;

(b) Specify objectives for the treatment of each identified client problem;

(c) Specify the treatment methods and activities to be utilized to achieve the specific objectives desired and define the responsibilities of the client and treatment staff for each activity;

(d) Specify the necessary frequency of contact for the client services and activities;

(e) Specify the participation of significant others in the treatment planning process and the specified treatment where appropriate;

(f) Document the client's participation in developing the content of the treatment plan and any modifications by, at a minimum, including the client's signature; and

(g) Document any efforts to encourage the client to remain in the Center's treatment, and efforts to encourage the client to accept referral for ongoing treatment.

(6) The client record shall document the client's involvement in treatment activities and progress toward achieving objectives contained in the

client's treatment plan. The documentation shall be kept current, dated, be legible, and signed by the individual making the entry.

(7) Treatment plans shall be reviewed by the Center's supervisor and the results of the review shall be documented in the client record.

(8) The program shall conduct and document in the client's record discharge planning for clients who complete treatment. The discharge plan shall include:

(a) Referrals made to other services or agencies at the time of discharge;

(b) The client's plan for follow-up, aftercare, or other post-treatment services; and

(c) Document participation by the client in the development of the discharge plan.

(9) At discharge a treatment summary and final evaluation of the client's progress toward treatment objectives shall be entered in the client's record.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0035; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0040

Medical Services

Each Center shall meet the following standards for medical services:

(1) The Center shall have written procedures for providing immediate transportation for clients to a general hospital in case of a medical emergency.

(2) The Center shall have a written description of its medical policies and procedures. The description shall:

(a) Specify the level of medical care provided; and

(b) Include a written policy and procedure, developed by a physician, for determining the client's need for medical evaluation.

(3) The Center shall have a licensed physician available. The physician's involvement in the development and review of medical operating procedures, quarterly reviews of physicians' standing orders, and consultation in any medical emergencies shall be documented.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0040; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0045

Management of Medications

Each Center shall have:

(1) A written order signed by a physician, a physician's standing order, or a physician's order received by phone and signed by the physician at the earliest opportunity before any medication is administered to, or self-administered by any client.

(2) Assurances that medications prescribed for one client shall not be administered to, or self-administered by another client or employee.

(3) A policy that no unused, outdated, or recalled drugs shall be kept in the Center. All unused, outdated, or recalled drugs shall be disposed of in a manner that assures that they cannot be retrieved, except that drugs under the control of the Food and Drug Administration shall be mailed with the appropriate forms by express, prepaid, or registered mail, every 30 days to the Oregon Board of Pharmacy. A written record of all disposals of drugs shall be maintained in the Center and shall include:

(a) A description of the drug, including the amount;

(b) The client for whom the medication was prescribed;

(c) The reason for disposal; and

(d) The method of disposal.

(4) A policy that all prescription drugs stored in the Center shall be kept in a locked stationary container. Only those medications requiring refrigeration shall be stored in a refrigerator.

(5) A policy that in the case where a client self-administers his or her own medication, self-administration shall be recommended by the Center, approved in writing by the physician, and closely monitored by the treatment staff.

(6) Individual records which must be kept for each client for any prescription drugs administered to, or self-administered by any client. This written record shall include:

(a) Client's name;

(b) Prescribing physician's name;

(c) Description of medication, including prescribed dosage;

(d) Verification in writing by staff that the medication was taken and the times and dates administered, or self-administered;

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- (e) Method of administration;
- (f) Any adverse reactions to the medication; and
- (g) Continuing evaluation of the client's ability to self-administer the medication.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0045; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0050

Staffing Pattern

Each Center shall meet the following standards for staffing:

(1) The Center shall maintain as a minimum the ratio of paid full-time staff to bed capacity as follows:

- (a) 1 through 8 beds — 1 staff person on duty;
- (b) 9 through 18 beds — 2 staff persons on duty;
- (c) 19 through 30 beds — 3 staff persons on duty;
- (d) 31 beds and above — One additional staff person beyond the three staff required above for each additional 15 beds or part thereof.

(2) The Center shall document a staffing plan for how it will provide appropriate and adequate staff coverage for emergency and high demand situations.

(3) The Center shall provide a minimum of one hour per month of personal clinical supervision and consultation for each staff person and volunteer who is responsible for the delivery of treatment services. The clinical supervision shall relate to the individual's skill level with the objective of assisting staff and volunteers to increase their treatment skills and quality of services to clients.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0050; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0055

Management Staff Qualifications

Each Center shall be directed by a person with the following qualifications at the time of hire:

(1) For an individual recovering from the disease of alcoholism and/or from other drug addiction, continuous sobriety for the immediate past three years.

(2)(a) Five years of paid full-time experience in the field of alcoholism, with at least one year in a paid administrative capacity; or

(b) A Bachelor's degree in a relevant field and four years of paid full-time experience with at least one year in a paid administrative capacity; or

(c) A Master's degree in a relevant field and three years of paid full-time experience with at least one year in a paid administrative capacity.

(3) Knowledge and experience demonstrating competence in planning and budgeting, fiscal management, supervision, personnel management, employee performance assessment, data collection, and reporting.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0055; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0060

Staff Qualifications

Each Center shall have:

(1) An identified clinical supervisor who has the following qualifications at the time of hire:

(a) For an individual recovering from the disease of alcoholism, and/or from other drug addiction, continuous sobriety for the immediate past three years;

(b)(A) Five years of paid full-time experience in the field of alcoholism with a minimum of two years of direct alcoholism treatment experience; or

(B) A Bachelor's degree in a relevant field and four years of paid full-time experience, with a minimum of two years of direct alcoholism treatment experience; or

(C) A Master's degree in a relevant field and three years of paid full-time experience with a minimum of two years of direct alcoholism treatment experience.

(c) Knowledge and experience demonstrating competence in the treatment of the disease of alcoholism, including the management of alcohol withdrawal, client evaluation; motivational, individual, group, family and other counseling techniques; clinical supervision, including staff develop-

ment, treatment planning and case management; and utilization of community resources including Alcoholics Anonymous, Al-Anon, and Alateen.

(2) If the Center's director meets the qualifications of the clinical supervisor, the director may be the Center's clinical supervisor.

(3) The Center's treatment staff shall:

(a) For individuals recovering from the disease of alcoholism and/or from other drug addiction, have maintained continuous sobriety for the immediate past two years at the time of hire;

(b) Have training knowledge and/or experience demonstrating competence in the treatment of the disease of alcoholism, including the management of alcohol withdrawal; client evaluation; motivational counseling techniques; and the taking and recording of vital signs;

(c) Within six weeks of employment, be currently certified or in process of certification in first aid methods including cardiopulmonary resuscitation.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0060; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0065

Use of Volunteers

Each Center utilizing volunteers shall have the following standards for volunteers:

(1) A written policy regarding the use of volunteers that shall include:

(a) Philosophy, goals, and objectives of the volunteer program;

(b) Specific responsibilities and tasks of volunteers;

(c) Procedures and criteria used in selecting volunteers, including sobriety requirements for individuals recovering from the disease of alcoholism;

(d) Terms of service of volunteers;

(e) Specific accountability and reporting requirements of volunteers;

(f) Specific procedure for reviewing the performance of volunteers and providing direct feedback to them; and

(g) Specific procedure for discontinuing a volunteer's participation in the program.

(2) There shall be documentation that volunteers complete an orientation and training program specific to their responsibilities before they participate in assignments. The orientation and training for volunteers shall:

(a) Include a thorough review of the Center's philosophical approach to treatment;

(b) Include information on confidentiality regulations and client's rights;

(c) Specify how volunteers are to respond to and follow procedures for unusual incidents;

(d) Explain the Center's channels of communication and reporting requirements and the accountability requirements for volunteers;

(e) Explain the procedure for reviewing the volunteer's performance and providing feedback to the volunteer; and

(f) Explain the procedure for discontinuing a volunteer's participation.

Stat. Auth.: ORS 409.410
Stats. Implemented: ORS 430.306 & 430.345 - 430.375
Hist.: MHD 15-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0065; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0070

Building Requirements

Each Center must provide facilities which shall:

(1) Comply with all applicable state and local building, electrical, plumbing, fire, safety, and zoning codes. Written evidence of compliance shall be maintained in the Center.

(2) Have floors, walls, and ceilings which meet the interior finish requirements of the **Fire and Life Safety Code**.

(3) Provide an adequately ventilated separate dining room or area for the exclusive use of clients, employees, and invited guests.

(4) Have a separate living room or lounge area for the exclusive use of Center clients, employees, and invited guests which shall provide a minimum of 15 square feet per client, and have adequate ventilation.

(5) Have sleeping areas that are separate from the dining, living, multi-purpose, laundry, kitchen, and storage areas; have an outside room with an openable window of at least the minimum required by the State Fire Marshal; have a ceiling height of at least seven feet six inches; provide a minimum of 60 square feet per client, with at least three feet between beds; provide permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room; and provide a curtain or window shade at each window to assure privacy.

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(6) Have bathrooms conveniently located in each building containing a client bedroom and that provides a minimum of one toilet for each eight clients and one bathtub or shower for each ten clients; have one handwashing sink convenient to every room containing a toilet; provide permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room; have arrangements for individual privacy for clients; provide a privacy screen at each window; have a mirror; and have adequate ventilation.

(7) Have an adequate supply of hot and cold water, installed and maintained in compliance with current rules of the Health Division, which shall be distributed to taps conveniently located throughout the facility. All plumbing shall be in compliance with the State Plumbing Code.

(8) Have, if provided, laundry facilities separate from living areas including bedrooms, kitchen and dining areas, and areas used for the storage of unrefrigerated perishable foods.

(9) Have storage areas appropriate to the size of the Center. Separate storage areas shall be provided for food, kitchen supplies and utensils, clean linens and soiled linens and clothing, and cleaning compounds and equipment, poisons, chemicals, rodenticides, insecticides and other toxic materials which shall be properly labeled, stored in the original container, and kept in a locked storage area.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0070; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0075

Client Furnishings and Linens

Each Center must provide furniture and linen for each client which shall include:

(1) A bed, including a frame, and a clean, comfortable mattress and pillow;

(2) A private dresser or similar storage area for personal belongings which is readily accessible to the resident;

(3) Access to a closet or similar storage area for clothing;

(4) Linens, including sheets, pillowcase, blankets appropriate in number and type for the season and the client's comfort, and towels and washcloth; and

(5) A locked area not readily accessible to clients for safe storage of such items as money and jewelry.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0075; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0080

Safety

Each Center shall comply with the following safety standards:

(1) A written description of any injury, accident, or unusual incident involving any client shall be placed in the individual's record.

(2) A written emergency plan shall be developed and posted next to the telephone used by employees and shall include:

(a) Instructions for the employees in the event of fire, explosion, accident, or other emergency including the telephone number of the local fire department, law enforcement agencies, hospital emergency room, and the Center's consulting physician;

(b) The telephone number of the director or treatment supervisor and other persons to be contacted in case of emergency; and

(c) Instructions for the evacuation of clients and employees in the event of fire, explosion, or other emergency.

(3) The Center's fire detection equipment shall be installed and periodically inspected as required by the State Fire Marshal.

(4) Handrails shall be provided on all stairways as required by the

Fire and Life Safety Code.

(5) There shall be no exposed light bulbs in the Center or where there exists the possibility of being bumped, struck, or posing a fire hazard.

(6) Operating flashlights, sufficient in number, shall be readily available to the staff in case of emergency.

(7) All flammable and combustible materials shall be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal.

(8) The program shall have first aid supplies available and staff shall be familiar with the location, contents, and use of the first aid supplies.

(9) State and local **Fire and Life Safety Code** requirements.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0080; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0085

Sanitation

Each Center shall comply with the following sanitation standards:

(1) A water supply system that meets the requirements of the current rules of the Health Division governing domestic water supplies.

(2) All floors, walls, ceilings, windows, furniture, and equipment shall be kept in good repair, clean, neat, orderly, and free from odors.

(3) Each bathtub, shower, hand-washing sink, and toilet shall be kept clean and free from odors.

(4) No kitchen sink, hand-washing sink, bathtub, or shower shall be used for the disposal of cleaning waste water.

(5) All measures necessary to prevent the entry into the Center of mosquitoes and other insects shall be taken.

(6) All measures necessary to control rodents shall be taken.

(7) The grounds of the Center shall be kept orderly and free of litter, unused articles, and refuse.

(8) The garbage and refuse receptacle shall be clean, durable, water-tight, insect and rodent proof, and shall be kept covered with a tight fitting lid.

(9) All garbage solid waste shall be disposed of at least weekly and in compliance with the current rules of the Department of Environmental Quality.

(10) Sewage and liquid waste shall be collected, treated, and disposed of in compliance with the current rules of the Department of Environmental Quality.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0085; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0090

Food Service

Each Center shall provide food service that shall:

(1) Provide a nourishing, well-balanced diet for all clients.

(2) Provide modified or special diets as ordered by a physician.

(3) Assure at least three meals daily.

(4) Have menus that are prepared in advance which provide a sufficient variety of foods served in adequate amounts for each client at each meal, and adjusted for seasonal changes. Records of menus as served shall be filed and maintained in the facility's record for at least 30 days.

(5) Have supplies of staple foods for a minimum of one week, and of perishable foods for a minimum of two-day periods which must be maintained on the premises.

(6) Provide food stored and served at proper temperatures.

(7) Not serve or store raw milk and home-canned vegetables, meats, and fish.

(8) Meet the requirements of the **State of Oregon Sanitary Code for Eating and Drinking Establishments** relating to the preparation, storage, and serving of food.

(9) Have all utensils, including dishes, glassware, and silverware, used in the serving or preparation of drink of food for clients effectively washed, rinsed, sanitized, and stored after each individual use to prevent contamination in accordance with Health Division standards.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0090; ADS 2-2008, f. & cert. ef. 11-13-08

415-050-0095

Variations

Requirements and standards for requesting and granting variances or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(7); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0095; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0000

Purpose

Purpose: These rules prescribe standards for the development and operation of treatment programs (excluding synthetic opiate treatment

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programs) approved by the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS). Treatment programs include outpatient alcoholism treatment programs, outpatient drug-free treatment programs, Driving Under the Influence of Intoxicants (DUI) rehabilitation programs, intensive outpatient treatment programs, alcohol or other drug-free day treatment programs, corrections alcohol and drug-free day treatment programs, and residential treatment programs.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(1) & (2); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0000; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0005

Definitions

(1) "Adolescent" means a person from 12 through 17 years of age, or those persons who are determined by the program to be developmentally and clinically appropriate for youth services.

(2) "ASAM PPC 2R" means the Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001 which is a clinical guide, published by the American Society for Addictions Medicine, used in matching clients to appropriate levels of care, and incorporated by reference in these rules.

(3) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(4) "Certificate of Completion" means a numbered certificate issued to a convicted client by a DUI treatment program when the client successfully completes the program.

(5) "Client" means a person receiving services under these rules who signed a written consent which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2).

(6) "Community Mental Health Program" or "CMHP" means the organization of all services for persons with mental or emotional disturbances, drug abuse problems, mental retardation or other developmental disabilities, and alcoholism and alcohol abuse problems, operated by, or contractually affiliated with, a Local Mental Health Authority (LMHA), operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(7) "Correctional Prerelease Day Treatment" means a prerelease day treatment program for inmates of correctional institutions. Correctional day treatment programs provide intensive alcohol and other drug abuse education and coordination with follow-up community treatment for inmates who are admitted to the program and have three to six months before their parole dates.

(8) "Counselor" means program staff that hold a certification or license in addiction counseling.

(9) "County" means the board of county commissioners or its representatives.

(10) "Diagnostic and Statistical Manual of Mental Disorders" or "DSM" means Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association.

(11) "Diagnostic Assessment" means the determination of the existence and degree of an individual's alcohol or other drug abuse or dependence, ancillary or causal factors, and the appropriate treatment and rehabilitation likely to overcome the problem. It involves:

(a) Collection and assessment of data pertinent to the individual's alcohol and/or other drug use history and current problem(s) obtained through interview, observation, testing, and review of previous treatment or other written records; and concludes with

(b) An alcohol or other drug use disorder diagnosis based on current DSM criteria, and a determination of the appropriate, least restrictive level of care; or

(c) A written statement that the person is not in need of alcohol or other drug abuse treatment services.

(12) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(13) "Drug Abuse" means repetitive, excessive use of a drug or controlled substance short of dependence, without medical supervision, which may have a detrimental effect on the individual, the family, or society.

(14) "Drug-Dependent Person" means one who has lost the ability to control the personal use of controlled substances or other substances with abuse potential (including alcohol), or who uses such substances or controlled substances to the extent that the health of the person or that of oth-

ers is substantially impaired or endangered or the social or economic function of the person is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug or controlled substance to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug or controlled substance.

(15) "DUI 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.

(16) "DUI Alcohol/Other Drug Rehabilitation Programs" mean programs of treatment and therapeutically oriented education services.

(17) "Evaluation Specialist" means an individual who possesses valid certification issued by the Division to conduct DUI evaluations.

(18) "Intensive Outpatient Treatment Services" mean structured non-residential evaluation, treatment, and continued care services for those individuals who are abusing, or are dependent on, alcohol or other drugs and who need a greater number of therapeutic contacts per week than are provided by traditional outpatient services. Intensive outpatient services may include, but are not limited to, day treatment, correctional day treatment, evening treatment, and partial hospitalization.

(19) "Interim Informational Services" mean services provided by a chemical dependency service provider for clients who are on a waiting list for chemical dependency services. The purposes of the services are to reduce the adverse health effects of alcohol and other drug abuse, promote the health of the individual, and reduce the risk of transmission of disease. At a minimum, interim information services include:

(a) Counseling and education about HIV and tuberculosis, about the risks of needle sharing and of transmission to sexual partners and infants, and about steps that can be taken to ensure that HIV and TB transmission does not occur;

(b) Referral for HIV or TB services if necessary; and

(c) For pregnant clients, counseling on the effects of alcohol and drug use on the fetus, as well as referral for prenatal care.

(20) "Intern" or "Student" means an individual who provides a program service and who is enrolled in a credentialed or accredited educational program.

(21) "Local Alcoholism and Other Drug Planning Committee" means a committee appointed or designated by a board of county commissioners. The committee shall identify needs and establish priorities for alcoholism and other drug services in the county. Members of the committee shall be representative of the geographic area and include a number of minority members which reasonably reflect the proportion of the need for alcoholism and other drug treatment and rehabilitation services of minorities in the community.

(22) "Major Alteration" means the total cost of modifications to an existing building which exceeds 25 percent of its replacement value within any 12-month period.

(23) "Medical Director" means a physician licensed to practice medicine in the State of Oregon and who is designated by the alcohol and other drug abuse treatment program to be responsible for the program's medical services.

(24) "Minorities" means persons who are members of the following racial/ethnic groups:

(a) Black/African Americans or persons having origins in any of the Black/African racial groups of Africa;

(b) Hispanic Americans or persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race;

(c) Native Americans or persons who are American Indian, Eskimo, Aleut, or Native Hawaiian;

(d) Asian-Pacific Americans or persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, or the Northern Marianas; or

(e) Asian-Indian Americans or persons whose origins are from India, Pakistan, or Bangladesh.

(25) "Minority Program" means a program that is designed to meet the unique treatment and rehabilitation needs of a minority and that provides services to a majority of clients belonging to a minority population as defined in these rules.

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(26) "Outpatient Alcohol and Other Drug Abuse Treatment Program" means a publicly or privately operated program that provides assessment, treatment, and rehabilitation on a regularly scheduled basis or in response to crisis for alcohol and/or other drug abusing or dependent clients and their family members or significant others consistent with Level I and/or Level II of the ASAM PPC-2R.

(27) "Permanent Client Record" means the official legal written file for each client containing all the information required by these rules to be maintained to demonstrate compliance with these rules. Information about clients in program records maintained in electronic format must be produced in a contemporaneous printed form, authenticated by signature and date of the person who provided the service, and placed in the official written file of the client in order to constitute a part of the permanent client record.

(28) "Program Staff" or "Treatment Staff" means:

(a) An employee or person who by contract with the program provides a clinical service and who has the credentials required in this rule to provide the clinical services; and

(b) Any other employee of the program.

(29) "Quality Assurance" means the process of objectively and systematically monitoring and evaluating the appropriateness of client care to identify and resolve identified problems.

(30) "Residential Transition Program" means a residential program that provides a drug-free supportive living environment and provides clinical services consistent with Level III of the ASAM PPC-2R.

(31) Residential Treatment Program" means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for alcohol and other drug dependent clients, consistent with Level III of ASAM PCC-2R.

(32) "Substance Abuse Related Disorders" are defined in DSM criteria as disorders related to the taking of a drug of abuse (including alcohol), to the side effects of a medication, and to a toxin exposure. The disorders include substance dependency and substance abuse, alcohol dependence and alcohol abuse, and substance induced disorder and alcohol induced disorders.

(33) "Successful DUII Completion" means that the DUII program has documentation in its records that for the period of service deemed necessary by the program the client has:

(a) Met the discharge criteria approved by the Division; and

(b) Paid all service fees (unless indigent).

(34) "Treatment" means the specific medical and nonmedical therapeutic techniques employed to assist the client in recovering from alcohol or other drug abuse or dependence.

(35) "Treatment Staff" means persons who provide individual, group, or family counseling services, and relapse prevention planning.

(36) "Urinalysis Test" means an initial test and, if positive, a confirmatory test:

(a) An initial test shall, at a minimum, include a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration.

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be by a different analytical method from that of the initial test to ensure reliability and accuracy.

(c) All urinalysis tests shall be performed by laboratories meeting the requirements of OAR 333-024-0305 to 333-024-0365.

(37) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be nonclinical unless the individual has the required credentials to provide a clinical service.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(3); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0005; ADAP 1, 1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0010

Program Approval and Variances

(1) Letter of Approval: In order to receive a Letter of Approval or license from the Division under the process set forth in OAR 415-012-0000 to 0090, an alcohol and other drug abuse treatment program shall meet the

standards set forth in these rules and any other administrative rules applicable to the program.

(2) Denial, Revocation, Nonrenewal, Suspension: The denial, revocation, nonrenewal, or suspension of a letter of approval/license for a program may be based on any of the grounds set forth in OAR 415-012-0060.

(3) In addition to the grounds set forth in OAR 415-012-0060, the Division may deny, revoke, refuse to renew, or suspend a letter of approval or license when he or she determines that the issuance or continuation of the letter of approval or license would be inconsistent with the public interest. In determining the public interest, the Division shall consider the following factors, or any one of them, which apply to the applicant, licensee, or any person holding a 5 percent or greater financial interest in the program or which apply to the medical director, clinical supervisor, or staff:

(a) Any convictions under any federal or state law relating to any controlled substance or related to such person's involvement in the administration of a state- or federally-funded public assistance or treatment program;

(b) Furnishing of false or fraudulent material in any application for a letter of approval; or

(c) Any other factors relevant to, and consistent with, the public health or safety.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(4), (5), & (6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0010; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0015

Administrative Requirements for Treatment Programs

(1) Administrative Rules: An alcohol and other drug treatment program that contracts directly with the Division or indirectly with the Division through the CMHP administered by the Division shall comply with the contracting rules of the Division contract agents, the Division and the Division of Medical Assistance Programs (DMAP) governing reimbursement for services and refunds including, but not limited to:

(a) OAR 309-013-0020;

(b) OAR 309-013-0075 to 013-0105;

(c) OAR 309-014-0000 to 014-0040;

(d) OAR 410-120-0000 through 120-1980; and

(e) OAR 410-141-0000 through 410-141-0860.

(2) Policies and Procedures: A program shall develop and implement written policies and procedures that describe program operations. Policies and procedures shall include a Quality Assurance Plan for ensuring that clients receive appropriate treatment services and that the program is in compliance with relevant administrative rules and other reporting requirements. The Quality Assurance Plan must include:

(a) A measurement of the proportion of full-time equivalent clinical staff who are licensed and or certified as defined in this rule, and

(b) Goals for moving toward 100 percent of staff maintaining the required licensure or certification

(3) Personnel Policies: If two or more staff provide services, the program shall have and implement the following written personnel policies and procedures, which are applicable to program staff, volunteers, and interns/students:

(a) Rules of conduct and standards for ethical practices of treatment program practitioners;

(b) Standards for use and abuse of alcohol and other drugs with procedures for managing incidents of use and abuse that, at a minimum, comply with Drug Free Workplace Standards; and

(c) Compliance with federal and state personnel regulations including the Civil Rights Act of 1964 as amended in 1972, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act, Oregon civil rights laws related to employment practices, and any subsequent amendments effective on or before the effective date of these rules. The program shall give individualized consideration to all applicants who, with or without reasonable accommodation, can perform the essential functions of the job position.

(4) Documentation of Qualifications: The program shall maintain a record for each treatment staff member documenting applicable qualification standards as described in OAR 415-051-0050 to 0060. The program shall maintain the record for a period of three years following the departure of a treatment staff member.

(5) Disabilities Act: Alcohol and other drug abuse treatment programs receiving public funds must comply with Title 2 of the Americans with Disabilities Act of 1990, 42 USC § 1231 et seq. after July 26, 1992.

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(6) Insurance: Each alcohol and other drug abuse treatment program shall maintain malpractice and liability insurance and be able to demonstrate evidence of current compliance with this requirement. Programs operated by a public body shall demonstrate evidence of insurance or a self-insurance fund pursuant to ORS 30.282.

(7) Client Record-keeping: Each program 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) Include the signature of the person providing the documentation and service;

(e) Not falsify, alter, or destroy any client information required by these rules to be maintained in a client record or program records;

(f) 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;

(g) 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;

(h) Ensure that a written description of any injury or accident during program services or on program grounds involving any client is placed in the individual's record; and

(i) Permit inspection of client records upon request by the Division to determine compliance with these rules.

(8) Client/Fiscal Record Retention: Client records shall be kept for a minimum of seven years. If a program is taken over or acquired by another program, the original program is responsible for assuring compliance with the requirements of 42 CFR §2.19(a)(1) and/or (b), whichever is applicable. If a program discontinues operations, the program is responsible for:

(a) Transferring fiscal records required to be maintained under section (1) of this rule to the Division if it is a direct contract, or to the CMHP or managed care plan administering the contract, whichever is applicable; and

(b) Destroying client records or, with client consent, transferring client records to another program.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0015; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2003, f. 7-15-03, cert. ef. 9-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0020

Client Rights

(1) Client Record Confidentiality: An alcohol and other drug treatment program shall comply with federal regulations (42 CFR part 2, 45 CFR 205.50) and ORS 179.505 and 430.399 pertaining to confidentiality of client records.

(2) Informed Consent: Participation in an alcohol and other drug treatment program shall be voluntary. Clients shall be informed of their rights and responsibilities and give written informed consent to treatment.

(3) Allowable Restrictions: No person shall be denied services or discriminated against on the basis of age or diagnostic or disability category unless predetermined clinical or program criteria for service restrict the service to specific age or diagnostic groups or disability category.

(4) Policies and Procedures: Each client shall be assured the same civil and human rights as other persons. Each program shall develop and implement and inform clients of written policies and procedures which protect clients' rights, including:

(a) Protecting client privacy and dignity;

(b) Assuring confidentiality of records consistent with federal and state laws;

(c) Prohibiting physical punishment or physical abuse;

(d) Protecting clients from sexual abuse or sexual contact; and

(e) Providing adequate treatment or care.

(5) Services Refusal: The client shall have the right to refuse service, including any specific procedure. If consequences may result from refusing the service, such as termination from other services or referral to a person having supervisory authority over the client, that fact must be explained verbally and in writing to the client.

(6) 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:

(a) When the clinical supervisor determines that disclosure of records would be detrimental to the client's treatment; or

(b) If confidential information has been provided to the program on the basis that the information not be redisclosed.

(7) Informed Participation in Treatment Planning: The client and others of the client's choice shall be afforded an opportunity to participate in an informed way in planning the client's receipt of and involvement in services, including significant procedures, and the review of progress toward treatment goals and objectives which shall include the right to be free from retaliation for exercising such right.

(8) Informed Consent to Fees for Services: The amount and schedule of any fees to be charged must be disclosed in writing and agreed to by the client.

(9) Grievance Policy: The program shall develop, implement, and fully inform clients of policies and procedures regarding grievances that provide for:

(a) Receipt of written grievances from clients or persons acting on their behalf;

(b) Investigation of the facts supporting or disproving the written grievance;

(c) Initiating action on substantiated grievances within five working days; and

(d) Documentation in the client's record of the receipt, investigation, and any action taken regarding the written grievance.

(10) Barriers to Treatment: Where there is a barrier to services due to culture, gender, language, illiteracy, or disability, the program shall develop a holistic treatment approach including support services available to address or overcome those barriers including:

(a) Making reasonable modifications in policies, practices, and procedures to avoid discrimination (unless the program 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 treatment to the client; and

(c) Referring clients to another provider if that client requires treatment outside of the referring program's area of specialization and if the program would make a similar referral for an individual without a disability.

(11) Client Work Policy: Any client labor performed as part of the client's treatment plan or standard program expectations or in lieu of fees shall be agreed to, in writing, by the client and must comply with regulations of other agencies sharing oversight of the program.

(12) Voter Registration: All publicly funded programs primarily engaged in providing services to persons with disabilities must provide onsite voter registration and assistance. Program staff providing voter registration services may not seek to influence an applicant's political preference or party registration or display any such political preference or party allegiance, such as buttons, expressing support for a particular political party or candidates for partisan political office. However, such program staff may wear buttons or otherwise display their preference on nonpartisan political matters and issues.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 14-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0020; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2008, f. & cert. ef. 11-13-08

ADMINISTRATIVE RULES

415-051-0025

Admission Policies and Procedures

(1) Admission Criteria: The program shall have written criteria for accepting or refusing admission requests, including steps for making referrals for individuals not admitted to the program. The criteria shall be available to clients, staff, and the community and require:

(a) For persons determined to be appropriate for admission, the program to ensure that the onset of outpatient treatment occurs within five weeks of application to the program. The program shall provide interim informational services until an individual is admitted to the program. These services should include education and referral to counseling about infectious diseases (HIV, tuberculosis, hepatitis A, B, or C, sexually-transmitted diseases), referral to prenatal care for pregnant women, referral to medical care when appropriate, referral to self-help support groups, education about the effects of alcohol and other drug use on the fetus, and crisis intervention when appropriate.

(b) No person under 14 years of age may be admitted to an alcohol and other drug treatment program unless a parent, legal guardian, or responsible adult designated by the state authority (i.e., "emancipated minor" laws) completes and signs consent forms.

(c) No person under 18 years of age may be admitted to a residential program without the prior consent of the parent, guardian, or other legally authorized person.

(d) For those clients refused admission based on assessment, the program shall document the reasons for refusal and subsequent referrals within seven days following the refusal decision.

(2) Intake Procedures: The program shall utilize a written intake procedure. The procedure shall include documentation that all admissions have been found appropriate for services according to the ASAM PPC-2R, incorporated by reference into these rules.

(3) Orientation: The program shall give to the client, document the receipt of by the client, and make available to others, written program orientation information which includes:

(a) The program's philosophical approach to treatment;

(b) A description of the program treatment services;

(c) Information on clients' rights and responsibilities, including confidentiality, while receiving services;

(d) Information on the rules governing clients' behavior and those infractions that may result in discharge or other actions. At a minimum, the rules shall state the consequence of alcohol and other drug use, absences from appointments, nonpayment of fees, and failure to participate in the planned treatment activities; and

(e) Information on emergency services

(4) Client Record: The following information shall be recorded in each client's record at the time of admission:

(a) Client name, address, and telephone number;

(b) Whom to contact in case of an emergency, including telephone number;

(c) Fee agreement based on the client's ability to pay, when appropriate;

(d) Name of individual completing intake/assessment; and

(e) If the client refuses to provide the necessary information, documentation of that fact in the client file.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0025; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0030

Client Diagnostic Assessment

(1) Written Procedure: The alcohol and drug abuse treatment program shall develop and implement a written procedure for assessing each client's treatment needs based on the ASAM PPC-2R.

(2) Assessment to Include: The diagnostic assessment shall be documented in the permanent client record. It shall consist of both the elements described in the ASAM PPC-2R and documentation of the client's self-identified cultural background, including level of acculturation, knowledge of own culture, primary language, spiritual or religious interests, and cultural attitudes toward alcohol and other drug use.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0030; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-

2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0035

Treatment Services, General

(1) Services to be Provided: The alcohol and other drug abuse treatment program shall provide to each client those clinically appropriate services and activities needed to address the problems identified from the diagnostic assessment and document the activity in the client record.

(2) Other Services: The program, to the extent of community resources available and as clinically indicated, shall provide clients with information and referral to other services, including smoking cessation services.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0035; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0037

Treatment Planning and Documentation of Treatment Progress

(1) Placement, Continued Stay, Discharge Criteria: The alcohol and other drug abuse treatment program shall develop treatment plans, progress notes, and discharge plans consistent with the ASAM PPC-2R.

(2) Treatment Plan: Individualized treatment planning shall occur and be documented in the client record no later than 30 days from admission to an outpatient treatment program and no later than 14 days from admission to a residential treatment program. The treatment plan shall:

(a) Describe the primary client-centered issue or issues as determined by the assessment;

(b) Focus on one or more treatment plan objectives that are consistent with the client's abilities and strengths and are established to address the primary obstacles to recovery;

(c) Define the treatment approach, which shall include services and activities to be utilized to achieve the individualized objectives;

(d) Document the participation of significant others in the planning process and treatment where appropriate; and

(e) Document the client's participation in developing the content of the treatment plan and any subsequent modifications with, at a minimum, the client's signature.

(3) Documentation of Progress: The treatment staff shall document in the permanent record the client's progress toward achieving the individualized objectives in the client's treatment plan and any current obstacles to recovery.

(4) Treatment Plan Review: The permanent client record shall document that the treatment plan is reviewed and modified continuously as needed and as clinically appropriate and that the modifications are consistent with the ASAM PPC-2R.

(5) Treatment Summary: No later than 30 days after the last service contact, the program shall document in the permanent client record a summary describing the reason for discharge and the client's progress toward treatment objectives consistent with the ASAM PPC-2R.

(6) Discharge Plan: Upon successful completion or planned interruption of the treatment services, the treatment staff and client shall jointly develop a discharge plan. The discharge plan shall include a relapse prevention plan that has been jointly developed by the counselor and client and signed by the client.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0040

Medical Services

(1) Medical Protocols: The alcohol and other drug treatment program shall have medical protocols approved by a medical director under contract with a program and/or written reciprocal agreement with a medical practitioner under managed care. The protocols shall be in full compliance with standards, ethics, and licensure requirements of the medical profession and these rules and:

(a) Require, but not be limited to, the collection of medical histories as described in the client diagnostic assessment criteria;

(b) Designate those medical symptoms that, when found, require further investigation, physical examinations, treatment, or laboratory testing;

(c) Describe procedures for medical emergencies;

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(d) Require that individuals admitted to the program who currently are injecting or intravenously using a drug, or within the past 30 days have injected or intravenously used a drug, or who are at risk of withdrawal from a drug, or who may be pregnant, must be referred for a physical examination and appropriate lab testing within 30 days admission to the program. These requirements may be waived by the medical director if these services have been received within the past 90 days and documentation is provided;

(e) Require pregnant women be referred for prenatal care within two weeks of admission to the program;

(f) Require that the program provide HIV/AIDS, tuberculosis, sexually transmitted disease, hepatitis and other infectious disease information and risk assessment, including any needed referral, within 30 days of admission; and

(g) Specify how follow up of admitted clients will be handled in the event the client is found to have any major medical problem.

(2) Implementation: The program shall adopt, maintain, and implement the policies and procedures described in this rule.

(3) Client Record Documentation: The client record shall contain documentation of all medical services provided to the client by the program.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0040; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0045

Clinical Supervision and Staffing Pattern

(1) Clinical Supervision: The alcohol and other drug abuse treatment program shall provide a minimum of two hours per month of clinical supervision or consultation for each staff person or volunteer who is responsible for the delivery of treatment services, one hour of which must be individual, face-to-face clinical skill development. The objective of clinical supervision or consultation is to assist staff and volunteers to increase their treatment skills, improve quality of services to clients, and supervise program staff and volunteers' compliance with program policies and procedures implementing these rules.

(2) Staffing Patterns: Each client admitted to the program must be assigned a primary counselor.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.240 - 430.590

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0045; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; Administrative correction 6-20-01; ADS 6-2007, f. & cert. ef. 12-11-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0050

Program Director Qualifications

(1) Competency: The program director shall:

(a) Have knowledge and experience demonstrating competence in the performance or oversight of the following essential job functions: program planning and budgeting, fiscal management, supervision of staff, personnel management, employee performance assessment, data collection, reporting, program evaluation, quality assurance, and developing and maintaining community resources; and

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules.

(2) Recovering Individuals: For an individual recovering from a substance abuse related disorder, the performance of a program director's essential job functions in connection with staff and clients who themselves may be trying to recover from a substance abuse related disorder demands that an applicant or person hired as program director be able to demonstrate continuous sobriety under nonresidential, independent living conditions for the immediate past two years.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0050; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0055

Clinical Supervision Staff Qualifications

(1) Qualifications: Each alcohol and other drug abuse treatment program shall have an identified clinical supervisor who has one of the following qualifications at the time of hire:

(a) Five years of paid full-time experience in the field of alcohol and other drug counseling; or

(b) A Bachelor's degree and four years of paid full-time experience in the social services field, with a minimum of two years of direct alcohol and other drug counseling experience; or

(c) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct alcohol and other drug counseling experience.

(2) Competency: Any supervisor shall:

(a) Have knowledge and experience demonstrating competence in the performance of the following essential job functions: supervision of treatment staff including staff development, treatment planning, case management, and utilization of community resources including self-help groups; preparation and supervision of client evaluation procedures; preparation and supervision of case management procedures for client treatment; conducting of individual, group, family, and other counseling; and assurance of the clinical integrity of all client records for cases under their supervision, including timely entry or correctness of records and requiring adequate clinical rationale for decisions in admission and assessment records, treatment plans and progress notes, and discharge records;

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules; and

(c) Except as provided in section (5) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(3) Certification: For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 4,000 hours of supervised experience in alcohol/drug abuse counseling;

(b) 300 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(4) Licensure/Registration: For supervisors holding a health or allied provider license, such license/registration shall have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing.

(5) Recovering Individuals: For an individual recovering from a substance abuse related disorder, the performance of a clinical supervisor's essential job functions in connection with staff and clients who themselves may be trying to recover from a substance abuse related disorder demands that an applicant or person hired as clinical supervisor be able to demonstrate continuous sobriety under nonresidential, independent living conditions for the immediate past two years.

(6) Program Director as Clinical Supervisor: If the program's director meets the qualifications of the clinical supervisor, the director may be the clinical supervisor.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0055; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2003, f. 7-15-03, cert. ef. 9-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0057

Counseling and Treatment Staff Qualifications

(1) Competency: All treatment staff shall:

(a) Have knowledge, skills, and abilities demonstrating competence in the following essential job functions: treatment of substance-related disorders including client evaluation and individual, group, family, and other counseling techniques; program policies and procedures for client case management and record keeping; and accountability for recording informa-

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tion in the client files assigned to them consistent with those policies and procedures and these rules;

(b) Demonstrate by conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules; and

(c) Except as provided in section (4) or (5) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(2) Certification: For treatment staff holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 750 hours of supervised experience in alcohol/drug abuse counseling;

(b) 150 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(3) Licensure/Registration: For treatment staff holding a health or allied provider license, such license/registration shall have been issued by one of the following state bodies and the staff person must possess documentation of at least 60 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing.

(4) Existing Staff: Existing staff of residential programs who do not hold a certificate/license that meets the standards identified in section (2) or (3) of this rule must apply to a qualified credentialing organization or state licensing board within three months of the effective date of this rule and achieve certification or licensure meeting the standards of section (2) or (3) of this rule within (24) months of the application date.

(5) New Hires: New hires need not hold a qualified certificate/license but those who do not must make application within six months of employment and receive the credential/license within (24) months of the application date.

(6) Recovering Individuals: For an individual recovering from a substance abuse related disorder, the performance of a counselor's essential job functions in connection with staff and clients who themselves may be trying to recover from a substance abuse related disorder demands that an applicant or person hired as a counselor be able to demonstrate continuous sobriety under nonresidential, independent living conditions for the immediate past two years.

(7) Interns/Students: Interns/students who do not meet the requirements of section (1) of this rule may provide clinical services if closely supervised by qualified staff pursuant to an established written plan.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2003, f. 7-15-03, cert. ef. 9-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0060

Use of Volunteers

Each alcohol and other drug abuse treatment program utilizing volunteers shall have the following standards for volunteers:

(1) Policy: A written policy regarding the use of volunteers that shall include:

(a) Specific responsibilities and tasks of volunteers;

(b) Procedures and criteria used in selecting volunteers, including sobriety requirements for individuals recovering from the disease of alcohol or other drug abuse;

(c) Specific accountability and reporting requirements of volunteers; and

(d) Specific procedure for reviewing the performance of volunteers and providing direct feedback to them.

(2) Orientation and Training: There shall be documentation that volunteers complete an orientation and training program specific to their responsibilities before they participate in assignments. The orientation and training for volunteers shall:

(a) Include a thorough review of the alcohol and other drug abuse treatment program's philosophical approach to treatment;

(b) Include information on confidentiality regulations and client's rights;

(c) Specify how volunteers are to respond to and follow procedures for unusual incidents;

(d) Explain the alcohol and other drug abuse treatment program's channels of communication and reporting requirements and the accountability requirements for volunteers;

(e) Explain the procedure for reviewing the volunteer's performance and providing feedback to the volunteer; and

(f) Explain the procedure for discontinuing a volunteer's participation.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 14-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0060; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; Administrative correction 6-20-01; ADS 2-2003, f. 7-15-03, cert. ef. 9-1-03; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0065

Building Requirements

(1) Each alcohol and other drug abuse treatment program must provide facilities which:

(a) Comply with all applicable state and local building, electrical, plumbing, fire, safety, and zoning codes.

(b) Maintain up-to-date documentation verifying that they meet applicable local business license, zoning and building codes, and federal, state and local fire and safety regulations. It is the duty of the program to check with local government to make sure all applicable local codes have been met.

(c) Provide space for services, including but not limited to, intake, assessment, counseling, and telephone conversations that assures the privacy and confidentiality of clients and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling.

(d) Provide rest rooms for clients, visitors, and staff.

(e) Shall be accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received.

(2) Tobacco Use: Outpatient programs shall not allow tobacco use on program facilities and grounds. Residential programs shall not allow tobacco use in program facilities.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: MHD 47(Temp), f. & ef. 10-4-77; MHD 3-1979, f. & ef. 1-16-78; MHD 14-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0020(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-051-0065; ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0067

Building Requirements for Residential Programs

In addition to the building requirements contained in OAR 415-051-0065, residential programs must meet the following standards:

(1) Construction and Alteration: Prior to construction of a new building or major alteration of, or addition to, an existing building:

(a) One set of plans and specifications shall be submitted to the State Fire Marshal for approval;

(b) Plans shall be in accordance with the current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations;

(c) Construction containing 4,000 square feet or more shall be prepared and bear the stamp of an Oregon licensed architect or engineer; and

(d) The water supply, sewage, and garbage disposal system shall be approved by the agency having jurisdiction.

(2) Interiors: All rooms used by clients shall have floors, walls, and ceilings which meet the interior finish requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

(3) Dining Room: A separate dining room or area shall be provided for exclusive use of clients, employees, and invited guests, and shall:

(a) Seat at least one-half of the clients at a time with a minimum of 15 square feet per occupant; and

(b) Be provided with adequate ventilation.

(4) Living Room: A separate living room or lounge area shall be provided for the exclusive use of clients, employees, and invited guests and shall:

(a) Provide a minimum of 15 square feet per occupant; and

(b) Be provided with adequate ventilation.

(5) Bedrooms: Bedrooms shall be provided for all clients and shall:

(a) Be separate from the dining, living, multi-purpose, laundry, kitchen, and storage areas;

(b) Be an outside room with an openable window of at least the minimum required by the State Fire Marshal;

(c) Have a ceiling height of at least seven feet, six inches;

(d) Provide a minimum of 60 square feet per client, with at least three feet between beds;

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(e) Provide permanently wired light fixtures located and maintained so as to give light to all parts of the room; and

(f) Provide a curtain or window shade at each window to assure privacy.

(6) Bathrooms: Bathrooms shall be provided and conveniently located in each building containing a client bedroom and shall:

(a) Provide a minimum of one toilet and one handwashing sink for each eight clients, and one bathtub or shower for each ten clients;

(b) Provide one handwashing sink convenient to every room containing a toilet;

(c) Provide permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room;

(d) Provide arrangements for individual privacy for clients;

(e) Provide a privacy screen at each window;

(f) Provide a mirror; and

(g) Be provided with adequate ventilation.

(7) Plumbing: A supply of hot and cold water, installed and maintained in compliance with current rules of the Department of Human Services, Health Services, Office of Public Health Systems, shall be distributed to taps conveniently located throughout the residential program. All plumbing shall be in compliance with applicable codes.

(8) Laundry Facilities: Laundry facilities, when provided, shall be separate from:

(a) Client living areas, including bedrooms;

(b) Kitchen and dining areas; and

(c) Areas used for the storage of unrefrigerated perishable foods.

(9) Storage Areas: Storage areas shall be provided appropriate to the size of the residential program. Separate storage areas shall be provided for:

(a) Food, kitchen supplies, and utensils;

(b) Clean linens;

(c) Soiled linens and clothing;

(d) Cleaning compounds and equipment; and

(e) Poisons, chemicals, rodenticides, insecticides, and other toxic materials, which shall be properly labeled, stored in the original container, and kept in a locked storage area.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0150; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0069

Client Furnishings

(1) Furniture: Furniture shall be provided for each client and shall include:

(a) A bed with a frame and a clean mattress and pillow;

(b) A private dresser or similar storage area for personal belongings which is readily accessible to the client; and

(c) Access to a closet or similar storage area for clothing.

(2) Linens: Linens shall be provided for each client and shall include:

(a) Sheets and pillowcases;

(b) Blankets, appropriate in number and type for the season and the individual client's comfort; and

(c) Towel and washcloth.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0160; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0072

Food Service

(1) A residential program shall meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments relating to the preparation, storage, and serving of food.

(2) Menus: Menus shall be prepared in advance to provide a sufficient variety of foods served in adequate amounts for each client at each meal and shall be adjusted for seasonal changes.

(a) Records of menus as served shall be filed and maintained in the residential program records for at least 30 days;

(b) All modified or special diets shall be ordered by a physician; and

(c) At least three meals shall be provided daily.

(3) Food Storage: Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of a two-day period shall be maintained on the premises.

(4) Food shall be stored and served at proper temperature.

(5) All utensils, including dishes, glassware, and silverware used in the serving or preparation of drink or food for clients shall be effectively washed, rinsed, sanitized, and stored after each individual use to prevent contamination in accordance with Health Division standards.

(6) Forbidden Foods: Raw milk and home-canned vegetables, meats, and fish shall not be served or stored in a residential program.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0170; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0075

Safety

(1) Approved Capacity: At no time shall the number of clients served exceed the approved capacity.

(2) Emergency Plan: A written emergency plan shall be developed and posted next to the telephone used by employees and shall include:

(a) Instructions for the employee or designated client (s) in the event of fire, explosion, accident, death, or other emergency and the telephone numbers of the local fire department, law enforcement agencies, hospital emergency rooms, and the residential program's designated physician and on-call back-up treatment staff;

(b) The telephone number of the program director or clinical supervisor and other persons to be contacted in case of emergency; and

(c) Instructions for the evacuation of clients and employees in the event of fire, explosion, or other emergency; and

(3) Fire Safety: The residential program shall provide fire safety equipment appropriate to the number of clients served, and meeting the requirements of the State of **Oregon Structural Specialty Code and Fire and Life Safety Regulations**.

(4) Fire detection and protection equipment shall be inspected as required by the State Fire Marshal.

(5) All flammable and combustible materials shall be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal.

(6) The residential program shall conduct unannounced fire evacuation drills at least monthly. At least once every three months the monthly drill shall occur between 10 p.m. and 6 a.m. Written documentation of the dates and times of the drills, time elapsed to evacuate, and staff conducting the drills shall be maintained.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0180; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0077

Sanitation

(1) All floors, walls, ceilings, window, furniture, and equipment shall be kept in good repair, clean, neat, orderly, and free from odors.

(2) Each bathtub, shower, handwashing sink, and toilet shall be kept clean and free from odors.

(3) Water Supply: The water supply in the residential program shall meet the requirements of the current rules of the Health Division governing domestic water supplies.

(4) Laundry: Soiled linens and clothing shall be stored in an area separate from kitchens, dining areas, clean linens and clothing, and unrefrigerated food.

(5) Insects: All measures necessary to prevent the entry into the program of mosquitoes and other insects shall be taken.

(6) Rodents: All measures necessary to control rodents shall be taken.

(7) Litter: The grounds of the program shall be kept orderly and free of litter, unused articles, and refuse.

(8) Garbage/Sewage:

(a) Garbage and refuse receptacles shall be clean, durable, water-tight, insect- and rodent-proof, and kept covered with a tight-fitting lid;

(b) All garbage solid waste shall be disposed of at least weekly and in compliance with the current rules of the Department of Environmental Quality;

(c) Sewage and liquid waste shall be collected, treated, and disposed of in compliance with the current rules of the Department of Environmental Quality.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0190; ADS 2-2008, f. & cert. ef. 11-13-08

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415-051-0080

Corrections Prerelease Day Treatment Programs

(1) Exceptions: Corrections prerelease day treatment programs for alcohol and drug abuse problems are required to comply with the general standards for alcohol and other drug abuse treatment programs, OAR 415-051-0000 to 051-0070, with the following exceptions:

(a) Grievance policy, client work policy, and voter registration policy (OAR 415-051-0020(9), (11), and (12));

(b) Placement, continued stay, and discharge criteria and treatment planning and review (OAR 415-051-0037(1), (2), and (4)); and

(c) Medical services (OAR 415-051-0040).

(2) Corrections Department Records: Where the required assessment, treatment, and other services are provided by the Department of Corrections, the corrections prerelease day treatment program shall have access to that information in the client's corrections institution file.

(3) Assessment: Corrections prerelease day treatment programs shall provide a client diagnostic assessment which includes:

(a) Alcohol and other drug use and problem history;

(b) Family and interpersonal history;

(c) Educational history, including learning disabilities, if applicable;

(d) Employment and vocational history;

(e) History of previous treatment, including course of treatment, outcomes of treatment, and client attitude toward previous treatment; and

(f) Presenting problems (client report of why he or she needs treatment).

(4) Treatment Services: The program shall provide structured therapeutic counseling and alcohol and other drug specific education services as required in the Department of Corrections contract.

(5) Transition Services: The program shall provide systematic coordination and transition from institution to the community including:

(a) Development of interagency contracts with community corrections agencies wherein both parties agree to prioritize certain clients and closely coordinate services for those clients; and

(b) Transition services which begin, at a minimum, at least two weeks prior to the client's discharge from the institution. These services shall include at least one case staffing (in person or by telephone) between the supervising officer and a member of the community follow-up program treatment staff.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; Administrative correction 6-20-01; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0090

Minority Programs

In addition to the general alcohol and other drug abuse treatment program standards described in OAR 415-051-0000 through 051-0070 and the ASAM PPC-2R, programs approved and designated as minority programs shall meet the following criteria:

(1) Treat a majority of clients representing the targeted minority population as described in OAR 415-051-0005.

(2) Governing Board: Develop and maintain a governing or advisory board that shall:

(a) Have a majority representation of the target minority group being served;

(b) Receive training concerning the significance of culturally relevant treatment services; and

(c) Meet at least quarterly.

(3) Accessibility: Maintain accessibility to minority populations including:

(a) The physical location of the program shall be within close proximity to the target minority populations;

(b) Where available, public transportation shall be within close proximity to the program;

(c) Hours of service, telephone contact, and other client-related accessibility issues shall be appropriate for the target population; and

(d) The physical facility within which the minority treatment services are delivered shall be psychologically comfortable for the target group including:

(A) Materials displayed shall be culturally relevant;

(B) Mass media programming (radio, television, etc.) shall be sensitive to cultural background; and

(C) Other cultural differences shall be considered and accommodated when possible (e.g., the need or desire to bring family members to the facility, play areas for small children, etc.).

(4) Staff Qualifications: Counseling and treatment staff shall have knowledge, experience, training, and demonstrated competence in cultural aspects of the target group and, where appropriate, be bilingual.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0100

Adolescent Treatment Services

In addition to the general standards for alcohol and other drug abuse treatment programs under OAR 415-051-0000 through 415-051-0070 the programs approved to provide adolescent treatment services or those with adolescent designated treatment funding shall meet the following standards:

(1) Participation of Family/Agencies: Treatment planning/case management services shall include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate.

(2) Treatment Services: Treatment services should include:

(a) Family treatment;

(b) Recreation and leisure time skills training;

(c) Academic education services or referral;

(d) Smoking cessation treatment; and

(e) Gender-specific treatment.

(3) Continuing Care: Continuing care services shall be of appropriate duration and designed to maximize recovery opportunities. The services shall include:

(a) Reintegration services and coordination with family and schools;

(b) Support groups and/or other peer support groups provided at school sites;

(c) Youth dominated self-help groups where available;

(d) Referral to emancipation services when appropriate; and

(e) Referral to physical or sexual abuse treatment when appropriate.

(4) Staff Qualifications: Staff shall have formal training in adolescent development and family counseling and demonstrate competence in the gender-specific alcohol and other drug abuse treatment of adolescents and their families.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0105

Admission and Treatment of Children in Residential Treatment Programs

If a residential treatment program offers services to children, then in addition to the requirements of OAR 415-051-0000 through 415-051-0070 and 415-051-0100, a program must meet the following requirements related to the treatment of children:

(1) The residential program shall be licensed by the Department of Human Services, Children, Adults and Families (CAF) Division in cooperation with the Division.

(2) Staffing: Staff coverage must be provided 24 hours per day, seven days per week.

(3) There shall be employed a sufficient number of qualified treatment staff to ensure a ratio of at least one treatment staff per eight clients.

(4) Individualized treatment plans for children admitted for treatment shall:

(a) Be developed by the residential program in cooperation with child care workers, other involved professionals, and the child and the child's family as appropriate;

(b) Include an educational component. The educational component should, as appropriate, provide the child with educational opportunities while in treatment, and shall include a plan for phasing the child into a community education program if appropriate and as soon as reasonable;

(c) Include recreational and leisure-time activities appropriate to the child; and

(d) Include access to self-help groups predominantly composed of, and focused on, children.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00, Renumbered from 415-051-0200; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

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415-051-0110

Women's Treatment Services

In addition to the general standards for alcohol and other drug abuse treatment programs, under OAR 415-051-0000 through 415-051-0070, programs approved and designated to primarily provide treatment services to women shall meet the following standards:

(1) Women-Specific Problems: The client record shall contain an evaluation that identifies and assesses problems specific to women's issues in treatment such as social isolation, self-reliance, parenting issues, domestic violence, and housing and financial problems.

(2) Treatment Plan: The client's treatment plan shall address problems identified above as well as alcohol and other drug abuse and other treatment issues.

(3) Special Needs: The program shall provide or coordinate services that meet the special access needs of this population such as child care, mental health services, and transportation.

(4) Treatment Services: Treatment services shall include the following unless clinically contraindicated:

- (a) Gender specific treatment;
- (b) Family treatment;
- (c) Reintegration with family services;
- (d) Smoking cessation treatment;
- (e) Housing; and
- (f) Transportation.

(5) Treatment planning and treatment services shall include the participation of significant others as appropriate (e.g., social service, child welfare, or corrections agencies).

(6) Referral Services: The program shall make available or provide referrals to the following services if indicated:

- (a) Sexual or physical abuse treatment; and
- (b) Parenting training; and
- (c) Domestic violence counseling.

(7) Staff Training: The treatment staff shall have formal training and education in women's treatment needs and family counseling and demonstrate competence in the treatment of alcohol and other drug abuse by women.

(8) Continuing Care: Continuing care treatment services shall be consistent with the ASAM PPC 2R and shall include referrals to female dominated support groups where available.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405 -700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; Administrative correction 6-20-01; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

451-051-0130

DUII Alcohol/Other Drug Rehabilitation Programs

In addition to the general standards for alcohol and other drug treatment programs under OAR 415-051-0000 through 051-0070, and other standards as appropriate under OAR 415-051-0090 through 051-0110, programs approved to provide DUII rehabilitation services shall meet the following standards:

(1) DUII Treatment Services: DUII rehabilitation programs will assess clients referred for treatment by the evaluation specialist. Placement, continued stay and discharge of clients will be based on the criteria described in the ASAM PPC-2R, subject to the following additional terms and conditions

(2) Abstinence: Client must demonstrate continuous abstinence for a minimum of 90 days prior to discharge as documented by urinalysis tests and other evidence.

(3) Treatment Completion: Residential or inpatient programs may not certify the completion of DUII treatment. Only DUII rehabilitation programs may certify treatment completion.

(4) Residential Treatment: Using the ASAM PPC-2R, the DUII program's assessment may indicate that the client requires treatment in a residential program. It will be the responsibility of the DUII program to:

- (a) Monitor the case carefully while the client is in residential treatment by confirming that the client entered the program and that the client completed the program;
- (b) Provide or monitor outpatient and/or follow-up services when the client is discharged from the residential program; and
- (c) Verify completion of residential treatment and follow-up outpatient treatment.

(5) Urinalysis Testing: A minimum of two urinalysis samples shall be collected during the period of service deemed necessary by a client's DUII rehabilitation program:

(a) Using the process defined in OAR 415-051-0005(35), the samples shall be tested for at least three controlled drugs.

(b) At least one of the two samples is to be collected and tested in the first two weeks of the program and at least one is to be collected and tested in the last two weeks of the program.

(c) If the first sample is positive, two or more samples must be collected and tested, including one sample within the last two weeks before discharge.

(d) Programs may use methods of testing for the presence of alcohol and other drugs in the client's body other than urinalysis tests if they have obtained the prior review and approval of such methods by the Division.

(6) Reporting: The program will report:

(a) To the Division on forms prescribed by the Division;

(b) To the evaluation specialist within 30 days from the date of the referral by the specialist. Subsequent reports must be provided within 30 days of discharge or within 10 days of the time that the client enters non compliant status; and

(c) To the appropriate evaluation specialist, case manager, court, and/or other agency as required when requested concerning client cooperation, attendance, treatment progress, utilized modalities, and fee payment.

(7) Certifying Completion: The program shall send a numbered Certificate of Completion to the Department of Motor Vehicles to verify the completion of convicted clients. Payment for treatment may be considered a requirement for compliance and treatment completion. A certificate of completion shall not be issued until the client has satisfied the abstinence requirements of section (2) of this rule.

(8) Records: The DUII rehabilitation program shall maintain in the permanent client file, urinalysis results and all information necessary to determine whether the program is being, or has been, successfully completed.

(9) Separation of Assessment/Rehabilitation Functions: Without the approval of the Assistant Director, consistent with the criteria in OAR 415-054-0200 to 0240, no agency or person may provide DUII rehabilitation to a client who has also been referred by a Judge to the same agency or person for a DUII related diagnostic assessment. Failure to comply with this section will be considered a violation of ORS chapter 813. If the Assistant Director finds such a violation the Assistant Director may deny, suspend, revoke, or refuse to renew a letter of approval.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405 -700 & 813

Hist.: ADAP 1-1995, f. & cert. ef. 7-25-95; ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0140

Residential Treatment Services

In addition to the general standards for alcohol and other drug abuse treatment programs under OAR 415-051-0000 through 415-051-0070, including the ASAM PPC-2R, programs approved to provide residential treatment services shall meet the following standards:

(1) Behavior Problems Policy: The residential program shall develop, implement, and inform clients of policy and procedure regarding the management of behavior problems which:

- (a) Prohibits physical punishment;
- (b) Prohibits seclusion in a locked room;
- (c) Prohibits the withholding of shelter, regular meals, clothing, or aids to physical functioning; and
- (d) Prohibits the disciplining of one client by another.

(2) Client Rights: The residential program shall develop, implement and inform clients of policies and procedures to protect client rights. In addition to the requirements listed in OAR 415-051-0020, the policies and procedures must protect client rights that include:

- (a) Adequate food, housing, personal services, and treatment or care;
- (b) Visits to and from family members, friends, advocates, and legal and medical professionals, consistent with treatment plans and reasonable written program rules;
- (c) Access to community resources, including recreation activities, social service agencies, employment and vocational services, and self help groups, consistent with the client's treatment plan and reasonable written program rules;
- (d) The right to confidential communications;
- (e) Personal property consistent with reasonable written program rules;

(f) Freedom from involuntary treatment, unless the person has been involuntarily committed by appropriate court order;

ADMINISTRATIVE RULES

(g) Religious practices as personally preferred, consistent with treatment plans and reasonable written program rules;

(h) Voting; and

(i) Access to community resources, including recreation activities, social service agencies, employment and vocational services, and self-help groups consistent with the client's treatment plan and reasonable written program rules.

(3) Administration of Medications: The following guidelines must be followed in policies on administration of medications:

(a) A written order signed by a physician, or a program medical policy approved in writing by a licensed physician, is required before any medication can be administered to, or self-administered by, any client;

(b) Medications prescribed for one client shall not be administered to, or self-administered by, another client or employee; and

(c) In the cases where a client self-administers medication, self-administration shall be approved in writing by a physician, and closely monitored by the residential program staff.

(4) Unused or Outdated Drugs: No unused, outdated, or recalled drugs shall be kept in the residential program. On a monthly basis, any unused, outdated, or recalled drugs shall be disposed of in a manner that assures they cannot be retrieved.

(5) Documentation of Drug Disposal: A written record of all disposals of drugs shall be maintained in the residential program and shall include:

(a) A description of the drug, including the amount;

(b) The client for whom the medication was prescribed;

(c) The reason for disposal; and

(d) The method of disposal.

(6) Storage of Prescription Drugs: All prescription drugs stored in the residential program shall be kept in a locked stationary container. Those medications requiring refrigeration shall be stored in a refrigerator using a locked container which need not be stationary.

(7) Individual Prescription Drug Records: Individual records shall be kept for each client for any prescription drugs administered to, or self-administered by any client. The record will include:

(a) The client's name;

(b) Prescribing physician's name;

(c) Description of medication, including prescribed dosage;

(d) Verification in writing by treatment staff that the medication was taken and the times and dates administered or self-administered;

(e) Method of administration;

(f) Any adverse reactions to the medication; and

(g) Continuing evaluation of the client's ability to self-administer the medication.

(8) First-Aid: A residential program shall ensure that for all 24 hours per day at least one treatment staff person is onsite, on duty, and certified by the Red Cross or other appropriate entity in first-aid methods including cardiopulmonary resuscitation.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 1-2000(Temp), f. 5-11-00, cert. ef. 6-1-00 thru 11-27-00; ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0155

Residential Transition Programs

In addition to the general standards for alcohol and other drug abuse treatment programs under OAR 415-051-0000 through OAR 415-051-0140, residential transition programs shall, during hours when there is no on-site staff coverage, provide for coverage by at least one client designated by the program director as being capable of managing emergencies and other situations that require immediate attention.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-430.335, 430.345-380, 430.405-700 & 813

Hist.: ADAP 2-2000, f. 11-22-00, cert. ef. 11-27-00; ADAP 1-2002, f. 8-1-02, cert. ef. 9-1-02; ADS 2-2008, f. & cert. ef. 11-13-08

415-051-0165

Variations

Requirements and standards for requesting and granting variations or exceptions to these rules for alcohol and drug abuse treatment programs are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.265-430.335, 430.345-380, 430.405-700 & 813

Hist.: ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0005

Purpose

Purpose. These rules prescribe standards and procedures for approval of DUII information programs.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 6-1981(Temp), f. & ef. 11-25-81; MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0005; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0010

Definitions

(1) "Agency" means any organization or individual that undertakes to establish and operate a DUII alcohol/other drug information program for Driving Under the Influence of Intoxicants offenders.

(2) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(3) "Certificate of Completion" means a numbered certificate issued to a convicted client by a DUII information or rehabilitation program when the client successfully completes the program.

(4) "Client" means an individual who has applied for or is receiving services at a DUII information program and is either:

(a) A violator of ORS 813.010; or

(b) A defendant who is participating in a diversion agreement under ORS 813.200.

(5) "Community Mental Health Program" or "CMHP" means the organization of all services for persons with mental or emotional disturbances, drug abuse problems, and alcoholism and alcohol abuse problems, operated by, or contractually affiliated with, a Local Mental Health Authority (LMHA), operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(6) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(7) "DUII Alcohol/Other Drug Information Programs" mean short-term (12-20 hours in duration), didactic, alcohol and drug education programs which meet the minimum curriculum, instructor, and hourly standards established by the Division.

(8) "DUII Alcohol/Other Drug Rehabilitation Programs" mean programs of treatment and therapeutically oriented education services.

(9) "Evaluation Specialist" means an individual who possesses valid certification issued by the Division to conduct DUII evaluations.

(10) "Local alcoholism and other drug planning committee" means a committee appointed or designated by a board of county commissioners. The committee shall identify needs and establish priorities for alcoholism and other drug services in the county. Members of the committee shall be representative of the geographic area and include a number of minority members which reasonably reflect the proportion of the need for alcoholism and other drug treatment and rehabilitation services of minorities in the community.

(11) "Permanent client record" means the official legal written file for each client containing all the information required by these rules to be maintained to demonstrate compliance with these rules. Information about clients in program records maintained in electronic format must be produced in a contemporaneous printed form, authenticated by signature and date of the person who provided the service, and placed in the official written file of the client in order to constitute a part of the permanent client record.

(12) "Program staff" or "Staff" means:

(a) An employee or person who by contract with the program provides a clinical service and who has the credentials required in this rule to provide the clinical services; and

(b) Any other employee of the program.

(13) "Quality assurance" means the process of objectively and systematically monitoring and evaluating the appropriateness of client care to identify and resolve identified problems.

(14) "Successful completion" means that the DUII information program has documentation in its records that for the period of service deemed necessary by the program the client has:

(a) Participated appropriately;

(b) Passed tests specified and approved by the Division reflecting satisfactory knowledge gained;

(c) Paid all service fees (unless indigent); and

(d) Produced no evidence of the consumption of alcohol or controlled substances, other than those prescribed by a licensed physician, while enrolled in the information program.

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(15) "Urinalysis test" means an initial test and, if positive, a confirmatory test:

(a) An initial test shall, at a minimum, include a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration;

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be by a different analytical method from that of the initial test to ensure reliability and accuracy;

(c) All urinalysis tests shall be performed by laboratories licensed under OAR 333-024-0305 to 333-024-0365; further, all tests must include at least three controlled drugs from a list of targeted drugs specified by the Division.

(16) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be nonclinical unless the individual has the required credentials to provide a clinical service.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 6-1981(Temp), f. & ef. 11-25-81; MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0010; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0015

Administrative Requirements for Information Programs

(1) Administrative Rules: An information program that contracts directly with the Division or indirectly with the Division through the (CMHP) administered by the Division shall comply with the contracting rules of the Division and contract agents governing reimbursement for services and refunds including, but not limited to:

- (a) OAR 309-013-0120 to 309-013-0220;
- (b) OAR 309-013-0075 to 309-013-0105; and
- (c) OAR 309-014-0000 to 309-014-0040.

(2) Policies and Procedures: An information program shall develop and implement written policies and procedures that describe program operations. Policies and procedures shall include a quality assurance process ensuring that clients receive appropriate services and that the program is in compliance with relevant administrative rules.

(3) Instructor Qualifications: For DUI information programs, instructors shall have one year of education, experience, and/or training in one or more of the following: social science, psychology, counseling, alcohol/drug rehabilitation, education, traffic safety, or other related field.

(4) Personnel Policies: If two or more staff provide services, the outpatient program shall have and implement the following written personnel policies and procedures, which are applicable to program staff, volunteers, and interns/students:

(a) Rules of conduct and standards for ethical practices of outpatient treatment program practitioners;

(b) Standards for use and abuse of alcohol and other drugs with procedures for managing incidents of use and abuse that, at a minimum, comply with Drug Free Workplace Standards; and

(c) Compliance with the federal and state personnel regulations including the Civil Rights Act of 1964 as amended in 1972, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act, Oregon civil rights laws related to employment practices, and any subsequent amendments effective on or before the effective date of these rules. The DUI information program shall give individualized consideration to all applicants who, with or without reasonable accommodation, can perform the essential functions of the job position.

(5) Personnel Records: Personnel records for each member of the program's staff, volunteers, and interns/students shall be kept and shall include:

- (a) Résumé and/or employment application and job description;
- (b) Documentation of applicable qualification standards as described in section 3 of this rule;

(c) Documentation of annual performance appraisals based on preestablished performance criteria founded on the specific responsibilities of the position as stated in the job description;

(d) Documentation of any performance problem and formal corrective action taken due to the problem; and

(e) For volunteers or interns/students, the record need only include information required by subsections (a) and (d) of this rule and the written work plan for such person.

(6) Personnel Record Confidentiality and Retention: Records shall be maintained and utilized in such a way as to ensure program staff confiden-

tiality and shall be retained for a period of three years following the departure of a program staff person.

(7) Disabilities Act: Information programs receiving public funds must comply with Title 2 of the Americans with Disabilities Act of 1990, 42 USC § 1231 et seq. after July 26, 1992.

(8) Client Record-keeping: Each program 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 in the permanent client record current (unless specified otherwise, within seven days of delivering the service or obtaining the information);

(d) Include the signature of the person providing the documentation and service;

(e) Not falsify, alter, or destroy any client information required by these rules to be maintained in a client record or program records;

(f) 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;

(g) 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

(h) Permit inspection of client records upon request by the Division to determine compliance with these rules.

(9) Client/Fiscal Record Retention: Client records shall be kept for a minimum of seven years. If a program is taken over or acquired by another program, the original program is responsible for assuring compliance with the requirements of 42 CFR §2.19(a)(1) and/or (b), whichever is applicable. If a program discontinues operations, the program is responsible for:

(a) Transferring fiscal records required to be maintained under section (1) of this rule to the Division if it is a direct contract or to the CMHP administering the contract, whichever is applicable; and

(b) Destroying client records or, with client consent, transferring client records to another program.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 6-1981(Temp), f. & ef. 11-25-81; MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0015; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0017

Reimbursement for Services to Indigent Clients

(1) A DUI information program is eligible to seek reimbursement in the manner required by the Division for services provided to an indigent client under these rules if the following is in the client record:

(a) Documentation, dated and signed by the Children, Adults and Families (CAF) Division, verifying the client's eligibility for the federal food stamp program or documentation dated and signed by a Native American tribal official certifying eligibility for the Federal Food Commodities program, or other documentation approved by the Division;

(b) Indigent and partial indigent documentation must meet current Division verification criteria; and

(c) Documentation that the crime or violation committed by the client leading to the need for the services for which reimbursement is sought was driving while under the influence of intoxicants.

(2) Reimbursement for services under this rule is subject to the availability of funds for that purpose under Oregon Laws, and to the maximum number of units of service or maximum rate per unit of service approved by the Ways and Means Committee or Emergency Board of the Oregon Legislative Assembly for this purpose.

(3) The information program will promptly and fully return any payment made when an Division audit reveals that the payment was for service to an ineligible client.

(4) Programs receiving reimbursement for services to indigent clients under these rules must comply with all administrative rule requirements contained in OAR 415-054-0015.

Stat. Auth.: ORS 409.410 & 409.420

ADMINISTRATIVE RULES

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270
Hist.: ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0018

Client Rights

(1) Client Record Confidentiality: A DUII alcohol and other drug information program shall comply with federal regulations (**42 CFR part 2, 45 CFR 205.50**) and ORS 179.505 and 426.460 pertaining to confidentiality of client records.

(2) Informed Consent: Participation in a DUII alcohol and other drug information program shall be voluntary, although clients should be fully informed regarding the possible consequences of failure to comply with court mandates. Clients shall be informed of their rights and responsibilities and give written informed consent to treatment.

(3) Allowable Restrictions: No person shall be denied services or discriminated against on the basis of age or diagnostic or disability category unless predetermined clinical or program criteria for service restrict the service to specific age or diagnostic groups or disability category.

(4) Policies and Procedures: Each client shall be assured the same civil and human rights as other persons. Each program shall develop and implement and inform clients of written policies and procedures which protect clients' rights, including:

(a) Protecting client privacy and dignity;

(b) Assuring confidentiality of records consistent with federal and state laws;

(c) Prohibiting physical punishment or physical abuse;

(d) Prohibiting sexual abuse or sexual contact between clients and program staff, including volunteers and interns/students; and

(e) Providing adequate treatment or care.

(5) Services Refusal: The client shall have the right to refuse service, including any specific procedure. If consequences may result from refusing the service, such as termination from other services or referral to a person having supervisory authority over the client, that fact must be explained verbally and in writing to the client.

(6) 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.

(7) Informed Consent to Fees for Services: The amount and schedule of any fees to be charged must be disclosed in writing and agreed to by the client.

(8) Grievance Policy: The program shall develop, implement, and fully inform clients of policies and procedures regarding grievances that provide for:

(a) Receipt of written grievances from clients or persons acting on their behalf;

(b) Investigation of the facts supporting or disproving the written grievance;

(c) Initiating action on substantiated grievances within five working days; and

(d) Documentation in the client's record of the receipt, investigation, and any action taken regarding the written grievance.

(9) Barriers to Treatment: Where there is a barrier to services due to culture, language, illiteracy, or disability, the information program shall develop a holistic treatment approach including support services available to address or overcome those barriers including:

(a) Making reasonable modifications in policies, practices, and procedures to avoid discrimination (unless the program 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 treatment to the client; and

(c) Referring clients to another provider if that client requires treatment outside of the referring program's area of specialization and if the program would make a similar referral for an individual without a disability.

(10) Client Work Policy: Any client labor performed as part of the client's treatment plan or standard program expectations or in lieu of fees shall be agreed to, in writing, by the client and must comply with regulations of other agencies sharing oversight of the program.

(11) Voter Registration: All publicly-funded programs primarily engaged in providing services to persons with disabilities must provide onsite voter registration and assistance. Program staff providing voter registration services may not seek to influence an applicant's political preference or party registration or display any such political preference or party allegiance, such as buttons, expressing support for a particular political party or candidates for partisan political office. However, such program staff may wear buttons or otherwise display their preference on nonpartisan political matters and issues.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0020

DUII Alcohol/Other Drug Information Program Detail

(1) A DUII information program shall include a minimum of four sessions over a four-week period and provide 12-20 hours of education.

(2) Required Content/Topics of Education Curriculum:

(a) Victim's panel when possible;

(b) A pre- and post-test that has been approved by the Division;

(c) History, use, and definition of alcohol;

(d) Alcohol as a drug;

(e) Physiological effects of alcohol;

(f) Other drugs — legal and illegal — and their effects on driving when used separately and/or in combination with alcohol;

(g) Psychological and sociological consequences of abuse of alcohol or drugs to include the effect on families;

(h) Blood alcohol concentration and effects on driving performance;

(i) Court penalties;

(j) Motor Vehicles Division laws and penalties;

(k) Alcoholism as a problem and a disease (one hour minimum); and

(l) Alternatives to drinking and driving.

(3) Urinalysis Testing: A minimum of one urinalysis sample shall be observed and collected during the first two weeks of a client's DUII information program:

(a) The sample shall be tested for at least three controlled drugs from a list of targeted drugs specified by the Division using the process set out in the definition of "urinalysis testing" in OAR 415-054-0010; and

(b) The program may use methods of testing for the presence of alcohol or other drugs in the client's body other than urinalysis tests if the program has obtained the prior review and approval of such methods by the Division.

(4) Client Evaluation and Rehabilitation Services: The DUII information program shall establish and follow a procedure to assure communication with the evaluation specialist about whether a client should be referred to a rehabilitation program. Clients who test positive for illicit drugs must be referred to a DUII rehabilitation program for assessment and further treatment.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 6-1981(Temp), f. & ef. 11-25-81; MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0020; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0030

Program Approval

(1) Letter of Approval: In order to receive a Letter of Approval from the Division under the process set forth in OAR 415-012-0000 to 415-012-0090, a DUII information program shall meet the standards set forth in these rules and any other administrative rules applicable to the program.

(2) A DUII information program seeking approval under these rules shall establish to the satisfaction of the Division that the local alcoholism and other drug planning committee was actively involved in the review of the DUII information program as it relates to the CMHP plan.

(3) Inspection: The Division shall inspect at least every two years each information program under these rules.

(4) Renewals: The renewal of a letter of approval shall be governed by OAR 415-012-0040.

(5) Denial, Revocation, Nonrenewal, or Suspension: The denial, revocation, nonrenewal, or suspension of a letter of approval/license for an information program may be based on any of the grounds set forth in OAR 415-012-0060.

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(6) In addition to the grounds set forth in OAR 415-012-0060, the Assistant Director may deny, revoke, refuse to renew, or suspend a letter of approval when he or she determines that the issuance or continuation of the letter of approval would be inconsistent with the public interest. In determining the public interest, the Assistant Director shall consider the following factors, or any one of them, which apply to the applicant, licensee, or any person holding a 5 percent or greater financial interest in the program or which apply to the medical director, clinical supervisor, or staff:

(a) Any convictions under any federal or state law relating to any controlled substance;

(b) Furnishing of false, misleading, or fraudulent material in any application for a letter of approval; or

(c) Any other factors relevant to, and consistent with, the public health or safety.

(7) Without the approval of the Assistant Director, no agency or person may provide DUII information program services to a client who has also been referred by a judge to the same agency or person for a DUII related diagnostic assessment. Failure to comply with this section will be considered a violation of ORS Chapter 813. If the Assistant Director finds such a violation, the Assistant Director may deny, suspend, revoke, or refuse to renew a Letter of Approval.

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

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 6-1981(Temp), f. & ef. 11-25-81; MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0030; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

415-054-0040

Variations

A variance from these rules may be granted to any agency in accordance with the procedures described in OAR 415-012-0090.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHD 10-1982, f. & ef. 5-7-82; ADAP 3-1992, f. 12-3-92, cert. ef. 3-31-93, Renumbered from 309-054-0040; ADAP 1-1996, f. & cert. ef. 5-17-96; ADS 2-2008, f. & cert. ef. 11-13-08

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

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

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 monitoring 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

ADMINISTRATIVE RULES

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

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

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

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

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

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

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.

ADMINISTRATIVE RULES

(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

(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 813.025

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

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 813.025

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

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

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 pro-

vides, 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

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

415-054-0230

General Requirements

(1) The approved demonstration project must comply with the requirements for DUII treatment services in accordance with OAR 415-

ADMINISTRATIVE RULES

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

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

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

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

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.

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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

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

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

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

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

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

415-055-0000

Purpose

The purpose of these rules is to prescribe standards and procedures for approval of outpatient alcoholism and drug-dependence treatment programs which make recommendations to the Division of Motor Vehicles (DMV) regarding persons seeking a restricted operator's license.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-055-0000; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0005

Definitions

As used in these rules:

(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 a person receiving services under these rules, and who has signed a consent form which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2).

(3) "Community Mental Health Program" OR "CMHP" means the organization of all services for persons with mental or emotional distur-

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bances, drug abuse problems, and alcoholism and alcohol abuse problems, operated by, or contractually affiliated with, a Local Mental Health Authority, operated in a specific geographic area of the state under an inter-governmental agreement or direct contract with the Addictions and Mental Health (AMH) Division.

(4) "Court" means the last convicting court unless specifically noted.

(5) "DMV" means the Driver and Motor Vehicle Services Branch of the Department of Transportation.

(6) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(7) "Drug-dependent person" means a person who has lost the ability to control the use of controlled substances or other substances with abuse potential, or who uses such substances to the extent that the person's health or that of others is substantially impaired or endangered or the person's social or economic function is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug or controlled substance to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug or controlled substance.

(8) "Driving under the influence of intoxicants (DUII) Information Program" means a short-term (12-20 hours in duration), didactic, alcohol and driving education program which meets the minimum curriculum, instructor, and hourly standards established in OAR 415-054-0005 through 415-054-0040, Standards for DUII Information Programs.

(9) "DUII Rehabilitation Program" means programs of treatment and therapeutically oriented education services that meet the minimum standards established by the Division.

(11) "Restricted license" means a hardship or probationary license issued by the DMV.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93; Renumbered from 309-055-0005; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0010

Application for Program Approval

(1) New programs seeking Division approval to make recommendations to DMV regarding restricted driving licenses shall:

(a) Comply with applicable rules including OAR 415-012-0000 through 415-012-0090 and 415-051-0000 through 415-051-0150;

(b) Be currently holding a two-year DUII Rehabilitation Program Letter of Approval; and

(c) Have maintained a DUII Rehabilitation Program Letter of Approval from the Division for four continuous years prior to making application.

(2) The application must be accompanied by documentation that the application has been reviewed by the local alcoholism and drug planning committee and the CMHP.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93; Renumbered from 309-055-0010; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0015

Standards for Assessment Services

(1) Assessment Procedure: An approved program shall develop and implement a written procedure for assessing and evaluating each client's treatment needs and extent of the client's alcohol abuse or drug-dependent problem in accordance with the requirements of 415-051-0030. Facts upon which the clinical conclusion is based shall be documented in the client's chart. Recent prior assessments by another program may be honored or disregarded by the program in which the client is presently enrolled.

(2) Determinations: Based on the assessment, one of the following four determinations shall be made and recorded in the client's record:

(a) The client does not have an alcohol or other drug abuse problem: The program shall obtain from the client a written consent to release information and shall notify the last convicting court and DMV, in writing, of its determination and recommend that the client, at a minimum, participate in a DUII information program which has been approved by the Division

(b) The client's participation in the assessment has been too limited to make a determination: The program shall make no recommendations to DMV for a restricted license until a complete assessment has occurred.

(c) The client has an alcohol or drug abuse problem:

(A) After obtaining from the client a written consent to release information, the program shall notify the court, if requested by the court, in writ-

ing, that the client has an alcohol or other drug problem, and that the client has agreed to accept the treatment plan and participate in treatment; and

(B) The program must follow the requirements of OAR 415-055-0020 in making recommendations for a restricted license.

(d) The client will not participate in selecting an adequate plan, or the client will not agree to follow a plan proposed by the program:

(A) The facts upon which this conclusion is based shall be documented in the client record; and

(B) Upon request by the court and after obtaining a written consent to release information, the facts upon which this conclusion is based shall be specified in a written report to the court; and

(C) The program shall make no recommendation to DMV for a restricted driver's license.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93; Renumbered from 309-055-0015; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0020

Recommendations for Restricted License

(1) First Offense: When the court or DMV requires a recommendation for a restricted license for a client convicted of a first offense, the treatment provider shall obtain client consent to comply with the following documentation procedures and shall:

(a) Send a written recommendation to DMV regarding the issuance of a restricted license;

(b) Complete evaluation of the client as described in OAR 415-051-0000 through 415-051-0030;

(c) Send a copy of the recommendation to the court;

(d) Document the minimum period of cooperative participation required of the client and, when appropriate, participation in a program of antabuse or urinalysis monitoring;

(e) Document enrollment by the client in a DUII information or rehabilitation program unless there is written documentation that the client has completed a similar program within the last 12 months. If the current incident followed completion of an information program, the client shall be evaluated and could be required to participate in more intense treatment;

(f) Obtain written commitment from the client stating that the client will remain abstinent from alcohol and illicit drugs throughout the entire period of the restricted license; and

(g) Obtain written agreement that the client understands the program will withdraw its recommendation if the client fails to continue in treatment or moves from the county.

(2) Second Offense: When the court or DMV requires a recommendation for a restricted license for a client who has a second conviction or a first conviction with previous participation in an alcohol rehabilitation or diversion program, the treatment provider shall, in addition to the requirements in section (1)(a) through (g) of this rule:

(a) Ensure that a recommendation for a restricted license is not provided until a 90-day waiting period has elapsed.

(A) This 90-day period begins on the effective date of the license suspension for driving under the influence of intoxicants; and

(B) If the applicant is suspended by the court on the date of conviction, and the court notifies DMV of this court-ordered suspension, the 90-day waiting period will begin on the conviction date.

(b) Document required cooperative participation in the treatment plan for a minimum of the first 8 contact hours or 30 days, whichever is greater, unless an earlier recommendation is justified by the client's occupation and approved by the program director. The client record must clearly document this justification.

(c) Document follow-up when a client has completed treatment, but is still driving on a restricted license:

(A) The program must document contact with the client at least once a month for the first 18 months; and

(B) Document contact no less than once every 90 days thereafter while the person is driving on the recommendation of that treatment program.

(3) Third or More Offense: When the court or DMV requires a recommendation for a restricted license for a client who has a third or subsequent suspension for DUII, the treatment provider shall, in addition to the requirements in section (1)(a) through (g) of this rule:

(a) Ensure that a recommendation for a restricted license is not provided until a one-year waiting period has elapsed.

(A) This one-year waiting period begins on the effective date of the license suspension for driving under the influence of intoxicants.

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(B) If the applicant is suspended by the court on the date of conviction, and the court notifies DMV of this court-ordered suspension, the one-year waiting period will begin on the conviction date.

(b) Document cooperative participation in the treatment plan for a minimum of the first 24 contact hours or 90 days, whichever is greater.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-055-0020; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0025

Withdrawal of Recommendation for Restricted License

(1) The program shall notify the court, when requested, and shall withdraw its recommendation to the DMV if the program becomes aware of any of the following:

(a) The client fails to demonstrate progress in the planned course of treatment or follow-up care to which the client agreed;

(b) The client moves from the treatment area. The client and DMV must be notified that a new letter of recommendation must be secured from the new location treatment provider. Both the client and DMV must be notified of the date upon which the current letter of recommendation expires;

(c) The client uses alcohol or drugs; or

(d) The client violates any of the conditions which apply to restricted licenses which have been established by the DMV. Such conditions are contained in OAR 735-064-0005 through 735-064-0237.

(2) The basis upon which the program withdraws its recommendations are to be entered into the client's record and shall identify and document specifically which of the conditions enumerated in sections (1)(a)-(d) of this rule were applicable.

(3) The program must notify the client of the program's decision, and the basis upon which the withdrawal was made. The client may appeal the revocation decision to withdraw the letter of recommendation as provided under OAR 415-055-0030 of these rules.

(4) If the program receives notice from the DMV of a violation of restricted license, the program will review the case to consider withdrawal of the recommendation, and document the review in the client's record.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-055-0025; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0030

Appeal Process

(1) The program shall establish a procedure for clients to appeal licensing recommendations made by the program or to register complaints. The program is responsible for explaining the appeal process to clients and applicants. A written copy of the process must be available for clients.

(2) The appeal process may be quite informal at the preliminary stage but should be simple, expeditious, and readily accessible. For example, the program could plan for review of the client's file by a member of the staff who had no previous contact with the client and provide an opportunity for the client to meet with that staff member.

(a) The appeal process for licensing recommendations shall be conducted as provided for under OAR 735-064-0110.

(b) The appeal process for registering complaints shall be conducted as provided for under OAR 415-012-0080.

(3) The appeal process shall include but not be limited to recourse to the staff supervisor, program director, and CMHP director. Complaints which are unresolved may be referred to the Division for review.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-055-0030; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-055-0035

Variations

Requirements and standards for requesting and granting variations or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 813.500, 813.510 & 813.520

Hist.: MHD 20-1983, f. & ef. 10-12-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-055-0035; ADAP 3-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0000

Purpose

The purpose of these rules is to prescribe standards and procedures for operating substance abuse prevention agencies approved by the Addictions and Mental Health Division. These rules establish standards for community substance abuse prevention and provide that a full continuum of substance abuse prevention services be available to Oregonians either directly or through written agreements or contracts.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0000; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0005

Definitions

Definitions. As used in these rules:

(1) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(2) "Agency" means any organization, association, or federally recognized tribal entity that undertakes to establish and operate a substance abuse prevention program. Agency does not include individuals or community coalitions that implement substance abuse prevention services or strategies.

(3) "Approval or Certificate" means the Letter of Approval issued by the Division to indicate that the substance abuse prevention agency has been found to be in compliance with all relevant federal and Oregon laws and Oregon administrative rules.

(4) "Cultural Competence" means the process by which individuals and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientation and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families and communities and protects and preserves the dignity of each.

(5) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(6) "Evidenced-Based Practices" (EBP) mean practices for which there is consistent scientific evidence that produce positive outcomes. An EBP must meet the following criteria:

(a) Has been studied, using appropriate scientific methodology;

(b) Has been replicated in more than one geographic or practice setting, with consistent results;

(c) Has been recognized in scientific journals by one or more published articles;

(d) Documents standards that outline the parameters of the practice or strategy; and

(e) Produces specific outcomes.

(7) "Gender-Specific Services" means services which comprehensively address the needs of a gender group and foster positive gender identity development. They intentionally allow gender to affect and guide the services that are responsive to the unique developmental issues and needs of the females and males receiving them.

(8) "Letter of Approval" means the "Approval or Certificate" as defined in 415-056-0005

(9) Institute of Medicine Model: This framework defines the types of activities and target groups addressed by various prevention efforts:

(a) Universal Prevention: Universal strategies address the entire population with messages and programs aimed at preventing or delaying the abuse of alcohol, tobacco and other drugs;

(b) Selective Prevention: Selective prevention strategies target subsets of the total population that are deemed to be at-risk for substance abuse by virtue of the membership in a particular population segment;

(c) Indicated Prevention: Indicated prevention strategies are designed to prevent the onset of substance abuse in individuals who do not meet criteria for addiction but who are showing early danger signs.

(10) "Local Alcoholism Planning Committee" means a committee appointed or designated by a board of county commissioners. The committee identifies needs and establishes priorities for substance abuse prevention, treatment, and recovery services in the county. Members of the committee must be representative of the geographic area and include a number of minority members to reasonably reflect the proportion of need for minority services in the community.

(11) "Minority" means a participant whose cultural, ethnic, or racial characteristics constitute a distinct demographic population living within a larger society, including but not limited to members of differing cultures,

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languages, classes, races, ethnic backgrounds, disabilities, religions, genders, or sexual orientations.

(12) "Minority Program" means a program that is designed to meet the unique prevention needs of a minority group and that provides services to persons belonging to a minority population as defined in these rules.

(13) "Participant" means a person receiving services under these rules.

(14) "Population-based Prevention Program" means a program consisting of planned activities designed to impact individuals or groups of any age with a potential for developing alcohol and/or other drug-related problems but who have not yet developed significant problems. Such strategies inhibit or delay the onset of problems related to an individual's use of alcohol and other drugs.

(15) "Prevention Service" means an integrated combination of strategies designed to prevent substance abuse and associated effects regardless of the age of participants.

(16) "Strategy" means activities targeted to a specific population or the larger community that are designed to be implemented before the onset of problems as a means to prevent substance abuse or detrimental effects from occurring: The six primary prevention strategies are defined below:

(a) Information Dissemination: This strategy provides knowledge and increases awareness of the nature and extent of alcohol and other drug use, abuse, and addiction, as well as their effects on individuals, families, and communities. It also provides knowledge and increases awareness of available prevention and treatment programs and services. It is characterized by one-way communication from the source to the audience, with limited contact between the two;

(b) Education: This strategy builds skills through structured learning processes. Critical life and social skills include decision making, peer resistance, coping with stress, problem solving, interpersonal communication, and systematic and judgmental abilities. There is more interaction between facilitators and participants than in the information dissemination strategy;

(c) Alternatives: This strategy provides participation in activities that exclude alcohol and other drugs. The purpose is to meet the needs filled by alcohol and other drugs with healthy activities, and to discourage the use of alcohol and drugs through these activities;

(d) Problem Identification and Referral: This strategy aims at identification of those who have indulged in illegal or age-inappropriate use of tobacco or alcohol and those individuals who have indulged in the first use of illicit drugs in order to assess if their behavior can be reversed through education;

(e) Community- Based Processes: — This strategy provides ongoing networking activities and technical assistance to community groups or agencies. It encompasses neighborhood-based or industry led, grassroots, empowerment models using action planning and collaborative systems planning;

(f) Environmental: This strategy establishes or changes written and unwritten community standards, codes, and attitudes, thereby influencing alcohol and other drug use by the general population.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0005; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0010

Administrative Requirements for Prevention Providers

(1) Administrative Rules: A prevention agency that contracts directly or indirectly with the Division must comply with the contracting rules of the Division, including, but not limited to:

(a) OAR 309-013-0120 to 309-013-0220;

(b) OAR 309-013-0075 to 13-0105; and

(c) OAR 309-014-0000 to 14-0040.

(2) Policies and Procedures: A prevention agency must establish comprehensive written policies and procedures stating that services will be available and accessible and that no person will be denied service or discriminated against on the basis of sex, race, color, creed, sexual orientation, disability, or age in compliance with local, state and federal laws. Written policies and procedures must describe agency operations and compliance with these rules, including but not limited to:

(a) Prevention framework to guide efforts;

(b) Current mission, vision, and values statement;

(c) Organizational management chart;

(d) Anti-discrimination policy;

(e) Cultural competency plan;

(f) Policy for addressing gender specific services;

(g) Use of substances by program participants;

(h) Protection and safety of service recipients.

(3) Monitoring of Sub-Contractors: If the agency sub-contracts prevention services, it will ensure compliance with all requirements referenced in these rules.

(4) Agency Approval or Certificate. An agency may operate a substance abuse prevention program and may request a Letter of Approval from the Division after review and comment by the community mental health authority and the local alcoholism planning committee, or appropriate drug abuse planning committee. Funding from the Division will only be paid to an agency approved by the Division. A federally recognized Tribal entity may operate a substance abuse prevention program and may request a Letter of Approval from the Division after review and comment by their tribal authority.

(5) Standards for Evidenced-Based Practices. As is appropriate, prevention providers must implement programs and provide services that incorporate evidence based practices, as defined in OAR 415-056-0005.

(6) Printed Materials. The agency must establish and maintain printed materials pertaining to the program. Materials developed for participants must be in the participant's native language. The agency personnel must demonstrate the relevancy of materials transmitted to participants. The agency must consider materials utilized for cultural relevancy and demographic or professional background of participants. Materials must reflect current substance abuse prevention research and practice.

(7) Agency Reporting. The agency must report to the Division on approved standardized forms. All reporting must be done in accordance with Federal Confidentiality Regulations (42 CFR Part 2).

(8) Physical Environment. The agency must operate the program in facilities that ensure the privacy and safety of participants where appropriate and necessary.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0010; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0015

Letter of Approval Applications

To receive a Letter of Approval from the Division, a substance abuse prevention agency must meet the standards set forth in OAR 415-012-0000 through 415-012-0090, the provisions set forth in 309-014-0000 through 309-014-0040, and any other administrative rules applicable to the agency. A Letter of Approval issued to a substance abuse prevention agency under these rules may be effective for up to three years from the date of issue and may be renewed or revoked by the Division in the manner set forth in OAR 415-012-0000 through 415-012-0090. An agency seeking approval under these rules must establish to the satisfaction of the Division that the following requirements have been met:

(1) A Community Needs Assessment establishing:

(a) The need for substance abuse prevention services, using a Division approved process to determine need;

(b) The process used to determine the appropriate prevention strategy to meet assessed needs and assessment of other current resources to meet assessed needs; and

(c) Access to resources to implement the strategy and ongoing technical assistance during program implementation.

(2) Identification of the target population establishing:

(a) Susceptibility to substance abuse;

(b) Size;

(c) Accessibility;

(d) The process for isolating the target group; and

(e) Selection criteria or use of other identifying characteristics.

(3) Written information relating to the delivery of services establishing:

(a) The philosophy of the program;

(b) The prevention strategy to be implemented and the objectives to be met;

(c) Research that supports use of the strategy with the identified population;

(d) The program activities and informational content that includes the number of contact hours, the characteristics of people receiving services, the setting, and other relevant factors; and

(e) The tools used by the agency to measure fidelity to the strategy applied to the selected population.

(4) Evaluation of the impact of the strategy establishing:

(a) The knowledge to be gained or the behavior to be changed;

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- (b) The relationship of behavioral change to substance abuse prevention;
- (c) The components of the evaluation, including:
 - (A) A mechanism to record the amount and type of services provided; and
 - (B) Records of attendance of participants.
- (5) Where appropriate, the following information must be included:
 - (a) Pre-and post-tests or other inquiries at the time a service is delivered to indicate knowledge gained by participants;
 - (b) Measures of community and participant satisfaction with services received;
 - (c) Behavior change measurement instruments; and
 - (d) Other methods of measurement used.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0015; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0020

Administration

(1) Administration of Program. The substance abuse prevention agency must be administered by staff in accordance with standards set forth in OAR 309-014-0000 through 309-014-0040 which relate to subcontract agencies, except 309-014-0030(1) and (2).

(2) Qualifications of Director. A program director must be designated who is qualified by virtue of knowledge, training, experience, and skills, to perform the defined services, implement the defined strategies, and administer requested funds if appropriate. The program director must manage the program and be accountable for the quality of service provided.

(3) Referral. As part of the written program, a written policy must exist establishing a referral process to be used to refer individuals that are not appropriate participants for the agency to other appropriate agencies or services.

(4) Coordination. Program staff must document evidence concerning coordination of activities with other related community agencies, such as schools, parent groups, juvenile services department, alcohol and drug abuse treatment agencies.

(5) Crisis Procedures. Staff of the agency must have written procedures for referral to emergency and crisis services, including procedures for referring participants to detoxification, crisis intervention and other elements in the continuum of care.

(6) Requirements for Staff:

(a) Accountability. Accountability for the management and quality of service of the substance abuse prevention agency must reside with the agency director;

(b) Supervision. Supervision and consultation must be available to all staff related to their skill level with the objective of achieving the objectives of the program and assisting staff to increase their skills;

(c) Qualification. The County or Tribal designated coordinator or contact person who is wholly responsible for developing, monitoring, and overseeing the substance abuse prevention plan, must be qualified by demonstrated competency in substance abuse prevention techniques through experience and training as specified in these rules. The roles, functions, competencies and skills required of staff must include the following:

(A) 2,000 hours of substance abuse prevention related experience;

(B) 150 education hours in the following prevention -specific topics:

(i) 20 hours minimum in substance abuse education, such as drug 101, alcohol 101, marijuana, methamphetamine, inhalants, hallucinogens, opiates;

(ii) 50 hours minimum in substance abuse prevention education curricula;

(iii) 10 hours minimum in risk & protective factor education, assets & resiliency;

(iv) 70 hours of general prevention topics which include: delinquency, teen pregnancy, school dropout, violence prevention, sexually transmitted diseases, positive youth development, cultural competence; and

(v) Demonstration of competency by completing and passing the certification exam.

(d) Training. Personnel methods must be utilized to assure that the requirements of this section are met and that a staff development program is instituted to maintain and upgrade staff skills:

(e) Current Staff. Prevention program staff who do not hold a certificate that meets the prevention specialist criteria must achieve the Certified Prevention Specialist Credential within (24) months of the application date;

(e) New Hires. New hires need not hold the Certified Prevention Specialist Credential but those who do not must make application within 12

months of employment and receive the Certified Prevention Specialist Credential within 24 months of the application date;

(g) Staffing Pattern. The number and responsibilities of agency staff must be sufficient to provide the services required under these rules for the number of participants the agency intends to serve. Agency staff must be culturally competent to serve identified populations.

(7) Fee Schedule. A fee schedule may be established that approximates actual cost of service delivery. The fee schedule must assess the cost to the participant for the service in accordance with the participant's ability to pay.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0020; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-056-0025

Variations

A variance from these rules may be granted to an agency in the following manner:

(1) An agency requesting a variance must submit, in writing, through the community mental health authority to the Division:

(a) The section of the rule from which the variance is sought;

(b) The reason for the proposed variance;

(c) The alternative practice proposed;

(d) A plan and timetable for compliance with the section of the rule from which the variance is sought; and

(e) Signed documentation from the local mental health authority indicating its position on the proposed variance.

(2) The Division shall approve or deny the request for variance.

(3) The Division shall notify the community mental health authority of the decision. The community mental health authority will forward the decision and reasons therefore to the program requesting the variance. This notice must be given to the program within 30 days of receipt of the request by the Division.

(4) Appeal of the denial of a variance request must be made to the Assistant Director, whose decision shall be final.

(5) A variance granted by the Division must be attached to, and become part of, the contract for that year.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.240 - 430.415

Hist.: MHD 12-1983, f. & ef. 6-14-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-056-0025; ADS 1-2007, f. & cert. ef. 3-8-07; ADS 2-2008, f. & cert. ef. 11-13-08

415-060-0010

Purpose

The purpose of these rules (Oar 415-060-0010 to 0050) is to adopt procedures concerning random and targeted inspections of outlets that sell tobacco products consistent with Section 202, PL 102-321, (1992) 106 stat.394-95, codified at 42 USC §300x-26, which requires enforcement of laws to reduce tobacco use by minors as a condition of full block grant funding.

Stat. Auth.: ORS 409.410 & 431.853

Stats. Implemented: ORS 409.420, 431.853

Hist.: ADAP 2-1994, f. & cert. ef. 8-23-94; ADS 2-2008, f. & cert. ef. 11-13-08

415-060-0020

Definitions

(1) "Block Grant" means federal block grants to states for Prevention and Treatment of Substance Abuse pursuant to 42 USC 300x21e et seq.

(2) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(3) "Outlet" means any location which sells at retail or otherwise distributes tobacco products to consumers including, but not limited to, locations that sell such products over the counter or through vending machines.

(4) "Secretary" means the Secretary of the United States Department of Health and Human Services.

(5) "Smoking Device" means any device in which tobacco is burned and the principal design and use of which is directly or indirectly to deliver tobacco smoke into the human body including but not limited to pipes, cigarette rolling papers, and rolling machines.

(6) "Tobacco Product" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and shall include cigarettes as defined in ORS 323.010(1).

Stat. Auth.: ORS 409.410 & 431.853

Stats. Implemented: ORS 409.420, 431.853

Hist.: ADAP 2-1994, f. & cert. ef. 8-23-94; ADS 2-2008, f. & cert. ef. 11-13-08

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415-060-0030

Laws Designed to Discourage Use of Tobacco by Minors

(1) Tobacco Sales to Minors: Pursuant to ORS 163.575:

(a) Any person who knowingly distributes, sells, or causes to be sold, tobacco in any form to a person under 18 years commits the crime of endangering the welfare of a minor; and

(b) Supplying tobacco to a minor is a violation punishable by a fine of not less than \$100 or more than \$500.

(2) Other Tobacco Produce Violation: Pursuant to ORS 431.840, it is unlawful to:

(a) Distribute free tobacco products to person under 18 years of age as part of a marketing strategy to encourage the use of tobacco products;

(b) Fail to post a notice in a location clearly visible to the seller and the purchaser that sale of tobacco products to persons under 18 years of age is prohibited;

(c) Sell cigarettes in any form other than a sealed package; and

(d) The civil penalty for violation of any of these provisions shall not be less than \$100 or exceed \$500.

(3) Vending Machines: Pursuant to ORS 167.402:

(a) No person shall located a vending machine from which tobacco products in any form are dispensed in any place legally accessible to persons under 18 years of age except taverns and cocktail lounges, industrial plants, hotels and motels; and

(b) This is a violation punishable by a fine of not more than \$250. Each day of violation constitutes a separate offense.

(4) Tobacco Possession by Minors: Pursuant to ORS 167.400;

(a) It is unlawful for any person under 18 years of age to possess tobacco products; and

(b) This is a violation punishable by a fine of not more than \$100.

(5) Devices for Smoking: Pursuant to ORS 163.575:

(a) A person commits the crime of endangering the welfare of a minor if the person knowingly sells to a person under 18 years of age any smoking device.; and

(b) This is a violation punishable by a fine of not less than \$100 nor more than \$500.

(6) Posting of Signs Concerning Smoking Devices: Pursuant to ORS 163.580;

(a) Any person who sells smoking devices shall display a sign clearly stating that the sale of such devices to persons under 18 years of age is prohibited by law; and

(b) Any person who violates this section commits a Class B violation.

Stat. Auth.: ORS 409.410 & 431.853

Stats. Implemented: ORS 409.420, 431.853

Hist.: ADAP 2-1994, f. & cert. ef. 8-23-94; ADS 2-2008, f. & cert. ef. 11-13-08

415-060-0040

Enforcement to Reduce Tobacco Use by Minors

(1) The Division is required to coordinate with law enforcement agencies to conduct annual, random and targeted, unannounced inspections of over-the counter and vending machine outlets to insure compliance with, and to enforce, Oregon laws designed to discourage the use of tobacco by minors. Nothing in these rules shall preempt local jurisdictions from passing ordinances to conduct unannounced inspections.

(2) Random Sample Procedures: Annual random, unannounced inspections will be based on the following methodological procedures:

(a) Cover a range of outlets, not to be preselected on the basis of prior violations, to measure overall levels of compliance as well as to identify violations.

(b) Be conducted annually.

(c) Be conducted in such a way as to ensure a scientifically sound estimate to the success of enforcement actions being taken throughout the state;

(d) Use reliable methodological design and adequate sample design to reflect:

(A) Distribution of the population of those under 18 throughout the state;

(B) Distribution of outlets throughout the state; and

(C) Must further reflect that, because of location (e.g. near schools) or other factors, some outlets are more likely to be used by minors.

(e) Conduct inspections at times when minors are likely to purchase tobacco products

(3) Targeted Inspections: Pursuant to ORS 431.853(2)(c), targeted inspections are to focus on outlets where a compliance problem exists or is suspected. Information gained in targeted inspection will not be included in data used to determine rate of offense in random inspections.

(4) Conducting Inspections: Inspections may take place:

(a) Only in areas open to the public;

(b) Only during hours that tobacco products are sold or distributed; and

(c) No more frequently once a month in any single unless a compliance problem exists or is suspected. For purposes of this rule, a "single outlet" refers to a specific address location of an outlet, regardless of ownership.

(d) Using minors shall be at the discretion of the law enforcement officer or the Division.

Stat. Auth.: ORS 409.410 & 431.853

Stats. Implemented: ORS 409.420, 431.853

Hist.: ADAP 2-1994, f. & cert. ef. 8-23-94; ADS 2-2008, f. & cert. ef. 11-13-08

415-060-0050

Annual Report on Reduction of Tobacco Use by Minors

(1) Contents of Report: The Department of Human Services will annually submit a report to the Oregon Legislature and, to the secretary, a report along with the state's application for block grant funding. The report will include:

(a) A description of the state's activities to enforce the laws described in these rules during the fiscal year preceding the fiscal year for which the state is seeking the grant;

(b) A description outlining the overall success the state has achieved during the previous fiscal year in reducing the availability of tobacco products to individuals under the age of 18, showing:

(A) Results of the random and targeted unannounced inspections;

(B) Results of over-the-counter and vending machine outlet inspections reported separately;

(c) A description of how the unannounced inspections were conducted and the methods used to identify outlets; and

(d) Strategies to be utilized by the state for enforcing such laws during the fiscal year for which the grant is sought.

(2) Public Comment required: The annual report shall be made public and public comment shall be obtained and considered before submitting the report to the secretary.

Stat. Auth.: ORS 409.410 & 431.853

Stats. Implemented: ORS 409.420, 431.853

Hist.: ADAP 2-1994, f. & cert. ef. 8-23-94; ADS 2-2008, f. & cert. ef. 11-13-08

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 28-2008

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-17-08

Notice Publication Date: 9-1-2008

Rules Ren. & Amend: 413-210-0800 to 413-215-0901, 413-210-0803 to 413-215-0911, 413-210-0806 to 413-215-0906, 413-210-0809 to 413-215-0916, 413-210-0812 to 413-215-0996, 413-210-0815 to 413-215-0961, 413-210-0818 to 413-215-0991, 413-210-0821 to 413-215-0966, 413-210-0824 to 413-215-0971, 413-210-0827 to 413-215-0986, 413-210-0830 to 413-215-0981, 413-210-0833 to 413-215-1006, 413-210-0836 to 413-215-1011, 413-210-0839 to 413-215-0961, 413-210-0841 to 413-215-1016, 413-210-0843 to 413-215-1021, 413-210-0846 to 413-215-0956, 413-210-0849 to 413-215-1026, 413-210-0852 to 413-215-0936, 413-210-0855 to 413-215-0936, 413-210-0858 to 413-215-0976, 413-210-0860 to 413-215-1001, 413-210-0862 to 413-215-0961, 413-210-0864 to 413-215-0926, 413-210-0866 to 413-215-0931, 413-210-0868 to 413-215-0921, 413-210-0870 to 413-215-0941, 413-210-0872 to 413-215-1031, 413-210-0880 to 413-215-0946, 413-210-0883 to 413-215-0951

Subject: These rules about outdoor youth programs are being changed to create consistency among all rules regarding private child caring agencies, update the rules to current practices, clarify language, and add cross-references. The rules are being amended to address how some outdoor youth program private child caring agencies, such as programs operating with base camps, provide services. These rules identify which programs are considered outdoor youth programs, identify the rules that apply to them, and set out requirements for licensure, administration, staff, clothing, equipment,

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supplies, water, nutrition, safety, potential weapons, contraband, searches, transportation, health services, physical activity, staff training, youth to staff ratios, age grouping, program services, critical incidents, field activities, communication, work assignments for youth, animals, pets, solo experiences, and behavior management.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0901

Purpose and Applicability of Rules

(1) Values. The State of Oregon, through the statutorily required adoption of administrative rules for licensing outdoor youth programs, has determined that the services provided by these programs are an important and valuable resource option for children, youth and families and the continued provision of these services is in the State's interest. Application of the rules is intended to recognize the treatment values of the outdoor youth wilderness experience and, to the extent that the required elements of safety and accountability are in place, to facilitate the provision of appropriate wilderness youth treatment programs in Oregon.

(2) Required compliance. OAR 413-215-0001 to 413-215-0131 and 413-215-0901 to 413-215-1031 set forth the Department requirements for licensing private child caring agencies providing outdoor youth programs, subject to Oregon laws governing private child caring agencies, ORS 418.205 to 418.325 and 418.990 to 418.998 and Oregon laws governing outdoor youth programs, ORS 418.205 to 418.246.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; CWP 1-2004, f. & cert. ef. 1-9-04; Renumbered from 413-210-0800, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0906

General Provisions

(1) License required. *No private child-caring agency* (defined in OAR 413-215-0006) may operate an outdoor youth program (defined in OAR 413-215-0911) in Oregon without a valid license issued by the Department in accordance with OAR 413-215-0001 to 413-215-0131 and 413-215-0901 to 413-215-1031.

(2) Compliance required. Any agency which provides the services of an *outdoor youth program* must comply with these rules governing outdoor youth programs (OAR 413-215-0901 to 413-215-1031) and 413-215-0001 to 413-215-0131.

(3) Stationary *Outdoor Youth Program* additional license requirement. An *outdoor youth program* that operates as a stationary outdoor youth program (defined in OAR 413-215-0911) must secure an Organizational Camp License as described in OAR 333-030-0005 to 333-030-0130 from the Oregon Department of Human Services, Public Health Division.

(4) Bond required. Each outdoor youth program applying for licensure must file with the Department a Fiduciary Bond in the amount of \$50,000 or 50 percent of the program's yearly budget, whichever amount is less. The Bond must be issued by a surety or insurer that is licensed to do business in the State of Oregon. The Bond must be written and issued on the Surety Bond Form (DHS CF 1066), provided to the outdoor youth program by the Department. The required Bond must be continuous until canceled and must remain in full force at all times to comply with this section. Any claims or potential impairment to the Bond must be reported to the Department within 30 days of the incident or occurrence involving the claim or potential impairment. In the event of impairment to the Bond, the outdoor youth program will be required to obtain additional bonding to satisfy the requirements of this section. The surety or insurer must give the Department at least 30 days written notice before canceling or terminating its liability under the Bond. An action on the Bond may be brought by any person aggrieved by the misconduct of an outdoor youth program required to be licensed under ORS 418.205 to 418.310. As evidence of the Bond, the outdoor youth program must keep a certified copy of the Bond on file with the Department at all times.

(5) Workers' Compensation. An outdoor youth program must comply with all provisions of ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. The outdoor youth program must ensure that each of its subcontractors complies with these requirements.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 409.010, 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; CWP 1-2004, f. & cert. ef. 1-9-04; CWP 7-2007, f. & cert. ef. 5-1-07; Renumbered from 413-210-0806, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0911

Definitions

The following definitions apply to OAR 413-215-0901 to 413-215-1031:

(1) "Contraband" means items the possession of which is prohibited by the outdoor youth program such as but not limited to weapons or drugs.

(2) "Debrief" means to interview a person (such as a youth or staff member) usually upon return (as from an expedition) in order to obtain useful information.

(3) "Department" means the Department of Human Services.

(4) "*Outdoor living setting*" means an outdoor field setting in which services are provided to youth either more than ten days per month for each month of the year or for longer than 48 hours at a location more than two hours from community-based medical services.

(5) "*Outdoor youth program*" means a program that provides, in an outdoor living setting, services to youth who are enrolled in the program because they have behavioral problems, mental health problems or problems with abuse of alcohol or drugs. "*Outdoor youth program*" does not include any program, facility or activity operated by a governmental entity, operated or affiliated with the Oregon Youth Conservation Corps, or licensed by the Department as a child caring agency under other authority of the Department. It does not include outdoor activities for youth designed to be primarily recreational such as YMCA, Outward Bound, Boy Scouts, Girl Scouts, Campfire, church groups, or other similar activities.

(6) "Outdoor youth program activity" means an outdoor activity, provided to youth for the purpose of behavior management or treatment, which requires specially trained staff or special safety precautions to reduce the possibility of an accident or injury. Outdoor youth activities include, but are not limited to: hiking, adventure challenge courses, climbing and rappelling, winter camping, soloing, expeditioning, orienteering, river and stream swimming, and whitewater activities.

(7) "Over the counter medication" means any medication that does not require a written prescription for purchase or dispensing.

(8) "Service plan" means an individualized plan of services to be provided to each youth based on his or her identified needs and designed to help him or her reach mutually agreed upon goals. The service plan must address, at a minimum, the youth's physical and medical needs, behavior management issues, mental health treatment methods, education plans, and any other special needs.

(9) "Sole supervision" means being alone with a youth or being temporarily the only staff in charge of a youth or subgroup of youth.

(10) "Stationary outdoor youth program" means an outdoor youth program which remains in a stationary location that houses youth.

(11) "Wilderness first responder" means a medical training course and certification for outdoor professionals.

(12) "Youth" means a child aged 10 through 17 years of age who may be admitted to or is a participant in an outdoor youth program.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0803, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0916

Administration

(1) Base of operations. An *outdoor youth program* (defined in OAR 413-215-0911) providing outdoor youth program services in Oregon must have a base of operation or field office in Oregon. The base of operation or field office at a minimum must have the following information immediately available upon the request of the Department licensing coordinator:

(a) Current list of the names of staff and youth in each field group;

(b) Master map of all outdoor youth program activity (defined in OAR 413-215-0911) areas used by the program in Oregon, copies of which must be made available to the Department licensing coordinator, the land managing agency, and local law enforcement and emergency services upon request;

(c) Copies of each group's expeditionary route with its schedule and itinerary, copies of which must be made available to the Department, the land managing agency and local law enforcement and emergency services upon request;

(d) Current logs of communications with each field group away from the base of operations; and

(e) Emergency response plan that is reviewed annually (as described in OAR 413-215-0936(2)(c)).

(2) Youth file requirements. The base of operations for an outdoor youth program must have a file on each youth in the program, which includes:

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(a) Parent or legal guardian identification, contact information, and status of child custody;

(b) Emergency contact information for parent or legal guardian or guardians of the youth which provides for contact with the parent or legal guardian at any time, twenty four hours a day, seven days a week;

(c) Demographics;

(d) Eligibility criteria, including the basis for admission of the youth into the program;

(e) Medical forms;

(f) Authorization for medical treatment; and

(g) Parental or legal guardian consent for the outdoor youth program to treat the youth with the specific interventions used by the program and to confiscate contraband (defined in OAR 413-215-0911) found in the youth's possession.

(3) Proof of compliance. An outdoor youth program which operates in Oregon must comply with the federal, state, local, and land managing agency regulations in the operations area and must maintain proof of compliance at the base of operations.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0809, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0926

Water Requirements

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Written policy. An outdoor youth program must have and follow written policy and procedures on water requirements.

(2) Water. Youth must have access to potable water while engaged in hiking. Staff of the outdoor youth program must ensure that youth drink a sufficient amount of water to provide adequate hydration. Staff must encourage youth to consume at least three quarts of potable water a day.

(3) Water caches. When water caches are used, field staff must place each water cache and verify its location in advance of a group's arrival.

(4) Water from a natural source. Water from a natural source used for drinking or cooking must be treated for sanitation to eliminate health hazards.

(5) Electrolytes. Each group must have a supply of electrolyte replacement, quantities to be determined by group size and environment conditions.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0864, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0931

Nutritional Requirements

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Written policy. An outdoor youth program must have and follow written policy and procedures on nutritional requirements.

(2) Menu. There must be a written menu approved by a qualified dietitian or nutritionist with knowledge of program activity levels, listing the food supplies for each group.

(3) Calories. An outdoor youth program must provide each youth a level of nutrition which will supply the youth's individual caloric need; but no youth may be offered less than 3,000 calories a day. When heat is not available for cooking, an outdoor youth program must provide sufficient food of sufficient caloric value which does not require cooking.

(4) Hygiene procedures. The outdoor youth program must have reasonable hygiene procedures to prevent infection which are consistent with the particular program risk of infection.

(a) Cleansing of hands must occur after each latrine use.

(b) Means of cleansing the hands must be available to youth prior to food preparation and prior to food consumption.

(c) A weekly opportunity for total body hygiene.

(5) Fasting. There must be no imposed fasting.

(6) Monitoring. Field staff are responsible for maintaining the safety and well being of clients and must monitor each youth's food intake to ensure that the youth has adequate nutrition.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0866, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0936

Safety

(1) Written policies and procedures. An outdoor youth program (defined in OAR 413-215-0911) must have written policies and procedures on all of the following:

(a) Equipment Safety Procedures, including appropriate instruction and maintenance of equipment.

(b) Environmental Hazards.

(c) Risk Management Procedures.

(2) Emergency plan. An outdoor youth program must have and follow a written emergency plan for disasters, medical emergencies, hostage situations, casualties and missing youth, and other critical incidents identified by the program. The plan must at a minimum include:

(a) Designation of authority and staff assignments;

(b) Plans for evacuation;

(c) An emergency evacuation system that is on standby;

(d) Transportation and relocation of program youth when necessary;

(e) Supervision of program youth after an evacuation or a relocation;

(f) Arrangements for medical care and notification of a program participant's physician and nearest relative, parents, or legal guardian; and

(g) A procedure for a review of the emergency plan by the local law enforcement and emergency services agencies from the area in which the outdoor youth program is operating.

(3) Emergency instruction. An outdoor youth program must instruct youth on what to do in case of an emergency prior to any outdoor youth program activity (defined in OAR 413-215-0911).

(4) Emergency plan response review. In the case of the activation of an emergency plan response, the outdoor youth program must subsequently review the response in the context of the emergency plan to determine if changes need to be made to improve safety and efficiency. If local law enforcement and emergency services agencies have been involved in an emergency response on behalf of an outdoor youth program, the outdoor youth program must invite them to participate in the review of the emergency plan response.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0852, 413-210-0855, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0941

Potential Weapons

(1) Written policy. An outdoor youth program (defined in OAR 413-215-0911) must have and follow written policy and procedures on management of weapons and potential weapons.

(2) Inventory required. Staff of an outdoor youth program must inventory knives, hatchets, other edged tools, or any item which might reasonably pose a danger to self or others and complete a daily count of these items against the inventory.

(3) Supervision required. Staff of an outdoor youth program must supervise participant possession and use of knives, hatchets, other edged tools, or any item which might pose a danger to self or others.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0870, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0946

Contraband

(1) Written policy. An outdoor youth program (defined in OAR 413-215-0911) must have and follow written policy and procedures on contraband (defined in OAR 413-215-0911).

(2) Confiscation. Staff must confiscate contraband found in the possession of youth or staff in an outdoor youth program and, if stored, secure it in a location inaccessible to youth.

(3) Disposal. It is the responsibility of the outdoor youth program to store or dispose of all contraband not confiscated by or turned over to law enforcement, in accordance with the contraband policy.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0880, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0951

Searches

(1) Written policy. If an outdoor youth program (defined in OAR 413-215-0911) conducts searches of youth, staff, or visitors, it must have and follow written policies and procedures. The program must obtain the appropriate consents for searches.

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(2) Searches. An outdoor youth program must complete searches in the least intrusive manner possible for the type of search being conducted. The policies and procedures at a minimum must require all of the following:

(a) Pat down searches. An outdoor youth program may conduct pat down searches of youth only when the outdoor youth program judges that it is necessary to discourage the introduction of contraband (defined in OAR 413-215-0911), or to promote the safety of staff and other youth. An outdoor youth program may only conduct pat down searches as follows:

(A) By staff trained in proper search techniques;

(B) By a staff member of the same sex as the youth being searched, and in the presence of another staff member;

(C) The youth must be told he or she is about to be searched;

(D) The youth must be asked to remove all outer clothing (gloves, coat, hat, and shoes) and empty all pockets;

(E) The staff member must then pat the clothing of the youth using only enough contact to conduct an appropriate search;

(F) If the staff detects anything unusual, the youth must be asked to identify the item and appropriate steps must be taken to remove the item for inspection;

(G) If the youth refuses to comply, the executive director or designee must be notified immediately and be responsible to resolve the matter; and

(H) All searches must be documented in writing.

(b) Initial intake inspection. An outdoor youth program may require a complete change of clothing as part of the intake process in order to confiscate any contraband. This may include a brief visual search of each resident and a search of each resident's personal belongings. The outdoor youth program must conduct such intake inspections individually and in the most respectful manner possible, using same sex staff.

(c) Strip searches. An outdoor youth program may not perform strip searches.

(d) Body cavity searches. An outdoor youth program may not perform body cavity searches.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0883, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0956

Transportation

(1) Vehicle. Transportation of youth in an outdoor youth program (defined in OAR 413-215-0911) must be in a vehicle that is:

(a) Properly registered;

(b) Covered by insurance for personal injury and liability;

(c) Driven by a person with a valid driver's license for the type of vehicle who complies with all applicable traffic laws while transporting youth;

(d) Maintained in a safe condition;

(e) Equipped with a red triangle reflector device for use in emergency;

(f) Equipped with a first aid kit; and

(g) Equipped with a fire extinguisher that is properly secured and not readily available to youth.

(2) Proper seating of youth and adults. Youth and adults in an outdoor youth program must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads. An outdoor youth program must take all reasonable steps to assure the safety of youth and adults traveling in off road vehicles.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0846, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0961

Health Services

(1) Required physical examination. Prior to a youth engaging in an outdoor youth program activity (defined in OAR 413-215-0911), an outdoor youth program (defined in OAR 413-215-0911) must review and place in the file a physical examination report for the youth. The health history and physical examination must be recorded on a form provided by the program, which clearly documents the type and extent of outdoor youth program activity in which the youth will be engaged. The examination must cover areas required by the Department and, after the appropriate consents are obtained from the youth or youth's parent or legal guardian, must be completed by a licensed physician, physician's assistant or nurse practitioner, who signs the form.

(a) In addition to any other areas required by the Department, the examination must include a physical assessment based on the climate and

temperature the youth will be participating in given the participant's age, weight, and sex;

(b) For an outdoor youth program operated by a children's residential care facility, a health history and physical examination report for a youth who is coming directly from the residential care facility may be utilized if the physical examination is current and meets the criteria for the physical examination required by this rule;

(c) If a youth is currently taking or has been receiving prescribed medication within the past six months, a specific notation must be made on the physical examination form, by the clearing medical professional, which must include clearance for participation in an outdoor, high impact environment and a description of any possible special needs due to use of the medication in the field environment; and

(d) If a youth is in a risk group for Sickle Cell Anemia or Thalassemia, written clearance must be noted on the physical examination form, stating that the youth may participate in an outdoor youth program activity, which may:

(A) Occur in altitudes over 5,000 feet;

(B) Include strenuous exercise; and

(C) Expose youth to cold temperatures.

(2) Health information availability. An outdoor youth program must copy the health history and physical exam form and authorization to obtain medical care, maintain the original at the base of operations, and field staff must carry the copy in a waterproof container when the youth is away from the base of operations.

(3) Appropriate health care. An outdoor youth program must ensure — through staff assignments, training, and program providers — that injuries, illness, or physical complaints by youth will be promptly and accurately assessed; and that appropriate care is provided.

(4) Prompt first aid treatment. An outdoor youth program must provide first aid treatment in as prompt a manner as the location and circumstances allow.

(5) First aid. An outdoor youth program must have a first aid kit with sufficient supplies available at all times. The first aid kit must:

(a) Meet the standards of an appropriate national organization for the activity being conducted and the location and environment being used;

(b) Be reviewed with new staff for contents and use;

(c) Be reviewed at least annually with all staff for contents and use; and

(d) Be inventoried after each expedition and restocked as needed.

(6) Field treatment. An outdoor youth program must immediately transport to appropriate medical care any youth with an illness or physical complaint needing care or treatment beyond what can be provided in the field.

(7) Documentation of reports and treatment. An outdoor youth program must document complaints or reports by a youth of illness and injuries in a daily log along with any treatment provided.

(8) Negative consequences. An outdoor youth program may impose no negative consequence on a youth for reporting an injury or illness or for requesting to see a health care professional.

(9) Daily physical assessment. Field staff for an outdoor youth program must monitor and document youth's hydration, skin condition, extremities, and general physical condition on a daily basis.

(10) Weekly physical assessment. A Wilderness First Responder (WFR) or equivalent, an Emergency Medical Technician (EMT), or qualified medical professional must assess each youth's physical condition in an outdoor youth program at least every seven days. The assessment must be documented and shall at a minimum include:

(a) Heart rate;

(b) Check of extremities;

(c) Condition of skin;

(d) Allergies if any;

(e) General physical condition;

(f) Any health issues specific to the individual youth; and

(g) Provision of appropriate medical treatment if needed.

(11) Medication storage and administration policies and procedures. An outdoor youth program must have and follow policies and procedures on the storage and administration of prescription and non-prescription medication.

(12) Medication storage. An outdoor youth program must store prescription and over-the-counter medication under lock and key safeguarded from youth. For medications taken in the field, medication must be in the possession of a staff member.

(13) Documentation of medications. Prescription medication in an outdoor youth program must be issued by a qualified medical profession-

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al's valid order that includes the dosage to be given. Senior field staff must administer all medication. Administration of medication must be documented and include:

- (a) The youth's name;
- (b) The name of the medication;
- (c) The date and time;
- (d) The amount of dosage given and whether the youth did not take the medication; and

(e) The person who administered or assisted in self-administration of the medication.

(14) Medication changes. An outdoor youth program may not stop or change dosage or administration of prescribed medication nor discontinue any prescription without consulting with a qualified medical professional and documenting the consultation and the change.

(15) Disposal of unused medication.

(a) For purposes of this rule, "unused medication" means any medication which has not been used for 60 days, or a medication held by the facility which has been prescribed for a resident who has been released from the facility.

(b) For purposes of this rule, "expired medication" means any medication whose designated period of potency, as indicated on the label, has expired.

(c) An outdoor youth program must return all unused or expired medication to the base of operations and dispose of it so it is not available to youth. A field director or senior field staff must witness and document the disposal of the unused medication.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0815, 413-210-0839, 413-210-0862, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0966

Staff Qualifications and Requirements

(1) Staff written policy requirements. An outdoor youth program (defined in OAR 413-215-0911) must have written policy regarding minimum staff requirements.

(2) Verification. An outdoor youth program must verify qualifications of staff through documentation of minimum requirements for work experience, education, and classroom instruction.

(3) Required staff positions.

(a) An outdoor youth program which provides outdoor youth programming as its primary function must have an executive director. The executive director may also function as the field director if the executive director meets those qualifications. In addition to meeting the requirements in OAR 413-215-0021(3)-(4), the executive director must comply with all of the following:

(A) Be at least 25 years of age.

(B) Have one of the following qualifications at time of hire:

(i) Five years of paid full time experience in the social services or wilderness field with at least one year in a paid administrative capacity.

(ii) A Bachelor's degree and four years of paid full time experience in the social services or wilderness field with at least one year in a paid administrative capacity.

(iii) A Master's degree and three years of paid full time experience in the social services or wilderness field with at least one year in a paid administrative capacity.

(C) Have knowledge and experience demonstrating competence in the performance or oversight of the following essential job functions: program planning and budgeting, fiscal management, supervision of staff, personnel management, employee performance assessment, data collection, reporting, program evaluation, quality assurance, and developing and maintaining community resources.

(D) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules.

(E) Have completed the field training as required by OAR 413-215-0981(3).

(b) Field director. An outdoor youth program must have a field director who is primarily responsible for the quality of each outdoor youth program activity (defined in OAR 413-215-0911), coordinates field operation, supervises direct care staff, and manages the field office. The field director must:

(A) Be at least 25 years of age;

(B) Have a minimum of 30 college level semester hours or 45 quarter hours in recreational therapy or in a related field or one year of outdoor youth program field experience;

(C) Demonstrate knowledge and understanding of applicable licensing rules;

(D) Have completed the field training as required by OAR 413-215-0981(3);

(E) Hold a Wilderness First Responder (WFR) certificate or equivalent; and

(F) Have completed an approved course in nonviolent crisis intervention.

(c) Senior field staff. An outdoor youth program must have a senior field staff working directly with each group of program youth. Senior field staff must:

(A) Be at least 21 years of age;

(B) Have an associate degree or high school diploma or equivalent with 30 college level semester hours or 45 quarter hours of study or comparable experience and training in a field related to recreation and outdoor youth program activity;

(C) Have a minimum of forty 24-hour field days of program experience or equivalent experience in outdoor programs documented in the personnel file;

(D) Have completed the field training as required by OAR 413-215-0981(3);

(E) Hold a Wilderness First Responder (WFR) certificate or equivalent; and

(F) Have completed an approved course in nonviolent crisis intervention.

(d) Field staff. Each field staff member of an outdoor youth program must:

(A) Be at least 21 years of age;

(B) Have a high school diploma, or its equivalent, or comparable experience directly relevant to assigned outdoor youth program responsibilities;

(C) Have completed the field training as required by OAR 413-215-0981(3); and

(D) Be certified to provide cardiopulmonary resuscitation (CPR) and first aid.

(4) Specific Outdoor Youth Program activity training. All staff of an outdoor youth program must have documented training and experience in conducting any outdoor youth program activity he or she is assigned to conduct.

(5) Multidisciplinary team. An outdoor youth program must have a multidisciplinary team of staff or consultants who have knowledge of the physical and emotional demands of the program and are available to program youth and staff upon the recommendation of the field director or senior field staff. The multidisciplinary team must also be available to outdoor youth program staff upon request for consultation regarding the appropriateness of admission of youth. At a minimum, the team must consist of:

(a) A licensed health care professional (physician, doctor of osteopathy, nurse practitioner, or physician's assistant);

(b) A treatment professional who is a licensed or certified psychologist, clinical social worker, marriage and family counselor, or professional counselor; and

(c) If the program does not exclude clients with substance abuse problems, the multidisciplinary team must include a professional who is a Certified Alcohol Drug Counselor or who has demonstrated equivalent experience and training in the field of alcohol and drug abuse counseling.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; CWP 1-2004, f. & cert. ef. 1-9-04; Renumbered from 413-210-0821, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0971

Staff Health Requirements

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Staff health requirements. The outdoor youth program staff members having responsibility for youth must be free of infectious diseases and must be capable of competently fulfilling all responsibilities reasonably associated with their employment.

(2) Health history questionnaire. As part of orientation, and annually thereafter, staff must complete a health history questionnaire similar to that completed by the youth entering the program. It must include injuries or ailments that might affect the ability to function well in the field, or put other field staff or youth at risk of injury or infection.

(3) Health history questionnaire content. The health history questionnaire must include but not be limited to the following content areas:

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(a) Standard physical health questions, including history of infectious diseases;

(b) History of physical injuries; and

(c) History of drug or alcohol abuse or dependence that required residential or outpatient treatment, or that might currently interfere with employment responsibilities.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0824, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0976

Physical Activity Limits and Requirements

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Physical capability. Physical activity may not exceed the physical capability of a youth. Field staff must monitor the physical capability and condition of each youth to ensure that the outdoor youth program activity (defined in OAR 413-215-0911) does not exceed the youth's capability.

(2) Environmental conditions. Staff of the outdoor youth program must consider environmental conditions including but not limited to temperature, humidity, and precipitation, when planning an outdoor youth program activity so as to minimize the risk of harm (such as heatstroke, frostbite, and hypothermia) to participants.

(3) Acclimation to environment. Staff must closely monitor youth for acclimation to the environment.

(4) Log. There must be a common daily log, which is signed and dated by the participating senior staff daily. The log must:

(a) Contain information on health problems, accidents, injuries, illnesses, medications used, behavioral problems, and unusual occurrences; and

(b) Include notation of environmental factors such as weather, temperature, and terrain.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0858, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0981

Staff Training

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Written policies, procedures, and training curriculum. An outdoor youth program must have written policies, procedures, and training curriculum regarding minimum requirements for orientation, field training, and ongoing training.

(2) Orientation. Each employee must complete orientation before having any contact with clients or prospective clients (youth or their parents or legal guardians). The orientation training must include at a minimum:

(a) Outdoor youth program mission and goals, including admissions criteria and services provided.

(b) Personnel structure of the outdoor youth program, including an organizational chart and job descriptions which accurately reflect the responsibilities of staff positions involved in the care and management of youth, and the management and supervision of field staff;

(c) Overview of the quality improvement program, including the critical incident program;

(d) Risk management procedures and safety precautions;

(e) Instruction in behavior management policies and procedures of the outdoor youth program;

(f) Instruction in physical assist policies and procedures of the outdoor youth program.

(g) Review and discussion of all other policies relevant to field staff responsibilities, such as clothing, nutrition, vehicle use, communication methods, cooking and camping equipment, and their use; and

(h) Emergency plan.

(3) Field training. Each field staff must receive a minimum of seven days of field training and must be assessed by the field director or designee for each of the following minimum required field skills before assuming sole supervision of youth:

(a) Water, food, and shelter procurement, preparation, and conservation.

(b) "Leave No Trace Principles" for outdoor youth program activity (defined in OAR 413-215-0911). For purposes of this rule, "Leave No Trace Principles" mean wilderness and land use ethics which are designed to minimize the impact of visitors to back country areas. The principles include: Plan Ahead and Prepare, Travel and Camp on Durable Surfaces;

Pack it in, Pack it Out; Properly Dispose What You Can't Pack Out; Leave What You Find; and Minimize Use and Impact of Fire.

(c) Recognition and management of the presenting issues of the youth served, including mental health and substance abuse issues.

(d) Instruction in safety procedures and safe use of fuel, fire, and life protection equipment.

(e) Sanitation procedures related to food, water, and waste.

(f) Special instruction to ensure proficiency in each specific outdoor youth program activity for staff who conduct and staff who supervise an outdoor youth program activity.

(g) Wilderness medicine, including health issues related to acclimation, exposure to the environment and environmental elements.

(h) First aid kit contents and use.

(i) Basic navigation skills including understanding of contour maps, use of compass, and navigation using the positions of sun, moon, and stars to determine direction.

(j) Local environmental precautions, including terrain, weather, insects, poisonous plants, wildlife, and proper response to adverse situations.

(k) Critical incident prevention, identification, and response.

(l) Knowledge of and ability to implement the emergency plan of the outdoor youth program.

(m) Report writing, including development and maintenance of logs, journals, and incident reports.

(n) Other skills as required by the outdoor youth program.

(4) Sole supervision. No staff member of an outdoor youth program may provide sole supervision of program youth prior to:

(a) Successful completion of orientation and field training; and

(b) Documented assessment by a senior field staff member of:

(A) Effective understanding of the supervision structure of the outdoor youth program, who is responsible, and to whom staff can refer questions or problems; and

(B) Understanding, knowledge, and compliance with the behavior management policies of the outdoor youth program.

(5) Ongoing training. An outdoor youth program must provide ongoing training for field staff to maintain and upgrade their skills.

(6) Documentation of training. An outdoor youth program must document the training received by each staff member and volunteer in their personnel file. For each training session, the documentation shall include the name and qualifications of the person providing the training, date of training, training content, and the number of hours of the training.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0830, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0986

Youth Staff Ratios

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Youth staff ratio policy. The outdoor youth program must have written policy and maintain documentation of program compliance on youth staff ratios.

(2) Group size. For a field group, the number of participants may not exceed twelve youth (defined in OAR 413-215-0911).

(3) Staffing ratio. Each group of two or more youth must be staffed as follows:

(a) By at least two staff members, one of whom must be a senior field staff member;

(b) There must be at least one staff member to every three youth;

(c) Where the gender of a group is mixed, there must be at least one female staff and one male staff member;

(d) There must be a minimum of five years difference in age between a direct care staff member and the youth for whom the staff member has sole supervision; and

(e) Volunteers and interns may not be included in the staff youth ratio unless they meet the qualifications required of staff.

(4) Wilderness first responder (WFR). At least one staff member per group must have a current Wilderness First Responder (WFR) Certificate or equivalent.

(5) Nonviolent crisis intervention training. At least one staff per group must be trained in nonviolent crisis intervention.

(6) Field staff training.

(a) There may not at any time be more than one staff member who has not completed all field training.

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(b) Where there are four or more youth, at least two staff members must have completed all field training.

(7) Stationary Outdoor Youth Program staffing ratios.

(a) There must be at least one staff member to every three youth while a stationary outdoor youth program (defined in OAR 413-215-0911) is engaging in an outdoor youth program activity (defined in OAR 413-215-0911), whether at or away from the stationary camp.

(b) A stationary outdoor youth program when not engaged in an outdoor youth program activity at the stationary camp is exempt from the one staff member to every three youth staffing ratio. Staff youth ratios must be established to provide supervision and protection for youth and must be adequate in relationship to the type of program, location of program, age and type of youth served, physical plant design, location and ability of supervisor to respond, backup systems, or any other means to assure a high standard of supervision and protection:

(A) There must be at least one staff member to every ten youth during the time youth are awake and present in the program.

(B) There must be at least one staff member on duty to every fourteen youth during sleeping hours. If staff is sleeping, there must be at least one staff member on duty to every seven youth during sleeping hours.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0827, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0991

Age Grouping

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Minimum Age. A participant in the outdoor youth program must be at least ten years of age.

(2) Grouping. The outdoor youth program must have policy and documentation regarding age grouping. An outdoor youth program may place youth in groups only after taking into consideration these factors: the age, developmental level, physical maturity, social maturity, behavioral functioning, cognitive level, diagnosis (if any), and individual needs of each youth.

(3) Placement of youth age 10 years through 12 years. An outdoor youth program may place youth ten years of age through twelve years of age only in a program component designed for this age group, unless the outdoor youth program has been granted an exception by the Department licensing coordinator.

(4) Placement with adults. If the outdoor youth program serves adults age eighteen years of age or older, it may place youth in the same group as adults only after taking special care to assess and minimize the risk to the youth.

(5) Placement decisions. An outdoor youth program must make placements of youth in groups to maximize each youth's functioning and minimize the possibility of exploitation. In making the placement decision in section (4) of this rule or in deciding to request an exception to place a youth age ten years of age through twelve years of age in an older group, an assigned staff member with documented experience placing youth in groups and who is familiar with the outdoor youth program must:

(a) Base the placement on the factors listed in section (2) of this rule;

(b) Document the basis for the decision and the appropriateness of the placement in the youth's service plan; and

(c) Review the therapeutic appropriateness of the decision every week after the placement, document whether the decision remains appropriate, and make any changes indicated.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0818, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-0996

Program Services

(1) Affirmative duty to gather sufficient information. The outdoor youth program (defined in OAR 413-215-0911) has an affirmative duty to make reasonable efforts to gather sufficient information to determine the appropriateness of the youth for the outdoor youth program.

(2) Admissions assessments. An outdoor youth program must perform an admission assessment on each youth.

(a) Admissions process. An assigned staff member with documented experience in the area of admissions screening and assessment, who is familiar with the outdoor youth program, must complete an individual admissions assessment for each youth prior to enrollment.

(b) Admissions to be based on admissions assessment. The outdoor youth program must base admission of each youth on the individual admissions assessment. The assessment must be the basis for the youth's individual service plan. The assessment must include the following components:

(A) Social history including home, community, and environment;

(B) Health history, including current prescriptions and over the counter medication (defined in OAR 413-215-0911);

(C) Psychological history, including behavior problems, aggression, substance abuse, family dynamics, prior evaluations, and any previous treatment;

(D) For a youth with a history of mental health issues, a review by a mental health professional of any available psychological or psychiatric assessment of the youth; and

(E) For a youth with indications of substance abuse, the assessment must include a determination by a professional in chemical dependency whether detoxification is indicated for the youth before the youth enters the field portion of the outdoor youth program.

(c) Consultation and additional information. If after a review of the components required by the Admissions Assessment, there is any question as to the appropriateness of admission of a youth, the assigned staff member must consult with the Multidisciplinary Team and document the decision. If the information available about the youth is inadequate for the determination of appropriateness for the outdoor youth program, the outdoor youth program must require additional necessary information which may include evaluations by consulting professionals.

(d) Evaluation of appropriateness of admission. Each admissions assessment must include a summary evaluation of the appropriateness of the admission of the youth into the outdoor youth program.

(e) Field entry.

(A) An outdoor youth program must conduct an interview and orientation with each youth before the youth leaves for the field portion of the program away from the main base of operations.

(B) The field director or senior field staff assigned to the youth's field experience must conduct an interview with the youth prior to entrance into the field; and

(C) The medically trained field staff assigned to the youth's field experience must conduct a review of the youth's health history and physical examination report.

(3) Service planning. Each youth must be served according to an individual service plan (defined in OAR 413-215-0911), developed by the outdoor youth program staff and including, whenever possible, the program director, child-care workers, other involved professionals, the youth, and his or her family. An outdoor youth program has an affirmative responsibility to provide competent individualized service planning for each youth to include ongoing evaluation and change as needed. Service planning time lines must be as follows:

(a) Initial service plan. An outdoor youth program must write the initial service plan based on the admission assessments and the youth's individual needs on or before admission, and provide a copy to the senior field staff upon the youth's entry into the outdoor youth program.

(b) Updated service plan. Within 14 days of the date the youth enters the field, the outdoor youth program must write an updated service plan based on field observations and additional information received (family information, medical reports, youth disclosures).

(c) Monthly review. The outdoor youth program must review and update the service plan monthly, and document the review.

(d) Discharge summary. The discharge summary must include a written summary of the youth's participation and progress achieved, results of evaluations, conditions of the youth, interactions of youth and staff, briefings and debriefings, compliance with program policies and procedures, and recommendations. The discharge summary must be retained in the youth's file and a copy provided to the youth's family.

(4) Areas of emphasis in the service plan and planning process. It is the intent of the Department that an outdoor youth program must make every reasonable effort to ensure participation by the youth's family in all aspects of the service and service planning process. To that end, the outdoor youth program staff must:

(a) Encourage parent participation in the intake process;

(b) If the youth's parent or legal guardian cannot participate in the intake process, ensure participation in the intake process by those responsible for the environment in which the youth resides prior to placement with the outdoor youth program;

(c) Support the family and those responsible for the environment in which the youth lives during intervention activities, including alternate suggestions for any youth not accepted at intake;

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(d) Consider the family's responsibility, needs, and values in the planning and service process;

(e) Provide an orientation procedure for the youth and his or her family;

(f) Ensure that information regarding significant events in the youth's family is passed on to appropriate staff members;

(g) Review service plans, activities, and progress with the family monthly; and

(h) Ensure that the educational needs of the child are an integral part of the service plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0812, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1001

Critical Incident Program

(1) Quality improvement program. An outdoor youth program (defined in OAR 413-215-0911) must have a written quality improvement program which identifies and defines critical incidents, includes a response to each type of critical incident, and includes procedures for the review of critical incidents.

(2) Critical incident training. An outdoor youth program must train staff in critical incident prevention, identification, and response.

(3) Documentation of critical incidents. The outdoor youth program staff must document each critical incident as follows:

(a) Record each incident in the common daily log and complete an incident report immediately following the incident;

(b) Categorize each incident as to type and seriousness;

(c) Record the results of staff debriefing of each critical incident; and

(d) Management must document review of each critical incident report within 24 hours of receipt.

(4) Review of critical incidents. An outdoor youth program must have procedures for review of critical incidents which include management and board review of critical incidents and a process for deciding if revisions to program policy and procedures, operations, or training are warranted for quality improvement.

(5) Documentation of critical incident review. An outdoor youth program must document in writing the process and results of its review of critical incidents and resulting program quality improvements if any and must provide this information to staff.

(6) Near miss. An outdoor youth program must review any near miss and determine whether to respond to it as if it were a critical incident in accordance with this rule. For purposes of this rule, "near miss" means:

(a) A close call;

(b) A potentially dangerous situation where safety was compromised but that did not result in injury; or

(c) An unplanned and unforeseen event after which those involved express relief that the incident ended without harm.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0860, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1006

Field Outdoor Youth Program Activities

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Written description. There must be a written description of each field outdoor youth program activity (defined in OAR 413-215-0911) and a schedule, including a detailed itinerary.

(2) Staff briefing. The executive director, field director, or designee must brief staff entering the field. The briefing at a minimum must include:

(a) The planned route, terrain, time schedule, weather forecast, and any potential hazards;

(b) Any procedures unique to that field experience; and

(c) Youth background and any potential problems.

(3) Itinerary. Field staff must carry map routes, anticipated schedules, and times when a group is in the field.

(4) Supervision. The field director or designee must conduct and document supervisory evaluation of each youth and staff in a field group at least every seven days, either in person or through Department approved procedures. If the planned itinerary is longer in duration than three weeks, the field director or designee must make onsite visits at minimum increments of three weeks.

(5) Staff debriefing. The field director or designee must debrief (defined in OAR 413-215-0911) staff after they return from the field.

(6) Youth debriefing. The field director or designee must debrief youth after returning from the field. The debriefing must at a minimum:

(a) Include a written summary of the youth's participation and progress achieved;

(b) Be provided in written form to the youth's parents or guardian; and

(c) Parents or guardians and youth must be given the opportunity and encouraged to submit a written evaluation of the outdoor youth experience, to be maintained by the outdoor youth program.

(7) Documentation. An outdoor youth program must document results of the evaluation of the conditions of the youth, interactions of youth and staff, briefings, debriefings, and compliance with program policies and procedures, and include them in the youth's record and discharge summary.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0833, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1011

Communication

(1) For purposes of this rule, a "Global Positioning System receiver" means a receiver which receives signals from a network of 24 satellites known as the Global Positioning System (GPS) and identifies the receiver's location: latitude, longitude, and altitude to within a few hundred feet.

(2) Communication and support system. An outdoor youth program must maintain a communication system that includes the use of Global Positioning System receivers, two way radio communication, and cell phone communication; or follows the applicable land managing agency requirement and includes:

(a) Reliable communication between each group and the base of operations; and

(b) A back up plan for re-establishing communication to be implemented in the event regular communication fails.

(3) Communication requirements. An outdoor youth program must have a reasonable communication plan which is sufficient to provide routine and emergency care and takes into consideration individual youth needs and terrain considerations.

(a) There must be oral communication between each field group and the base of operations on a regularly scheduled basis according to program procedures, unless special documented arrangements have been made;

(b) In no case may the absence of oral communication between a field group and the base of operations exceed 72 hours, unless the Department has approved an exception for alternate program procedures for communication; and

(c) In no case may a field group be more than two hours away from the ability to make contact with emergency services.

(4) Emergencies. The base of operations support personnel for an outdoor youth program must have immediate access to emergency telephone numbers, contact personnel, and procedures for an emergency evacuation or critical incident requiring emergency medical support.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0836, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1016

Work

In compliance with child labor laws, an outdoor youth program (defined in OAR 413-215-0911) may as a constructive experience give youth non-vocational work assignments, which are age appropriate and within the youth's capabilities. The primary purpose of work may not be to substitute for paid labor for the benefit of the outdoor youth program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998

Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0841, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1021

Animals and Pets

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) Animals and pets must be free from disease and cared for in a safe and clean manner.

(2) An outdoor youth program must take reasonable measures to assure that youth are not exposed to danger from animals.

(3) All domestic animals and pets must be vaccinated against rabies. Documentation of the vaccination against rabies must be available in the responsible employee's personnel file.

Stat. Auth.: ORS 418.005

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Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0843, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1026

Solo Experiences in Outdoor Youth Programs

If an *outdoor youth program* (defined in OAR 413-215-0911) conducts individual or separate components for youth (solo experiences) as part of the therapeutic process, the program must have and follow written policies and procedures. The policies and procedures at a minimum must require all of the following:

(1) Individual solo plan. Each youth participating in a solo experience must have a plan which includes goals, methods, techniques, time frames, and takes into consideration the maturity, health, and physical ability of the youth.

(a) The youth must be instructed on the solo experience and individual plan including expectations, restrictions, communication, environment, and emergency procedures;

(b) Each youth must have and receive instruction on a back-up plan in case the primary plan does not work; and

(c) A designated staff member must be responsible for coordination and implementation of the plan.

(2) Environmental requirement. Staff must be familiar with the site chosen to conduct solo experiences and must pre-investigate the site to ensure the terrain is appropriate for the skill level of the youth and that hazardous conditions are considered. Staff must make arrangements for medication, food, and water drops if needed.

(3) Supervision. Plans for supervision must be in place during the solo experience, including the assignment of a staff member responsible for the supervision of the solo participant, and procedures for placement, supervision, and observation of the participant. Supervision must include communication systems, visual checks, and regular checks of the youth's emotional and physical condition.

(4) Emergency procedures. In addition to the requirements of the Emergency Plan section of these rules (OAR 413-215-0936), solo emergency plans must include but are not limited to: instructing the youth on the safety and emergency procedures, establishing a system for emergency communication, instruction of other youth on how to respond if the emergency notification system is put into use, and a check-in system should an emergency occur.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0849, CWP 28-2008, f. & cert. ef. 10-17-08

413-215-1031

Behavior Management

An outdoor youth program (defined in OAR 413-215-0911) must comply with all of the following requirements:

(1) If the policies of an outdoor youth program allow for disciplining a youth or group of youth for actions of one youth, the organization's policies and procedures for behavior management and discipline must clearly prescribe the circumstances and safeguards under which disciplining the group is allowed.

(2) If a youth refuses or is unable to hike, a contingency plan must be developed based on Department approved policies and procedures. The contingency plan must ensure that if the group is split, there is proper staff coverage for each group, and communication between the groups is maintained.

(3) Physical assist.

(a) "Physical assist" means action by staff members to physically aid, support, or redirect youth who are not resisting. A physical assist includes staff leading youth along the trail, moving the youth to his or her campsite by gently pulling on a backpack strap, guiding him or her by the hand or elbow, or placing a hand on the youth's back. The youth may not want to be physically assisted but he or she does not offer resistance.

(b) Appropriate use of a physical assist occurs when staff members physically aid, support, or redirect youth who are not physically resisting. If a youth resists reasonable staff direction, staff must assess whether the use of physical restraint is warranted based on the written nonviolent physical restraint policy of the outdoor youth program. An intervention becomes a physical restraint when the youth resists, has "dug in his or her heels", and is propelled or held still against that resistance. Staff members must comply with all applicable physical restraint regulations, including OAR 413-215-0076.

(4) Time out.

(a) For purposes of this rule, "time out" means imposed separation of a youth from any group activity or contact as a means of behavior management.

(b) An outdoor youth program may use time out only when a youth's behavior is disruptive to the youth's ability to learn, to participate appropriately, or to function appropriately with other youth or the activity.

(c) The outdoor youth program must designate a staff member to be responsible for visually observing the youth at random intervals at least every fifteen minutes.

(d) If the duration of a time out exceeds one hour, or there is visual separation of the youth, the outdoor youth program must write an incident report in sufficient detail to provide a clear understanding of the incident or behavior which resulted in the youth being placed in time out, and staff's attempts to help the youth avoid time out.

(e) The outdoor youth program must reintroduce a youth to the group in a sensitive and non-punitive manner as soon as control is regained.

(f) If there are more than 10 one-hour time outs for a youth in a 24 hour period or the separation lasts for 24 hours, the executive director or designee must conduct a review to determine the suitability of the youth remaining in the outdoor youth program, whether modifications to the youth's plan are warranted, and whether staff need additional training in alternative therapeutic behavior management techniques. The outdoor youth program must take appropriate action as a result of the review.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.205 - 418.325, 418.990 - 418.998
Hist.: SOSCF 9-2002, f. & cert. ef. 5-29-02; Renumbered from 413-210-0872, CWP 28-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 29-2008

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Rules Adopted: 413-215-0001, 413-215-0006, 413-215-0011, 413-215-0026, 413-215-0031, 413-215-0036, 413-215-0041, 413-215-0051, 413-215-0056, 413-215-0066, 413-215-0086, 413-215-0091, 413-215-0111, 413-215-0126

Rules Repealed: 413-210-0200, 413-220-0000, 413-220-0010, 413-220-0020, 413-220-0030, 413-220-0060, 413-220-0110, 413-220-0120, 413-220-0130, 413-220-0140, 413-220-0150, 413-220-0160

Rules Ren. & Amend: 413-210-0020 to 413-215-0081, 413-210-0030 to 413-215-0116, 413-210-0040 to 413-215-0046, 413-210-0050 to 413-215-0016, 413-210-0060 to 413-215-0021, 413-210-0070 to 413-215-0061, 413-210-0140 to 413-215-0071, 413-210-0190 to 413-215-0076, 413-210-0210 to 413-215-0101, 413-210-0220 to 413-215-0106, 413-210-0230 to 413-215-0096, 413-210-0240 to 413-215-0121, 413-210-0250 to 413-215-0131

Subject: These rules about child caring agencies and residential programs for children are being changed to reflect current practices and because many specific types of private child caring agencies provide services are not adequately addressed in the current rules. The specific types of agencies these rules regulate include academic boarding schools, adoption agencies, day treatment agencies, foster care agencies, homeless or runaway youth programs, outdoor youth programs, residential care agencies, and therapeutic boarding schools. These umbrella rules cover which agencies are required to obtain and comply with a license from the Department, license application requirements, license approval criteria, corporation status requirements, governance requirements, financial management requirements, requirements about cultural, ethnic, and gender-specific services, requirements about conflict of interest policies and codes of ethics, requirements about client rights and grievance policies, resource requirements, requirements for comprehensive policies and procedures, personnel requirements, requirements about client privacy rights, requirements about records and documentation, requirements about behavior management, licensee responsibilities, license renewal requirements, periodic inspections, investigation of complaints, corrective actions, civil penalties, license denial, license suspension, license revocation, temporary licenses, inactive licenses, amended licenses, and exceptions to licensing rules. These changes also increase the submission requirements for license

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application and renewal; require an annual independent financial review; require a conflict of interest policy; require client grievance and other policies and procedures, including a child abuse reporting procedure; and require staff orientation training within 30 days of the start of employment. These changes also reorganize the current rules. Each agency will be required to follow these “umbrella” rules in addition to other specific rules that apply only to specific types of agencies. The specific rules are covered by separate rulemaking notices. As part of the reorganization, 12 rules on overlapping topics are being repealed.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0001

Regulation of Child-Caring Agencies and Residential Programs for Children

(1) The Department is required to regulate and license certain organizations and agencies that care for children. The rules in this division of rules (413-215) establish the requirements of the Department for obtaining and maintaining the required license, and the policies of the Department required by ORS 418.205 to 418.327.

(2) These umbrella rules (OAR 413-215-0001 to 413-215-0131) apply to both an organization that is a *private child-caring agency* (defined in OAR 413-215-0006) and an organization or school that offers a residential program for children (regulated by ORS 418.327). These rules apply to all of the following agencies:

(a) An adoption agency (defined at OAR 413-215-0406 and further regulated by 413-215-0401 to 413-215-0481).

(b) An agency (which is further regulated by OAR 413-215-0301 to 413-215-0396) that offers to place children for foster care by taking physical custody of and then placing the children in foster homes approved by the agency or by the state.

(c) An agency (which is further regulated by OAR 413-215-0501 to 413-215-0586) that provides residential care services to children 24 hours a day.

(d) An agency that provides an *outdoor youth program* (defined in OAR 413-215-0911 and further regulated by 413-215-0901 to 413-215-1031).

(e) An agency (which is further regulated by OAR 413-215-0801 to 413-215-0876) that provides day treatment for children with emotional disturbances.

(f) An agency (which is further regulated by OAR 413-215-0701 to 413-215-0766) that provides residential services for homeless or runaway youth, pregnant or parenting girls, or other youth working towards independent living.

(g) An *agency* providing other services for children similar to the services covered by subsections (a) to (f) of this section.

(h) An academic boarding school (which is further regulated by OAR 413-215-0201 to 413-215-0276).

(i) A therapeutic boarding school (which is further regulated by OAR 413-215-0601 to 413-215-0681).

(j) Any other agency (defined at OAR 413-215-0006) that falls under ORS 418.205(2)(a).

(3) An agency must comply with all of the Department rules that apply to the agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0006

Definitions

As used in OAR 413-215-0001 to 413-215-0131:

(1) “Agency” means a *private child-caring agency* (under ORS 418.205(2)(a) and section (6) of this rule) or an organization or school that offers a residential program for children (regulated by ORS 418.327).

(2) “Child” means an unmarried person who is under 18 years of age.

(3) “Children” mean unmarried persons under 18 years of age.

(4) “Department” means the Oregon Department of Human Services.

(5) “Licensee” means a private child-caring agency or an organization or school that offers a residential program for children (regulated by ORS 418.327) and holds a license issued by the Department.

(6) “Private child-caring agency” is defined by the definitions in ORS 418.205, and means a “child-caring agency” that is not owned, operated, or administered by any governmental agency or unit.

(a) A “child-caring agency” means an agency or organization providing:

- (A) Day treatment for disturbed children;
- (B) Adoption placement services;
- (C) Residential care, including but not limited to foster care or residential treatment for children;
- (D) Outdoor youth programs (defined at OAR 413-215-0911); or
- (E) Other similar services for children.

(b) A child-caring agency does not include residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services.

(7) “Program” means a set of one or more services provided by an agency that make the agency subject to the rules in Division 413-215.

(8) “Substantial compliance” means a level of adherence to the rules in Division 413-215 and other applicable law that, although failing to meet one or more of the requirements of these rules, in the Department’s estimation does none of the following:

(a) Constitute a danger to the health or safety of any individual.

(b) Constitute a willful or ongoing violation of the rights of children or families served by an agency.

(c) Prevent the accomplishment of the Department’s purposes.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0011

Requirement to Obtain and Comply with License

(1) Except for a *licensee* (defined in OAR 413-215-0006) subcontractor that provides limited services under OAR 413-215-0061(5)(b):

(a) An *agency* (defined in OAR 413-215-0006) must have a license issued by the Department in accordance with Division 413-215. An agency holding a license issued by the Department under these rules (a licensee) must at all times comply with the provisions of the license and with all laws (including rules) applicable to the agency.

(b) An agency may not represent itself as able to or purport to provide services governed by the rules in Division 413-215, except the services the agency is authorized by law (including rules) and licensed to provide.

(2) An *agency* engaged in providing residential care for both adults and children (defined in OAR 413-215-0006) is subject to the rules in Division 413-215, unless each child residing in the agency’s facility has a custodial parent residing in the facility.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0016

Requirements Related to Corporation Status

(1) Only a corporation may receive a license from the Department under these rules (OAR 413-215-0001 to 413-215-0131). A limited liability company is an unincorporated association, and not a corporation, and may not be licensed under Division 413-215.

(2) In-state and out-of-state corporations must meet all requirements of the Oregon Secretary of State, Corporation Division in order to receive a license from the Department.

(3) An agency’s articles of incorporation, its bylaws, or another written document approved by the board of directors must clearly set forth the purposes of the organization.

(4) A licensee (defined in OAR 413-215-0006) must submit to the Department within seven business days each amendment to its articles of incorporation, bylaws, statement of its purposes, and name registration.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0050, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0021

Governance

(1) Governing board requirements.

(a) An *agency* (defined in OAR 413-215-0006) must have a governing board that has responsibility for its mission, operation, policy, and practices. These responsibilities must be stated in writing.

(b) The governing board of an agency must be a board of directors consisting of no fewer than five responsible individuals of good moral character who are citizens or legal residents of the United States.

(c) An agency must maintain a list of the members of the governing board that includes the name, address, telephone number, board office, and term of membership for each.

(d) Members of the governing board of an agency that is a not-for-profit agency may not receive compensation for serving on the board, other

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than reasonable reimbursement for the expenses associated with their services.

(2) Responsibilities of the governing board. The governing board of an agency must have all of the following responsibilities:

(a) To provide leadership for the agency.

(b) To be responsible for establishing the agency's by-laws and policies, to monitor the agency's programs consistent with its policies and mission, and to guide program development.

(c) To adopt by-laws that provide a basic structure for the operation of the programs of the agency.

(d) To develop by-laws for selection and rotation of its members.

(e) To ensure the employment of a qualified executive director and to delegate appropriate responsibility to that individual for the administration, management, and operation of the agency, including the employment of all agency staff and the authority to dismiss any staff member.

(f) To formally evaluate the executive director's performance annually.

(g) To approve the annual budget of anticipated income and expenditures necessary to provide the services described in its program description.

(h) To review an annual report of actual income and expenditures.

(i) To obtain and review an annual independent financial review of financial records.

(j) To establish and ensure compliance with personnel practices for the selection and retention of staff sufficient to operate the agency.

(k) To ensure a written quality improvement program that identifies systematic efforts to improve its services.

(l) To keep permanent records of meetings and deliberations on major decisions affecting the delivery of services.

(3) Executive director or program director requirements. An agency must operate under the direct supervision of an executive or program director appointed by the governing board. The executive director or program director must have all of the following qualifications:

(a) Knowledge of the requirements for providing care and treatment appropriate to the agency's programs.

(b) Ability to maintain records on children and families, personnel, and the agency in accordance with these rules.

(c) Ability to direct the work of staff.

(d) No history of conduct indicating it may be unsafe to allow the individual to supervise the care of children.

(e) Health sufficient to carry out the duties of the position.

(f) Good moral character, including honesty, fairness, and respect for the rights of others.

(4) The executive or program director must be responsible for all of the following:

(a) The daily operation and maintenance of the agency and its facilities in compliance with the rules in Division 413-215 and the established program budget.

(b) Administration of policies and procedures to ensure clear definition of staff roles and responsibilities, lines of authority, and equitable workloads that ensure safe and protective care, supervision, and treatment of the children served by the agency.

(c) Ensuring that only individuals whose presence does not jeopardize the health, safety, or welfare of the children served by the agency are employed or used as volunteers.

(d) Recruiting, employing, supervising, training, or arranging for training.

(e) Reporting to the governing board on the operation of the agency.

(f) Providing for appropriate staff to assume the executive or program director's responsibility for the operation and maintenance of the agency whenever the executive or program director is absent from the agency.

(g) Terminating from employment any staff member who is unsuitable or who performs in an unsatisfactory manner.

(5) Suitability. In order for the Department to evaluate the suitability of an agency and its staff, the agency must immediately disclose to the Department all of the following information:

(a) Each instance in which the agency or a member of its staff or board of directors has permanently lost the right to provide services to children or families in any jurisdiction, and the basis for each action.

(b) The circumstances and disposition of any licensing denial, suspension, or revocation; or any other negative sanction or proposed sanction by an oversight body against the agency or a member of its staff or board of directors, if the denial, suspension, or revocation; or any other negative sanction or proposed sanction results from conduct that is relevant to the agency's, staff's, or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.

(c) For the previous ten years, any disciplinary action against or investigation of the agency or a member of its staff or board of directors by a licensing or accrediting body, including the basis and disposition of each action, if the disciplinary action or investigation results from conduct that is relevant to the agency's or staff or board member's ability or fitness to carry out the duties imposed by these rules and governing statutes.

(d) Any instance in which the agency or a member of its staff or board of directors has been found guilty of any crime under federal, state, or foreign law.

(e) Any civil or administrative violation involving financial irregularities by the agency or a member of its staff or board of directors under federal, state, or foreign law.

(f) For the previous five years, any instance in which the agency, a member of its board of directors, or its executive or program director has filed for bankruptcy.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0060, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0026

Financial Management

(1) Budget. An agency (defined in OAR 413-215-0006) must operate under an annual line-item budget, showing planned expenditures and sources of income, which has been approved by the governing board as the plan for management of its funds.

(2) Funding. The annual budget of a licensee (defined in OAR 413-215-0006) must document that the licensee has sufficient funds to meet the requirements of licensure, to operate the programs the licensee is licensed to operate, and to provide the services the licensee has stated the agency (defined in OAR 413-215-0006) will provide.

(3) Fiscal accountability. An agency must maintain complete and accurate accounts, books, and records following generally accepted accounting principles of accounting management.

(4) A for-profit agency must meet the financial reporting requirements of state and federal regulations and may not have filed for bankruptcy within five years prior to the date of application for licensure.

(5) Insurance. An agency must at all times maintain each of the following:

(a) General liability insurance in an amount that is reasonably related to the exposure to risk but in no case in an amount less than \$1,000,000 for each occurrence and \$3,000,000 aggregate.

(b) Adequate fire insurance.

(c) Adequate auto insurance if the agency owns or operates a vehicle.

(6) An agency must have an independent financial review performed annually.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0031

Cultural, Ethnic, and Gender-specific Services

An agency (defined in OAR 413-215-0006) must make efforts to ensure services provided to children and families are compatible with the cultural, ethnic, and gender considerations the children and families served by the agency consider important. The agency must ensure that written materials are made available in other languages as necessary, or as indicated by the demographic environment or the population served by the program.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0036

Conflict of Interest

An agency (defined in OAR 413-215-0006) must have a conflict-of-interest policy that prohibits preferential treatment of board members, employees, volunteers, and contributors. The policy must outline safeguards when the agency allows dual relationships, such as employees serving as foster parents.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0041

Code of Ethics

If an agency (defined in OAR 413-215-0006) subscribes to a code of ethics, or if the agency expects that all or some portion of its staff subscribe

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to a code of ethics, the agency must identify the code and make it available for review upon request.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0046

Children and Families Rights and Grievance Policy

(1) Rights of children and families served by the agency. An agency (defined in OAR 413-215-0006) must subscribe to a policy regarding the rights of the children and families the agency serves, and must provide them a written copy of its policy.

(2) Grievance Procedures.

(a) An agency must have written procedures for the children and families the agency serves to submit a grievance. For an academic boarding school (defined in OAR 413-215-0206), this subsection only applies to grievances about health or safety issues. The agency must provide the procedures to each child and family. The procedures must include all of the following:

(A) A process likely to result in a fair and expeditious resolution of a grievance.

(B) A prohibition of reprisal or retaliation against any individual who files a grievance.

(C) A procedure to follow, in the event the grievance is filed against the executive director, that ensures that the executive director does not make the final decision on the grievance.

(D) The name, address, and phone number of –

(i) A licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department; and

(ii) For each agency that is not an academic boarding school, any other governmental entities with oversight responsibilities.

(b) Grievances and complaints filed with the agency and all information obtained in their resolution must be maintained for a minimum of two years and provided to the Department upon request.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0040, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0051

Resources Required

(1) An agency (defined in OAR 413-215-0006) must ensure that it has sufficient space, equipment, and office equipment to deliver its services within Oregon.

(2) An agency must employ or contract for a sufficient number of employees to perform the functions regulated by these rules and to provide adequate care, safety, protection, and supervision of the children and families the agency serves.

(3) The agency must ensure that a individual who fulfills more than one staff function or position meets the requirements for each position.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0056

Policies and Procedures

For each program (defined in OAR 413-215-0006) it is licensed to operate, a licensee (defined in OAR 413-215-0006) must have and follow comprehensive policies and procedures that are well organized, accessible, and easy to use. These policies and procedures must include expectation around child abuse reporting, consistent with ORS 419B.005, 419B.010, and 419B.015.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0061

Personnel

(1) Staff requirements and hiring. In order to ensure that the agency (defined in OAR 413-215-0006) uses only staff and volunteers who do not jeopardize the health, safety, or welfare of children, an agency and its contractors must meet all of the following requirements:

(a) Comply with the Department's criminal records history rules at OAR 407-007-0200 to 407-007-0380 and the agency must appoint a Contact Person (CP), designated to receive and process criminal history and child abuse check request forms.

(A) The CP may make preliminary fitness determinations under the authority of the Department when there is no indication of potentially disqualifying crimes or conditions;

(B) Final fitness determinations are made by the Department, the CP is not authorized to make final fitness determinations.

(b) Obtain background and reference checks.

(c) Employ individuals who meet the staff minimum qualifications.

(2) Personnel policies of the agency and its contractors must include all of the following:

(a) For each staff position, a job title and a written job description that defines the qualifications, duties, and lines of authority for the position.

(b) A staff development plan providing for opportunities for professional growth through supervision, training, and experience.

(c) Procedures for a written annual evaluation of the work and performance of each staff member that include provision for employee participation in the evaluation process.

(d) A description of the termination procedures established for resignation, retirement, and dismissal.

(e) A written grievance procedure for staff.

(3) Personnel Files. The agency and its contractors must have a personnel file for each employee that is maintained for a minimum of two years after the termination date of each employee and includes all of the following:

(a) A record of education, training, and previous employment.

(b) Documentation of reference checks.

(c) Criminal records and child abuse check clearance and disposition.

(d) Annual performance evaluations.

(e) Ongoing record of training received.

(f) Records of personnel actions.

(g) Starting and termination dates, and reason for termination.

(h) A current job description.

(4) Staff orientation. An agency must provide orientation to each newly hired employee within 30 days of employment on all of the following subjects:

(a) Agency policies and procedures.

(b) Ethical and professional guidelines.

(c) Organizational lines of authority.

(d) Attributes of population served.

(e) Child-abuse reporting laws and requirements.

(f) Privacy laws.

(g) Emergency procedures.

(5) Contractor-related requirements.

(a) If an agency contracts with other private providers or individuals in lieu of or in addition to hiring permanent employees, the agency must ensure that the contractor meets the applicable requirements of this rule and the rules in Division 413-215 specific to the type of service the contractor provides.

(b) If the agency contracts to provide any of its services:

(A) The agency must ensure the contractor has a process to screen its employees for professional conduct and sufficient methods for holding its employees accountable.

(B) The contract between the agency and contractor must specify all of the following:

(i) The services the contractor provides.

(ii) The contractor's fees.

(iii) Disclosure of information from the contractor to the agency.

(iv) Lines of authority between the contractor and the agency and among employees of the contractor in connection with the provision of services.

(v) The awareness of the contractor of applicable Department rules and requirements.

(vi) Any liability of the agency for acts of the contractor, any rights of indemnity, and any limitations on liability of the agency or contractor.

(C) The agency must amend any contracts that started prior to the effective date of this rule to comply with this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0070, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0066

Privacy

(1) An agency (defined in OAR 413-215-0006) may not disclose any identifying information of a child, including a picture, without first obtaining the written consent from the child's parents or legal guardians.

(2) An agency must ensure the privacy of all information that identifies a child or family the agency serves. An agency may not disclose such information without proper written consent or as otherwise allowed by law.

ADMINISTRATIVE RULES

(3) An agency must have a written policy that addresses protection of the privacy of children and families the agency serves or has served.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0071

Records and Documentation

With respect to the records on children and families an agency (defined in OAR 413-215-0006) serves and to other records maintained by an agency, the agency must meet all of the following requirements:

(1) The agency must accurately prepare and safely store its records and ensure the records are readily available for inspection by the Department.

(2) All entries in records required by the rules in Division 413-215 must be permanent, legible, dated, and signed by the person making the entry.

(3) Records must be uniform in organization, readily identifiable and accessible, current and complete, and contain all of the information required of the agency by the rules in Division 413-215.

(4) Records must be corrected, when necessary, by the use of a single line drawn through the incorrect information, the addition of the correct information, a notation of the date the correction is made, and the initials of the person making the correction. No "white out," eraser tape, or other means of eradicating information may be used to make a change to a record.

(5) Fiscal records must be kept that are accurately prepared and properly reflect all direct and indirect revenues and expenditures for the operation and maintenance of the agency.

(6) The agency must keep reports of all inspections of the agency and its facilities for not less than five years after an inspection.

(7) The agency must maintain a permanent registry of each child the agency serves. The registry must include the child's name, gender, and birth date; the names and addresses of its parents or guardians; the dates of admission; and the placement upon discharge.

(8) If an agency changes ownership or executive or program director, all records of the children and families served by the agency must remain in a facility operated by the agency.

(9) Prior to the dissolution of an agency, the executive or program director must inform, in writing, a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department of the location and storage of records on children or that the records have been transferred with the children to a new facility.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0140, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0076

Behavior Management (Excluding Adoption Agencies and Academic Boarding Schools)

(1) An agency (defined in OAR 413-215-0006), except an agency licensed only to provide adoption services under OAR 413-215-0401 to 413-215-0481 or an agency licensed only as an academic boarding school under OAR 413-215-0201 to 413-215-0286, must meet all of the requirements of this rule.

(2) The agency must have and follow behavioral management policies consistent with the requirements of this rule. The policies must include a description of the model, program, or techniques used (for instance, a level system or token economy), and its use of each of the following:

(a) Non-violent crisis intervention. For purposes of this rule, non-violent crisis intervention means a nationally recognized, holistic system for defusing escalating behavior and safely managing physically aggressive behavior. The agency's choice of a non-violent crisis-intervention system must be conveyed to and approved by the Department.

(b) Use of time out, if applicable.

(c) Use of restraints, if applicable.

(d) Use of seclusion, if applicable.

(3) The behavior management policy of the agency must identify appropriate and positive methods of behavior management based on a child's needs, developmental level, and behavior.

(4) Chemical restraint, meaning the administration of medication for the management of uncontrolled behavior, is prohibited. Chemical restraint is different from the use of medication for treatment of symptoms of severe emotional disturbances or disorders.

(5) Mechanical restraint, meaning the use of any physical device to involuntarily restrain the movement of a child as a means of controlling his or her physical activities, is prohibited.

(6) Discipline Policy. The agency must have and follow a discipline policy that includes prohibitions against all of the following:

(a) Spanking, hitting, or striking with an instrument.

(b) Committing an act designed to humiliate, ridicule, or degrade a child or undermine a child's self-respect.

(c) Punishing a child in the presence of a group or punishment of a group for the behavior of one child.

(d) Depriving a child of food, clothing, shelter, bedding, rest, sleep, toilet access, or parental contact.

(e) Assigning extremely strenuous exercise or work or requiring a child to spend prolonged time in one position likely to produce unreasonable discomfort.

(f) Using *physical restraint* (see subsection (8)(a) of this rule) or seclusion as discipline.

(g) Permitting or directing a child to punish another child.

(h) Using any other kind of harsh punishment.

(7) If the agency utilizes seclusion and restraint as part of its behavior management practices, its use of seclusion and restraint must be in compliance with all applicable federal and state regulations and rules.

(8) Physical restraint.

(a) For the purposes of this rule, "physical restraint" means the act of restricting a child's voluntary movement as an emergency measure in order to manage and protect the child, or others from injury when no alternate actions are sufficient to manage the child behavior. "Physical restraint" does not include temporarily holding a child to assist him or her or assure his or her safety, such as preventing a child from running onto a busy street.

(b) Only agency staff who have been trained in a nationally recognized non-violent crisis-intervention system (described in subsection (2)(a) of this rule) may use physical restraint, except when physical restraint is necessary as a last resort to prevent a child from inflicting harm to self or others.

(c) The agency must report each use of physical restraint on a child to the child's parent or legal guardian within five working days, and must document the notification in the child's case file.

(d) Any use of physical restraint by a staff member of the agency, if the member is not trained in a nationally recognized non-violent crisis intervention system, must be reported to a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department within one working day of occurrence.

(e) Limitations. The agency must have a policy that prohibits the application of a non-violent physical restraint to a child who has a documented physical condition that would contraindicate the use of that particular restraint, unless a qualified medical professional has previously and specifically authorized its use in writing for that child. Documentation of the authorization must be maintained in the child's record.

(f) Physical Restraint Documentation. The policies of the agency must require a report on an incident report form of behavior that required the use of physical restraint. The report must include the specific attempts to de-escalate the situation before using physical restraint and the length of time the physical restraint was applied. The report must include the time the restraint started and the time it was terminated, the debriefing completed with the staff and child involved in the physical restraint, and documentation of a review by the executive director, program director, or designee.

(g) Review. The policies of the agency must require that whenever a physical restraint is used on a child more than two times in seven days, there is a review by the executive director, the director's designee, or a management team to determine the suitability of the program for the child, whether modifications to the child's plan are warranted, and whether staff need additional training in alternative therapeutic behavior management techniques. The agency must take appropriate action indicated by the review.

(9) Seclusion.

(a) For the purposes of this rule, "seclusion" means that a child is involuntarily confined to an area or room, and is physically prevented from leaving.

(b) Rooms used for seclusion must have adequate space, heat, light, and ventilation.

(c) Seclusion may only be used to ensure the safety of the resident or others during an emergency safety situation.

(d) Episodes of seclusion are limited to two hours for children age nine and older and one hour for children under the age of nine.

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(e) Visual monitoring of a child in seclusion must occur and be documented at least every fifteen minutes.

(f) Each incident of seclusion must be documented in the child's clinical record, and must include the clinical justification for its use.

(g) If incidents of seclusion used with an individual child cumulatively exceed five hours in five days, or a single episode of more than two hours for children age nine and older or more than one hour for children under age nine, the executive director or designee must review the case with those with clinical leadership responsibilities to evaluate the child's plan of care and make necessary adjustments.

(10) Time out.

(a) For the purpose of this rule, "time out" means restricting a child to a designated area for a period of time to give the child an opportunity to regain self-control.

(b) Time out must include frequent contact with staff.

(c) Rooms used for time out must have adequate space, heat, light, and ventilation, and must not be capable of locking.

(d) Time out episodes must be documented in the child's clinical record.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0190, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0081

Application for License

(1) For purposes of this rule, "*applicant*" means an agency (defined in OAR 413-215-0006) that is in the process of applying for a license from the Department.

(2) Application required.

(a) An agency must submit a completed application in each of the following situations:

(A) To obtain an initial license.

(B) To renew a license.

(b) An applicant must apply for a license on forms provided by the Department.

(3) Documents to be submitted by a new applicant. The applicant must submit to the Department at the time of application all of the following documents:

(a) An application form that is complete and signed by the board chair and either the executive director or program director.

(b) A copy of the articles of incorporation, bylaws, amendments to the articles of incorporation and bylaws, and documents evidencing each name change or assumed business name.

(c) A list of the current board of directors, including names, addresses, telephone numbers, term, and office held.

(d) A complete personnel list with job titles.

(e) An organization chart with job titles and staff names.

(f) Authorization to obtain criminal histories and child abuse background checks on the executive director and program director.

(g) A proposed annual budget adequate to finance the program. The budget must clearly indicate all sources of income and anticipated expenditures, as described in OAR 413-215-0026.

(h) A written program description, including admission requirements, population served, gender and ages served, types of programs and services offered, the cost to clients (if any), the geographical area to be served, and the projected staffing pattern. The program description must identify all exclusions that would make a child ineligible to be served by the agency.

(i) For new, expanding, or changing residential programs only, documentary proof of compliance with ORS 336.575, which requires notification of the superintendent or the district school board of possible effect of additional children and services, three months before children arrive at the agency's facility.

(j) Written policies regarding the rights of children and families the agency would serve upon being licensed.

(k) A grievance procedure for children and families.

(l) Floor plans for any proposed facility.

(m) A written policy for compliance with Interstate Compact on the Placement of Children (ICPC) (see ORS 417.200 to 417.260), if applicable.

(n) A written policy for compliance with the Indian Child Welfare Act of 1978, Pub. L. No. 95-608, 92 Stat. 3069 (1978) (ICWA) (see OAR 413-070-0100 to 413-070-0260), if applicable.

(o) Proof of adequate fire, auto, and liability insurance.

(p) Emergency procedures.

(q) Current inspection report of the Fire Marshal and current sanitation inspection reports, unless the application is for a license as an adoption

agency (OAR 413-215-0001(2)(a)) or a foster care placement agency (OAR 413-215-0001(2)(b)). For an outdoor youth program (OAR 413-215-0001(2)(d)), these inspections reports are only required for each base camp component.

(r) For the previous ten years, a copy of each report by a federal or state authority concerning a criminal charge, charge of child abuse, malpractice complaint, or lawsuit against the agency, a member of the agency's board of directors, or one of its employees related to the provision of services, and the basis and disposition of each action, if applicable.

(s) Other documents or information requested by the Department.

(4) Documents to be submitted to renew a license. A licensee must submit to the Department at the time of application for renewal all of the following documents:

(a) An application renewal form that is complete and signed by the board chair and either the executive director or program director.

(b) A list of the current board of directors, including names, addresses, telephone numbers, term, and office held.

(c) A complete personnel list with job titles.

(d) An organization chart with job titles and staff names.

(e) Authorization to obtain criminal histories and child abuse background checks on the executive director and program director.

(f) Proof of adequate fire, auto, and liability insurance.

(g) Current inspection report of the Fire Marshal and current sanitation inspection reports, unless the re-application is for a license as an adoption agency (OAR 413-215-0001(2)(a)) or a foster care placement agency (OAR 413-215-0001(2)(b)). For an outdoor youth program (OAR 413-215-0001(2)(d)), these inspections reports are only required for each base camp component.

(h) Other documents or information requested by the Department.

(5) Application fees.

(6) The Department requires no fee to be paid by an applicant for the inspection conducted to determine whether to grant, withhold, suspend, or revoke a license required by these rules.

(b) An agency may be required to pay for inspections done by other governmental agencies, such as county health departments and the State Fire Marshal, that are necessary to obtain a license from the Department.

(6) Processing the Application. Within 30 days of the receipt of an application and the documents described in section (3) or (4) of this rule, the Department will begin its review to determine whether the applicant is in substantial compliance (defined in OAR 413-215-0006) with the rules in Division 413-215. In connection with its evaluations, the Department may examine the records and files of the applicant, inspect and observe the physical premises, and interview children and families served by the program (defined in OAR 413-215-0006), the staff of the applicant, and persons in the community.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0020, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0086

Issuance of License

(1) If the Department determines from the application and its review that the agency (defined in OAR 413-215-0006) is in compliance with the rules in Division 413-215, the Department issues a license to the *agency*. A license is effective for a two-year period subject to being suspended, revoked, or rendered invalid as provided in OAR 413-215-0121.

(2) The license is not transferable and is not applicable to an entity other than the corporation to which the license is issued. The license is applicable only to a facility or site identified on the license.

(3) The following information is included on the license:

(a) The incorporated name of the *licensee* (defined in OAR 413-215-0006), and its "assumed business name" if applicable.

(b) The address of the administrative office of the corporation.

(c) The address of each facility operated under authority of the license.

(d) The maximum number to be served at any one time in each facility, if applicable.

(e) The age and gender of the persons to be served by the agency.

(f) The types of services the licensee is authorized to provide.

(g) The effective date and term of the license.

(h) Restrictions imposed by the Department, if applicable.

(i) Such other information deemed appropriate by the Department.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

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413-215-0091

Responsibilities of Licensees

A *licensee* (defined in OAR 413-215-0006) is responsible to do all of the following:

- (1) Meet with an employee of the Department upon request.
- (2) Notify the Department if the agency (defined in OAR 413-215-0006) employs a new executive director or program director and submit a request to the Department for a criminal history and child abuse background check on that person.
- (3) Make reports to the Department as necessary to ensure that the requirements for licensing are met.
- (4) Notify a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department within one business day if a critical event occurs. As used in this section, a "critical event" is a significant event occurring in the operation of an agency that is considered likely to cause complaints, generate concerns, or come to the attention of the media, law enforcement agencies, first responders, Child Protective Services, or other regulatory agencies. Compliance with this notification requirement does not satisfy the mandatory reporting requirements under ORS 419B.005 to 419B.045.
- (5) Notify a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department 30 days or more prior to the voluntary closure or change to inactive status of a program (defined in OAR 413-215-0006) of the *agency*.
- (6) Post a copy of the license in a common area at each facility operated by the licensee and retain the license at the administrative offices of the licensee.
- (7) Return the license to a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department immediately upon the suspension or revocation of the license, a change to inactive status, or a change of ownership or location.
- (8) Inform a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department of the discontinuation of services or the intent to reactivate a service after a period of inactivity.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0096

Renewal of License

- (1) To renew a license, a *licensee* (defined in OAR 413-215-0006) must submit to the Department an application for renewal prior to the expiration of the current license (see OAR 413-215-0081). If the Department receives an application for renewal before the license expires, the license remains effective until the Department issues a decision on the application.
- (2) Before the Department will consider an application for renewal of a license, the licensee must submit the documents required in OAR 413-215-0081(4) with an application to renew a license. The licensee must make available for examination by the Department all records and files of the agency (defined in OAR 413-215-0006). The licensee must allow representatives of the Department to enter and inspect the physical premises, and interview children receiving services from the agency and agency staff.
- (3) Within 30 days of the receipt of the renewal application, the Department will begin its review to determine whether the licensee is in compliance with the rules in Division 413-215.
- (4) The Department will not renew a license if the licensee is not in substantial compliance (defined in OAR 413-215-0006) with the rules in Division 413-215 and other applicable law.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0230, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0101

Periodic Inspections

- (1) The Department will visit and inspect each *licensee* (defined in OAR 413-215-0006) and each facility operated by the licensee at least once every two years to determine whether the program (defined in OAR 413-215-0006) is maintained and operated in accordance with the rules in Division 413-215 and all other applicable rules.
- (2) Employees of the Department may conduct inspections and may visit the licensee at unannounced, irregular intervals.
- (3) The Department may also make informal visits, with notice to the licensee, in order to provide technical assistance to the licensee.
- (4) A *licensee* must allow employees of the Department, for the purposes of carrying out the inspections and investigations described in Division 413-215 and other applicable rules, to enter the facilities of the

agency (defined in OAR 413-215-0006); inspect all accounts, records of work, and physical premises; and interview all children and staff.

- (5) An agency must make all of the following documents available for review during a site inspection:
 - (a) Personnel files on each employee.
 - (b) Criminal history, child abuse, and reference checks on volunteers.
 - (c) Board meeting minutes.
 - (d) A complete set of the policies and procedures of the agency.
 - (e) Records of the children and families served by the agency.
 - (f) Other documents or information requested by the Department.
- (6) A licensee must allow access by the State Fire Marshal or an authorized representative of the State Fire Marshal to all facilities maintained by the licensee, residents of its facilities, and records of the licensee that pertain to fire safety.
- (7) A licensee must allow access by a registered sanitarian, for the purpose of conducting a health and sanitation inspection, to the facilities maintained by the agency, the records of the agency pertaining to sanitation, and residents.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0210, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0106

Investigation of Complaints

- (1) The Department will investigate each report received of abuse, dereliction, or deficiency in or by an agency (defined in OAR 413-215-0006).
- (2) The Department will notify the executive director and board of directors of any needed corrective action, of the deadlines for completing the corrective action, and of any other actions the Department may initiate as a result of the investigation.
- (3) If there is a reasonable basis for sustaining a complaint against an organization or school that offers a residential program for children (regulated by ORS 418.327) that is not a private child-caring agency (defined in OAR 413-215-0006), the Department will initiate a contested case proceeding with the Office of Administrative Hearings.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 183.635, 418.205 - 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0220, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0111

Corrective Actions

- (1) As a result of an inspection, or at any time, the Department may require a *private child caring* agency (defined in OAR 413-215-0006) to comply with a plan of correction that explains the actions required to be taken by the private child caring agency to be in compliance with the rules in Division 413-215 and other applicable statutes and rules.
- (2) The Department may establish deadlines by which the private child caring agency must correct the deficiencies noted in the corrective action plan.
- (3) Where a condition exists in an organization or school that offers a residential program for children (regulated by ORS 418.327) that immediately endangers the health or safety of a child, the director of the Department may issue an interim order without any notice, or with such notice as is practical under the circumstances, requiring the school or organization to alter the conditions under which the child lives or receives schooling. Such interim emergency order may remain in force until a final order, after a hearing provided in OAR 413-215-0106(3), is entered.
- (4) Where the evidence at a contested case hearing (OAR 413-215-0106(3)) justifies such an order, an Administrative Law Judge may issue a proposed order and the Department may issue a final order that orders a private school or organization that offers a residential program for children (regulated by ORS 418.327) to correct the conditions not in conformity with standards.
- (5) If corrections required under section (3) or (4) of this rule are not made within time limits set by the final order, the Department may take any other lawful actions necessary for the protection of the child or children involved.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.327, 418.995
Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0116

Civil Penalties

- (1) In addition to the actions described in OAR 413-215-0121, as provided in ORS 418.992, the Department may impose a civil penalty against

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a *private child-caring agency* (defined in OAR 413-215-0006) if subsections (a) and (b) of this section both apply:

(a) The *private child-caring agency* has committed one of the following acts:

(A) Violation of any of the terms or conditions of a license issued under ORS 418.205 to 418.310 and OAR 413-215-0086.

(B) Violation of any rule in division 413-215 or a general order of the Department against a private child-caring agency.

(C) Violation of any final order of the Department that pertains specifically to the private child-caring agency.

(b) The violation involves one of the following:

(A) Direct care or feeding of children.

(B) Staff to child ratios (OAR 413-215-0561).

(C) Sanitation involving direct care. (OAR 413-215-0541);

(D) The violation has occurred on two consecutive surveys on-site reviews of the private child-caring agency.

(2) As required by ORS 418.995, the Department will consider the following factors in making a decision about the level of penalty imposed:

(a) The past history of the private child-caring agency incurring the penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes or rules pertaining to private child-caring agencies.

(c) The economic and financial conditions of the private child-caring agency incurring the penalty.

(d) The immediacy and extent to which the violation threatens the health, safety, and well being of the children served by the private child-caring agency.

(3) Civil Penalty Schedule. For each violation by a private child-caring agency, the following civil penalty may be imposed:

(a) \$100 per violation if all four subsections of section (2) of this rule favor the private child-caring agency.

(b) \$200 per violation if three subsections of section (2) of this rule favor the private child-caring agency.

(c) \$300 per violation if two subsections of section (2) of this rule favor the private child-caring agency.

(d) \$400 per violation if one subsection of section (2) of this rule favor the private child-caring agency.

(e) \$500 per violation if no subsections of section (2) of this rule favor the private child-caring agency.

(4) In all cases in which the Department is considering the imposition of a civil penalty, the Department must prescribe a reasonable time period for the private child-caring agency to eliminate the violation:

(a) Not to exceed 30 days after the first notice of violation; or

(b) In cases where the violation requires more than 30 days to correct, such time as is specified in a plan of correction found acceptable by the Department.

(5) A civil penalty imposed under this rule may be canceled or reduced under terms or conditions determined by the Department to be proper and consistent with public health and safety.

(6) A civil penalty will be imposed by written notice of violation and assessment of penalty provided to the private child-caring agency. Such notice shall be sent by registered or certified mail and will include:

(a) Reference to the statute, rule, standard or order involved;

(b) A short statement of the matters asserted or charged;

(c) A statement of the amount of the penalty imposed; and

(d) A statement of the right of the private child-caring agency to request a hearing.

(7) As provided in ORS 418.993, the private child-caring agency to which the notice of violation and assessment of penalties is addressed has 10 days from the date of service of the notice in which to make a written request for a hearing. All such hearings shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

(8) A civil penalty imposed under this rule is due and payable 10 days after the order imposing the civil penalty becomes final by operation of law or on appeal. A private child-caring agency against whom a civil penalty is to be imposed shall be served a notice in the form provided in ORS 183.415. Service of the notice shall be accomplished in the manner provided in ORS 183.415.

(9) If the private child-caring agency does not request a hearing, or if after such a hearing the private child-caring agency is found to be in violation of a license, rule or order as specified in the notice, the Department will make a final order imposing the penalty.

(10) Judicial review of civil penalties shall be as provided under ORS 183.480. The reviewing court may, in its discretion, reduce the amount of the penalty.

(11) Civil penalties are payable within 10 days after the order of the Department is entered, unless the order is appealed and is sustained or modified, in which case the penalty is payable within 10 days after the court decision is rendered.

(12) If the order of civil penalty is not appealed or sustained on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the agency incurring the penalty and the amount of the penalty in the County Clerk Lien Record.

(13) Upon recording an order in the County Clerk Lien Record, the Department may initiate proceedings to enforce the order by filing in the Circuit Court for the county where the order is recorded a certified copy of the civil penalty order and a certified copy of the recording made in the County Clerk Lien Record. Subject to any other requirements that may apply to the enforcement proceedings sought by the Department, the court shall then proceed as with judgments issued by the court. Enforcement proceedings available to the Department through this procedure shall include:

(a) Writ of Execution proceedings under ORS 23.030 to 23.105 and 23.410 to 23.600;

(b) Supplementary proceedings under ORS 23.710 to 23.730;

(c) Garnishee proceedings under ORS 29.285 to 29.335; and

(d) Renewal of judgment under ORS 18.360.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.994

Stats. Implemented: ORS 418.205 - 418.327, 418.992 - 418.998

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0030, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0121

Denial, Suspension, or Revocation of License

(1) Except as provided in section (2) of this rule:

(a) The Department may deny, suspend, or revoke a license upon finding that an agency (defined in OAR 413-215-0006) is not in substantial compliance (defined in OAR 413-215-0006) with the rules in Division 413-215.

(b) If an agency operates more than one facility, the Department may suspend, revoke, or deny the license only as it applies to the facility or facilities out of *substantial compliance* with applicable statutes or rules.

(2) The Department may suspend or revoke the license of an organization or school that offers a residential program for children (regulated by ORS 418.327) that is not acting as a private child-caring agency only after corrections required under OAR 413-215-0111(4) are not made within time limits set by the Department or an Administrative Law Judge.

(3) Immediate Suspension or Revocation. In the event of an imminent danger to the health or safety of children or families receiving services or of the public, the Department may take immediate action to suspend or revoke the license of a private child-caring agency.

(4) An agency may appeal the decision to deny, suspend, or revoke a license in a contested case hearing subject to the provisions of ORS Chapter 183.

(5) To request a contested case hearing, as provided in ORS Chapter 183, the agency must provide the Department's Licensing Unit a written request for a hearing within 30 days of the date that the Department mailed the notice of denial, suspension, or revocation. If the Department does not receive a request for a contested case hearing within 30 days of the date that the Department mailed the notice of denial, suspension or revocation, the agency has waived the right to a hearing, except as provided in OAR 137-003-0528(1).

(6) Except for an agency that retains a facility with an active license under subsection (1)(b) of this rule, if the Department revokes a license, the agency may not apply under any name for licensure under this chapter of rules for the three years following the effective date of revocation.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0240, CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0126

Temporary, Inactive, and Amended Licenses

(1) Temporary license.

(a) The Department may issue a temporary license when the application by an agency (defined in OAR 413-215-0006) for a license is approved, and the agency does not hold a current, valid license. A temporary license is valid for a period not to exceed six months. Use of a temporary license

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allows the licensee (defined in OAR 413-215-0006) to start providing services authorized by the temporary license. To obtain a temporary license, an agency must meet all requirements of the rules in Division 413-215 except those that can be met only while providing services.

(b) Once an agency with a temporary license begins providing services, the licensee must request an inspection by the Department for the purpose of verifying its compliance with the rules in Division 413-215. Upon verification, the Department will issue a license valid for two years, as described in OAR 413-015-0086.

(2) Inactive license.

(a) An agency is considered to have an inactive license if the agency discontinues or fails to provide a service for which the agency is licensed for a period of 180 days.

(b) An agency no longer providing services for which it is licensed must immediately inform a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department.

(c) In order to reactivate an inactive license, an agency must request an inspection by the Department for the purpose of verifying its compliance with all applicable Department rules. The agency may not resume providing services until the Department has verified in writing that the agency is in compliance with all applicable Department rules and reinstated the agency to active status.

(3) Amended license.

(a) The Department may require additional documentation of a licensee if the Department is considering the amendment of a license.

(b) The Department may issue an amended license to a licensee that has an inactive facility or program (defined in OAR 413-215-0006), but retains another facility or program with an active license.

(c) The Department may issue an amended license upon written request of the licensee to accommodate changes in the factors upon which an existing license is based.

(4) The term of a temporary, inactive, or amended license is not extended by any action described in this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 29-2008, f. & cert. ef. 10-17-08

413-215-0131

Exceptions

(1) The Department may waive a requirement of a rule in Division 413-215 upon written request of an agency (defined in OAR 413-215-0006). The request must identify the rule, give the reasons that justify the exception, state the length of time for which the exception is requested, and explain how the needs of children and families would be affected if the agency did not comply with the rule.

(2) The Department may approve a request for an exception upon a determination that the failure of an agency to comply with the rule does not pose a threat to the health, safety, and welfare of children and families. In determining whether to grant an exception, the Department additionally must take into consideration:

(a) Whether the agency has consistently been in compliance with licensing regulations and has a history or provision of services that meet the best interests of children.

(b) Innovative approaches of the agency.

(c) The availability of services to children and families similar to the services provided by the agency.

(d) The impact of the rule exception sought.

(e) Whether the Department may waive application of the rule under state statute or federal law.

(3) An agency granted an exception may, as a condition of obtaining and retaining the exception, be required to provide specific information on its operation under the exception.

(4) An agency may operate under an exception for a period of time set by the Department, not to exceed the term of its current license.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0250, CWP 29-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 30-2008

Filed with Sec. of State: 10-17-2008

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Rules Adopted: 413-215-0201, 413-215-0206, 413-215-0221, 413-215-0246, 413-215-0251, 413-215-0256, 413-215-0266, 413-215-0271, 413-215-0276

Rules Repealed: 413-210-0500, 413-210-0510, 413-210-0520, 413-210-0530, 413-210-0590, 413-210-0620

Rules Ren. & Amend: 413-210-0540 to 413-215-0261, 413-210-0550 to 413-215-0241, 413-210-0560 to 413-215-0216, 413-210-0570 to 413-215-0226, 413-210-0580 to 413-215-0236, 413-210-0600 to 413-215-0231, 413-210-0610 to 413-215-0211

Subject: These rules are being changed because the current residential school rules have been in effect since 1996 and need to be updated to reflect current practice. These rules set out requirements for academic boarding schools for educational services, physical plant requirements, boarding student furnishings and personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing requirements, separation of children, consents, disclosures, authorizations, and documentation requirements. New requirements include flashlights, vehicle fire extinguishers, vehicle first aid kits, a medication policy, and additional staff training. These rules are in addition to other umbrella rule changes being filed under separate notice that also apply to academic boarding schools.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0201

Academic Boarding Schools; What Law Applies

(1) An *academic boarding school* (defined in OAR 413-215-0206) must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and 413-215-0201 to 413-215-0276.

(2) Therapeutic boarding schools (OAR 413-215-0601 to 413-215-0681) and residential care agencies (OAR 413-215-0501 to 413-215-0586) are not subject to OAR 413-215-0201 to 413-215-0276.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0206

Definitions

The following definitions apply to OAR 413-215-0201 to 413-215-0276:

(1) "Academic boarding school" means an organization or a program in an organization that

(a) Provides educational services and care to children for 24 hours a day; and

(b) Does not hold itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring that children receive therapeutic services.

(2) "Approval" means acceptable to the regulatory authority based on conformity with generally recognized standards that protect public health.

(3) "Boarding student" means a student of an academic boarding school who resides on the school campus.

(4) "Care" means services provided to meet the needs of a child, such as food, shelter, clothing, medical care, schooling, protection, and supervision. Care does not include services provided in family foster homes or adoptive homes.

(5) "Child" means an individual under 18 years of age.

(6) "Employee" means an individual holding a paid position with an academic boarding school.

(7) "Facility" means the physical setting, buildings, property, or structures of an academic boarding school.

(8) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.

(9) "Staff" means employees of the academic boarding school who are responsible for providing direct care to boarding students.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0211

Educational Services

The educational services of an *academic boarding school* (defined in OAR 413-215-0206) must comply with all of the following requirements:

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(1) The *academic boarding school* must comply with the minimum requirements for private schools as determined by the Oregon Department of Education.

(2) The academic boarding school must ensure that it has a curriculum that considers the goals of modern education as defined in OAR 581-022-1020 and the requirements of a sound comprehensive curriculum.

(3) Secondary schools must verify that they have academic standards necessary for students to obtain admission to community colleges and institutions of higher education and receive a high school diploma or GED.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0610, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0216

Physical Plant Requirements

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) All buildings owned, maintained, or operated by the academic boarding school to provide services to children must meet all applicable state and local building, electrical, plumbing, and zoning codes.

(2) Each room used by children must have floors, walls, and ceilings that meet the interior finish requirements of the applicable *Oregon Structural Specialty Code* (see the current version of OAR 837-040-0140) and the *Oregon Fire Code* (see the current version of OAR 837-040-0010 and 837-040-0020) and be free of harmful drafts, odors, and excessive noise.

(3) Each room used by children must be adequate in size and arrangement for the purpose in which it is used.

(4) A system providing a continuous supply of hot and cold water must be distributed to taps conveniently located throughout each facility (defined in OAR 413-215-0206).

(5) Water systems serving the property must be installed and maintained in compliance with applicable drinking water regulations (chapter 333 of the Oregon Administrative Rules) from the Public Health Division of the Department of Human Services.

(6) Heat and ventilation.

(a) Buildings must be ventilated by natural or mechanical means and must be free of excessive heat, condensation, and obnoxious odors.

(b) Room temperature must be maintained within a normal comfort range.

(7) Individual Rooms.

(a) Living area. A separate living room or lounge area must be available for the exclusive use of students, employees, and invited guests.

(b) Bedrooms. Bedrooms for students may not be exposed to drafts, odors, or noises that interfere with the health or safety of the occupants. Each bedroom must comply with all of the following requirements:

(A) Be separate from the rooms used for dining, living, multi-purpose, laundry, kitchen, or storage.

(B) Be an outside room, with a window of at least the minimum size required by the State Fire Marshal and building codes.

(C) Have a ceiling height of at least 90 inches.

(D) Have a minimum of 60 square feet per bed.

(E) House no more than 25 boarding students in one room when a dormitory-style sleeping arrangement is used.

(F) Have permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(G) Have a window covering on each window to ensure privacy.

(H) Contain beds for boarding students that meet both of the following requirements:

(i) There must be at least three feet between beds, including trundle beds if used; and

(ii) Bunk beds, if used, must be maintained to ensure safety of the boarding students.

(c) Restrooms must be provided and be conveniently located, and must have:

(A) A minimum of one toilet for every eight children.

(B) One hand-washing sink with mixing faucets for each toilet. The sink may not be used for the preparation of food or drinks or for dish washing.

(C) Hot and cold running water, soap, and paper towels at each hand washing sink or other hand drying options approved by an environmental health specialist.

(D) One bathtub or shower for every ten boarding students.

(E) Arrangements for individual privacy for users.

(F) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(G) A window covering on each window to ensure privacy.

(H) Adequate ventilation.

(I) Each self-closing metered faucet, if provided, must provide water flow for at least 15 seconds without the need to reactivate the faucet.

(d) Laundry facilities must be separate from:

(A) Kitchen and dining areas;

(B) Student living areas, including bedrooms; and

(C) Areas used for the storage of un-refrigerated perishable food.

(e) Storage areas must be provided appropriate to the size of the facility. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils.

(B) Clean linens.

(C) Soiled linens and clothing.

(D) Cleaning compounds and equipment.

(E) Poisons, chemicals, pest control products, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(F) Outdoor recreational and maintenance equipment.

(f) Food service areas.

(A) Kitchens must have facilities for dish washing, storage, and preparation of food and must be separate from student living areas.

(B) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or in which utensils are washed or stored must be smooth, washable, and easily cleanable.

(C) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, non-toxic, and non-absorbent and must be maintained in a clean and sanitary condition.

(D) All equipment used for food preparation must be installed and maintained in a manner providing ease of cleaning beneath, around, and behind each unit.

(g) Dining area. A separate dining room or area must be provided for the exclusive use of students, employees, and invited guests. The dining area must contain a minimum of 15 square feet per occupant.

(h) Classrooms and school buildings must be adequate in size and arrangement for the programs offered.

(i) Time-out rooms. Rooms used for time out or quiet time must have adequate space, heat, light, and ventilation and must not be capable of locking.

(j) Activity area. A usable recreational activity area must be provided that is:

(A) Protected from motor traffic and other hazards; and

(B) Of a size and availability appropriate to the age and needs of the children served by the academic boarding school.

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

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0560, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0221

Boarding Student Furnishings and Personal Items

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Furniture. Furniture must be provided for each boarding student (defined in OAR 413-215-0206) including:

(a) A bed, including a frame;

(b) A clean, comfortable mattress; and

(c) A private dresser, closet, or similar storage area for personal belongings that is readily accessible to the boarding student.

(2) Linens. Linens in good repair must be provided or arranged for each boarding student, including:

(a) A waterproof mattress cover or waterproof mattress;

(b) Sheets, pillows, and pillowcase;

(c) Blankets appropriate in number and type for the season and the comfort of the individual boarding student; and

(d) Towels and washcloths.

(3) Bedding must be changed when soiled and upon change of occupant.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

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413-215-0226

New Facility or Remodel

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Building Plans. An academic boarding school must submit to the Department for approval a set of plans and specifications for each facility (defined in OAR 413-215-0206), operated by the academic boarding school and utilized by boarding students, at each of the following times:

- (a) Prior to construction of a new building;
- (b) Prior to construction of an addition to an existing building;
- (c) Prior to the remodeling, modification, or conversion of a building;

and

(d) In support of an application for initial license to operate an academic boarding school under OAR 413-215-0001 to 413-215-0131 and 413-215-0201 to 413-215-0276.

(2) The required plans must comply with both current Oregon Structural Specialty Codes (OAR 837-040-0140) and local fire and safety codes.

(3) Plans must be drawn to scale and must specify the estimated date upon which construction, modification, or conversion will be completed.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0570, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0231

Environmental Health

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) The academic boarding school must maintain an environment that ensures safety for staff (defined in OAR 413-215-0206) and boarding students.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

- (a) Food service risk assessment.
- (b) Drinking water or waste water assessment.
- (c) Vector and pest control, including the use of pesticides and other chemical agents.
- (d) Hazardous material management, including handling and storage.
- (e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0600, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0236

Food Services

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements with regard to food services:

(1) Nutrition and dietary requirements.

(a) An academic boarding school must arrange meals daily, consistent with normal mealtimes.

(b) Snacks must be available and provided as appropriate to the age and activity levels of boarding students.

(c) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each child at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the academic boarding school for at least six months.

(d) Drinking water must be freely available to the children served by the academic boarding school.

(2) Food selection, storage, and preparation.

(a) All food and drink provided by the academic boarding school must be stored, prepared, and served in a sanitary manner.

(b) All employees who handle food served to children must have a valid food handlers card pursuant to ORS 624.570.

(c) Selection of food. All food products served by an academic boarding school must be obtained from commercial suppliers, except:

(A) Fresh fruits and vegetables and fruits or vegetables frozen by the academic boarding school may be served.

(B) The serving of unpasteurized juice is prohibited.

(d) Requirements related to milk.

(A) Only Grade A pasteurized and fortified milk may be served to children.

(B) Milk and fluid milk products must be dispensed from a commercially filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or the Oregon Department of Agriculture.

(e) Children may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0580, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0241

Safety

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:

(a) The academic boarding school must provide fire safety equipment which meets the requirements of applicable building codes and the Oregon Fire Code (see OAR 837-040-0010 and 837-040-0020).

(b) The academic boarding school must comply with existing state and local fire safety codes.

(2) Emergency plan.

(a) The academic boarding school must have, for each boarding facility (defined in OAR 413-215-0206) it operates, a written emergency plan that includes:

(A) Instructions for evacuation of children and employees in the event of fire, explosion, accident, or other emergency.

(B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

(b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

(c) Operative flashlights sufficient in number must be readily available to the staff (defined in OAR 413-215-0206) in case of emergency.

(3) Evacuation drills.

(a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the academic boarding school must document the following information and retain it for a minimum of two years:

(A) Identity of the person conducting the drill.

(B) Date and time of the drill.

(C) Notification method used.

(D) Staff members on duty and participating.

(E) Number of occupants evacuated.

(F) Special conditions simulated.

(G) Problems encountered.

(H) Time required to accomplish complete evacuation.

(b) The academic boarding school must ensure that all employees and children are aware of the procedures to follow in case of emergencies.

(4) Hazards.

(a) The academic boarding school must protect children it serves from guns, drugs, plastic bags, sharps, paint, hazardous materials, bio-hazardous materials, and other potentially harmful materials. An academic boarding school must have a written policy that addresses potentially harmful materials that are in the building accessible to the children in the program or on the grounds of the program.

(b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving children. Direct supervision by staff must be provided for any child who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The academic boarding school must ensure the following when providing transportation to the children it serves:

(a) Driver requirements.

(A) Each employee (defined in OAR 413-215-0206) transporting a child in a motor vehicle must have a current driver license on record with the academic boarding school.

(B) The academic boarding school may use an employee to provide transportation for children only if the employee is covered by an insurance

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policy in full force and effect, and in compliance with the standards set by the academic boarding school.

(C) The academic boarding school must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The academic boarding school must ensure that each person who transports a child in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting children.

(b) Vehicle requirements.

(A) Each vehicle used to transport a child served by the academic boarding school must be covered by an insurance policy in full force and effect.

(B) Each vehicle used to transport a child served by the academic boarding school must be maintained in safe operating condition.

(C) Each vehicle used to transport a child must meet the vehicle requirements as set by the Department of Education.

(D) Each vehicle used to transport a child must be smoke-free.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0550, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0246

Health Services

(1) An *academic boarding school* (defined in OAR 413-215-0206) must obtain all private health record information referred to in this rule in a manner that complies with federal and state law.

(2) Medical History. Within 30 days of a child starting in an academic boarding school, the academic boarding school must obtain available medical history and other health-related information on the child, including:

(a) Significant findings of the most current physical examination;

(b) The child's current immunizations, history of surgical procedures and significant health issues or injuries, and past or present communicable diseases;

(c) Any known allergies;

(d) Physician or qualified medical professional's orders, including those related to medication (defined in OAR 413-215-0206), if any.

(3) An academic boarding school must have established protocols for accessing routine and urgent medical care for the boarding students with the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0251

Medication

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Policy and procedures. The academic boarding school must have policies and procedures that cover all prescription and non-prescription medication (defined in OAR 413-215-0206) that address all of the following:

(a) How the medication will be administered.

(b) By whom the medication will be administered.

(2) A prescription, signed by a physician or qualified medical professional, is required before any prescription medication is administered to, or self-administered by a child. Medication prescribed for one child may not be administered to, or self-administered by another child or staff (defined in OAR 413-215-0206). As used in this rule, "self administration of medication" refers to the act of a boarding student (defined in OAR 413-215-0206) placing a medication internally in, or externally on, his or her own body.

(3) Medication storage.

(a) A prescription medication that is unused and any medication that is outdated or recalled may not be maintained in a facility (defined in OAR 413-215-0206). "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The facility may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications stored in the facility must be kept in a manner that they are accessible only to staff or the boarding student for whom the medication is intended.

(d) A medication requiring refrigeration must be refrigerated and kept in a manner that it is accessible only to staff or the boarding student for whom the medication is intended.

(4) Medication disposal. Medication must be disposed of in a manner that ensures that it cannot be retrieved, in accordance with all applicable state and federal law.

(5) A written record of all medications disposed of by the academic boarding school must be maintained and must include all of the following:

(a) A description of the prescribed medication and the amount disposed.

(b) The child for whom the medication was prescribed.

(c) The reason for disposal.

(d) The method of disposal.

(e) The name of the person disposing the medication, and the initials of an adult witness.

(6) Medication Records. A written record must be kept for each child listing each medication, both prescription and over-the-counter, that is administered or dispensed by the academic *boarding school*. The record must include all of the following:

(a) The child's name.

(b) A description of the medication, instructions for use, and the recommended dosage.

(c) Dates and times medication is administered.

(d) A record of missed dosages.

(e) Medication dropped or disposed of.

(f) Method of administration for each medication.

(g) Identification of the person administering the medication.

(h) Any possible adverse reactions to the medication.

(i) Documentation of any medication taken outside the facility to be administered during a home visit or other activity.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0256

Staff Training

In addition to the requirements to provide orientation in OAR 413-215-0061(4), an academic boarding school (defined in OAR 413-215-0206) must meet the all of the following training requirements with respect to its staff (defined in OAR 413-215-0206):

(1) Staff of the academic boarding school must be provided with orientation training prior to or within 30 days of hire.

(2) Staff of the academic boarding school must receive ongoing training at least annually on all of the following:

(a) Mandatory child abuse reporting.

(b) Procedures for handling emergencies.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0261

Minimum Staffing Requirements

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) The *academic boarding school* must provide adequate supervision and protection for children. The supervision must be adequate for the type of program, location of program, the time of day or night, the age and type of children served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure supervision and protection.

(2) Additional staffing requirements for emergency response.

(a) When there is only one employee (defined in OAR 413-215-0206) of the academic boarding school on duty in a facility (defined in OAR 413-215-0206), there must be additional staff (defined in OAR 413-215-0206) immediately available in the event of an emergency, with a maximum response time of 30 minutes.

(b) One employee who is age 18 or over, has a current certification in cardiopulmonary resuscitation and first aid, and is capable of taking appropriate action in an emergency must be on site at all times when one or more boarding students are present on the premises of the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0540, CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0266

Separation of Children

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

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(1) Combining children and adults. Special care must be taken by an academic boarding school to provide adequate supervision of children when adults are being served by the academic boarding school. Children and adults must be housed in separate bedrooms, except that a child (defined in OAR 413-215-0206) and the child's parent may be housed in the same room if the parent is the child's caretaker. If a person is 18 years of age or older, and is to share a bedroom with a child, the academic boarding school must obtain written approval from the DHS Licensing Coordinator.

(2) Co-ed facilities. Special care must be taken by an academic boarding school to provide adequate supervision when the program serves both males and females concurrently. Children's bedrooms for males must be separated from bedrooms for females.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0271

Consents, Disclosures, and Authorizations

(1) Consents. For each *boarding student* (defined in OAR 413-215-0206) of an academic boarding school (defined in OAR 413-215-0206), the academic boarding school must ensure that a parent or legal guardian signs a consent that authorizes the academic boarding school to undertake each of the following:

(a) To provide routine and emergency medical care. However, if the parent or legal guardian relies on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized religion or denomination, the academic boarding school is not required to use medical, psychological, or rehabilitative procedures, unless the child is old enough to consent to these procedures and does so. The academic boarding school must have policies and procedures for this practice, which are reviewed and approved by the boarding student's parent or legal guardian.

(b) To provide care (defined in OAR 413-215-0206) to the student.

(2) The *academic boarding school* will make any written policy or procedure pertaining to program services available for review by the child, parent, or legal guardian, upon request.

(3) Authorizations. Authorizations must be pre-approved by the child's parent or legal guardian to allow children to participate in potentially hazardous activities, such as but not limited to using motorized yard equipment, swimming, and horseback riding.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

413-215-0276

Information about Boarding Students

Child's files. For each boarding student (defined in OAR 413-215-0206) of an academic boarding school (defined in OAR 413-215-0206), the academic boarding school must maintain a record that includes all of the following information:

(1) The child's name, gender, and date of birth.

(2) The date of admission to the program.

(3) The name, address, and telephone number of:

(a) The child's parents.

(b) The child's legal guardian, if different than the parents, and a copy of the document that provides for his or her authority over the child.

(4) Incident Reporting. A written description of any injury, accident, or unusual incident involving a child must be placed in the individual child's record.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: CWP 30-2008, f. & cert. ef. 10-17-08

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Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 31-2008

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-17-08

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Rules Adopted: 413-215-0313, 413-215-0316, 413-215-0321, 413-215-0336, 413-215-0341, 413-215-0346, 413-215-0349, 413-215-0356, 413-215-0361, 413-215-0366, 413-215-0376, 413-215-0381, 413-215-0386, 413-215-0391

Rules Repealed: 413-210-0420

Rules Ren. & Amend: 413-210-0400 to 413-215-0301, 413-210-0410 to 413-215-0306, 413-210-0430 to 413-215-0371, 413-210-0440 to 413-215-0326, 413-210-0450 to 413-215-0351, 413-210-

0460 to 413-215-0396, 413-210-0470 to 413-215-0311, 413-210-0480 to 413-215-0331

Subject: These rules are being changed because the current rules that apply to foster care agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address foster care agencies, and need to focus more directly on foster care agencies. These rules define the term "foster care agency", identify the rules that apply to them, and set out requirements for licensing approval, personal qualifications for approved provider parents, orientation of approved provider parents and foster parents, assessment and approval of certified provider homes, training for parents in certified provider homes, annual review and approval by the foster care agency of the certified provider home, how the foster care agency must handle complaints about certified provider homes, closures of certified provider homes, modifications to the certification of a certified provider home, notifications required of parents to the foster care agency, records of certified provider homes, placement of a child by a foster care agency, documentation required when a foster care agency changes a placement, respite care, training of foster care agency staff, health services, medication, referral and initial evaluation of children, consents, disclosures, authorizations, and information about children placed in physical custody of the foster care agency.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0301

Foster Care Agencies, What Law Applies

A *private child-caring agency* (defined in OAR 413-215-0006) that uses care in the homes of provider parents or foster parents as a placement option must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and 413-215-0301 to 413-215-0396.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0400, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0306

Definitions

As used in OAR 413-215-0301 to 413-215-0396:

(1) "Approved provider parent" means an individual who a foster care agency, OYA, or a governmental agency other than the Department has approved to provide care to children in the home of the individual.

(2) "Certified provider home" means the home of at least one *approved provider parent* or foster parent that a *foster care agency* has approved for this individual to provide care to children placed by the foster care agency.

(3) "Criminal history check" means compliance with the Department's criminal records history rules (OAR 407-007-0200 to 407-007-0380). To comply with these rules, the agency must appoint a Contact Person (CP) who is designated to receive and process criminal history and child abuse check forms. Final fitness determinations will be made by the Department.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Foster care agency" means a private child-caring agency (defined in OAR 413-215-0006) that offers to place children by taking physical custody of and then placing the children in homes certified by the agency.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0410, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0311

License Requirements

(1) A *foster care agency* (defined in OAR 413-215-0306) must be licensed by the Department to certify a home as a certified provider home (defined in OAR 413-215-0306).

(2) A foster care agency must be licensed by the Department before the foster care agency accepts physical custody of a child for placement in the home of a foster parent (defined in OAR 413-215-0306) or approved provider parent (defined in OAR 413-215-0306).

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(3) To be licensed by the Department, a foster care agency must meet all of the following requirements:

(a) Written program statement. The foster care agency must have a current, written statement that contains all of the following information:

- (A) The type of provider and foster care provided.
- (B) A description of children served by the foster care agency.
- (C) The services provided to the children, their families, their foster families, or their approved provider families.
- (D) The geographical area covered.

(b) Foster and approved provider home recruitment and retention plan. The foster care agency must have an ongoing recruitment and retention program to ensure an adequate number of suitable certified provider homes based on the written program statement of the foster care agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0470, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0313

Personal Qualifications Required for Approved Provider Parents

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) A foster care agency may only approve an individual as an approved provider parent (defined in OAR 413-215-0306) if the individual meets all of the following requirements:

- (a) The individual is at least 21 years of age.
- (b) The individual possesses the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior.
- (c) The individual possesses the ability to manage the applicant's home and personal life.
- (d) The individual maintains conditions in the home that provide safety and well-being for the child.
- (e) The individual has supportive relationships with adults and children living in the household and with others in the community.
- (f) The individual has a lifestyle and personal habits free of criminal activity and abuse or misuse of alcohol or other drugs.
- (g) The individual has the physical and mental capacity to care for a child. A foster care agency or the Department may, by request, require an applicant to:

- (A) Provide copies of medical reports from a health care professional.
- (B) Complete an expert evaluation with a report provided to the foster care agency.

(2) A foster care agency may only use a certified provider home (defined in OAR 413-215-0306) if each approved provider parent or foster parent (defined in OAR 413-215-0306) meets the requirements of section (1) of this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0316

Orientation for Foster Parents and Approved Provider Parents

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) The foster care agency must ensure that each parent who applies to operate a certified provider home (defined in OAR 413-215-0306) receives orientation training.

(2) The orientation training required by section (1) of this rule must include, at a minimum, all of the following:

- (a) The policies and procedures of the foster care agency.
- (b) The needs and characteristics of children needing placement.
- (c) Attachment, separation, and loss issues for children and families.
- (d) The importance of cultural identity to the child and ways to foster this identity.
- (e) The impact of foster care on the child and family.
- (f) The rights and responsibilities of the foster parent (defined in OAR 413-215-0306) or approved provider parent (defined in OAR 413-215-0306) and the foster care agency.
- (g) The resources available to the foster parent or approved provider parent.
- (h) Legal responsibility to report suspected child abuse.
- (i) Confidentiality.
- (j) Rights of families and children.
- (k) Copies of all of the following documents:

- (A) The program statement.
- (B) The requirements for certified provider homes.

(C) The policies of the foster care agency governing certified provider homes.

(D) The training requirements of the foster care agency for certified provider homes.

(E) The licensing rules for foster care agencies.

(F) Expectations for working with the foster care agency.

(3) The foster care agency must document in the file of each applicant:

(a) That the foster parents or approved provider parents have received the orientation described in section (2) of this rule;

(b) That the foster care agency has provided the notification described in OAR 413-215-0321(4); and

(c) If the applicant is approved, a certificate issued by the foster care agency to approve the operation of a certified provider home. The certificate must identify the number of children and the age range of children the home is certified to serve, and any specific gender or other restrictions and limitations.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0321

Assessment and Approval of Certified Provider Homes

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) Prior to approval of an approved provider parent (defined in OAR 413-215-0306) and prior to the certification of a certified provider home (defined in OAR 413-215-0306), the foster care agency must complete a certified provider home assessment for each parent.

(2) The certified provider home assessment must be based on an on-site review of the applicant's home, and observations of and interviews with each member of the household. The foster care agency must require that each applicant submit all of the following:

- (a) A completed application. In a two-parent family, the application must be signed by both parents.
- (b) Assurance that the home is the primary residence of the applicant family and is the residence where each child will reside.
- (c) A completed statement of physical and mental health.
- (d) If the foster care agency considers it appropriate, a report from a licensed health care or mental health professional concerning any medical, psychological, or substance-abuse problem that might interfere with a parent's ability to care for a child.
- (e) A minimum of four references, not more than one of which may be a relative of the applicant.

(3) The foster care agency must complete a written home study that includes all of the following information:

- (a) Safety information, including documentation that the home is in full compliance with the safety standards identified in the Safety Assessment Checklist (CF 979).
- (b) The names and ages of children in the home and children no longer in the home.
- (c) A criminal history check for all members of the household age 18 and over as required by OAR 407-007-0200 to 407-007-0380. A criminal history check for a household member under the age of 18 is required if there is reason to believe that the household member may pose a risk to children placed in the home.
- (d) A completed child abuse history background check from every state where the individual has resided in the last five years and a request for a child abuse history background check from any other county where the individual has resided in the last five years:

- (A) For all members of the household age 18 and over; and
- (B) For a household member under the age of 18 is required if there is reason to believe that the household member may pose a safety threat to children placed in the home.

(e) The applicant's placement preferences.

(f) The applicant's motivation for providing foster care.

(g) The applicant's life experiences and challenges.

(h) The applicant's relevant health history. Each parent in a certified provider home must assure that a child will not be exposed to any type of second hand smoke in the home or in family vehicles, and that no member of the household provides any form of tobacco products to a child.

- (i) The applicant's education and training.
- (j) The applicant's employment and finances.
- (k) The applicant's need for support services and description of current support systems.

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(l) The applicant's marital history, including previous marriages, divorces, and long-term relationships.

(m) The applicant's parenting skills and values.

(n) The applicant's lifestyle.

(o) The applicant's religion or spiritual beliefs.

(p) Cultural background and experiences with diverse cultural groups.

(q) An assessment of current and previous licenses, certifications, and applications for relative care, foster care, day care, adoption, and other types of services for vulnerable individuals, including adult care giving. Information must include any denials, suspensions, revocations, or terminations.

(r) An assessment of the areas in which training is needed and the plan of the foster care agency for providing needed training, including time frames.

(s) The applicant's home and community.

(t) Summary assessment and recommendations including the characteristics and number of children who may be placed.

(4) A process for notifying applicants. The foster care agency must notify each applicant in writing of the acceptance or denial of the application for approval as an approved provider parent and certification as a certified provider home.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0326

Training for Parents in Certified Provider Homes

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) The foster care agency must have and follow a written training plan that:

(a) Provides each parent in a certified provider home (defined in OAR 413-215-0306) a minimum of 15 hours of training before the foster care agency places a child in the home.

(b) Provides each parent in a certified provider home a minimum of 15 hours of training annually prior to the issuance of the annual approval required by OAR 413-215-0331.

(c) The training plan must include all of the following topics:

(A) Characteristics and needs of children who may be placed with the family.

(B) Ways to effectively parent children who are placed by the foster care agency.

(C) Positive behavior management, non-punitive discipline.

(D) The importance of the child's family and working with the child's family.

(E) Preparation of the child for independence based on the child's age, stage of development, and needs.

(F) Legal responsibility to report suspected child abuse.

(2) The foster care agency must document in parent records the training received by each parent.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0440, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0331

Annual Review and Approval

A foster care agency (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) The foster care agency must evaluate every certified provider home (defined in OAR 413-215-0306) at least once every twelve months to ensure that the home continues to meet the applicable standards.

(2) The annual review must include all of the following:

(a) The foster care agency must update the written home study required by OAR 413-215-0321(3).

(b) A criminal history check for all members of the household age 18 and over must be completed as required by OAR 413-120-0400 to 413-120-0470. A criminal history check for a household member under the age of 18 is required if there is reason to believe that the household member may pose a risk to children placed in the home.

(c) A completed state of Oregon child abuse history background check must be completed:

(A) For all members of the household age 18 and over; and

(B) For a household member under the age of 18 is required if there is reason to believe that the household member may pose a safety threat to children placed in the home.

(d) If an adult member of the household has lived outside the state of Oregon in the previous five years, and an out-of-state child abuse history background check has not been completed, a child abuse history background check must be requested from each state or country where the individual resided in the last five years.

(e) Documentation that the home remains in full compliance with the safety standards identified in the Safety Assessment Checklist (CF 979).

(f) A recommendation to approve or deny the re-issuance of the certificate of approval of the certified provider home.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0480, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0336

Complaints about Certified Provider Homes

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) Employees of the foster care agency are covered by the requirements to report suspected child abuse in ORS 419B.010 and, in addition to any other requirements of law, must refer a complaint of suspected child abuse to the local branch of the Department for investigation.

(2) If the foster care agency receives information alleging that a certified provider home (defined in OAR 413-215-0306) approved by the foster care agency is not in compliance with the approval or certification requirements of the foster care agency, the foster care agency must initiate an on-site assessment of the home as soon as is appropriate, based on the nature of the complaint.

(a) As part of the assessment, the foster care agency must prepare a detailed written investigation report that includes all of the following information:

(A) The date the information was received and by whom, name of complainant, and the allegations.

(B) Dates and places of contacts, the names of persons interviewed or observed, and the names of the interviewers.

(C) Findings, summary, and conclusions regarding compliance or noncompliance and recommendations regarding corrective action.

(b) The foster care agency must complete the assessment in a timely manner following the receipt of the complaint.

(c) The foster care agency must provide the foster parent (defined in OAR 413-215-0306) or approved provider parent (defined in OAR 413-215-0306) with a copy of the report of the assessment once it is complete, and must inform this parent in writing that he or she has a right to have his or her response included in an attachment to the report.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0341

Closures of Certified Provider Homes

If a foster care agency (defined in OAR 413-215-0306) withdraws its certification of a certified provider home (defined in OAR 413-215-0306) or its approval of an approved provider parent (defined in OAR 413-215-0306), the foster care agency must notify the parent or parents in writing of the specific reasons for the withdrawal and must include the notification in the record of the certified provider home.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0346

Modifications to the Certification of a Certified Provider Home

A foster care agency (defined in OAR 413-215-0306) must document all of the following in the record of each certified provider home (defined in OAR 413-215-0306):

(1) Change of address of a parent.

(2) Change in name of a parent.

(3) Change in household composition.

(4) Any exceptions to or suspensions of the certification by the foster care agency of a certified provider home.

(5) Inactive referral status.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

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413-215-0349

Notifications Required of Parents

A foster care agency (defined in OAR 413-215-0306) must require parents in a certified provider home (defined in OAR 413-215-0306) to notify the foster care agency of each of the following:

- (1) Any physical or structural changes in the home in which they live.
- (2) Any arrests or court convictions for any member of the household.

This notification must occur within one working day.

(3) Any known allegation of child abuse or neglect perpetrated by any member of the household or an individual who regularly visits the home. Such notifications must occur on the day that the certified family learns of the allegation.

(4) The suspension of a driver's license of any adult on the Certificate of Approval or any member of the household.

(5) Any change in the physical or mental health of a member of the household that reasonably could affect the family's ability to meet the safety needs of the child.

(6) Any time a member of the household applies to become an in-home child care provider, an adult foster care, or in-home adult day care provider, including the approval of the foster care agency to provide such care.

(7) Any other circumstance that could reasonably affect the safety or well-being of a child.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0351

Records of Certified Provider Homes

For each *certified provider home* (defined in OAR 413-215-0306) a foster care agency (defined in OAR 413-215-0306) approves, the foster care agency must maintain a record in a safe and consistent manner, separate from the records the foster care agency keeps on the children and families it serves. The record for each certified provider home must contain all of the following information and documents:

(1) All documents pertaining to approval of the certified provider home.

(2) All documents pertaining to formal complaints about the certified provider home.

(3) The contract of the foster care agency with the parents in the certified provider home.

(4) A list of all children placed in the certified provider home that includes identifying and placement information.

(5) Documentation that the foster care agency conducted a minimum of one home visit every 180 days to assure compliance with certification standards.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0450, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0356

Placement of a Child by a Foster Care Agency

All of the following requirements apply when a foster care agency (defined in OAR 413-215-0306) places a child:

(1) The *foster care agency* may place a child in a certified provider home (defined in OAR 413-215-0306) of an approved provider parent (defined in OAR 413-215-0306) or a foster parent (defined in OAR 413-215-0306).

(2) A child's placement in a certified provider home must be consistent with the recommendations for the use of the home as identified in the current home assessment.

(3) The foster care agency may not issue a certification for a certified provider home that allows the home to exceed any of the following subsections:

(a) A total of four children to one foster parent or approved provider parent living in the home;

(b) A total of seven children to two foster parents or approved provider parents living in the home; or

(c) A total of two children under the age of three.

(4) The foster care agency may not place or supervise a child in a certified provider home approved by another foster care agency, or with a foster parent, or with an approved provider parent approved by OYA or another governmental agency (other than the Department), without prior approval from the parent as well as the foster care agency or governmental agency. Before placing the child, the foster care agency must obtain copies of pertinent documents from the file of the foster parent or approved

provider parent to determine the safety and appropriateness of the home for the child.

(5) The foster care agency must base each placement on an assessment of the child's individual needs and an assessment of the home provider's ability to meet those needs. The foster care agency must document the basis for the selection in the file of the foster parent or approved provider parent.

(6) Before or at the time of placement of a child in a certified provider home, or within two working days after placement if the placement is an emergency placement, the foster care agency must have a written contract signed by the foster parent or approved provider parent and by the foster care agency. The contract must contain all of the following:

(a) The rights and responsibilities of the foster care agency and the parents regarding placement and an acknowledgment that the parents agree to follow the policies and procedures of the foster care agency for certified provider homes and services.

(b) Language that requires the parents to notify the foster care agency immediately of any circumstances in their home that reasonably could affect the safety or well-being of a child in care, including injury, illness, an emotional or mental health issue, communicable disease, an accident, or an arrest.

(7) Sleeping Arrangements.

(a) Children and adults must be housed in separate bedrooms, except that a child and the child's parent may be housed in the same room if the parent is the child's caretaker. If a youth is 18 years of age or older and is to share a bedroom with a child less than 18 years of age, written approval must be obtained from the Department licensing coordinator.

(b) The foster care agency must consider a child's age, gender, special needs, behavior, and history of abuse or neglect in determining appropriate sleeping arrangements.

(c) Unrelated foster children may not share a bed.

(8) The foster care agency must provide to the parent a copy of the signed contract and maintain a copy in the parent file.

(9) At the time of placement of each child in a certified provider home, the foster care agency must provide the parents with all of the following information and authorizations:

(a) The child's name and date of birth, and the reason for placement.

(b) The name of the assigned worker and a telephone number to contact the foster care agency.

(c) Information about the child's health, behavioral characteristics, and needs.

(d) Authorization and clear written instructions for obtaining medical, dental, and other professional care, and authorization for emergency medical care.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0361

Documentation Required When a Foster Care Agency Changes a Placement

Within seven working days after a child is moved out of a certified provider home (defined in OAR 413-215-0306) and placed in a different certified provider home, a foster care agency (defined in OAR 413-215-0306) must record all of the following information in the case record:

(1) The reason for the new placement.

(2) The name of each new foster parent (defined in OAR 413-215-0306) or approved provider parent (defined in OAR 413-215-0306), and the address of the home.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0366

Respite Care

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) The foster care agency must have a respite care policy for foster parents and approved provider parents that addresses the need to provide children with safe and adequate substitute care when the parents are not present.

(2) The respite care policy of the foster care agency must include the following:

(a) The foster care agency is responsible for identifying and selecting safe and responsible alternate caregivers for a child placed in a certified provider home (defined in OAR 413-215-0306):

(A) Each alternate caregiver must be at least 21 years of age;

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(B) The foster care agency must assure completion of criminal records checks (pursuant to OAR 407-007-0200 to 407-007-0380) and child abuse history background checks prior to an individual providing relief or respite care; and

(C) Prior to determining that an individual is safe and appropriate to provide relief or respite care, the foster care agency must analyze information relevant to paragraphs (A) and (B) of this subsection.

(b) The certified provider home must receive the approval of the foster care agency prior to using a relief or respite caregiver.

(c) The certified provider home is responsible for notifying the foster care agency in advance when the parents plan to provide relief or respite care for another family and the number of children will exceed the maximum number of children authorized.

(d) There must be a respite care plan relating to the age, developmental ability, and special needs of each foster child placed in the certified provider home.

(e) There must be plans for respite care in the event of an emergency that makes a foster parent (defined in OAR 413-215-0306) or approved provider parent (defined in OAR 413-215-0306) unavailable.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0371

Training of Foster Care Agency Staff

In addition to the orientation requirements in OAR 413-215-0061(4), a foster care agency (defined in OAR 413-215-0306) must meet all of the following training requirements with respect to its employees:

(1) Staff of the foster care agency must be provided with orientation training prior to or within 30 days of hire. The orientation must include training on all of the following:

(a) Behavior management protocols including de-escalation skills training, crisis prevention skills, positive behavior management, and disciplinary techniques that are non-punitive in nature and are focused on helping children build positive personal relationships and self control.

(b) If restraint and seclusion are utilized by the program, the approved techniques and monitoring procedures. The training must be clear in the policy of the foster care agency that restraint or seclusion is used as an intervention of last resort.

(2) Staff of the foster care agency must receive ongoing training at least annually on all of the following:

(a) Mandatory child abuse reporting.

(b) Procedures for handling environmental emergencies.

(c) Universal precautions (infection control guidelines designed to protect workers from exposure to diseases spread by blood and certain body fluids) and hygiene.

(d) Behavior management.

(3) Staff of the foster care agency must receive training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0430, CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0376

Health Services

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) The foster care agency must obtain all private health record information referred to in this rule in a manner that complies with federal and state law.

(2) Medical History. Within 30 days after the foster care agency assumes physical custody of a child, the foster care agency must obtain available medical history and other health-related information on the child, including:

(a) Significant findings of the most current physical examination;

(b) The child's current immunizations, history of surgical procedures and significant injuries, and past or present communicable diseases, to the extent such information is available under ORS 192.518 to 192.526;

(c) Any known allergies;

(d) Dental, vision, hearing, and behavioral health;

(e) Documentation that the child has received age-appropriate instruction regarding pregnancy prevention, nutrition, prevention of HIV and AIDS, and general information about the prevention and treatment of sexually transmitted disease; and

(f) Physician's orders, including those related to medications, if any.

(3) Female health care. If licensed to serve female children, the foster care agency must provide or arrange for the following health services, as applicable:

(a) Information on maintaining reproductive health.

(b) Prenatal care.

(c) Well-baby care.

(d) Fetal alcohol syndrome.

(e) Accessing child and infant health insurance programs.

(f) Screening for breast and other common cancers.

(4) Medical examinations. The foster care agency must safeguard the health of each child it serves by providing for a medical examination by a physician or qualified health professional at the following intervals:

(a) Three examinations during the first year of the child's life.

(b) One examination at the age of two.

(c) One examination at the age of four.

(d) One examination at the age of six.

(e) One examination at the age of nine.

(f) One examination at the age of fourteen.

(5) The foster care agency must have established protocols for accessing routine and urgent care for the children in the physical custody of the foster care agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0381

Medication

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) Policy and procedures. The foster care agency must have policies and procedures that cover prescriptions, herbal remedies, and all non-prescription medications that address all of the following:

(a) How the medication will be administered.

(b) By whom the medication will be administered.

(c) How the staff of the foster care agency and the parents who administer medication will be trained.

(d) How the administration of medication will be documented.

(e) How the administration of medication will be monitored.

(f) How unused medication will be disposed of.

(g) The process that ensures that each child's prescription and non-prescription medications are reviewed, unless the medications are all provided through a single pharmacy. As used in this rule, "non prescription medication" means any medication that does not require a written prescription for purchase or dispensing.

(2) A prescription, signed by a physician or qualified health professional, is required before any prescription medication is administered to, or self-administered by a child. Medications prescribed for one child may not be administered to, or self-administered by another child, foster parent (defined in OAR 413-215-0306), approved provider parent (defined in OAR 413-215-0306), or staff. As used in this rule "self administration of medication" refers to the act of a resident placing a medication internally in, or externally on, his or her own body.

(3) A written order, signed by a physician or qualified health professional, is required for any medical treatment, special diet, physical therapy, aid to physical functioning, or limitation of activity.

(4) Before a foster care agency permits a child to self-administer prescription medication, self-administration must be recommended by the foster care agency, approved in writing by a physician, and closely monitored by the foster parent, approved provider parent, or the staff of the foster care agency.

(5) Medication storage.

(a) Prescription medications that are unused and medication that is outdated or recalled may not be maintained in a certified provider home (defined in OAR 413-215-0306). "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The certified provider home may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications stored in the home must be kept in a manner that they are inaccessible to children.

(d) Medications requiring refrigeration must be refrigerated and secured.

(e) Medications must be maintained and stored in its original container, including the prescription label.

(6) Medication disposal. Medications must be disposed of in a manner that ensures that they cannot be retrieved, in accordance with all applicable state and federal law.

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(7) A written record of all medication disposals must be maintained and must include all of the following:

(a) A description of the prescribed medication and the amount disposed.

(b) The child for whom the medication was prescribed.

(c) The reason for disposal.

(d) The method of disposal.

(e) The name of the person disposing the medication, and the initials of an adult witness.

(8) Medication records. A written record must be kept for each child listing all medications, both prescription and over-the-counter, that is administered. The record must include all of the following:

(a) The child's name.

(b) A description of the medication, instructions for use, and the recommended dosage.

(c) Dates and times medication is administered.

(d) A record of missed dosages.

(e) Medication dropped or disposed of.

(f) Method of administration for each medication.

(g) Identification of person administering the medication.

(h) Any possible adverse reactions to the medication.

(i) Documentation of any medication taken out of the certified provider home by a child during a home visit or other activity.

(9) Where applicable, the foster care agency must maintain documentation of the continuing evaluation of the child's ability to self-administer a medication.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0386

Referral and Initial Evaluation of Children

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) Referral. The foster care agency must have a policy that addresses the process by which children are referred to the foster care agency. The policy must include all of the following:

(a) From whom referrals are accepted.

(b) On what basis children are accepted by the foster care agency.

(c) How information necessary to provide for the safety and care of children will be provided to foster parents, approved provider parents, and staff of the foster care agency.

(2) Initial evaluation of a child. The foster care agency must evaluate each child referred to the foster care agency for placement. In conducting the evaluation, the foster care agency must:

(a) Request and review all available reports of the child's past and present behavior, educational status, and physical and behavioral health.

(b) Make a preliminary determination whether the prospective child has disorders, disabilities, or deficits due to mental, emotional, behavioral, or physical problems for which care, supervision, training, rehabilitation, or treatment is needed to reduce a problem, maintain present level of functioning, or clarify the ongoing placement or service needs of the child.

(3) The foster care agency must be prepared to provide to a parent or legal guardian of a referred child suggestions for obtaining resources in the event the child is not accepted by the foster care agency for placement.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0391

Consents, Disclosures, and Authorizations

(1) Consents. For each child taken into the physical custody of a *foster care agency* (defined in OAR 413-215-0306), the foster care agency must ensure that a parent or legal guardian signs a consent that authorizes the foster care agency to undertake each of the following, as applicable:

(a) To provide routine and emergency medical care. If a foster care agency relies on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized religion or denomination, the foster care agency may not require medical, psychological or rehabilitative procedures. The foster care agency must have policies and procedures for this practice, which are reviewed and approved by the child's parent or legal guardian.

(b) To use the behavior management system of the foster care agency, including the point, level, or other behavior management techniques utilized by the foster care agency.

(c) To use restraint or seclusion in the management of the child. The consent must specify the reasons such interventions are used by the foster

care agency and how the employees of the foster care agency, approved provider parents, or foster parents are trained and supervised in the use of restraint or seclusion.

(d) To restrict the child's contact with persons outside the foster care agency and the certified provider home (defined in OAR 413-215-0306), including visits, telephone communication, electronic mail, and postal mail.

(e) To exclude or limit the child's possession of personal items.

(f) To impose a dress code.

(g) To restrict the child's participation in recreational or leisure activities in an appropriate manner, consistent with behavior or safety issues.

(2) Disclosures. At admission, the foster care agency must ensure that each parent or legal guardian of the child receives and acknowledges in writing the receipt of each of the following:

(a) Mandatory child abuse reporting requirements.

(b) Information regarding any personal or room searches and protocols for confiscation of contraband items, including the notification of law enforcement if illegal contraband is discovered. This information will include the procedures and rationales of the foster care agency for any program-initiated room or body search.

(c) A statement concerning the rights of children and parents or legal guardians served by the foster care agency. The statement must be written in a manner that is easy to understand, and the foster care agency must ensure that the child and the parent or legal guardian understand the statement. The statement must explain all of the following:

(A) The child's right to communicate with parents, legal guardians, legal representatives, or other persons approved for communication by the parent or legal guardian.

(B) The child's right to privacy.

(C) The child's right to participate in service planning.

(D) The child's right to fair and equitable treatment.

(E) The child's right to file a grievance if the child or family feels that they are treated unfairly, or, if they are not in agreement with the services provided.

(F) The child's right to have personally exclusive clothing.

(G) The child's right to personal belongings.

(H) The child's right to an appropriate education.

(I) The child's right to participate in recreation and leisure activities.

(J) The child's right to have timely access to physical and behavioral health care services.

(d) The grievance policies and procedures of the foster care agency.

(e) The foster care agency will make any written policy or procedure pertaining to program services available for review by the child, parent, or legal guardian, upon request.

(3) Authorizations.

(a) Authorization to disclose information from other service providers must be filled out prior to signatures being requested and be specific to one other provider. Information may only be requested on a need to know basis.

(b) All child-specific visitors must be approved or authorized by the parent or legal guardian, except CASAs and attorneys appointed to represent the child.

(c) Visitation resources must be pre-approved by the child's parent or legal guardian and the identity of these resources verified by the foster care agency.

(d) Activity-specific authorizations must be pre-approved by the child's parent or legal guardian to allow children to participate in potentially hazardous activities, such as using motorized yard equipment, swimming, and horseback riding.

(e) All other required authorizations must be pre-approved by the child's parent or legal guardian.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 31-2008, f. & cert. ef. 10-17-08

413-215-0396

Information About Children Placed in Physical Custody of the Foster Care Agency

A *foster care agency* (defined in OAR 413-215-0306) must comply with all of the following requirements:

(1) Child's case files. For each child the foster care agency accepts for placement, the foster care agency must maintain an individual record that includes a summary sheet containing all of the following information:

(a) The child's name, gender, date of birth, religious preference, and previous address.

(b) The name and location of the child's previous school.

(c) The date of admission to the program.

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- (d) The status of the child's legal custody, including the name of each person responsible for consents and authorizations.
- (e) The name, address, and telephone number of:
- (A) The child's parents.
- (B) The child's legal guardian, if different than parents, and his or her legal relationship to child.
- (C) Other family members or other persons identified by the family as significant to the child.
- (D) Other professionals to be involved in service planning, if applicable.
- (2) Service planning.
- (a) All documentation, including but not limited to service plans, daily notes, assessments, progress reports, medication records, and incident reports, must be written in terms that are easily understood by all persons involved in service planning.
- (b) Intake documentation. A foster care agency must complete a written intake document containing screening information on the date the foster care agency accepts a child for placement except in the case of an emergency placement, when the intake document must be completed within 48 hours of admission.
- (c) Each child must be served according to an individual written service plan developed by staff of the foster care agency and including, whenever possible, the child, the child's family, and other professionals involved with the child or family. This document must outline goals for services and care coordination.
- (d) Assessment. A comprehensive assessment must be completed within the first 30 days of placement. This assessment must include relevant historical information, current behavioral observations, any identified needs for services, and a description of how the foster care agency will provide or coordinate services.
- (e) Service plan and review.
- (A) Within 60 days of placement, a formal service plan must be developed by staff of the foster care agency in conjunction with the child and his or her parents or legal guardians, and any other persons who are actively involved with the family, as appropriate.
- (B) The service plan must reflect how the foster care agency will address the child's issues, describe the anticipated outcomes of the placement, and be reviewed and approved by the child and the legal guardian or parent, unless contraindicated.
- (C) The service plan must be reviewed by the foster care agency at least quarterly.
- (D) Service plans must be revised at any time additional information becomes available indicating that other services should be provided.
- (3) Case management.
- (a) The foster care agency must document services provided, as necessary, to track and monitor progress toward the achievement of service plan goals.
- (b) Discharge. The foster care agency must identify how a child's progress will be evaluated, and how the determination is made of readiness for discharge or unsuitability for continued stay.
- (c) Discharge planning. Discharge planning for children must be a participatory decision-making process between the child, staff of the foster care agency, the parent or legal guardian, and significant others. As used in this rule, "significant others" means relatives, friends, or interested members of the community who are approved by the parent or legal guardian.
- (d) Discharge instructions. The foster care agency must provide the child and the child's guardian with discharge instructions on or before the discharge date, including current medications, name of the doctor who prescribed each medication, any outstanding medical or other appointments, and other follow-up instructions as needed.
- (e) Follow-up services. The foster care agency must identify any transitional or aftercare services or service coordination that will be offered by the program.
- (f) Incident reporting. A written description of any injury, accident, or unusual incident involving a child must be placed in the individual child's record.
- (4) Financial records. A foster care agency must keep a separate written record for each child itemizing all money received or disbursed on behalf of the child. The record must include all of the following:
- (a) The date of each receipt and disbursement and the amount of each.
- (b) The source of income.
- (c) The purpose of each disbursement.
- (d) The signature of the person making each entry.
- (e) The signature of the child for each entry.

- (5) Personal possessions records. An individual written inventory must be maintained for each child of all personal possessions belonging to the child. The record must be updated as needed.
- (6) The foster care agency will ensure, in policy, that:
- (a) Disallowable items are either stored, or returned to the parent or legal guardian; and
- (b) All money and personal belongings are returned to the child at the time of discharge.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0460, CWP 31-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

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Rules Ren. & Amend: 413-220-0040 to 413-215-0416, 413-220-0050 to 413-215-0441, 413-220-0070 to 413-215-0456, 413-220-0080 to 413-215-0471, 413-220-0090 to 413-215-0401, 413-220-0100 to 413-215-0476

Subject: These rules are being changed because the current rules applicable to adoption agencies have been in effect since 1995 and 1996, need to be updated to reflect current practice, and need to focus more directly on adoption agencies. These rules define the term "adoption agency" and set out requirements for adoption agencies for information and reporting requirements; adoption agency staff; staff training requirements; required policies and procedures; records requirements; prohibited services; services for birth parents considering domestic adoption; adoptive family recruiting and screening; adoptive home requirements; information, education, and training for adoptive parents; evaluation and selection of an adoptive family; domestic adoptive placement; adoption finalization; intercountry adoptions; and services to children from the United States placed in other countries. These rules are being amended to include a program statement (OAR 413-215-0411(1)(a)), reviewing materials regularly for accuracy (OAR 413-215-0411(1)(b)), providing prospective adoptive parents within 30 days of completion of services a detailed written accounting of the total fees and expenditures that the adoptive parent will be charged (OAR 413-215-0411(2)(d)), collecting some aggregate data (OAR 413-215-0411(3)), requiring an advanced degree for a social services supervisor, unless the supervisor meets the criteria to be "grandfathered" (OAR 413-215-0416(2)(b)), requiring social service staff to have a bachelors degree (OAR 413-215-0416(2)(d)), requiring staff to obtain a minimum of 10 hours of training annually (OAR 413-215-0421(2)), requiring specific policies and procedures (OAR 413-215-0421(2)), requiring orientation to prospective adoptive families (OAR 413-215-0446(2)), requiring pre-adoptive training (OAR 413-215-0456(1)), requiring post placement supervision after a child is placed in an adoptive home (OAR 413-215-0466(6)), and requiring intercountry adoption agencies to understand sending country regulations and write policies and procedures to comply with those regulations (OAR 413-215-0476(1)). These rules are in addition to other umbrella rule changes being filed under separate notice that also apply to adoption agencies.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0401

Adoption Agencies, What Law Applies

A *child caring agency* (defined in OAR 413-215-0006) that is an adoption agency (defined in OAR 413-215-0406) must be licensed in accordance with:

(1) OAR 413-215-0001 to 413-215-0131 which sets forth the requirements of the Department for licensing child-caring agencies, including adoption agencies; and

(2) These rules, OAR 413-215-0401 to 413-215-0481, which provide additional regulation of adoption agencies.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0090, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0406

Definitions

As used in OAR 413-215-0401 to 413-215-0481:

(1) "Adoption agency" means an organization providing any of the following services:

(a) Identifying a child for adoption and arranging an adoption.
(b) Securing the necessary consent to relinquishment of parental rights and to adoption.

(c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.

(d) Making determinations of the best interests of a child and the appropriateness of adoptive placement for the child.

(e) Monitoring a case after *placement* until final adoption.

(f) When necessary because of *disruption* before final adoption, assuming custody and providing childcare or other social services for the child pending an alternative placement.

(2) "Birth parent" means each person who holds a legally recognized parental relationship to the child but does not include the adoptive parents in the adoption arranged by the adoption agency.

(3) "Criminal history check" means compliance with the Department's criminal records history rules (OAR 407-007-0200 to 407-007-0380). To comply with these rules, the agency must appoint a Contact Person (CP) who is designated to receive and process criminal history and child abuse check forms. Final fitness determinations will be made by the Department.

(4) "Disruption" means the interruption of an adoptive placement prior to the finalization of the adoption in a court of law.

(5) "Intercountry adoption" means an adoption in which a child who is a resident and citizen of one country is adopted by a citizen of another country.

(6) "Placement" of a child occurs when the child is placed in the physical or legal custody of prospective adoptive parents.

(7) "Re-adoption" means a process in which a child whose adoption was completed in another country is re-adopted in this country.

(8) "Special needs" mean a trait or disability of a child that requires special care or attention of the child or that historically has made placement of a child with similar characteristics or disability difficult.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0411

Information and Reporting Requirements of an Adoption Agency

(1) Public information.

(a) An *adoption agency* (defined in OAR 413-215-0406) must provide to each person making an inquiry about adoption a written program statement that describes the services of the adoption agency and includes all of the following information:

(A) A description of the children normally placed by the adoption agency.

(B) Eligibility requirements for adoptive families.

(C) Timelines for intake screening and for being placed on a waiting list.

(D) A clear delineation of fees, charges, contributions, or donations required to obtain adoption services.

(E) The services provided during the adoption process.

(F) The geographical area covered by the adoption agency.

(b) The written and electronic materials of an adoption agency describing its adoption program must be accurate, must be reviewed regularly for accuracy, and must include the date the material was last updated.

(2) Cost disclosures. An adoption agency must provide the following information regarding the costs of an adoption:

(a) The adoption agency must provide all of the following information to all prospective adoptive parents:

(A) A written schedule of estimated fees and expenses.

(B) An explanation of the conditions under which estimated fees or expenses may be charged, waived, reduced, increased, or refunded.

(C) When, how, and to whom the estimated fees and expenses must be paid.

(b) Before providing an adoption service to a prospective adoptive parent, the adoption agency must itemize and disclose in writing to the par-

ent the estimated fees and expenses the parent will be charged related to each of the following:

(A) A home study.

(B) The adoption agency fees in the United States.

(C) Other — country program expenses, if applicable.

(D) Translation and document expenses, if applicable.

(E) Travel and accommodation expenses, if applicable.

(F) Contributions.

(G) Post-placement (defined in OAR 413-215-0406) and post-adoption reports.

(H) Likely charges of the U.S. Citizenship and Immigration Services (USCIS).

(I) Legal finalization or re-adoption (defined in OAR 413-215-0406) expenses, if applicable

(c) The adoption agency must specify in its written adoption contract when and how funds advanced to cover fees or expenses will be refunded if adoption services are not provided.

(d) When the delivery of adoption services is completed, the adoption agency must provide the prospective adoptive parents, within 30 days following the completion of services, a detailed written accounting of the total fees and expenditures for which the adoptive parents will be charged by the adoption agency.

(3) Data collection requirements. An *adoption agency* must maintain in a standard and accessible format all of the following information and make it available on request:

(a) The number of adoption placements it completes each year for the prior three calendar years, and the number and percentage of those placements that remain intact, are disrupted, and have been dissolved as of the time the information is provided.

(b) The number of parents who apply with the adoption agency to adopt a child each year.

(c) The number of waiting children available for adoption that the adoption agency is attempting to place.

(4) Mandatory reporting of disruption and dissolution. The adoption agency must submit to the Department on a prescribed form a written report within 14 days after a disruption (defined in OAR 413-215-0406) or dissolution is reported to the adoption agency if the adoption agency was involved in the study of the family, the placement of the child, or the supervision of the adoptive placement. As used in this rule, "dissolution" means the termination of an adoptive placement after finalization.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0416

Adoption Agency Staff

In addition to meeting the requirements in OAR 413-215-0021(3):

(1) Required staff. An *adoption agency* (defined in OAR 413-215-0406) must have an executive director and a social services supervisor. If one person fills both positions, that person must meet the qualifications of both the executive director and the social services supervisor listed in subsections (2)(a) and (b) of this rule.

(2) Qualifications.

(a) The executive director must possess all of the following qualifications:

(A) Management skills and abilities.

(B) A bachelor's degree from an accredited program.

(C) Two years of full-time experience in child social services.

(b) The social services supervisor must possess all of the following qualifications:

(A) A master's or doctorate degree from an accredited program in social work, psychology, guidance and counseling, or a similar subject area.

(B) Two years of experience in family and children's services, one year of which must include providing adoption services.

(C) If the agency provides *intercountry adoption* (defined in OAR 413-215-0406) services, the supervisor must have experience in intercountry adoptions.

(c) On the date this rule as renumbered becomes effective, an incumbent executive director or social services supervisor — of an adoption agency already licensed by the Department — who does not meet the qualifications listed in subsections (a) and (b) of this section is deemed to meet those requirements if he or she has been in the position for at least three years, has significant skills and experience with the adoption process, and has access to consultation with persons having the qualifications listed in subsections (a) and (b) of this section, as applicable.

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(d) Social services staff, who are non-supervisory employees providing adoption-related social services requiring the application of clinical skills and judgment, must possess--

(A) A master's degree from an accredited program of social work education or another human service field;

(B) A bachelor's degree from an accredited program of social work education; or

(C) A combination of a bachelor's degree in another human service field and experience in family and children's services or adoption.

(3) Supervision. All non-supervisory social services staff described in subsection (2)(d) of this rule must be supervised by an employee of the adoption agency who meets the requirements for social services supervisor set forth in subsection (2)(b) or (2)(c) of this rule.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0040, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0421

Staff Training Requirements for Adoption Agencies

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements related to its staff:

(1) The *adoption agency* must have a comprehensive plan for providing basic training to newly hired social services employees on the issues that arise with adoptive placement.

(2) The adoption agency must ensure that all social services staff and contracted social services providers obtain a minimum of 10 hours of training annually on issues related to adoption.

(3) The adoption agency must ensure that all social services staff and all persons who provide adoption services complete training in all of the following areas:

(a) The potential short- and long-term effects of prenatal exposure to alcohol, drugs, and poor nutrition.

(b) The potential effects of separation and loss.

(c) The process of developing emotional ties to an adoptive family.

(d) Normal child and adolescent development.

(e) The potential effects of physical abuse, sexual abuse, neglect, and institutionalization on the development of the child.

(f) The potential issues of race, culture, and identity; issues of acculturation and assimilation; and, if applicable, the effects of having been adopted internationally.

(g) The emotional adjustment of adopted children and their families.

(h) Open adoption.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0426

Policies and Procedures for Adoption Agencies

An *adoption agency* (defined in OAR 413-215-0406) must have and follow written policies and procedures for the adoption services it provides including, at a minimum all of the following:

(1) Policies and procedures prescribing safeguards relating to the needs, rights, and responsibilities of the following:

(a) A birth parent (defined in OAR 413-215-0406) who is considering the release of a child for adoption;

(b) A child who becomes available for adoption; and

(c) A family who adopts a child.

(2) Policies and procedures designed to ensure compliance by the adoption agency all applicable federal and state laws, including but not limited to:

(a) **The Indian Child Welfare Act of 1978, Pub. L. No. 95-608, 92 Stat. 3069 (1978)** (ICWA)(see OAR 413-070-0100 to 413-070-0260);

(b) The Interstate Compact for Placement of Children (ICPC) (see ORS 417.200);

(c) Section 1808 of the Small Business Job Protection Act of 1996, Pub. L. No. 104-188, 110 Stat. 1903 (1996), amending 42 U.S.C. § 671;

(d) The Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108 Stat. 4056 (1994);

(e) The Intercountry Adoption Act of 2000, Pub. L. No. 106-279, 114 Stat. 825 (2000), 42 U.S.C. §§ 14901 to 14954.

(f) Oregon Revised Statutes Chapter 109.

(3) Policies and procedures designed to ensure that the decision to place a child in a specific home or to disrupt a placement (defined in OAR 413-215-0406) is not made autonomously by a social services worker.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0431

Records Requirements for Adoptions

In addition to compliance with the records and documentation requirements of OAR 413-215-0071 and 413-215-0456:

(1) Permanent record in a domestic adoption. An *adoption agency* (defined in OAR 413-215-0406) must maintain a permanent record on each birth parent (defined in OAR 413-215-0406) who has consented to and has surrendered a child to the adoption agency. Except as authorized by section (2) of this rule, the record must include all of the following documents or information:

(a) The date and place of the birth parent's initial inquiry with the adoption agency and the persons present when the inquiry was made.

(b) The date, place, and purpose of each subsequent contact between the adoption agency and the birth parent.

(c) Evidence that the following adoption agency forms were provided to the birth parent:

(A) Consent for Service;

(B) Receipt of Grievance Procedures;

(C) Clients' Rights and Responsibilities, including the notice required by ORS 109.346 when applicable; and

(D) Service Plan.

(d) Each alternative to adoption discussed with the birth parent.

(e) A description of each discussion relating to fees, expenses, or other consideration or thing of value relating to the adoption.

(f) The date, time, and place of birth of the child, the name and address of the hospital or birthing center if the child was born in one, and all pertinent prenatal information.

(g) The names, dates of birth, physical description of the birth parents at the time of the child's birth, including age, height, weight, and color of eyes, hair and skin.

(h) Personality traits of the *child's birth parents*, siblings, and members of the child's extended family.

(i) A medical history of the birth parents, siblings, and extended family of the child, including medical, mental, and emotional history, including the history of the use of drugs or alcohol, gynecologic and obstetric history of the birth mother, and a record of inheritable genetic or physical traits or tendencies of the birth parents or their families.

(j) The ethnicity of the child's birth parents and the members of the child's extended family.

(k) Documentation of the efforts of the adoption agency to determine whether the Indian Child Welfare Act (ICWA) applies.

(l) The religious background of the child's birth parents and the members of the birth parents' extended family.

(m) The educational level and functioning, employment history, criminal history, and social and emotional functioning of the birth parents, siblings, and the members of their extended family.

(n) A notation that identifies the adoptive parents sufficient to cross-reference the file of the adoption agency on the adoptive parents.

(o) A copy of the placement agreement.

(p) Post-adoption communication agreements.

(q) Details about any termination of parental rights.

(r) A copy of the general judgment of adoption.

(s) Copies of any documents signed by the birth parent.

(2) If the adoption agency is unable to include in the permanent record a document or information required by subsections (1)(f) to (1)(m) of this rule, the adoption agency must include in the record a description of its reasonable effort to obtain the document or information.

(3) Preservation and retention of adoption records for adoptions. An adoption agency giving legal consent to the adoption of a child must permanently retain, to the extent allowed by law, the records concerning the child's adoption, as follows:

(a) The record must include all of the following:

(A) Adoptive parent orientation documentation.

(B) Evaluation documentation of both the birth and adoptive parents.

(C) Placement (defined in OAR 413-315-0406) documentation.

(D) Post-placement supervision documentation.

(E) Originals of photographs, letters, and other personal items provided by the child's birth family.

(b) The adoption agency must store the records in fire-retardant, locked files kept in a secure location.

(c) If more than one adoption agency is involved in an adoption, the adoption agency that placed the child must preserve the permanent case record.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 109.342, 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

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413-215-0436

Services Prohibited

An adoption agency (defined in OAR 413-215-0406) may not guarantee or represent to prospective adoptive parents that a particular child will be placed in their home for payment of a fee.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0441

Services for Birth Parents Considering Domestic Adoption

(1) If an *adoption agency* (defined in OAR 413-215-0406) is serving a birth parent (defined in OAR 413-215-0406) who is considering the adoption of his or her child:

(a) The adoption agency must provide the services described in these rules, OAR 413-215-0401 to 413-215-0481.

(b) If the adoption agency is serving a *birth parent* who lives in a state other than Oregon, the adoption agency must make the services described in these rules (OAR 413-215-0401 to 413-215-0481) available to the birth parent in the state of residence of the birth parent.

(2) Information.

(a) The adoption agency must make reasonable efforts to provide information described in subsection (2)(c) of this rule to each legal parent.

(b) The adoption agency must make reasonable efforts to provide information described in subsection (2)(c) of this rule to a putative father if:

(A) The putative father resided with the child within 60 days of the court proceeding about the adoption or custody of the child;

(B) The putative father repeatedly contributed or tried to contribute to the support of the child within 12 months of the court proceeding about the adoption or custody of the child; or

(C) There is a notice of initiation of filiation proceedings on file with the Center for Health Statistics of the Department prior to the initiation of either a court proceeding about the adoption or custody of the child, or the placement (defined in OAR 413-215-0406) of the child in the physical custody of a person for the purpose of adoption by them. There is no requirement to provide information under this paragraph if the notice of initiation of filiation proceedings was not on file at the time of placement.

(c) The adoption agency must provide all of the following information to the persons identified in subsections (2)(a) and (2)(b) this section:

(A) Information regarding support and resources needed to parent a child.

(B) Information regarding options within adoption and the consequences of each option, including the possibility of a birth parent continuing contact with the adopted child and the adopting parents after adoption, the variables and options for such continuing contact, the desire of the child for continuing contact, and the availability of mediation to resolve issues involving contact.

(C) Information regarding grief and loss inherent in adoption.

(D) Information regarding the effects and permanence of adoption.

(E) Information regarding availability of or referral to appropriate support services. The availability of these services may not be made contingent upon the birth parent's decision to select adoption as the plan for the child.

(3) The adoption agency must provide guidance if a child's birth parents disagree with each other about the adoption plan.

(4) Identification of birth fathers. If the adoption agency is working with a birth mother, the adoption agency must ensure all of the following:

(a) The adoption agency asks the birth mother for the identity and whereabouts of the birth father.

(b) The adoption agency does not counsel or advise a birth mother to state that the identity or location of the father is unknown.

(c) If the birth mother indicates that the identity or location of the father is unknown, or if the birth mother refuses to identify the birth father, the adoption agency advises her of the potential ramifications of her knowing failure to provide the information.

(d) The adoption agency must contact the Center for Health Statistics of the Department within a reasonable period of time prior to placement to determine whether the child's legal or putative father can be identified.

(e) The adoption file of the adoption agency includes all reported information about the legal or putative father, even if his identity or location is unknown to the mother.

(5) Disclosures prior to placement:

(a) Potential disclosure of parental identity. The adoption agency must tell each birth parent who is contemplating making their child available for adoption that information related to their identities may subsequently be disclosed to the child in accordance with Oregon law.

(b) Voluntary adoption registry. As required by ORS 109.353, the adoption agency must inform each birth parent of the voluntary adoption registry established under ORS 109.450.

(c) Adoption — related counseling for birth parents. As required by ORS 109.346, the adoption agency must provide notice to each birth parent consenting to an adoption regarding his or her right to adoption-related counseling.

(6) Consent and surrender. The adoption agency may accept the voluntary consent and surrender of a child after taking all of the following actions:

(a) Providing to each birth parent full and accurate information, and the opportunity to discuss the consequences of the documents they are signing.

(b) Discussing with each birth parent the circumstances leading to the decision to choose adoption.

(c) Informing each birth parent of their right to their own legal counsel at their own expense.

(d) Providing each birth parent with written information to assist them in understanding the changes that result from adoption in their parental legal rights, obligations, and responsibilities, including potential ramifications of post-placement establishment of paternity.

(e) After the birth of the child, reassessing the birth mother's ability to understand the consequences of her decision to sign a consent and surrender document. This assessment must include consideration of her emotional state and current influence of medication.

(f) In the case of an Indian child, informing the parents that if no different order of preference has been established by the child's tribe for adoptive placement, the adoption agency must, in the absence of the court's determination that good cause to the contrary exists, give preference to placing the child with a member of the child's extended family, other members of the Indian child's tribe, or other Indian families.

(g) Informing the birth parent that the adoption agency cannot honor a request of the birth parent to place the child with a family based solely on preferred race, color, or national origin unless the child is an Indian child, in which case the licensed agency must follow the Indian Child Welfare Act of 1978.

(7) Documents. The adoption agency must provide a copy of all documents signed by the birth parents to the birth parents at the time they sign a consent and surrender document.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 109.096, 109.346, 109.353, 418.205 - 418.310

Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0050, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0446

Adoptive Family Recruitment and Screening

An *adoption agency* (defined in OAR 413-215-0406) must have a recruitment and screening process that meets all of the following standards:

(1) The adoption agency must have an ongoing recruitment program to ensure an adequate number of suitable adoptive families are identified for the types of children identified in the program statement of the adoption agency.

(2) Orientation. The adoption agency must provide orientation for the adoptive family before the adoption agency approves the home study. The orientation must include the following information:

(a) The adoption program, policies, and procedures of the adoption agency.

(b) The needs and characteristics of children available for adoption.

(c) Attachment, separation, and loss issues for children and families.

(d) The importance of cultural and ethnic identity to the child and ways to foster these identities.

(e) The effects of adoption on the child and family.

(f) The adoption process.

(g) Rights and responsibilities of the adoptive family and adoption agency.

(h) Information on the potential risks and challenges inherent in adoption.

(i) *Pre-placement* (defined in OAR 413-215-0406), placement, and post-legal adoption services and resources available to the adoptive family.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0451

Adoptive Home Requirements

(1) Home study. Before an *adoption agency* (defined in OAR 413-215-0406) approves a family for an adoptive placement (defined in OAR

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413-215-0406) and before referring or placing a child with a family for the purpose of adoption, a social services worker must complete a written home study of the adoptive family. The home study must include all of the following:

(a) An individual interview with each applicant parent as well as with each member of the applicants' household, as applicable.

(b) If the applicants are married or are a cohabiting couple, an additional, joint interview with the couple.

(c) An on-site evaluation of the applicants' home to determine whether the home is in full compliance with the safety standards identified in the Safety Checklist (CF 979).

(2) Written home study. The home study required by section (1) of this rule must include all of the following information:

(a) The dates and places in which applicant parent and household members were interviewed or observed.

(b) The identity of each child to be considered for placement, if known.

(c) The applicants' motivation for adoption.

(d) The family's plan for honoring the child's ethnic and cultural heritage.

(e) Education or training needs of the adoptive parents, including education and training for children having special needs (defined in OAR 413-215-0406).

(f) The applicants' need for support services and description of current support system.

(g) Life experiences and challenges of the applicants.

(h) Marriage status or relationship of the applicants.

(i) The names and ages of the applicants' children in the home.

(j) The names and ages of the applicants' children not living in the home.

(k) The applicants' parenting skills and values.

(l) The applicants' lifestyle.

(m) The applicants' home and community.

(n) The applicants' health.

(o) The applicants' religion or spiritual beliefs, as applicable.

(p) The applicants' employment and finances.

(q) Safety information and safety issues discussed with the applicants.

(r) Minimum of four references not related to the applicants.

(s) Criminal history check and a child abuse and neglect history from every state in which the individual has lived within the preceding five years for each member of the household age 18 or older. Checks are also required for a household member under the age of 18 if there is reason to believe that the household member may pose a safety threat to children placed in the home.

(t) Documentation that a child abuse and neglect history was requested from any other country in which a member of the household age 18 or older has lived within the preceding five years, and the response if any.

(u) Summary assessment of the home and any recommendations.

(v) Signed approval or denial by a social services supervisor to use the home for adoption.

(3) Home study requirements.

(a) An adoption agency may not complete a home study until the prospective adoptive parents have received at least six hours of the pre-adoptive training and education required by OAR 413-215-0456.

(b) An adoptive home study is valid for a maximum of two years from the date of completion, providing significant changes have not occurred in the applicants' household.

(c) If significant changes occur in the applicants' household after the completion of the home study but before the adoption is finalized, the adoption agency must complete an update of the home study.

(d) Once the adoption is finalized, the adoption agency must complete a new home study each time the family seeks to adopt another child.

(4) Certificate of approval. The adoption agency must issue a written document certifying the approval or disapproval of the applicants as potential adoptive parents.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0456

Information, Education, and Training for Adoptive Parents

An *adoption agency* must meet all of the following requirements related to information, education, and training for adoptive parents:

(1) Adoptive parent training. The adoption agency must document that it has provided the prospective adoptive parents a minimum of 10 hours

of comprehensive orientation and training, independent of the home study, that covers all of the following:

(a) The possible short- and long-term effects of prenatal exposure to alcohol, drugs, and poor nutrition.

(b) The effects of separation and loss.

(c) The process of developing emotional ties to an adoptive family.

(d) Normal child and adolescent development.

(e) What research indicates about the potential effect on a child's development of physical abuse, sexual abuse, neglect, institutionalization, and multiple caregivers.

(f) Issues related to race, culture, and identity.

(g) Acculturation, assimilation, and, if applicable, the effects of having been adopted internationally.

(h) Emotional adjustment of adopted children and their families, including attachment and psychological issues of children who have experienced abuse, neglect, or trauma.

(i) In the case of an *intercountry adoption* (defined in OAR 413-215-0406), the process involved in an intercountry adoption and the general characteristics and needs of children awaiting intercountry adoption.

(2) Individual preparation. The adoption agency must document reasonable efforts to prepare prospective parents for the adoption of each child under consideration before the earliest of the following:

(a) The child is placed with them.

(b) Travel to the child's country for the purpose of adoption.

(3) Methods of training.

(A) The adoption agency must provide the required training using appropriate methods, such as:

(A) Collaboration among agencies or persons to share resources to meet the training needs of parents;

(B) Group seminars offered by the adoption agency or others who provide training;

(C) Individual counseling sessions;

(D) Video, computer-assisted, or distance learning methods using standardized curricula.

(b) If the training cannot otherwise be provided, the adoption agency may allow the prospective adoptive family to complete an independent study that includes a system for evaluating the thoroughness of the subjects covered.

(4) Information and disclosures.

(a) The adoption agency must give the adoptive family detailed written information covering the following subjects:

(A) Resources for financial support, including tax credit, employee adoption benefit programs, and other financial assistance.

(B) Medical assistance availability, as applicable.

(C) Support services available to the family and the adoptive child, including adoptive family support groups, educational workshops and conferences, individual and family counseling, mental health services, and respite care.

(D) Information identifying each organization or individual who will be involved in the proposed placement (defined in OAR 413-215-0406), including whether the organization or individual will derive a fee or other consideration from a source other than the client in connection with the adoption.

(E) In domestic adoptions only, the potential ramifications of a failure of the birth father to sign the consent and surrender documents.

(b) If a child qualifies for adoption assistance through the department's Adoption Assistance Program, the adoption agency must assist the prospective adoptive parents in getting approvals or agreements in a timely manner, prior to adoption finalization.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0070, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0461

Evaluation and Selection of Adoptive Family

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements regarding the placement (defined in OAR 413-215-0406) of a child:

(1) Pre-placement evaluation. A social services worker must review the record, evaluate, and document all of the following factors before making a *placement* with an adoptive family:

(a) Physical, emotional, social, behavioral, educational, and other individual needs of the child.

(b) The child's need for continued contact with siblings, relatives, foster parents, and other persons significant to the child.

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(c) The ability and willingness of the prospective adoptive parents to accept the general and specific risks and challenges inherent in the placement being considered.

(2) Placement requirements. For the placement of a child, the adoption agency must select an adoptive family who is approved by an adoption agency, consistent with the needs of the child and the recommendations in the *pre-placement* evaluation.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0466

Domestic Adoptive Placement; Adoption Agency Requirements

An *adoption agency* (defined in OAR 413-215-0406) must meet all of the following requirements related to a domestic placement (defined in OAR 413-215-0406):

(1) Pre-placement visit. The adoption agency must develop a written transition plan based on the developmental needs and best interests of the child. The plan must include provisions for pre-placement visits with the prospective adoptive family.

(2) Placement agreement documents. Before placing the child in a home, the adoption agency must have a written agreement with the pre-adoptive parents. A signed copy of this agreement must be given to the pre-adoptive parents and a copy must be placed in the case record. The agreement must specify the following, if appropriate:

(a) That the pre-adoptive parents agree to legally finalize the adoption in a time frame that is based on the best interests of the child;

(b) That the adoption agency will provide the documents necessary for finalizing the adoption in a time frame that is based on the best interests of the child;

(c) That the pre-adoptive parents agree to participate in supervision by the adoption agency, based on the best interests of the child, during the time prior to finalization of the adoption;

(d) That the pre-adoptive parents agree to provide written notification to the adoption agency prior to each of the following:

(A) A change of residency.

(B) The removal of the child from the state for more than 72 hours.

(C) *Placement* of the child in the care of another person for more than 72 hours.

(e) That the adoption agency will arrange for supervision in accordance with the Interstate Compact for Placement of Children if the adoptive family moves to another state.

(f) The plan must address all of the following subjects, based on the best interests of the child, in the event of a disruption (defined in OAR 413-215-0406):

(A) Who has responsibility for providing care and the cost of care.

(B) Financial arrangements to ensure transfer of custody when necessary.

(C) For *intercountry adoptions* (defined in OAR 413-215-0406) only, whether the child is to remain in the country of placement and how the authorities in the originating country will be notified of the disruption.

(3) Medical consent form. At the time of the child's *placement* in the adoptive home, the adoption agency must give the adoptive parents a signed medical consent form authorizing medical care of the child.

(4) Child and birth parent information. Before placing a child with a family, the adoption agency must make reasonable efforts to discuss with the adoptive parents and provide them in writing all available information about the child and his or her birth parents (defined in OAR 413-215-0406), including, but not limited to:

(a) Medical data.

(b) Information about genetic, congenital, or pre-existing conditions.

(c) Information on the child's physical, emotional, and behavioral functioning and adjustment

(d) Pertinent information regarding the *birth parents*, excluding identity.

(e) Information about disabilities and their implications, including information from diagnosticians and, if applicable, appropriate therapists.

(5) The adoption agency may not withhold or misrepresent information, nor may it misrepresent the implications of child information. The adoption agency and its agents must provide to prospective adoptive parents, in accordance with these rules (OAR 413-215-0401 to 413-215-0481), all information obtained about the child.

(6) Post-placement supervision. The adoption agency is responsible for the child until the court has entered the general judgment of adoption. After the child is placed, the adoption agency must provide and document

supervision of the home by a social services worker, including all of the following:

(a) A home visit with the family within the first 30 days following placement to establish a helping post-placement relationship. The frequency of contacts, including home visits, office visits, telephone calls, and e-mail, is dependent on the child's age and special needs (defined in OAR 413-215-0406), and the family's adjustment to the child.

(b) Any change in the adoptive family relating to health, finances, or composition that could affect the child.

(c) Providing to the adoptive parents any medical information on a child's birth family received by the adoption agency after the child was placed for adoption.

(d) If the placement appears likely to disrupt, the adoption agency must document its efforts to:

(A) Provide counseling services to preserve the placement; and

(B) Provide or arrange for replacement services, including foster care if needed, if disruption occurs.

(7) Post-legalization services. The adoption agency must make adoption services available to birth parents, adoptive parents, and adopted children after the adoption is finalized. The adoption agency must provide or inform the adoptive parents how to obtain information regarding all of the following:

(a) Counseling services.

(b) Crisis intervention.

(c) Respite care.

(d) Specialized support groups.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0471

Adoption Finalization — Adoption Agency Requirements

(1) For the legal finalization of an adoption, an adoption agency (defined in OAR 413-215-0406) must prepare and promptly provide to the adoptive family or the family's attorney all documents required for filing with the court.

(2) After consenting to the adoption of a minor child, an adoption agency must promptly file with the appropriate court all required documents that are available.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0080, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0476

Intercountry Adoptions

In addition to the requirements for adoption agencies in OAR 413-215-0401 to 413-215-0481 other than 413-215-0431(1)-(2), 413-215-0441, 413-215-0456(4)(a)(E), and 413-215-0466, an *adoption agency* (defined in OAR 413-215-0406) approved to provide *intercountry adoptions* (defined in OAR 413-215-0406) must meet all of the following standards with regard to intercountry adoptions:

(1) Compliance with foreign law.

(a) The adoption agency must comply with the laws and regulations of the sending country.

(b) The adoption agency must make reasonable efforts to learn and understand legal and procedural adoption requirements in the sending country.

(c) The adoption agency must establish written policies and procedures designed to fulfill and comply with the legal requirements, adoption laws, and adoption procedures of the sending country.

(d) The adoption agency must train its employees and volunteers about the adoption laws and procedures of the sending country.

(2) Compliance by foreign representatives. If the adoption agency uses an organization or person in the foreign country to facilitate adoption services within the foreign country, the adoption agency must make reasonable efforts to see that the organization or person meets all of the following requirements:

(a) Fully complies with all adoption and other laws and procedures of the sending country.

(b) Is licensed or otherwise authorized to provide the contemplated adoption services within the sending country.

(c) Does not engage in practices that are not in the best interests of the child or that encourage or facilitate the sale, abduction, exploitation, or trafficking of children.

(d) Does not have a pattern of licensing suspensions or other sanctions within the foreign country and has not lost the right to provide adoption

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services in any jurisdiction for reasons associated with unlawful or unethical service.

(e) Provides full disclosure to the adoption agency regarding any suspension, debarment, sanction, criminal charge, or disciplinary action against the organization or person, or any person serving with the organization, related to adoption services or financial dealings within the past ten years.

(f) Provides full disclosure to the adoption agency of business activities performed by or engaged in by employees or affiliates of the foreign representative that are inconsistent with the principles of these rules or the Intercountry Adoption Act of 2000, 42 U.S.C. 14901 to 14954.

(3) Pre-placement determination of compliance. Before a child can be placed for adoption, the adoption agency must determine that the adoption service or person authorized by the sending country has certified that:

(a) The child is qualified for adoption and is in the permanent custody of an authorized organization or person in the sending country.

(b) The authorized service or person has obtained proof from a competent authority in the child's country of origin that the necessary consents to the child's adoption have been obtained and that the necessary determination has been made that the prospective placement (defined in OAR 413-215-0406) is in the best interests of the child.

(c) The child has the proper emigration and immigration permits.

(d) The authorized service or person has the child's social and medical history or, if either is not available, has documented adequate reasons why the adoption agency was not able to obtain the information.

(4) Child information requirements. The adoption agency must use reasonable efforts, or require the authorized organization or person in the child's country of origin to make reasonable efforts, to obtain and provide all available information concerning a child referred for adoption, if known to the adoption agency or foreign representative, including the all of following:

(a) The date an authorized authority in the sending country took custody of the child and the reasons why the child is in custody.

(b) Information concerning the child's history, including a chronology showing the persons and institutions that have had custody of and cared for the child, the nature of care provided, and the reasons for transferring custody.

(c) Information concerning the child's immediate family, including current status and location of the birth parents (defined in OAR 413-215-0406) and siblings of the child; history of abuse, neglect, or mistreatment of the child; history of alcohol and drug abuse by the birth parents; hereditary conditions; and other risk factors.

(d) Information concerning the child's cultural, racial, religious, ethnic, and linguistic background.

(e) The child's medical information, including all of the following:

(A) All medical records, including both summaries or compilations of medical records and original records.

(B) Information resulting from medical examinations of the child.

(C) A history of significant illnesses or medical events, hospitalizations, and changes in the child's condition, growth data, and developmental status at the time of the child's referral for adoption.

(f) Videotapes and photographs of the child, identified by the date on which the videotape or photograph was recorded or taken.

(g) Specific information regarding health risks in the specific region or country where the child resides.

(5) An adoption agency must provide the information described in section (4) of this rule to prospective adoptive parents regarding a child referred for adoption as follows:

(a) The information must be provided at least two weeks before the earliest of the following:

(A) The adoption or placement for adoption.

(B) The date on which the prospective adoptive parents travel to the sending country to complete procedures relating to the adoption.

(b) To the extent the matter is within its control, the adoption agency may not withdraw the referral of a child until the prospective adoptive parents have had at least one week to consider the needs of the child and their ability to meet those needs, and to obtain medical review of child information. The adoption agency may withdraw the referral earlier if the best interests of the child require a more expedited decision.

(c) The information must be provided in both the original language, if available, and in English. The adoption agency must do nothing to discourage prospective adoptive parents from obtaining their own translation of the information.

(6) An adoption agency must document in its adoption file all of the following:

(a) The efforts of the adoption agency to obtain the information.

(b) Reasons why the adoption agency was not able to obtain the information, if applicable.

(c) All communications made with prospective adoptive parents regarding the information, including contents of, dates, and the manner in which the information was provided to the prospective adoptive parents.

(7) With regard to post-placement and post-legalization requirements and services, an adoption agency must meet all of the following requirements:

(a) The adoption agency must take all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used, and, if practicable, in the company of the adoptive parents.

(b) Until the adoption is finalized, the adoption agency must provide post-placement reports on a child to the sending country when required by the sending country. When such reports are required, the adoption agency:

(A) Must inform the prospective adoptive parents of the requirement prior to the referral of the child for adoption; and

(B) Must inform the prospective adoptive parents that they will be required to provide all necessary information for the reports.

(c) For children sent to the United States, in addition to post-placement reports required by the sending country, the adoption agency must require at least one home visit with all persons living in the adoptive home between one and four months after the child's arrival in the United States. Home visits must be documented in a post-placement report that includes all of the following issues:

(A) The status and adjustment of each child in the adoptive home.

(B) The status and adjustment of the prospective adoptive parents and other adoptive family members to each child placed in the home.

(C) A summary of the information obtained concerning the birth parents and the available social, medical, and genetic history of each child placed in the home.

(d) If an adoption or re-adoption (defined in OAR 413-215-0406) is sought in Oregon, the original post-placement report, along with recommendations, must be filed by the adoption agency with the court and a copy forwarded to the department.

(e) The adoption agency must inform the prospective adoptive parents of other available post-placement services and resources, including all of the following:

(A) Additional home visits, office visits, telephone conferences, and other contacts with the personnel of the adoption agency.

(B) Other professionals, organizations, and groups that provide support and information for adoptive parents of children adopted internationally.

(f) When an adoption is not finalized in the sending country, the adoption agency must meet all of the following requirements:

(A) Monitor and supervise the placement to ensure that the placement remains in the best interests of the child.

(B) Inform prospective adoptive parents of the importance of finalizing the adoption in the United States and contractually require the prospective adoptive parents to finalize the adoption in the United States within a specified period after receiving the consent of the adoption agency for adoption.

(C) Advise adoptive parents regarding the means of obtaining proof of citizenship for the child and the process for obtaining a social security number.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: SCF 6-1995, f. 12-22-94, cert. ef. 12-29-95; Renumbered from 413-220-0100, CWP 32-2008, f. & cert. ef. 10-17-08

413-215-0481

Services to Children from the United States Placed in Other Countries

Before making a plan to place a child from the United States with non-relative citizens of another country, an *adoption agency* (defined in OAR 413-215-0406) must make reasonable efforts to actively recruit and make a diligent search for *prospective adoptive parents* in the United States.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 32-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

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ADMINISTRATIVE RULES

Rules Adopted: 413-215-0511, 413-215-0526, 413-215-0551, 413-215-0556, 413-215-0576, 413-215-0586

Rules Ren. & Amend: 413-210-0000 to 413-215-0501, 413-210-0010 to 413-215-0506, 413-210-0080 to 413-215-0561, 413-210-0090 to 413-215-0566, 413-210-0100 to 413-215-0516, 413-210-0110 to 413-215-0541, 413-210-0120 to 413-215-0531, 413-210-0130 to 413-215-0521, 413-210-0150 to 413-215-0536, 413-210-0160 to 413-215-0546, 413-210-0170 to 413-215-0571, 413-210-0180 to 413-215-0581

Subject: These rules are being changed to reflect current practice, current safety standards, and focus more directly on residential care agencies. These rules define the term “residential care agency”, identify the rules that apply to them, and set out requirements for the physical plant, room and space, resident furnishings, personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing, separation of residents, referral and initial evaluation of children, consents, disclosures, authorizations, information about children in placement with the agency, and notification to public schools.

Rules Coordinator: Annette Tesch — (503) 945-6067

413-215-0501

Residential Care Agencies; What Law Applies

(1) Except as provided in section (2) of this rule, a *private child-caring agency* (defined in OAR 413-215-0006) that provides services to children 24 hours a day must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and 413-215-0501 to 413-215-0586.

(2) Academic boarding schools (OAR 413-215-0201 to 413-215-0276) and therapeutic boarding schools (OAR 413-215-0601 to 413-215-0681) are not subject to OAR 413-215-0501 to 413-215-0586.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0000, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0506

Definitions

When used in OAR 413-215-0501 to 413-215-0586:

(1) “Care” means services provided to meet the needs of a child, such as food, shelter, clothing, medical care, schooling, protection, and supervision.

(2) “Child” means an unmarried person under 18 years of age.

(3) “Employee” means an individual holding a paid position with a *residential care agency*.

(4) “Facility” means the physical setting, buildings, administration, staff, equipment, and program of a residential care agency.

(5) “Family” means related members of a household, among whom at least one adult functions as a parent to one or more minor children.

(6) “Medication” means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.

(7) “Resident” means any *child residing* in a residential care agency other than an infant who resides with an adolescent parent.

(8) “Residential” means care or treatment services provided on a 24 hour per day basis to children. For the purpose of these rules, “residential care or treatment” does not include services provided in family foster homes or adoptive homes.

(9) “Residential care agency” means a private child-caring agency (defined in OAR 413-215-0006) that provides services to children 24 hours a day.

(10) “Staff” means employees of the residential care agency who are responsible for providing direct care or treatment to residents.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0010, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0511

Physical Plant Requirements

(1) A *residential care agency* (defined in OAR 413-215-0506) may not allow children to have access to, or provide services regulated by these rules (OAR 413-215-0501 to 413-215-0586) in, a building unless the building has been certified as meeting all applicable state and local construction-related requirements for a building used as a residential facility, including: the Oregon Structural Specialty Code (see the current version of OAR 837-

040-0140), the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020), DHS Public Health Division (see the current requirements for buildings in Chapter 333 of the Oregon Administrative Rules), the Oregon Plumbing Specialty Code (see the current version of OAR 918-750-0110 to 918-750-0140), the rules of the State Fire Marshal (see the current requirements for buildings in Chapter 837 of the Oregon Administrative Rules), and the local building, fire, and safety codes.

(2) A residential care agency must ensure that all of the following standards are met:

(a) All buildings where children are present must be smoke-free.

(b) Water temperature and access to water:

(A) A continuous supply of hot and cold water, installed and maintained in compliance with this rule and OAR 413-215-0516, must be distributed to taps conveniently located throughout each building used to provide services or housing for children.

(B) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in each building used to provide services or housing for children.

(C) Each resident (defined in OAR 413-215-0506) who lacks the ability to adjust and control water temperature safely must be directly supervised by a staff (defined in OAR 413-215-0506) member of the residential care agency.

(c) Heating and ventilation. Room temperatures must be maintained within normal comfort range. Buildings must be ventilated and free of excessive heat and condensation and unpleasant odors.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0516

Room and Space Requirements

A *residential care agency* (defined in OAR 413-215-0506) must meet all of the following room and space requirements:

(1) Living area. A separate living room or lounge area must be available for the exclusive use of residents, employees, and invited guests with a minimum of 15 square feet per resident.

(2) Bedrooms. Bedrooms for residents may not be exposed to drafts, odors, or noises that interfere with the health or safety of the occupants. Each bedroom must comply with all of the following requirements:

(a) Be separate from the rooms used for dining, living, multi-purpose, laundry, kitchen, or storage.

(b) Be an outside room, with a window allowing egress from the building.

(c) Have a ceiling height of at least 90 inches.

(d) Have a minimum of 60 square feet per bed.

(e) House no more than 25 residents in one room when a dormitory-style sleeping arrangement is used.

(f) Have permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(g) Have a window covering on each window to ensure privacy.

(h) Contain beds for residents that meet both of the following requirements:

(A) There must be at least three feet between beds, including trundle beds if used; and

(B) Bunk beds, if used, must be maintained to ensure safety of the residents.

(3) Bathrooms.

(a) Bathrooms must be provided and be conveniently located in each building containing a resident bedroom, and must have all of the following:

(A) A minimum of one toilet and one hand-washing sink with mixing faucets for each eight residents.

(B) A self-closing metered faucet, if used, that provides water flow for at least 15 seconds without a need to reactivate the faucet.

(C) Hot and cold running water, as well as soap and paper towels available at sinks, or, other hand-drying options approved by the local health department.

(D) One bathtub or shower for each ten residents.

(E) Arrangements for residents’ individual privacy.

(F) A window covering on each window to ensure privacy.

(G) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(H) Adequate ventilation.

(b) Use of wooden racks over shower floors is prohibited.

(c) When impervious shower mats are used, they must be disinfected and dried at least once per day.

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(4) Dining area. A separate dining room or area must be provided for the exclusive use of residents, employees, and invited guests. The dining area must have the capacity to seat at least one-half of the residents at one time and must contain a minimum of 15 square feet per resident.

(5) Kitchen.

(a) Kitchens must be used exclusively for storage, food preparation, dish washing, and other activities related to eating and may not, except as provided in OAR 413-215-0536, be used for residents' activities other than eating.

(b) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or utensils are washed or stored must be smooth, washable, and easily cleanable.

(c) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, nontoxic, and nonabsorbent, and must be maintained in a clean and sanitary condition.

(d) All equipment used for food preparation must be installed and maintained in a manner that provides ease of cleaning beneath, between, and behind each unit.

(6) Laundry area. Laundry facilities, when provided, must be separate from all of the following:

(a) Resident living areas, including bedrooms.

(b) Kitchen and dining areas.

(c) Areas used for the storage of un-refrigerated perishable food.

(7) Storage. Separate storage areas must be provided for each of the following:

(a) Food, kitchen supplies, and utensils.

(b) Clean linens.

(c) Soiled linens and clothing.

(d) Cleaning compounds and equipment.

(e) Poisons, chemicals, pest and rodent control products, insecticides, and other toxic materials that must be properly labeled, stored in the original container, and kept in a locked storage area.

(f) Outdoor recreational and maintenance equipment.

(8) Outdoor activity area. A usable out-of-doors activity area must be provided that is protected from vehicular traffic and other hazards. The area must be of sufficient size to meet the recreational needs of the residents.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0100, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0521

Resident Furnishings and Personal Items

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) Furniture. Furniture must be provided for each resident (defined in OAR 413-215-0506) including:

(a) A bed, including a frame;

(b) A clean, comfortable mattress and a pillow; and

(c) A private dresser, closet, or similar storage area for personal belongings that is readily accessible to the resident.

(2) Linens. Linens in good repair must be provided or arranged for each resident, including:

(a) A waterproof mattress cover or waterproof mattress;

(b) Sheets and pillowcase;

(c) Blankets appropriate in number and type for the season and the individual resident's comfort; and

(d) Towels and washcloths.

(3) Bedding must be changed when soiled and upon change of occupant.

(4) Personal hygiene supplies. Individual personal hygiene supplies that are appropriate to the child's age, gender, and culture must be made available to each resident, stored in a clean and sanitary manner, and must include:

(a) A comb;

(b) Shampoo, or other hair cleansing product;

(c) A toothbrush;

(d) Soap;

(e) Deodorant;

(f) Toothpaste;

(g) Toilet paper;

(h) Menstrual supplies, if appropriate; and

(i) Other supplies that are appropriate to the child's age, gender, and cultural needs.

(5) Clothing. Adequate and seasonally appropriate clothing must be provided for each resident for the resident's exclusive use.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0130, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0526

New Facility or Remodel

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) Building plans.

(a) A residential care agency must submit to the Department for approval a set of plans and specifications for each residential care facility operated by the residential care agency at each of the following times:

(A) Prior to construction of a new building.

(B) Prior to construction of an addition to an existing building.

(C) Prior to the remodeling, modification, or conversion of a building.

(D) In support of an application for initial license to operate as a residential care agency.

(b) Plans must comply with all applicable state and local requirements for a building used as a residential facility, including the Oregon Structural Specialty Code (OAR 837-040-0140), the Oregon Fire Code (837-040-0010 and 837-040-0020), DHS Health Services requirements for buildings (Chapter 333 of the Oregon Administrative Rules), the Oregon Plumbing Specialty Code (OAR 918-750-0110 to 918-750-0140), the rules of the State Fire Marshal for buildings (Chapter 837 of the Oregon Administrative Rules), and the local building, fire, and safety codes.

(c) Plans must be drawn to scale, and must specify the date upon which construction, modification, or conversion will be completed, if applicable.

(2) Sanitarian approval. The water supply, sewage, and garbage disposal systems must be approved by a sanitarian registered with the Environmental Health Registration Board (see OAR 338-010-0025 to 338-010-0038).

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0531

Environmental Health

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) The program of the residential care agency must maintain an environment that ensures safety for program staff (defined in OAR 413-215-0506) and clients.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

(a) Food service risk assessment.

(b) Drinking water or waste water assessment.

(c) Vector and pest control, including the use of pesticides and other chemical agents.

(d) Hazardous material management, including handling and storage.

(e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0120, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0536

Food Services

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements with regard to food services:

(1) Nutrition and dietary requirements.

(a) A residential care agency must arrange meals daily, consistent with normal mealtimes that occur during hours of operation.

(b) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each child (defined in OAR 413-215-0506) at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the record of the residential care agency for at least six months.

(c) Drinking water must be freely available to the children served by the residential care agency.

(2) Food selection, storage, and preparation.

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(a) All food and drink provided by the residential care agency must be stored, prepared, and served in a sanitary manner.

(b) All employees who handle food served to children must have a valid food handlers card pursuant to ORS 624.570.

(c) Selection of food. All food products served by a residential care agency must be obtained from commercial suppliers, except:

(A) Fresh fruits and vegetables and fruits or vegetables frozen by the residential care agency may be served.

(B) The serving of un-pasteurized juice is prohibited.

(d) Requirements related to milk.

(A) Only Grade A pasteurized and fortified milk may be served to children.

(B) Milk and fluid milk products must be dispensed from a commercially-filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or Oregon Department of Agriculture.

(e) Children may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the residential care agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0150, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0541

Safety

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements related to safety:

(1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:

(a) The residential care agency must provide fire safety equipment that meets the requirements of applicable building codes and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020).

(b) The residential care agency must comply with existing state and local fire safety codes.

(2) Emergency plan.

(a) The residential care agency must have, for each facility (defined in OAR 413-215-0506) it operates, a written emergency plan that includes:

(A) Instructions for evacuation of children and employees in the event of fire, explosion, accident, or other emergency.

(B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

(b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

(c) Operative flashlights sufficient in number must be readily available to the staff (defined in OAR 413-215-0506) in case of emergency.

(3) Evacuation drills.

(a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the residential care agency must document the following information and retain it for a minimum of two years:

(A) Identity of the person conducting the drill.

(B) Date and time of the drill.

(C) Notification method used.

(D) Staff members on duty and participating.

(E) Number of occupants evacuated.

(F) Special conditions simulated.

(G) Problems encountered.

(H) Time required to accomplish complete evacuation.

(b) The residential care agency must ensure that all employees and children are aware of the procedures to follow in case of emergencies.

(4) Hazards.

(a) The residential care agency must protect children it serves from guns, drugs, plastic bags, sharps, paint, hazardous materials, bio hazardous materials, and other potentially harmful materials. A residential care agency must have a written policy that addresses potentially harmful materials that are in the building accessible to the children in the program or on the grounds of the program.

(b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving children. Direct supervision by staff must be provided for any child (defined in OAR 413-215-0506) who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The residential care agency must ensure the following when providing transportation to children it serves:

(a) Driver requirements.

(A) Each employee (defined in OAR 413-215-0506) transporting a child in a motor vehicle must have a current driver license on record with the residential care agency.

(B) The residential care agency may use an employee to provide transportation for children only if the employee is covered by an insurance policy in full force and effect, and in compliance with the standards set by the residential care agency.

(C) The residential care agency must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The residential care agency must ensure that each person who transports a child in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting children.

(b) Vehicle requirements.

(A) Each vehicle used to transport a child served by the residential care agency must be covered by an insurance policy in full force and effect.

(B) Each vehicle used to transport a child served by the residential care agency must be maintained in safe operating condition.

(C) Each vehicle used to transport a child must have aboard a first aid kit, a fully charged and working fire extinguisher with a rating of at least 2-A:10-BC, and a copy of the medical insurance card of each child being transported.

(D) Each vehicle used to transport a child must be smoke-free.

(E) Children and adults must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0110, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0546

Health Services

(1) A residential care agency (defined in OAR 413-215-0506) must obtain all private health record information referred to in this rule in a manner that complies with federal and state law.

(2) Medical history. Within 30 days of a child being placed with a residential care agency, the residential care agency must obtain available medical history and other health-related information on the child, including:

(a) Significant findings of the most current physical examination;

(b) The child's current immunizations, history of surgical procedures and significant health issues or injuries, and past or present communicable diseases;

(c) Any known allergies;

(d) Dental, vision, hearing, and behavioral health;

(e) Documentation that the child has received age-appropriate instruction regarding pregnancy prevention, nutrition, prevention of HIV and AIDS, and general information about the prevention and treatment of sexually transmitted disease; and

(f) Physician or qualified medical professional's orders, including those related to medications, if any.

(3) Female health care. If licensed to serve female children, a residential care agency must provide or arrange for the following health services, as applicable:

(a) Information on maintaining reproductive health.

(b) Prenatal care.

(c) Well-baby care.

(d) Fetal alcohol syndrome.

(e) Accessing child and infant health insurance programs.

(f) Screening for breast, cervical, and other common cancers.

(4) Medical examinations. A residential care agency must safeguard the health of each child it serves by providing for a medical examination by a physician or qualified medical professional at the following intervals:

(a) Three examinations during the first year of the child's life.

(b) One examination at the age of two.

(c) One examination at the age of four.

(d) One examination at the age of six.

(e) One examination at the age of nine.

(f) One examination at the age of 14.

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(5) A residential care agency must have established protocols for accessing routine and urgent care for the children in placement with the residential care agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0160, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0551

Medication

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) Policy and procedures. The residential care agency must have policies and procedures that cover all prescription and non-prescription medications that address all of the following:

(a) How the medication (defined in OAR 413-215-0506) will be administered.

(b) By whom the medication will be administered.

(c) How the staff (defined in OAR 413-215-0506) of the residential care agency who administer medication will be trained.

(d) How the administration of medication will be documented.

(e) How the administration of medication will be monitored.

(f) How unused medication will be disposed of.

(g) The process that ensures that each child's prescription and non-prescription medications are reviewed, unless the medications are all provided through a single pharmacy. As used in this rule, "non prescription medication" means any medication that does not require a written prescription for purchase or dispensing and includes the use of any herbal remedies or supplements.

(2) A prescription, signed by a physician or qualified medical professional, is required before any prescription medication is administered to, or self-administered by a child. Medications prescribed for one child may not be administered to, or self-administered by another child or staff. As used in this rule, "self-administration of medication" refers to the act of a resident placing a medication internally in, or externally on, his or her own body.

(3) A written approval, signed by a physician or qualified medical professional, is required for any use of herbal supplements or remedies.

(4) A written order, signed by a physician or qualified medical professional, is required for any medical treatment, special diet, physical therapy, aid to physical functioning, or limitation of activity.

(5) Before a residential care agency permits a child to self-administer prescription medication, self-administration must be recommended by the qualified medical professional, approved in writing by a physician or qualified medical professional, and closely monitored by the staff of the residential care agency.

(6) Medication storage.

(a) Prescription medications that are unused and medications that are outdated or recalled may not be maintained in the facility (defined in OAR 413-215-0506). "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The facility may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications stored in the facility must be kept in a manner that they are inaccessible to children.

(d) Medications requiring refrigeration must be refrigerated and secured.

(e) Medications must be maintained and stored in its original container, including the prescription label.

(7) Medication disposal. Medications must be disposed of in a manner that ensures that they cannot be retrieved, in accordance with all applicable state and federal law.

(8) A written record of all medication disposals must be maintained and must include all of the following:

(a) A description of the prescribed medication and the amount disposed.

(b) The child for whom the medication was prescribed.

(c) The reason for disposal.

(d) The method of disposal.

(e) The name of the person disposing the medication, and the initials of an adult witness.

(9) Medication records. A written record must be kept for each child listing all medications, both prescription and over-the-counter, that are administered. The record must include all of the following:

(a) The child's name.

(b) A description of the medication, instructions for use, and the recommended dosage.

(c) Dates and times medication is administered.

(d) A record of missed dosages.

(e) Medication dropped or disposed of.

(f) Method of administration for each medication.

(g) Identification of the person administering the medication.

(h) Any possible adverse reactions to the medication.

(i) Documentation of any medication taken outside the facility to be administered during a home visit or other activity.

(10) Where applicable, the residential care agency must maintain documentation of the continuing evaluation of the child's ability to self-administer a medication.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0556

Staff Training

In addition to the orientation requirements in OAR 413-215-0061(4), a residential care agency (defined in OAR 413-215-0506) must meet all of the following training requirements with respect to its staff (defined in OAR 413-215-0506):

(1) Staff of the residential care agency must be provided with orientation training prior to or within 30 days of hire. The orientation must include training on all of the following:

(a) Behavior management protocols including de-escalation skills training, crisis prevention skills, positive behavior management, and disciplinary techniques that are non-punitive in nature and are focused on helping children build positive personal relationships and self control.

(b) If restraint and seclusion are utilized by the residential care agency, which techniques are approved by the residential care agency and how use of these procedures is monitored. The training must be clear that the policy of the residential care agency is that restraint or seclusion is used as an intervention of last resort.

(2) Staff of the residential care agency must receive ongoing training at least annually on all of the following:

(a) Mandatory child abuse reporting.

(b) Procedures for handling environmental emergencies.

(c) Universal precautions (infection control guidelines designed to protect workers from exposure to diseases spread by blood and certain body fluids) and hygiene.

(d) Behavior management.

(3) Staff providing direct care of children of the residential care agency must receive training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0561

Minimum Staffing Requirements

A residential care agency (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) Minimum staffing patterns. The residential care agency must establish staff-to-child ratios that will provide adequate supervision and protection for children. The ratios must be adequate for the type of program, location of program, the age and type of children served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure a high standard of supervision and protection. The minimum staffing ratios are as follows:

(a) For residents (defined in OAR 413-215-0506) who are under 30 months of age — one direct care staff (defined in OAR 413-215-0506) for each four residents.

(b) For residents who are 30 months of age or older and either less than six years of age or non-ambulatory, one direct care staff for each six residents.

(c) For residents who are six years of age or older, one direct care staff for each seven residents.

(2) Overnight staffing requirements.

(a) A residential care agency must have policies and procedures regarding overnight supervision of residents. The procedures must describe how staff must monitor and ensure the safety of residents during sleeping hours. If the residential care agency houses more than one child (defined in OAR 413-215-0506) to a bedroom or uses dormitory-type sleeping arrangements, the procedure must specifically address those living arrangements.

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(b) During normal sleeping hours, the minimum *staffing* requirement is one awake direct care staff on duty in the facility (defined in OAR 413-215-0506) for each 10 children.

(3) At least one staff member of each shift must have current certification in cardiopulmonary resuscitation and first aid.

(4) Additional staffing requirements for emergency response.

(a) When there is only one employee (defined in OAR 413-215-0506) of the residential care agency on duty in the facility, there must be additional staff immediately available in the event of an emergency, with a maximum response time of 30 minutes. The names of additional staff who are available for immediate response must be listed on the schedule for each time period when only one staff person is on duty in the facility.

(b) One employee who is age 18 or over and capable of taking appropriate action in an emergency must be on site at all times when one or more residents are present on the residential facility premises.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0080, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0566

Separation of Residents

A *residential care agency* (defined in OAR 413-215-0506) must meet all of the following requirements:

(1) Combining children and adults. Special care must be taken by a residential care agency to provide adequate supervision of children when adults are being served by the residential care agency. Children and adults must be housed in separate bedrooms, except that a child and the child's parent may be housed in the same room if the parent is the child's caretaker. If a person is 18 years of age or older, and is to share a bedroom with a child, the residential care agency must obtain written approval from the Department licensing coordinator.

(2) Co-ed facilities. Special care must be taken by a residential care agency to provide adequate supervision when the program serves both males and females concurrently. Children's bedrooms for males must be separated from bedrooms for females.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0090, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0571

Referral and Initial Evaluation of Children

(1) Referral. A *residential care agency* (defined in OAR 413-215-0506) must have a policy that addresses the process by which children are referred to the residential care agency. The policy must include all of the following:

(a) From whom referrals are accepted.

(b) On what basis children are accepted by the residential care agency.

(c) How information necessary to provide for the safety and care (defined in OAR 413-215-0506) of children will be provided to the appropriate care staff (defined in OAR 413-215-0506).

(2) Initial evaluation of a child. A residential care agency must evaluate each child referred to the residential care agency. In conducting the evaluation, the residential care agency must:

(a) Request and review all available reports of the child's past and present behavior, educational status, and physical and behavioral health.

(b) Make a preliminary determination whether the prospective child has disorders, disabilities, or deficits due to mental, emotional, behavioral, or physical problems for which care, supervision, training, rehabilitation, or treatment is needed to reduce a problem, maintain present level of functioning, or clarify the ongoing placement or service needs of the child.

(3) A residential care agency must be prepared to provide to a parent or legal guardian of a referred child suggestions for obtaining resources in the event the child is not accepted by the residential care agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; Renumbered from 413-210-0170, CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0576

Consents, Disclosures, and Authorizations

(1) Consents. For each child in placement with a *residential care agency* (defined in OAR 413-215-0506), the residential care agency must ensure that a parent or legal guardian signs a consent that authorizes the residential care agency to undertake each of the following:

(a) To provide routine and emergency medical care. However, if the parent or legal guardian relies on prayer or spiritual means for healing in

accordance with the creed or tenets of a well-recognized religion or denomination, the residential care agency is not required to use medical, psychological or rehabilitative procedures, unless the child is old enough to consent to these procedures and does so. The residential care agency must have policies and procedures for this practice, which are reviewed and approved by the child's parent or legal guardian.

(b) To use the behavior management system of the residential care agency, including the point, level, or other behavior management techniques utilized by the residential care agency.

(c) To use restraint or seclusion in the management of the child. The consent must specify the reasons such interventions are used by the residential care agency and how the employees of the residential care agency are trained and supervised in the use of restraint or seclusion.

(d) To restrict the child's contact with persons outside the residential care agency, including visits, telephone communication, electronic mail, and postal mail.

(e) To exclude or limit the child's possession of personal items.

(f) To impose a dress code.

(g) To restrict the child's participation in recreational or leisure activities in an appropriate manner, consistent with behavior or safety issues.

(2) Disclosures to parent or legal guardian. At the time a residential care agency takes a child into placement, the residential care agency must ensure that each parent or legal guardian of the child receives and acknowledges in writing the receipt of each of the following:

(a) Information regarding any personal or room searches and protocols for confiscation of contraband items, including the notification of law enforcement if illegal contraband is discovered. This information will include the procedures and rationales of the residential care agency for any program-initiated room or body search.

(b) A statement concerning the rights of children and parents or legal guardians served by the residential care agency. The statement must be written in a manner that is easy to understand, and the residential care agency must ensure that the child and the parent or legal guardian understand the statement. The statement must explain all of the following:

(A) The child's right to communicate with parents, legal guardians, legal representatives, or other persons approved for communication by the parent or legal guardian.

(B) The child's right to privacy.

(C) The child's right to participate in service planning.

(D) The child's right to fair and equitable treatment.

(E) The right of the child or guardian to file a grievance if the child or family (defined in OAR 413-215-0506) feels that they are treated unfairly, or, if they are not in agreement with the services provided.

(F) The child's right to have personally exclusive clothing.

(G) The child's right to personal belongings.

(H) The child's right to a free and appropriate education.

(I) The child's right to participate in recreation and leisure activities.

(J) The child's right to have timely access to physical and behavioral health care services

(c) The residential care agency will make any written policy or procedure pertaining to program services available for review by the child, parent, or legal guardian, upon request.

(3) Authorizations.

(a) Written authorizations to exchange information with others must be filled out prior to signatures being requested.

(b) All child-specific visitors must be approved or authorized by the parent or legal guardian, except CASAs and attorneys appointed to represent the child.

(c) Visitation resources must be pre-approved by the child's parent or legal guardian and the identity of these resources verified by the residential care agency.

(d) Activity-specific authorizations must be pre-approved by the child's parent or legal guardian to allow children to participate in potentially hazardous activities, such as using motorized yard equipment, swimming, and horseback riding.

(e) All other required authorizations must be pre-approved by the child's parent or legal guardian.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0581

Information About Children in Placement with the Agency

(1) Child's case files. For each child a *residential care agency* (defined in OAR 413-215-0506) accepts for placement, the residential care

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agency must maintain an individual record that includes a summary sheet containing all of the following information:

(a) The child's name, gender, date of birth, religious preference, and previous address.

(b) The name and location of the child's previous school.

(c) The date of admission to the program.

(d) The status of the child's legal custody, including the name of each person responsible for consents and authorizations.

(e) The name, address, and telephone number of:

(A) The child's parents.

(B) The child's legal guardian, if different than parents, and documentation of his or her legal relationship to the child.

(C) Other family members or other persons identified by the family (defined in OAR 413-215-0506) as significant to the child.

(D) Other professionals to be involved in service planning, if applicable.

(2) Service planning.

(a) All documentation, including but not limited to service plans, daily notes, assessments, progress reports, medication records, and incident reports, must be written in terms that are easily understood by all persons involved in service planning.

(b) Intake documentation. A residential care agency must complete a written intake document containing screening information on the date the residential care agency accepts a child for placement except in the case of an emergency placement, when the intake document must be completed within 48 hours of admission.

(c) Each child must be served according to an individual written service plan developed by staff (defined in OAR 413-215-0506) of the residential care agency and by, whenever possible, the child, the child's family, and other professionals involved with the child or family. This document must outline goals for services and care coordination.

(d) Assessment. A comprehensive assessment must be completed within the first 30 days of placement. This assessment must include relevant historical information, current behavioral observations, any identified needs for services, and a description of how the residential care agency will provide or coordinate services.

(e) Service plan and review.

(A) Within 60 days of placement, a formal service plan must be developed by staff of the residential care agency in conjunction with the child and his or her parents or legal guardians, and any other persons who are actively involved with the family, as appropriate.

(B) The service plan must reflect how the residential care agency will address the child's issues, describe the anticipated outcomes of the placement, and be reviewed and approved by the child and the legal guardian or parent, unless contraindicated.

(C) The service plan must be reviewed by the residential care agency at least quarterly.

(D) Service plans must be revised at any time additional information becomes available indicating that other services should be provided.

(3) Case management.

(a) The residential care agency must document services provided, and track and monitor progress toward the achievement of service plan goals.

(b) Discharge. The residential care agency must identify how a child's progress will be evaluated, and how the determination is made of readiness for discharge or unsuitability for continued stay.

(c) Discharge planning. Discharge planning for children must be a participatory decision-making process between the child, staff of the residential care agency, the parents or legal guardian, and significant others. As used in this rule, "significant others" mean relatives, friends, or interested members of the community.

(d) Discharge instructions. The residential care agency must provide the child and the child's guardian with discharge instructions on or before the discharge date, including current medications, name of the physician or qualified medical professional who prescribed each medication (defined in OAR 413-215-0506), any outstanding medical or other appointments, and other follow-up instructions as needed.

(e) Follow-up services. The residential care agency must identify any transitional or aftercare services or service coordination that will be offered by the program.

(f) Incident reporting. A written description of any injury, accident, or unusual incident involving a child must be placed in the individual child's record.

(4) Financial records. A residential care agency must keep a separate written record for each child itemizing all money received or disbursed on behalf of the child. The record must include all of the following:

(a) The date of each receipt and disbursement and the amount of each.

(b) The source of income.

(c) The purpose of each disbursement.

(d) The signature of the person making each entry.

(e) The signature of the child for each entry.

(5) Personal possessions records. An individual written inventory must be maintained for each child of all personal possessions belonging to the child. The record must be updated as needed.

(6) The residential care agency will ensure, in policy and practice, that:

(a) Disallowable items are either stored, or returned to the parent or legal guardian; and

(b) All money and personal belongings are returned to the child at the time of discharge.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

413-215-0586

Notification to Public Schools

(1) This rule applies if a residential care agency (defined in OAR 413-215-0506) intends any of the actions:

(a) To establish or expand a residential program for children.

(b) To change the type of educational services provided.

(c) To change the population of children to be served by an existing program.

(2) Prior to an action covered by section (1) of this rule, a residential care agency must notify the superintendent or school board of the local school district, in writing, three months prior to making the intended change in order for the school district to make a determination of the effect of different, or additional, services upon the facilities and programs of the district.

(3) A residential care agency must send written proof of compliance with ORS 336.575 to the Department licensing coordinator.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 336.575, 418.205 - 418.327

Hist.: CWP 33-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 34-2008

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Rules Adopted: 413-215-0601, 413-215-0606, 413-215-0611, 413-215-0616, 413-215-0621, 413-215-0626, 413-215-0631, 413-215-0636, 413-215-0641, 413-215-0646, 413-215-0651, 413-215-0656, 413-215-0661, 413-215-0666, 413-215-0671, 413-215-0676, 413-215-0681

Subject: These rules are being adopted because the current residential school rules have been in effect since 1996, need to be updated to reflect current practice, and are not tailored to therapeutic boarding schools. These rules will set out requirements for therapeutic boarding schools for educational services, physical plant requirements, student furnishings and personal items, new facility or remodel, environmental health, food services, safety, health services, medication, staff training, minimum staffing requirements, separation of boarding students, referral and initial evaluation of boarding students, consents, disclosures, authorizations, and documentation requirements. New requirements include flashlights, vehicle fire extinguishers, vehicle first aid kits, a medication policy, and additional staff training. These proposed rules are in addition to other umbrella rule changes being filed under separate notice that also apply to therapeutic boarding schools.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0601

Therapeutic Boarding Schools; What Law Applies

(1) A therapeutic boarding school (defined in OAR 413-215-0606) must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and OAR 413-215-0601 to 413-215-0681.

(2) Academic boarding schools (OAR 413-215-0201 to 413-215-0276) and residential care agencies (OAR 413-215-0501 to 413-215-0586) are not subject to OAR 413-215-0601 to 413-215-0681.

Stat. Auth.: ORS 409.050, 418.005, 418.327

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Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0606

Definitions

The following definitions apply to OAR 413-215-0601 to 413-215-0681:

(1) "Boarding" means *care* or treatment services provided on a 24 hour per day basis to children.

(2) "Care" means services provided to meet the needs of a child, such as food, shelter, clothing, medical care, schooling, protection, and supervision.

(3) "Child" means an individual under 18 years of age.

(4) "Employee" means an individual holding a paid position with a therapeutic boarding school.

(5) "Facility" means the physical setting, property, structures, or equipment of a *therapeutic boarding school*.

(6) "Family" means related members of a household, among whom at least one adult functions as a parent to one or more minor children.

(7) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.

(8) "Staff" means employees of the therapeutic boarding school who are responsible for providing direct care or treatment to students.

(9) "Student" means a residential client of a therapeutic boarding school.

(10) "Therapeutic boarding school" means an organization or a program in an organization that:

(a) Is primarily a school and not a residential care agency (defined in OAR 413-215-0506);

(b) Provides educational services and care to children for 24 hours a day; and

(c) Holds itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring that children receive therapeutic services.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0611

Educational Services

The educational services of a *therapeutic boarding school* (defined in OAR 413-215-0606) must comply with all of the following requirements:

(1) The *therapeutic boarding school* must comply with the minimum requirements for private education institutions as determined by the Oregon Department of Education.

(2) Education services must include at least one qualified teacher for every fifteen students (defined in OAR 413-215-0606).

(3) The therapeutic boarding school must ensure that it has a curriculum that considers the goals of modern education as defined in OAR 581-022-1020 and the requirements of a sound, comprehensive curriculum.

(4) Secondary schools must verify that they have academic standards necessary for students to obtain admission to community colleges and institutions of higher education and receive a high school diploma or GED.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0616

Physical Plant Requirements

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) All buildings owned, maintained, or operated by the therapeutic boarding school to provide services to *students* (defined in OAR 413-215-0606) must meet all applicable state and local building, electrical, plumbing, and zoning codes.

(2) Each room used by students must have floors, walls, and ceilings that meet the interior finish requirements of the applicable Oregon Structural Specialty Code (see the current version of OAR 837-040-0140) and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020) and be free of harmful drafts, odors, and excessive noise.

(3) Each room used by students must be adequate in size and arrangement for the purpose in which it is used.

(4) A system providing a continuous supply of hot and cold water must be distributed to taps conveniently located throughout each facility (defined in OAR 413-215-0606).

(5) Water systems serving the property must be installed and maintained in compliance with applicable drinking water regulations (Chapter 333 of the Oregon Administrative Rules) from the Public Health Division of the Department of Human Services.

(6) Heat and ventilation.

(a) Buildings must be ventilated by natural or mechanical means and must be free of excessive heat, condensation, and obnoxious odors.

(b) Room temperature must be maintained within a normal comfort range.

(7) Individual rooms.

(a) Living area. A separate living room or lounge area must be available for the exclusive use of students, employees, and invited guests.

(b) Bedrooms. Bedrooms for students may not be exposed to drafts, odors, or noises that interfere with the health or safety of the occupants. Each bedroom must comply with all of the following requirements:

(A) Be separate from the rooms used for dining, living, multi-purpose, laundry, kitchen, or storage.

(B) Be an outside room, with a window of at least the minimum size required by the State Fire Marshal and building codes;

(C) Have a ceiling height of at least 90 inches.

(D) Have a minimum of 60 square feet per bed.

(E) House no more than 25 students in one room when a dormitory-style sleeping arrangement is used.

(F) Have permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(G) Have a window covering on each window to ensure privacy.

(H) Contain beds for students that meet both of the following requirements:

(i) There must be at least three feet between beds, including trundle beds if used; and

(ii) Bunk beds, if used, must be maintained to ensure safety of the students.

(c) Restrooms must be provided and be conveniently located, and must have:

(A) A minimum of one toilet for every eight students.

(B) One hand-washing sink with mixing faucets for each toilet. The sink may not be used for the preparation of food or drinks or for dish washing.

(C) Hot and cold running water, soap, and paper towels at each hand washing sink or other hand drying options approved by an environmental health specialist.

(D) Arrangements for individual privacy for users.

(E) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(F) A window covering on each window to ensure privacy.

(G) Adequate ventilation.

(H) Each self-closing metered faucet, if provided, must provide water flow for at least 15 seconds without the need to reactivate the faucet.

(d) Laundry facilities must be separate from --

(A) Kitchen and dining areas;

(B) Student living areas, including bedrooms; and

(C) Areas used for the storage of un-refrigerated perishable food.

(e) Storage areas must be provided appropriate to the size of the facility. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils.

(B) Clean linens.

(C) Soiled linens and clothing.

(D) Cleaning compounds equipment.

(E) Poisons, chemicals, pest control products, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(F) Outdoor recreational and maintenance equipment.

(f) Food service areas.

(A) Kitchens must have facilities for dish washing, storage, and preparation of food.

(B) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or in which utensils are washed or stored must be smooth, washable, and easily cleanable.

(C) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, non-toxic, and non-absorbent and must be maintained in a clean and sanitary condition.

(D) All equipment used for food preparation must be installed and maintained in a manner providing ease of cleaning beneath, around, and behind each unit.

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(g) Dining area. A separate dining room or area must be provided for the exclusive use of students, employees, and invited guests. The dining area must have the capacity to seat at least one-half of the students at one time and must contain a minimum of 15 square feet per student.

(h) Classrooms and school buildings must be adequate in size and arrangement for the programs offered.

(i) Time-out rooms. Rooms used for time out or quiet time must have adequate space, heat, light, and ventilation and must not be capable of locking.

(j) Activity area. A usable recreational activity area must be provided that is:

(A) Protected from motor traffic and other hazards; and

(B) Of a size and availability appropriate to the age and the needs of the students served by the therapeutic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0621

Student Furnishings and Personal Items

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) Furniture. Furniture must be provided for each student (defined in OAR 413-215-0606) including:

(a) A bed, including a frame;

(b) A clean, comfortable mattress; and a pillow; and

(c) A private dresser, closet, or similar storage area for personal belongings that is readily accessible to the student.

(2) Linens. Linens in good repair must be provided or arranged for each student, including:

(a) A waterproof mattress cover or waterproof mattress;

(b) Sheets and pillowcase;

(c) Blankets appropriate in number and type for the season and the comfort of the individual student; and

(d) Towels and washcloths.

(3) Bedding must be changed when soiled and upon change of occupant.

(4) Personal hygiene supplies. Individual personal hygiene supplies that are appropriate to the student's age, gender, and culture must be provided or arranged for each student, and must include:

(a) A comb;

(b) Shampoo, or other hair cleansing product;

(c) A toothbrush;

(d) Soap;

(e) Deodorant;

(f) Toothpaste;

(g) Toilet paper;

(h) Menstrual supplies, if appropriate; and

(i) Other supplies that are appropriate to the age, gender, and cultural needs of the student.

(5) Clothing. Adequate and seasonally appropriate clothing must be provided or arranged for each student for the exclusive use of the *student*.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0626

New Facility or Remodel

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) A set of plans and specifications for each boarding facility operated by the therapeutic boarding school must be submitted to the Department and to the State Fire Marshal for approval:

(a) Prior to construction of a new building;

(b) Prior to construction of an addition to an existing building;

(c) Prior to the remodeling, modification, or conversion of a building; and

(d) In support of an application for initial license of a therapeutic boarding school under OAR 413-215-0001 to 413-215-0131 and 413-215-0601 to 413-215-0681.

(2) The required plans must comply with both current Oregon Structural Specialty Codes (OAR 837-040-0140) and local fire and safety codes.

(3) Plans must be drawn to scale and must specify the estimated date upon which construction, modification, or conversion will be completed.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0631

Environmental Health

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) The program of the therapeutic boarding school must maintain an environment that ensures safety for program staff and clients.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

(a) Food service risk assessment.

(b) Drinking water or waste water assessment.

(c) Vector and pest control, including the use of pesticides and other chemical agents.

(d) Hazardous material management, including handling and storage.

(e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0636

Food Services

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements related to food services:

(1) Nutrition and dietary requirements.

(a) A therapeutic boarding school must arrange meals daily, consistent with normal mealtimes.

(b) Snacks must be available and provided as appropriate to the age and activity levels of students (defined in OAR 413-215-0606).

(c) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each student at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the therapeutic boarding school record for at least six months.

(d) Drinking water must be freely available to the students served by the therapeutic boarding school.

(2) Food selection, storage, and preparation.

(a) All food and drink provided by the therapeutic boarding school must be stored, prepared, and served in a sanitary manner.

(b) All employees who handle food served to students must have a valid food handlers card pursuant to ORS 624.570.

(c) Selection of food. All food products served by a therapeutic boarding school must be obtained from commercial suppliers, except that:

(A) Fresh fruits and vegetables and fruits or vegetables frozen by the therapeutic boarding school may be served.

(B) The serving of unpasteurized juice is prohibited.

(d) Requirements related to milk.

(A) Only Grade A pasteurized and fortified milk may be served to students.

(B) Milk and fluid milk products must be dispensed from a commercially filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or the Oregon Department of Agriculture.

(e) Students may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the therapeutic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0641

Safety

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements related to safety:

(1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshal or designee for the following fire safety areas:

(a) The therapeutic boarding school must provide fire safety equipment that meets the requirements of applicable building codes and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020).

(b) The *therapeutic boarding school* must comply with existing state and local fire safety codes.

(2) Emergency plan.

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(a) The therapeutic boarding school must have, for each facility (defined in OAR 413-215-0606) it operates, a written emergency plan that includes:

(A) Instructions for evacuation of students and employees in the event of fire, explosion, accident, or other emergency.

(B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

(b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

(c) Operative flashlights sufficient in number must be readily available to the staff (defined in OAR 413-215-0606) in case of emergency.

(3) Evacuation drills.

(a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the therapeutic boarding school must document the following information and retain it for a minimum of two years:

(A) Identity of the person conducting the drill.

(B) Date and time of the drill.

(C) Notification method used.

(D) Staff members on duty and participating.

(E) Number of occupants evacuated.

(F) Special conditions simulated.

(G) Problems encountered.

(H) Time required to accomplish complete evacuation.

(b) The therapeutic boarding school must ensure that all employees and students are aware of the procedures to follow in case of emergencies.

(4) Hazards.

(a) The therapeutic boarding school must protect students it serves from guns, drugs, plastics bags, sharps, paint, hazardous materials, bio-hazardous materials, and other potentially harmful materials. A therapeutic boarding school must have a written policy that addresses potentially harmful materials that are in the building accessible to the students in the program or on the grounds of the program.

(b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving students. Direct supervision by staff must be provided for any student who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The therapeutic boarding school must ensure the following when providing transportation to students it serves:

(a) Driver requirements.

(A) Each employee (defined in OAR 413-215-0606) transporting a student in a motor vehicle must have a current driver license on record with the therapeutic boarding school.

(B) The therapeutic boarding school may use an employee to provide transportation for students only if the employee is covered by an insurance policy in full force and effect, and in compliance with the standards set by the therapeutic boarding school.

(C) The therapeutic boarding school must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The therapeutic boarding school must ensure that each person who transports a student in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting students.

(E) Children and adults must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.

(b) Vehicle requirements.

(A) Each vehicle used to transport a student served by the therapeutic boarding school must be covered by an insurance policy in full force and effect.

(B) Each vehicle used to transport a student served by the therapeutic boarding school must be maintained in safe operating condition.

(C) Each vehicle used to transport a student must have aboard a first aid kit, a fully charged and working fire extinguisher with a rating of at least 2-A:10-BC, and a copy of the medical insurance card of each student being transported.

(D) Each vehicle used to transport a student must be smoke-free.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0646

Health Services

(1) A *therapeutic boarding school* (defined in OAR 413-215-0606) must obtain all personal health record information referred to in this rule in a manner that complies with federal and state law.

(2) Medical history. Within 30 days of a student (defined in OAR 413-215-0606) starting with a therapeutic boarding school, the therapeutic boarding school must obtain available medical history and other health-related information on the student, including:

(a) Significant findings of the most current physical examination;

(b) The student's current immunizations, history of surgical procedures and significant health issues or injuries, and past or present communicable diseases, within ORS 192.518 to 192.526;

(c) Any known allergies;

(d) Dental, vision, hearing, and behavioral health; and

(e) Physician or qualified medical professional's orders, including those related to medication (defined in OAR 413-215-0606), if any.

(3) A therapeutic boarding school must have established protocols for accessing routine and urgent care (defined in OAR 413-215-0606) for the students in placement with the therapeutic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0651

Medication

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) Policy and procedures. The therapeutic boarding school must have policies and procedures that cover all prescription and non-prescription medication (defined in OAR 413-215-0606) that address all of the following:

(a) How the medication will be administered.

(b) By whom the medication will be administered.

(c) How the staff (defined in OAR 413-215-0606) of the therapeutic boarding school who administer medication will be trained.

(d) How the administration of medication will be documented.

(e) How the administration of medication will be monitored.

(f) How unused medication will be disposed of.

(g) The process that ensures that the prescription and non-prescription medications of each student (defined in OAR 413-215-0606) is reviewed, unless the medications are all provided through a single pharmacy. As used in this rule, "non prescription medication" means any medication that does not require a written prescription for purchase or dispensing and includes the use of any herbal remedies or supplements.

(2) A prescription, signed by a physician or qualified medical professional, is required before any prescription medication is administered to, or self-administered by a student. Medication prescribed for one student may not be administered to, or self-administered by another student or staff. As used in this rule, "self administration of medication" refers to the act of a student placing a medication internally in, or externally on, his or her own body.

(3) A written approval, signed by a physician or qualified medical professional, is required for any use of herbal supplements or remedies.

(4) A written order, signed by a physician or qualified medical professional, is required for any medical treatment, special diet, physical therapy, aid to physical functioning, or limitation of activity.

(5) Medication storage.

(a) A prescription medication that is unused and any medication that is outdated or recalled may not be maintained in a facility (defined in OAR 413-215-0606). "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The facility may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications stored in the facility must be kept in locked storage and in a manner that makes them inaccessible to children.

(d) A medication requiring refrigeration must be refrigerated and secured.

(e) Each medication must be maintained and stored in its original container, including the prescription label.

(6) Medication disposal. Medication must be disposed of in a manner that ensures that it cannot be retrieved, in accordance with all applicable state and federal law.

(7) A written record of all medication disposals must be maintained and must include all of the following:

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(a) A description of the prescribed medication and the amount disposed.

(b) The student for whom the medication was prescribed.

(c) The reason for disposal.

(d) The method of disposal.

(e) The name of the person disposing the medication, and the initials of an adult witness.

(8) Medication records. A written record must be kept for each student listing each medication, both prescription and over-the-counter, that is administered. The record must include all of the following:

(a) The student's name.

(b) A description of the medication, instructions for use, and the recommended dosage.

(c) Dates and times medication is administered.

(d) A record of missed dosages.

(e) Medication dropped or disposed of.

(f) Method of administration for each medication.

(g) Identification of the person administering the medication.

(h) Any adverse reactions to the medication.

(i) Documentation of any medication taken outside the facility to be administered during a home visit or other activity.

(9) Where applicable, the therapeutic boarding school must maintain documentation of the continuing evaluation of the student's ability to self-administer a medication.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0656

Staff Training

In addition to the orientation requirements in OAR 413-215-0061(4), a *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following training requirements with respect to its staff (defined in OAR 413-215-0606):

(1) Staff of the therapeutic boarding school must be provided with orientation training prior to or within 30 days of hire. The orientation must include training on all of the following:

(a) Behavior management protocols including de-escalation skills training, crisis prevention skills, positive behavior management, and disciplinary techniques that are non-punitive in nature and are focused on helping students (defined in OAR 413-215-0606) build positive personal relationships and self-control.

(b) If restraint and seclusion are utilized by the therapeutic boarding school, approved techniques and monitoring. The training must be clear that the policy of the therapeutic boarding school is that restraint or seclusion is used as an intervention of last resort.

(2) Staff of the therapeutic boarding school must receive ongoing training on all of the following:

(a) Mandatory child abuse reporting.

(b) Procedures for handling environmental emergencies.

(c) Universal precautions (infection control guidelines designed to protect workers from exposure to diseases spread by blood and certain body fluids) and hygiene.

(d) Behavior management.

(3) At all times, at least one of the staff of the therapeutic boarding school working with students must have received training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0661

Minimum Staffing Requirements

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) Minimum staffing patterns. The *therapeutic boarding school* must establish ratios of staff (defined in OAR 413-215-0606) to students (defined in OAR 413-215-0606) that will provide adequate supervision and protection for students. The ratios must be adequate for the type of program, location of program, the age and type of students served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure a high standard of supervision and protection. The minimum staffing ratios outside normal sleeping hours are one direct care staff for each 10 students.

(2) Overnight staffing requirements.

(a) A therapeutic boarding school must have policies and procedures regarding overnight supervision of students. The procedures must describe

how staff must monitor and ensure the safety of students during sleeping hours. If the therapeutic boarding school houses more than one student to a bedroom or uses dormitory-type sleeping arrangements, the procedure must specifically address those living arrangements.

(b) During normal sleeping hours, the minimum staffing requirement is one awake direct care staff on duty in the facility for each 14 students.

(3) Additional staffing requirements for emergency response.

(a) When there is only one *employee* (defined in OAR 413-215-0606) of the therapeutic boarding school on duty in a facility, there must be additional staff immediately available in the event of an emergency, with a maximum response time of 30 minutes. The names of additional staff who are available for immediate response must be listed on the schedule for each time period when only one staff person is on duty in a facility.

(b) One employee who is age 18 or over and capable of taking appropriate action in an emergency must be on site at all times when one or more students are present on the residential facility premises.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0666

Separation of Students

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

(1) Combining children and adults. Special care must be taken by a therapeutic boarding school to provide adequate supervision of children when adults are being served by the therapeutic boarding school. Children and adults must be housed in separate bedrooms, except that a child (defined in OAR 413-215-0606) and the child's parent may be housed in the same room if the parent is the student's caretaker. If a youth is 18 years of age or older, and is to share a bedroom with a child, the therapeutic boarding school must obtain written approval from the Department licensing coordinator.

(2) Co-ed facilities. Special care must be taken by a therapeutic boarding school to provide adequate supervision when the program serves both males and females concurrently. Student bedrooms for males must be separated from bedrooms for females.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0671

Referral and Initial Evaluation of Students

(1) Referral. A *therapeutic boarding school* (defined in OAR 413-215-0606) must have a policy that addresses the process by which students (defined in OAR 413-215-0606) are referred to the therapeutic boarding school. The policy must include all of the following:

(a) From whom referrals are accepted.

(b) On what basis students are accepted by the therapeutic boarding school.

(c) How information necessary to provide for the safety and care of students will be provided to the appropriate care staff (defined in OAR 413-215-0606).

(2) Initial evaluation of a student. A therapeutic boarding school must evaluate each prospective student referred to the therapeutic boarding school. In conducting the evaluation, the therapeutic boarding school must:

(a) Request and review all available reports of the *student's* past and present behavior, educational status, and physical and behavioral health.

(b) Make a preliminary determination whether the prospective student has disorders, disabilities, or deficits due to mental, emotional, behavioral, or physical problems for which care, supervision, training, rehabilitation, or treatment is needed to reduce a problem, maintain present level of functioning, or clarify the ongoing placement or service needs of the student.

(3) A therapeutic boarding school must be prepared to provide to a parent or legal guardian of a referred student suggestions for obtaining resources in the event the student is not accepted by the therapeutic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0676

Consents, Disclosures, and Authorizations

(1) Consents. For each *student* (defined in OAR 413-215-0606) in placement with a *therapeutic boarding school* (defined in OAR 413-215-0676), the therapeutic boarding school must ensure that a parent or legal guardian signs a consent that authorizes the therapeutic boarding school, if applicable, to undertake each of the following:

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(a) To provide routine and emergency medical care. However, if the parent or legal guardian relies on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized religion or denomination, the therapeutic boarding school is not required to use medical, psychological, or rehabilitative procedures, unless the child is old enough to consent to these procedures and does so. The therapeutic boarding school must have policies and procedures for this practice, which are reviewed and approved by the student's parent or legal guardian.

(b) To use the behavior management system of the therapeutic boarding school, including the point, level, or other behavior management techniques utilized by the therapeutic boarding school.

(c) To use restraint or seclusion in the management of the student. The consent must specify the reasons such interventions are used by the therapeutic boarding school and how the employees of the therapeutic boarding school are trained and supervised in the use of restraint or seclusion.

(d) To restrict the student's contact with persons outside the therapeutic boarding school, including visits, telephone communication, electronic mail, and postal mail.

(e) To exclude or limit the student's possession of personal items.

(f) To impose a dress code.

(g) To restrict the student's participation in recreational or leisure activities in an appropriate manner, consistent with behavior or safety issues.

(2) Disclosures to parent or legal guardian. At the time a therapeutic boarding school takes a student into placement, the therapeutic boarding school must ensure that each parent or legal guardian of the student receives and acknowledges in writing the receipt of each of the following:

(a) Information regarding any personal or room searches and protocols for confiscation of contraband items, including the notification of law enforcement if illegal contraband is discovered. This information will include the procedures and rationales of the therapeutic boarding school for any program-initiated room or body search.

(b) A statement concerning the rights of students and parents or legal guardians served by the therapeutic boarding school. The statement must be written in a manner that is easy to understand, and the therapeutic boarding school must ensure that the student and the parent or legal guardian understand the statement. The statement must explain all of the following:

(A) The student's right to communicate with parents, legal guardians, legal representatives, or other persons approved for communication by a parent or legal guardian.

(B) The student's right to privacy.

(C) The student's right to participate in service planning.

(D) The student's right to fair and equitable treatment.

(E) The student's right to file a grievance if the student or family feels that they are treated unfairly, or, if they are not in agreement with the services provided.

(F) The student's right to have personally exclusive clothing.

(G) The student's right to personal belongings.

(H) The student's right to an appropriate education.

(I) The student's right to participate in recreation and leisure activities.

(J) The student's right to have timely access to physical and behavioral health care services

(c) The grievance policies and procedures of the therapeutic boarding school.

(d) The therapeutic boarding school will make any written policy or procedure pertaining to program services available for review by the student, parent, or legal guardian, upon request.

(3) Authorizations.

(a) Authorization to disclose information from other service providers must be filled out prior to signatures being requested and be specific to one other provider. Information may only be requested on a need to know basis.

(b) All student-specific visitors must be approved or authorized by a parent or legal guardian.

(c) Visitation resources must be pre-approved by the student's parent or legal guardian and the identity of these resources verified by the agency.

(d) Activity-specific authorizations must be pre-approved by the student's parent or legal guardian to allow students to participate in potentially hazardous activities, such as using motorized yard equipment, swimming, and horseback riding.

(e) All other required authorizations must be pre-approved by the student's parent or legal guardian.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

413-215-0681

Information about Students in Placement with the Therapeutic Boarding School

(1) Case files of students. For each *student* (defined in OAR 413-215-0606) a *therapeutic boarding school* (defined in OAR 413-215-0606) accepts for placement, the therapeutic boarding school must maintain an individual record that includes a summary sheet containing all of the following information:

(a) The *student's* name, gender, date of birth, religious preference, and previous address.

(b) The name and location of the student's previous school.

(c) The date of admission to the program.

(d) The status of the student's legal custody, including the name of each person responsible for consents and authorizations.

(e) The name, address, and telephone number of:

(A) The student's parents.

(B) The student's legal guardian, if different than parents, and his or her legal relationship to the student.

(C) Other family members or other persons identified by the family as significant to the student.

(D) Other professionals to be involved in service planning, if applicable.

(2) Service planning.

(a) All documentation, including but not limited to service plans, daily notes, assessments, progress reports, medication records, and incident reports, must be written in terms that are easily understood by all persons involved in service planning.

(b) Intake documentation. A therapeutic boarding school must complete a written intake document containing screening information on the date the therapeutic boarding school accepts a student for placement, except in the case of an emergency placement when the intake document must be completed within 48 hours of admission.

(c) Each student must be served according to an individual written service plan developed by staff of the therapeutic boarding school and including, whenever possible, the student, the student's family, and other professionals involved with the student or family. This document must outline goals for services and care coordination.

(d) Assessment. A comprehensive assessment must be completed within the first 30 days of placement. This assessment must include relevant historical information, current behavioral observations, any identified needs for services, and a description of how the therapeutic boarding school will provide or coordinate services.

(e) Service plan and review.

(A) Within 60 days of placement, a formal service plan must be developed by staff of therapeutic boarding school in conjunction with the student and his or her parents or legal guardians, and any other persons who are actively involved with the family, as appropriate.

(B) The service plan must reflect how the therapeutic boarding school will address the student's issues, describe the anticipated outcomes of the placement, and be reviewed and approved by the student and the legal guardian or parent, unless contraindicated.

(C) The service plan must be reviewed by the therapeutic boarding school at least quarterly.

(D) Service plans must be revised at any time additional information becomes available indicating that other services should be provided.

(3) Case management.

(a) The agency must document services provided, as necessary, to track and monitor progress toward the achievement of service plan goals.

(b) Discharge. The agency must identify how a student's progress will be evaluated, and how the determination is made of readiness for discharge or unsuitability for continued stay.

(c) Discharge planning. Discharge planning for students must be a participatory decision-making process between the student, agency staff, the parent or legal guardian, and significant others. As used in this rule, "significant others" mean relatives, friends, or interested members of the community.

(d) Discharge instructions. The agency must provide the student and the student's guardian with discharge instructions on or before the discharge date, including current medications, name of the doctor who prescribed each medication (defined in OAR 413-215-0606), any outstanding medical or other appointments, and other follow-up instructions as needed.

(e) Follow-up services. The agency must identify any transitional or aftercare services or service coordination that will be offered by the program.

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(f) Incident reporting. A written description of any injury, accident, or unusual incident involving a student must be placed in the individual student's record.

(4) Financial records. An agency must keep a written record for each student, itemizing all money received or disbursed on behalf of the student. The record must include all of the following:

- (a) The date of each receipt and disbursement and the amount of each.
- (b) The source of income.
- (c) The purpose of each disbursement.
- (d) The signature of the person making each entry.
- (e) The signature of the student for each entry.
- (5) The agency will ensure, in policy, that:

(a) Disallowable items are either stored, or returned to the parent or legal guardian; and
(b) All money and personal belongings are returned to the student at the time of discharge.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Hist.: CWP 34-2008, f. & cert. ef. 10-17-08

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Rule Caption: Changing OARs affecting Child Welfare programs.
Adm. Order No.: CWP 35-2008

Filed with Sec. of State: 10-17-2008

Certified to be Effective: 10-17-08

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Rules Adopted: 413-215-0701, 413-215-0706, 413-215-0711, 413-215-0716, 413-215-0721, 413-215-0726, 413-215-0731, 413-215-0736, 413-215-0741, 413-215-0746, 413-215-0751, 413-215-0756, 413-215-0761, 413-215-0766

Subject: These rules are being adopted because the current rules that apply to homeless, runaway, and maternity home private child caring agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address these agencies, and need to focus more directly on these agencies. The new rules describe the agencies covered by the rules, identify the rules that apply to them, and set out requirements for governance of the agency, client rights, staffing, staff development and training, admissions, assessments, individual service planning, client files, medication storage and dispensing, health and hygiene, grouping of youth, safety, and environmental health.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0701

Homeless, Runaway, and Transitional Living Shelters, What Law Applies

(1) These rules, OAR 413-215-0701 to 413-215-0766, regulate agencies that provide residential services for homeless or runaway youth, pregnant or parenting girls, or other youth working towards independent living.

(2) A *private child-caring agency* (defined in OAR 413-215-0006) that provides residential services for homeless or runaway youth (defined in OAR 413-215-0706), pregnant or parenting girls, or other youth working towards independent living must be licensed in accordance with ORS 418.205 to 418.310 and these rules, as well as OAR 413-215-0001 to 413-215-0131, which set forth the requirements of the Department for licensing all types of private child-caring agencies.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0706

Definitions

As used in OAR 413-215-0701 to 413-215-0766:

(1) "Agency" means a private child-caring agency (defined in OAR 413-215-0006) that operates a shelter, mass shelter, or transitional living program for homeless or runaway youth, for pregnant or parenting girls, or for other youth under the age of 18 working towards independent living.

(2) "Department" means the Department of Human Services.

(3) "Homeless or runaway youth" means a youth who has not been emancipated by the juvenile court; lacks a fixed, regular, safe, and stable nighttime residence; and cannot immediately be reunited with his or her family.

(4) "Individual service plan" means a plan of services to be provided to a youth, based on the identified needs of the youth, designed to help the youth reach mutually agreed upon goals.

(5) "Mass shelter" means a structure that contains one or more open sleeping areas in which, on a daily basis, only emergency services are provided to homeless or runaway youth, such as a meal and a safe place to sleep overnight.

(6) "Shelter" means a facility operated by a *private child-caring agency* that provides services for a limited duration to homeless or runaway youth.

(7) "Transitional living program" means a set of services offered by a private child-caring agency that provides supervision and comprehensive services for up to 18 months to assist homeless or runaway youth to make a successful transition to independent and self-sufficient living.

(8) "Youth" means an unmarried person under the age of 18.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0711

Governance of the Agency

In addition to the governing board requirements in OAR 413-215-0021:

(1) An *agency* (defined in OAR 413-215-0706) must be directed by a governing board composed of a representative cross-section of the community, including youth, parents, and employees of the agency.

(2) An *agency* must provide training to the governing board designed to orient the members to the goals, objectives, and activities of the agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0716

Client Rights

(1) An *agency* (defined in OAR 413-215-0706) must ensure that youth are actively involved in the design, delivery, and ongoing planning of the services provided by the program.

(2) An *agency* must ensure that nutritional needs are met as appropriate for each youth.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0721

Staffing Requirements

(1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies regarding minimum staffing requirements, including a written staffing plan that indicates the number of paid and volunteer staff in each job category.

(2) During each shift, there must be at least one staff member who has been trained in a non-violent crisis intervention strategy. A volunteer or intern may be used to meet this requirement only if the volunteer or intern has met the training requirements for staff in OAR 413-215-0736.

(3) An *agency* must have a ratio of staff to youth that is sufficient to ensure that youth receive adequate supervision and services.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0726

Staff Development and Training

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements:

(1) Initial training. Before being alone with a youth or being temporarily the only staff in charge of one or more youth, a staff member must receive the following training or acquire the following knowledge or understanding, as verified by the executive director or the executive director's designee:

(a) Successful completion of the agency's orientation.

(b) Effective understanding of the supervision structure at the shelters of the agency, including the appropriate staff to contact when questions or problems arise.

(c) Effective understanding and knowledge of and compliance with the behavior management policies of the agency.

(d) Recognition and management of the presenting issues of the youth served, including mental health, behavioral, and substance abuse issues.

(e) Instruction in safety procedures and safe use of equipment.

(f) Sanitation procedures.

(g) First aid kit contents and use.

(h) Report writing, including documentation of medication dispensing and critical incident reports.

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- (i) Certification to provide cardiopulmonary resuscitation (CPR) and first aid.
- (j) Completion of training in crisis intervention.
- (2) Ongoing training. An agency must provide ongoing training for all paid and volunteer staff to increase knowledge, skills, and abilities in each of the following subject areas:
 - (a) Requirements to report child abuse.
 - (b) Confidentiality requirements.
 - (c) Universal precautions (infection control guidelines designed to protect workers from exposure to diseases spread by blood and certain body fluids) and hygiene.
 - (d) Behavior management.
- (3) Staff must receive training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.
- (4) Staff working with food must possess a food handler's card.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0731

Admissions and Assessments

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements, except with respect to a mass shelter (defined in OAR 413-215-0706):

- (1) The *agency* must provide services to youth according to written policies that list the specific criteria under which youth are accepted for placement.
- (2) Assessment. To determine the appropriateness of each youth who has applied for services provided by the agency, the agency must make reasonable efforts to gather all of the following basic background information:
 - (a) Family history.
 - (b) Health history, including a history of substance abuse as well as current use of prescription and over-the-counter medication.
 - (c) Mental health history, including diagnoses, a description of behavior problems, prior evaluations, and treatment history.
 - (d) Who has legal custody of the youth.
- (3) Each assessment must include a statement about whether or not the youth meets the eligibility requirements necessary to be admitted into the program.
- (4) Prior to admitting a youth, the agency must provide the youth with an explanation of the available services and the requirements for participation.
- (5) After a youth is admitted, the assessment must be the basis for the youth's individual service plan (defined in OAR 413-215-0706).
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0736

Individual Service Planning

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements, except with respect to a mass shelter (defined in OAR 413-215-0706):

- (1) The agency must make services available that will meet the needs of each youth in the program.
- (2) The agency must serve each youth according to an individual service plan (defined in OAR 413-215-0706) based on the assessment.
 - (a) Whenever possible, the *individual service plan* must include the youth and his or her family, staff, and other involved parties.
 - (b) The program must provide competent and individualized service planning for each youth that includes at least a monthly review of the individual service plan and changes as needed.
 - (c) The individual service plan must address, at a minimum, the youth's physical and medical needs, behavior management issues, mental health treatment needs, education plans, and any other special needs.
- (3) The agency must make reasonable efforts to ensure participation by the youth's family in all aspects of the service and service planning process whenever possible. To the extent such information is reasonably available to the agency, the staff of the agency must:
 - (a) Contact a parent or legal guardian of the youth early in the process, preferably within 24 hours but no later than 72 hours following the youth's admission into the program.
 - (b) Make a program orientation available to the youth's family.
 - (c) Encourage participation by a parent in the program. If the youth's parent cannot participate in the program, the agency must encourage participation by those responsible for the youth's environment prior to admission.

(d) Consider the family's responsibility, needs, and values in the planning and service process.

(e) When appropriate, the agency must review individual service plans and the youth's progress with the family at least on a monthly basis.

(4) Directly or through referral, the agency must make available individual, group, and family counseling by a qualified professional.

(5) The agency must establish and maintain links to community agencies and individuals who can provide required services to youth or their families that may not be directly available from the program. These services must include:

- (a) Alternative living arrangements.
- (b) Medical services.
- (c) Mental health services.
- (d) Educational services.
- (e) Independent living services.
- (f) Other assistance required by youth or their families.
- (6) Discharge summary. The agency must prepare a written discharge summary of each youth served by the program and retain this document in the youth's file. The document must include:

(a) A summary of the youth's participation in the program and the progress achieved.

(b) Results of evaluations of the youth.

(c) Condition of the youth.

(d) The youth's compliance with the program guidelines of the agency.

(e) Recommendations regarding services.

(f) Discharge destination.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0741

Client Files

(1) General requirements. Except with respect to youth in a *mass shelter individual service plan* operated by the agency (defined in OAR 413-215-0706), an agency must maintain an individual file on each youth admitted into the program.

(2) Youth file requirements. An agency must have a file on the premises for each youth currently receiving services from the agency. To the extent such information is reasonably available to the agency, this file must be up to date and include all of the following:

(a) Sufficient information about the youth's family or legal guardian to enable the staff of the agency to contact them at any time.

(b) Custody status of the youth.

(c) An authorization for medical treatment.

(d) A signed consent for the agency to treat the youth with the interventions in use at the program.

(e) A signed acknowledgment that the youth is responsible for requesting their medication at the prescribed times.

(f) The assessment described in OAR 413-215-0731.

(g) The individual service plan required by OAR 413-215-0736.

(h) Documentation about the youth's illnesses and injuries, including the follow up that was provided by the agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0746

Medication Storage and Dispensing

(1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies on the storage, dispensing, and disposal of prescription and non prescription medication.

(2) Medication storage. All prescription and non-prescription medications must be contained in locked storage in the facility and must be kept in a manner that makes them inaccessible to youth.

(3) Medication dispensing.

(a) Youth are expected to administer their own medication after they have requested their medication from the program staff at the prescribed times.

(b) Except in a *mass shelter* (defined in OAR 413-215-0706), medication, including non-prescription drugs, may not be dispensed unless the medication has been prescribed or authorized by a qualified professional.

(c) Program staff may not dispense medication to a youth in any of the following situations:

(A) In excess of the prescribed or authorized amount.

(B) For disciplinary purposes.

(C) For the convenience of staff.

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(D) As a substitute for appropriate treatment services.

(4) Documentation. Staff designated to dispense medications must document each dispensing. The documentation must include all of the following:

- (a) The youth's name.
- (b) The name of the medication.
- (c) The date and time the medication was dispensed.
- (d) The dosage given.
- (e) The name of the staff member who dispensed the medication.
- (5) Disposal of unused or abandoned medication. Designated program staff must dispose of all medication abandoned by a youth or for which the period of potency, as indicated on the label, has passed. Two staff members must be present at and document the disposal of the unused medication, including when and how the medication was disposed.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0751

Health and Hygiene

(1) An *agency* (defined in OAR 413-215-0706) must have and follow policies that ensure the prompt and accurate assessment and care of injuries, illness, and physical complaints of youth.

(2) An *agency* must provide youth with access to a bathroom and a shower.

Stat. Auth.: ORS 409.050, 418.005, ORS 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0756

Grouping

(1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies regarding the grouping of youth.

(2) Except as provided in section (3) of this rule, an agency must place youth in groups based on the following factors:

- (a) Age.
- (b) Developmental level.
- (c) Physical maturity.
- (d) Social maturity.
- (e) Behavioral functioning.
- (f) Cognitive level.
- (g) Medical concerns.
- (h) Individual needs.

(3) A qualified youth with a disability may be served in the most integrated setting appropriate to the needs of the youth within the context of the program. For purposes of this section:

(a) A "qualified youth" means a youth who can meet the essential eligibility requirements for a group with or without reasonable modification of rules, policies or procedures, or the provision of auxiliary aids and services.

(b) "Integrated Setting" means a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

(4) Placement with adults. An *agency* may place youth in the same group as emancipated youth or adults only after taking special care to assess and minimize the risk to the youth.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310
Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0761

Safety

An *agency* (defined at 413-215-0706) must meet all of the following requirements related to safety:

(1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:

(a) The agency must provide fire safety equipment that meets the requirements of applicable building codes and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020).

(b) The agency must comply with existing state and local fire safety codes.

(2) Emergency plan.

(a) The agency must have, for each facility it operates, a written emergency plan that includes:

(A) Instructions for evacuation of youth and employees in the event of fire, explosion, accident, or other emergency.

(B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

(b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

(c) Operative flashlights sufficient in number must be readily available to the staff in case of emergency.

(3) Transporting youth. If an agency uses a vehicle to transport a youth participating in a program, the agency must ensure that all of the following requirements are met:

(a) The vehicle is

(A) Properly registered.

(B) Covered by insurance for personal injury and liability.

(C) Maintained in a safe condition.

(D) Equipped with a first aid kit.

(E) Equipped with a fully charged fire extinguisher that is properly secured and not readily available to youth.

(b) Each driver must have an Oregon driver license valid for the vehicle used and must comply with all applicable traffic laws while transporting youth.

(c) Each person in the vehicle rides in a permanent seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.

(d) The agency must ensure that each person who transports youth in a van for 15 or more passengers receives training in the safe operation of the type of vehicle prior to transporting youth.

(4) Contraband. An agency must require its staff to confiscate items prohibited by the agency that are found in the possession of a youth. All such items must be disposed of or stored for a youth in a secure location that is inaccessible to youth.

(5) Searches. An agency that conducts a search must have and follow written policies on searches that, at a minimum, meet all of the following requirements:

(a) Require appropriate consent to search a youth, staff, or a visitor.

(b) Require the use of the least intrusive manner possible for a search.

(c) Pat-down searches. Authorize staff to conduct pat-down searches of youth, but only when the agency determines the search is necessary to discourage the introduction of contraband or to promote the safety of staff and other youth. If a pat-down search is used:

(A) The search must be conducted by same gender staff members trained in proper search techniques.

(B) The search must be conducted in the presence of another staff member.

(C) The youth must be given warning of the search.

(D) Prior to the search, the youth should remove all outer clothing, for instance, gloves, coat, hat, and shoes, and empty all pockets.

(E) Once the youth has removed all outer clothing, the staff member conducting the search must then pat the clothing of the youth using only enough contact to conduct an appropriate search.

(F) If anything suspicious is detected during the search, the youth must be asked to identify the item, and appropriate steps should be taken to make the item available for inspection.

(G) If the youth refuses to comply with a requirement of the search, the program must follow established policies to determine if the youth can be refused admission to or discharged from the program.

(d) Prohibit the use of strip searches of youth.

(e) Prohibit the use of body-cavity searches of youth.

(6) Building Requirements.

(a) An agency may not allow youth to have access to, or provide services regulated by these rules (OAR 413-215-0701 to 413-215-0766) in, a building unless the building has been certified as meeting all applicable state and local construction-related requirements for a building used as a residential facility, including the Oregon Structural Specialty Code (see the current version of OAR 837-040-0140), the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020), the rules of the Department's Public Health Division (see the current requirements for buildings in Chapter 333 of the Oregon Administrative Rules), the Oregon Plumbing Specialty Code (see the current version of OAR 918-750-0110 to 918-750-0140), the rules of the State Fire Marshal (see the current requirements for buildings in Chapter 837 of the Oregon Administrative Rules), and the local building, fire, and safety codes.

(b) An agency must ensure that all of the following standards are met:

(A) All buildings where youth are present must be smoke-free.

(B) Water temperature and access to water:

(i) A continuous supply of hot and cold water, installed and maintained in compliance with this rule, must be distributed to taps convenient

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ly located throughout each building used to provide services or housing for children.

(ii) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in each building used to provide services or housing for youth.

(iii) Each youth who lacks the ability to adjust and control water temperature safely must be directly supervised by a staff member of the agency.

(C) Heating and ventilation. Room temperatures must be maintained within normal comfort range. Buildings must be ventilated and free of excessive heat and condensation and of unpleasant odors.

(c) Bathrooms.

(A) Bathrooms must be provided and be conveniently located in each building containing youth, and must have all of the following:

(i) A minimum of one toilet and one hand-washing sink with mixing faucets for each eight youth.

(ii) A self-closing metered faucet, if used, that provides water flow for at least 15 seconds without a need to reactivate the faucet.

(iii) Hot and cold running water, as well as soap and paper towels available at sinks or other hand-drying options approved by the local health department.

(iv) One bathtub or shower for each 10 youth.

(v) Arrangements for individual privacy of youth.

(vi) A window covering on each window to ensure privacy.

(vii) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(viii) A mirror, permanently affixed at eye level.

(ix) Adequate ventilation.

(B) Use of wooden racks over shower floors is prohibited.

(C) When impervious shower mats are used, they must be disinfected and dried at least once per day.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

413-215-0766

Environmental Health

An *agency* (defined at OAR 413-215-0706) must meet all of the following requirements:

(1) The program of the agency must maintain an environment that ensures safety for program staff and clients.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

(a) Food service risk assessment.

(b) Drinking water or waste water assessment.

(c) Vector and pest control, including the use of pesticides and other chemical agents.

(d) Hazardous material management, including handling and storage.

(e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Hist.: CWP 35-2008, f. & cert. ef. 10-17-08

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 36-2008

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Rules Adopted: 413-215-0801, 413-215-0806, 413-215-0811, 413-215-0816, 413-215-0821, 413-215-0826, 413-215-0831, 413-215-0836, 413-215-0841, 413-215-0846, 413-215-0851, 413-215-0856

Subject: These rules are being adopted because the current rules that apply to day treatment agencies have been in place over 10 years, need to be updated to reflect current practice, do not adequately address day treatment agencies, and need to focus more directly on day treatment agencies. The new rules define the term "day treatment agency", identify the rules that apply to them, and set out requirements for staff qualifications, minimum staffing requirements, physical plant requirements, building plans for new facility or remodel,

environmental health, food services, safety, health services, medication, required policies and procedures, and educational services.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-215-0801

Day Treatment Agencies, What Law Applies

(1) Except as provided in section (2) of this rule, a *private child caring agency* (defined in OAR 413-215-0006) that provides day treatment services subject to the certificate of approval requirements of OAR 309-032-1120 must:

(a) Be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and 413-215-0801 to 413-215-0856; and

(b) Comply with OAR 309-032-1100 to 309-032-1230, including the program service requirements.

(2) OAR 413-215-0801 to 413-215-0856 do not apply to a program that provides residential care under OAR 413-215-0501 to 413-215-0586, an academic boarding school (OAR 413-215-0201 to 413-215-0276), or a therapeutic boarding school (OAR 413-215-0601 to 413-215-0681).

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0806

Definitions

As used in OAR 413-215-0801 to 413-215-0856:

(1) "Clinical supervisor" means a Qualified Mental Health Professional with two years post-graduate clinical experience in a mental health treatment setting. The clinical supervisor, as documented by the provider, operates within the scope of his or her practice or licensure, and demonstrates the competency to oversee and evaluate the mental health treatment services provided by other Qualified Mental Health Professionals or Qualified Mental Health Associates.

(2) "Day treatment" means a comprehensive, interdisciplinary, non-residential, community-based, psychiatric treatment, family treatment, and therapeutic activities integrated with an accredited education program provided to children with emotional disturbances.

(3) "Day treatment agency" means a *private child caring agency* (defined in OAR 413-215-0006) that provides day treatment services subject to OAR 309-032-1100 to 309-032-1230.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0811

Staff Qualifications and Minimum Staffing Requirements

(1) A *day treatment agency* (defined in OAR 413-215-0806) must utilize teachers licensed in accordance with the requirements of the Teachers Standards and Practices Commission.

(2) A qualified *clinical supervisor* (defined in OAR 413-215-0806) must direct the clinical program and supervise clinical staff.

(3) A day treatment agency must employ mental health service delivery staff who meet the qualifications described at OAR 309-032-1110(70) — (72).

(4) A day treatment agency must have sufficient Qualified Mental Health Professionals (QMHP) and other staff on duty to meet the severity and acuity of children served by the day treatment agency. In no case may the ratio of children to QMHP on duty be more than 12 children for each QMHP.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0816

Physical Plant Requirements

A *day treatment agency* (defined in OAR 413-215-0806) must meet all of the following requirements:

(1) All buildings owned, maintained, or operated by the day treatment agency to provide services to children must meet all applicable state and local building, electrical, plumbing, and zoning codes.

(2) Each room used by children must have floors, walls, and ceilings which meet the interior finish requirements of the applicable Oregon Structural Specialty Code (see the current version of OAR 837-040-0140) and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020) and be free of harmful drafts, odors, and excessive noise.

(3) Each room used by children must be adequate in size and arrangement for the purpose in which it is used.

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(4) A system providing a continuous supply of hot and cold water must be distributed to taps conveniently located throughout the facility.

(5) Water systems serving the property must be installed and maintained in compliance with the applicable Department of Human Services, Public Health Division drinking water regulations (Chapter 333 of the Oregon Administrative Rules).

(6) Heat and ventilation.

(a) Buildings must be ventilated by natural or mechanical means and must be free of excessive heat, condensation, and obnoxious odors.

(b) Room temperature must be maintained within a normal comfort range.

(7) Individual Rooms.

(a) Restrooms must be provided and be conveniently located, and must have:

(A) A minimum of one toilet for every 15 children.

(B) One hand-washing sink with mixing faucets for every two toilets. The sink may not be used for the preparation of food or drinks or for dish washing.

(C) Hot and cold running water, soap, and paper towels at each hand washing sink or other hand drying options approved by an environmental health specialist.

(D) Arrangements for individual privacy for users.

(E) Permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(F) A window covering on each window to ensure privacy.

(G) A mirror, permanently affixed at eye level.

(H) Adequate ventilation.

(I) Each self-closing metered faucet, if provided, must provide water flow for at least 15 seconds without the need to reactivate the faucet.

(b) Laundry facilities, when provided, must be separate from:

(A) Kitchen and dining areas; and

(B) Areas used for the storage of unrefrigerated perishable food.

(c) Storage areas must be provided appropriate to the size of the facility. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils.

(B) Clean linens.

(C) Soiled linens and clothing.

(D) Cleaning compounds equipment.

(E) Poisons, chemicals, pest control products, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(F) Outdoor recreational and maintenance equipment.

(d) Food service areas.

(A) Kitchens must have facilities for dish washing, storage, and preparation of food and must be separate from child-caring areas.

(B) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or in which utensils are washed or stored must be smooth, washable, and easily cleanable.

(C) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, non-toxic, and non-absorbent and must be maintained in a clean and sanitary condition.

(D) All equipment used for food preparation must be installed and maintained in a manner providing ease of cleaning beneath, around, and behind each unit.

(e) Classrooms and school buildings must be adequate in size and arrangement for the programs offered.

(f) Time-out rooms. Rooms used for time out or quiet time must have adequate space, heat, light, and ventilation and must not be capable of locking.

(g) A usable recreational activity area must be provided that is protected from motor traffic and other hazards, of a size and availability appropriate to the age and the needs of the children served by the day treatment agency.

(8) Furnishings and personal items.

(a) A day treatment agency must provide appropriate furniture for a learning environment.

(b) Each child must have a storage area available, such as a locker or other separate space to store personal items.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0821

Building Plans for New Facility or Remodel

A *day treatment agency* (defined in OAR 413-215-0806) must meet all of the following requirements:

(1) A set of plans and specifications for each day treatment facility operated by the day treatment agency must be submitted to the Department and to the State Fire Marshal for approval:

(a) Prior to construction of a new building;

(b) Prior to construction of an addition to an existing building;

(c) Prior to the remodeling, modification, or conversion of a building; and

(d) In support of an application for initial license of a day treatment agency not previously licensed under OAR 413-215-0801 to 413-215-0856.

(2) The required plans must comply with both current Oregon Structural Specialty Codes (OAR 837-040-0140) and local fire and safety codes.

(3) Plans must be drawn to scale and must specify the estimated date upon which construction, modification, or conversion will be completed.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0826

Environmental Health

A *day treatment agency* (defined in OAR 413-215-0806) must meet all of the following requirements:

(1) The program of the day treatment agency must maintain an environment that ensures safety for program staff and clients.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

(a) Food service risk assessment.

(b) Drinking water or waste water assessment.

(c) Vector and pest control, including the use of pesticides and other chemical agents.

(d) Hazardous material management, including handling and storage.

(e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.325

Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0831

Food Services

A *day treatment agency* (defined in OAR 413-215-0806) must meet all of the following requirements related to food services:

(1) Nutrition and dietary requirements.

(a) A day treatment agency must arrange meals daily, consistent with normal mealtimes that occur during hours of operation.

(b) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each child at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the facility record for at least six months.

(c) Drinking water must be freely available to the children served by the day treatment agency.

(2) Food selection, storage, and preparation.

(a) All food and drink provided by the agency must be stored, prepared, and served in a sanitary manner.

(b) All employees who handle food served to children must have a valid food handlers card pursuant to ORS 624.570.

(c) Selection of food. All food products served by a day treatment agency must be obtained from commercial suppliers, except that:

(A) Fresh fruits and vegetables and fruits or vegetables frozen by the day treatment agency may be served.

(B) The serving of unpasteurized juice is prohibited.

(d) Requirements related to milk.

(A) Only Grade A pasteurized and fortified milk may be served to children.

(B) Milk and fluid milk products must be dispensed from a commercially filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or Oregon Department of Agriculture.

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(e) Children may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the day treatment agency.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0836

Safety

A *day treatment agency* (defined in OAR 413-215-0806) must meet all of the following requirements related to safety.

(1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:

(a) The day treatment agency must provide fire safety equipment that meets the requirements of applicable building codes and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020).

(b) The day treatment agency must comply with existing state and local fire safety codes.

(2) Emergency plan.

(a) The day treatment agency must have, for each facility it operates, a written emergency plan that includes:

(A) Instructions for evacuation of children and employees in the event of fire, explosion, accident, or other emergency.

(B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

(b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

(c) Operative flashlights sufficient in number must be readily available to the staff in case of emergency.

(3) Evacuation drills.

(a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the day treatment agency must document the following information and retain it for a minimum of two years:

(A) Identity of the person conducting the drill.

(B) Date and time of the drill.

(C) Notification method used.

(D) Staff members on duty and participating.

(E) Number of occupants evacuated.

(F) Special conditions simulated.

(G) Problems encountered.

(H) Time required to accomplish complete evacuation.

(b) The day treatment agency must ensure that all employees and children are aware of the procedures to follow in case of emergencies.

(4) Hazards.

(a) The day treatment agency must protect children it serves from guns, drugs, plastic bags, sharps, paint, hazardous materials, bio hazardous materials, and other potentially harmful materials. A day treatment agency must have a written policy that addresses potentially harmful materials that are in the building accessible to the children in the program or on the grounds of the program.

(b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving children. Direct supervision by staff must be provided for any child who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The day treatment agency must ensure the following when providing transportation to children it serves:

(a) Driver requirements.

(A) Each employee transporting children in a motor vehicle must have a valid current driver license on record with the day treatment agency.

(B) The day treatment agency may use an employee to provide transportation for children only if the employee is covered by an insurance policy in full force and effect, and in compliance with the standards set by the day treatment agency.

(C) The day treatment agency must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The day treatment agency must ensure that each person who transports a child in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting children.

(b) Vehicle requirements.

(A) Each vehicle used to transport a child served by the day treatment agency must be covered by an insurance policy in full force and effect.

(B) Each vehicle used to transport a child served by the day treatment agency must be maintained in safe operating condition.

(C) Each vehicle used to transport a child must have aboard a first aid kit, a fully charged and working fire extinguisher with a rating of at least 2 A:10 BC, and a copy of the medical insurance card of each child being transported.

(D) Each vehicle used to transport a child must be smoke-free.

(E) Children and adults must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0841

Health Services

A *day treatment agency* (defined in OAR 413-215-0806) must provide oversight of the clinical aspects of health care provided to children and must provide psychiatric on-call consultation at all times.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0846

Medication

A *day treatment agency* (defined in OAR 413-215-0806) must comply with all of the following requirements:

(1) Policy and procedures. The day treatment agency must have policies and procedures that cover prescriptions, herbal remedies, and all non-prescription medications that address all of the following:

(a) How the medication will be administered.

(b) By whom the medication will be administered.

(c) How the staff of the day treatment agency who administer medication will be trained.

(d) How the administration of medication will be documented.

(e) How the administration of medication will be monitored.

(f) How unused medication will be disposed of.

(g) The process that ensures that each child's prescription and non-prescription medications are reviewed, unless the medications are all provided through a single pharmacy. As used in this rule, "non prescription medication" means any medication that does not require a written prescription for purchase or dispensing.

(2) A prescription, signed by a physician or other qualified medical professional, is required before any prescription medication is administered to, or self-administered by a child. Medications prescribed for one child may not be administered to, or self-administered by another child or staff. As used in this rule "self-administration" refers to the act of a resident placing a medication internally in, or externally on, his or her own body.

(3) A written order, signed by a physician or other qualified medical professional, is required for any medical treatment, special diet, physical therapy, aid to physical functioning, or limitation of activity.

(4) Before a day treatment agency permits a child to self-administer prescription medication, self-administration must be recommended by the day treatment agency, approved in writing by a physician, and closely monitored by the child's guardian or the staff of the day treatment agency.

(5) Medication storage.

(a) Prescription medications that are unused and any medications that are outdated or recalled may not be maintained in the facility. "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The facility may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications must be contained in locked storage in the facility and must be kept in a manner that makes them inaccessible to children.

(d) Medications requiring refrigeration must be refrigerated and secured.

(e) Medications must be maintained and stored in their original container, including the prescription label.

(6) Medication disposal. Medications must be disposed of in a manner that ensures that they cannot be retrieved, in accordance with all applicable state and federal law.

(7) A written record of all medication disposals must be maintained and must include all of the following:

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- (a) A description of the prescribed medication and the amount disposed.
 - (b) The child for whom the medication was prescribed.
 - (c) The reason for disposal.
 - (d) The method of disposal.
 - (e) The name of the person disposing the medication, and the initials of an adult witness.
- (8) Medication records. A written record must be kept for each child listing all medications, both prescription and over-the-counter, that are administered. The record must include all of the following:
- (a) The child's name.
 - (b) A description of the medication, instructions for use, and the recommended dosage.
 - (c) Dates and times medication is administered.
 - (d) A record of missed dosages.
 - (e) Medication dropped or disposed of.
 - (f) Method of administration for each medication.
 - (g) Identification of person administering the medication.
 - (h) Any adverse reactions to the medication.
 - (i) Documentation of any medication taken outside the facility by a child during a home visit or other activity.
- (9) Where applicable, the day treatment agency must maintain documentation of the continuing evaluation of the child's ability to self-administer a medication.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0851

Requirement to Have Policies and Procedures

A *day treatment agency* (defined in OAR 413-215-0806) must have a written policy that includes the following:

- (1) Hours of operation.
- (2) Service area.
- (3) Family expectations and participation requirements.
- (4) Type of behavioral and affective characteristics of the children served.
- (5) Psychiatric, therapeutic, or counseling services offered.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

413-215-0856

Educational Services

The educational services of a *day treatment agency* (defined in OAR 413-215-0806) must comply with all of the following requirements:

- (1) The day treatment agency must comply with the minimum requirements for private education institutions as determined by the Oregon Department of Education.
- (2) Education services must include at least one qualified teacher for every fifteen students.
- (3) The day treatment agency must ensure it has a curriculum that considers the goals of modern education as defined in OAR 581-022-1020 and the requirements of a sound, comprehensive curriculum.
- (4) Secondary schools must verify that they have academic standards necessary for students to obtain admission to community colleges, institutions of higher education, and receive a high school diploma or GED.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.325
Hist.: CWP 36-2008, f. & cert. ef. 10-17-08

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Rule Caption: Changing OARs affecting Child Welfare programs.

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Rules Amended: 413-120-0190, 413-120-0195, 413-120-0200, 413-120-0210, 413-120-0220, 413-120-0230, 413-120-0240

Subject: These rules (the Department's Child Welfare Policy I-G.1.3, Adoption Applications, OAR 413-120-0190 to 413-120-0240) are being changed to make applicants involved with non-contracted adoption agencies and seeking to adopt a child in the Department's care eligible to do so. These rules set policy regarding adoptive applicants and the requirements to adopt a child in the custody of the Department. These rules clarify what constitutes a completed adop-

tion home study packet, and outline the application and approval processes.

OAR 413-120-0190 is about the purpose of these rules (OAR 413-120-0190 to 413-120-0240). OAR 413-120-0190 is being amended to restate more clearly the purpose of these rules. OAR 413-120-0190 as amended clarifies what these rules cover — completed adoption home studies, the application and approval processes — and states that the purpose statement applies to OAR 413-120-0190 to 413-120-0240.

OAR 413-120-0195 is about the definitions that apply to these rules (OAR 413-120-0190 to 413-120-0240). OAR 413-120-0195 is being amended to remove terms no longer used and add terms currently used by the Department. The terms "employee" and "partner agency" were redefined. The Department changed the term "contracted licensed private agency" to "contracted private agency" and defined it so that licensing is included in the definition. The term "current caretaker" was renamed "current caregiver" and the definition expanded to include relatives and foster parents caring for a child longer than six months. The terms "district", "foundations training", and "special need" were not defined previously and need to be defined for consistent application of the terms. The Department has replaced the term Service Delivery Area (SDA) with the term "district" and defined the new term in OAR 413-120-0195.

OAR 413-120-0200 is about the Department's policy on adoption applications. This rule is being amended to clarify who can apply to be an adoptive parent, the requirements for applying to be an adoptive parent including what documents must be completed and provided to the Department in the Adoption Home Study packet, the criminal history and background checks that are performed on an applicant and all members of the applicant's household. This rule as amended allows the Department to conduct criminal offender information record checks and family histories on applicants and all members of their households, explains the requirements for applying to become an adoptive placement, the process for review of the application, and the criteria for approval of the application.

OAR 413-120-0210 is about how the Department evaluates adoptive applicants who previously have obtained adoption certification with a non-contracted public or private adoption agency. This rule is being amended to instruct that an applicant must meet the home certification requirements of OAR 413-120-0200 and sign releases for the Department to obtain information and documents from the other agency, when the Department may discontinue the application or home study processes, under what circumstances the application may be put on hold, the support the Department will provide to identified potential adoptive placement applicants, and the responsibility of applicants for any fees charged by a contracted public or private agency. The current rule only discusses when the Department may not conduct home studies for any person who previously has applied to another public or private adoption agency

OAR 413-120-0220 is about how the Department prioritizes the home studies it conducts on adoptive applicants. This rule is being amended to restate and clarify that the Department ranks applications according to the type of homes most needed and gives priority to applicants who are relatives of a specific child, current caregivers of a specific child, or interested in adopting a special needs child.

OAR 413-120-0230 is about the Department's adoption application evaluation process. This rule is being amended to more clearly state the Department's process regarding evaluation of adoption applications, direct that the Department must reach a conclusion on the application, list exceptions to a non-positive recommendation regarding an applicant, state when the Department may terminate the application process, and remove internal procedural instructions from this rule. The current rule states that a branch manager may request an exception to a non-positive recommendation, specifies when the evaluation process may be terminated by the Department, and indi-

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cates the location to which an applicant is to return the application and that the branch must forward forms to the Department.

OAR 413-120-0240 is about the written notice the Department provides to adoptive applicants when: a home study has not been initiated and the application is no longer under consideration, a home study has been completed and the decision to approve or disapprove has been made, or an approved home study is removed from the pool of available homes considered for placement. This rule is being amended to more clearly state when notice will be sent and that the notice will contain the reason why an application was approved or disapproved.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-120-0190

Purpose

These rules (OAR 413-120-0190 to 413-120-0240) provide policy guidance to an adoptive applicant on the requirements the applicant must meet to adopt a child in the custody of the Department. These rules clarify what constitutes a completed adoption home study packet and outline the application and approval process.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

413-120-0195

Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0240:

(1) "Contracted private agency" means a private adoption agency licensed by the Department and holding a contract with the Department to do adoption home studies.

(2) "Current caregiver" means an individual currently having physical custody of a child and meeting one of the following requirements:

(a) The individual is a relative of the child as defined in OAR 413-070-0069(1)(a) who has had the child in his or her home consecutively for six months or longer. An exception to the durational requirement may be granted if the local office has completed a diligent search for relatives and the individual who currently has physical custody is the sole suitable relative. The district manager or designee may grant the exception if it is in the best interest of the child. The determination that the exception is in the best interest of the child must be explained in the case file.

(b) The individual is a non-relative foster parent who has had the child in his or her home consecutively for six months or longer. An exception to the durational requirement may be granted if the local office has completed a diligent search for relatives and determined there is no suitable relative. The district manager or designee may grant the exception if it is in the best interest of the child. The determination that the exception is in the best interest of the child must be explained in the case file.

(3) "Department" means the Department of Human Services, Child Welfare.

(4) "District" means a Department service delivery area - a geographic region of one or more counties served by the Department and managed by a district manager.

(5) "Employee" means, unless otherwise specified, a temporary, trial service, or permanent employee of the Department or a partner agency.

(6) "Foundations training" means Foundations of Relative Care, Foster Care, and Pre-Adoptive Care training provided by the Department.

(7) "Partner agency" means all Department divisions and offices, and where the local Department office is co housed or located in close proximity with a non Department state, county, city, or private not-for-profit agency, means those offices as well. Refer to OAR 413-120-0270 for more details about making this determination.

(8) "Special need" means a trait or impairment specific to a child that requires extraordinary care or attention.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

413-120-0200

Policy on Adoption Applications

(1) The Department places a child in its care for the purposes of adoption. The Department will refer an individual who is not interested in adopting a child in the custody of the Department to a contracted private agency. An applicant to adopt a child from the Department must satisfy the requirements of each of the following subsections. The applicant must:

(a) Be at least 21 years of age, unless a Department program manager or designee has approved an applicant between the ages of 18 through 20 years, to become a relative caregiver. An applicant who is an "Indian" (as defined by the Indian Child Welfare Act and Department Policy I-E.2.1, Placement of Indian Children (OAR 413-070-0100 through 413-070-0260)) may be 18 years of age or above.

(b) Meet the adoptive home approval requirements in Department Policy II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents (OAR 413-200-0301 through 413-200-0396).

(c) As well as all adult members of the applicant's household, consent to a criminal offender information records check and be found suitable for adoption approval pursuant to OAR 413-120-0400 through 413-120-0470.

(d) Be able to provide for the safety of the child, including protection from all individuals and situations that brought the child into the care of the Department. The Department must assess the applicant for safety by means including, but not limited to, a criminal records check in accordance with OAR 413-120-0200 to 413-120-0470 and a family history, including a child abuse and domestic violence history.

(e) Be able to acknowledge and meet the individual special needs of the child;

(f) Provide evidence of the capacity to accept and raise an adopted child as the applicant's own child to maturity.

(g) Successfully complete Foundations training provided by the Department or an equivalent training from a licensed child-caring agency approved by the Department. This training prepares the applicant for adoption by covering the topics in paragraphs (A) through (G) of this subsection. With supervisory approval, the adoption worker may develop an individual training plan with the applicant based on an assessment of the previous training or experience of the applicant.

(A) The effects of abuse (physical, sexual, emotional) and neglect on a child;

(B) The effects of drugs and alcohol on a child;

(C) The effects of moves and transition on a child;

(D) The significance of the birth family, including grief and loss issues;

(E) Openness in adoption;

(F) The attachment process and attachment difficulties; and

(G) Positive behavior management.

(2) The Department or a contracted private agency must accept applications from couples (married or unmarried) or an individual (married or unmarried).

(3) The Department must refer an applicant who is a current or former employee of DHS or a partner agency to a contracted private agency to obtain an adoptive home study. A contracted private agency may not study its own employee or board member, but must refer the applicant to another contracted private agency.

(4) An applicant must submit an application to the Department or a contracted private agency on the Application for Approval to Care for a Child in DHS Custody Form, CF 1260A.

(5) If the applicant has lost permanent custody of a child through relinquishment or termination of parental rights, the adoption worker and supervisor must staff the case with the Department program manager to determine whether to proceed with the application.

(6) The Adoption Home Study packet consists of the following materials:

(a) Application for Approval to Care for a Child in DHS Custody, CF 1260A;

(b) Adoptive Family Information and Placement Preference, CF 1266;

(c) Family Financial Report, CF 1291;

(d) Medical Report A, CF 1257A;

(e) Medical Report B, CF 1257B;

(f) Mental Health Information, CF 1258 (if applicable);

(g) Consent for Criminal Records and Fingerprint Check, CF 1011F;

(h) Five applicant references, using CF 1255;

(i) Progressive Family Assessment, CF 1269, or Progressive Family Assessment Current Caretaker Adoption Study, CF 1269A;

(j) Progressive Family Assessment Confidential & Third Party Information, CF 1269B; and

(k) Copy of marriage certificate or divorce verification as applicable.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

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413-120-0210

Applicants who have Adoption Certification with a Non-Contracted Public or Private Adoption Agency

(1) The Department or a contracted private agency may conduct a home study for any individual who has submitted an application for consideration or is currently under the supervision of another public or private adoption agency. The applicant must:

(a) Meet all adoptive home certification requirements specified in OAR 413-120-0200;

(b) Sign a release of information allowing ongoing communication with the other public or private adoption agency; and

(c) Sign a release of information allowing the Department to obtain a copy of the adoption file of the individual.

(2) The Department may consider an applicant's previous denial, revocation, suspension, or relinquishment of a license or certificate to provide services to children, the elderly, or individuals with disabilities as sufficient reason not to continue with the application process or home study.

(3) The Department or a contracted private agency may not conduct home studies for any individual who does not meet the requirements of Certification Approval by the Department as defined in OAR 413-200-0314.

(4) At any time during the application, training, and home study process with the Department or contracted private agency, when the applicant comes under active consideration for a potential adoptive placement by another public or non-contracted private agency, his or her application with the Department or contracted private agency may be placed on hold for up to two years.

(5) When an applicant is identified as a potential adoptive placement for a child in the care of the Department, the Department must provide placement supervision and support for the purposes of monitoring child safety.

(6) If the applicant receives placement supervision and support services from a contracted private agency, the applicant is responsible for any and all fees that may be applied by that agency.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

413-120-0220

Home Studies by the Department

The Department may prioritize applications according to the types of homes most needed for children who are eligible for adoption or becoming eligible for adoption, and may give priority to completing home studies for applicants who are:

(1) A relative applying to adopt a specific child;

(2) A current caregiver applying to adopt a specific child; or

(3) An applicant interested in adopting a child with a special need for whom there are few or no available approved homes.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

413-120-0230

The Department Application And Approval Process

(1) The Department must review received applications.

(2) When the Department has completed the entire application and home study process, the Department (based on an evaluation of the application and home study information according to the requirements of OAR 413-120-0200(1)) may either approve the home with a positive recommendation, or decline to present the study at an adoption committee and deny the request of the applicant to be an adoptive resource.

(a) The adoption worker may not present a study at adoption committee without a positive recommendation.

(b) If the adoption worker has produced a study without a positive recommendation, and the Department program manager determines the worker should present the study to the adoption committee, the Department program manager may request the Adoptions program manager make an exception to the requirement for a positive recommendation.

(3) If an applicant does not provide timely and appropriate response to the inquiries and requests for information from the Department, the Department may terminate the process and deny the request to be an adoptive resource. An applicant who applies to adopt a specific child must provide documentation and information requested by the Department according to time lines established by the Department, but in no case to exceed 90 days from the date of application.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

413-120-0240

Department Notice to Applicant

(1) If a home study of the applicant is not initiated within one year from the date the application is signed, and the applicant is no longer under consideration, then the Department must send the applicant written notice that the application is no longer under consideration, specifying the reason why the application is no longer under consideration.

(2) If the Department completes a home study, the Department must send the applicant written notice of the approval or disapproval of the home study, specifying the reason why the application was approved or disapproved.

(3) If an approved home study is removed from the pool of available homes to be considered for placements, the Department must send the applicant written notice, specifying the reason why the application was removed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.280 & 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08

Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Adm. Order No.: SSP 24-2008(Temp)

Filed with Sec. of State: 11-6-2008

Certified to be Effective: 11-6-08 thru 5-5-09

Notice Publication Date:

Rules Amended: 461-165-0060

Subject: OAR 461-165-0060 is being amended to indicate that eligible one- and two-person benefit groups receive a minimum monthly Food Stamp (FS) allotment of only eight percent of the Thrifty Food Plan (TFP) for a one-person household, as determined annually by the United States Department of Agriculture, Food and Nutrition Service.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-165-0060

Minimum Benefit Amount; FS, REF, TANF

(1) In the FS 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 eight percent of the Thrifty Food Plan (TFP) as determined annually by Food and Nutrition Services (FNS).

(b) In an ongoing month (see OAR 461-001-0000), benefits are issued as follows:

(A) An eligible one- or two-person benefit group 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 group that is categorically eligible (see OAR 461-135-0505) may be eligible for zero benefits (\$0) for the certification period (see OAR 461-001-0000).

(2) Except as provided in section (3) of this rule, in the REF and TANF programs, 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:

(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;

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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

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**Department of Human Services,
Public Health Division
Chapter 333**

Rule Caption: Temporary suspension of Hib immunization requirements in childcares, preschools and Head Starts.

Adm. Order No.: PH 16-2008(Temp)

Filed with Sec. of State: 10-27-2008

Certified to be Effective: 10-27-08 thru 4-20-09

Notice Publication Date:

Rules Amended: 333-050-0020, 333-050-0050, 333-050-0120

Subject: The Department of Public Health Division is temporarily amending rule to suspend the Haemophilus influenzae type B (Hib) immunization requirement for children in childcare, preschool, and Head Start facilities. Exclusion order for Hib will not be issued during February 2009. These rule changes are needed because of a Hib vaccine shortage. In addition to amending the rule text, the "Primary Review Table" referenced in OAR 333-050-0120 is being temporarily amended to reflect the suspension.

Rules Coordinator: Brittany Sande—(971) 673-1291

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, and Diphtheria/Tetanus/Pertussis containing vaccine. (See Primary Review Table);

(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) 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.

(4) All schools are required to comply with these rules, including 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.

(5) 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 medical, immunity, and religious exemptions are included and 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.

(6) 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

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 their 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)[Table not included. See ED. NOTE.]:

(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) 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.

(g) 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.

(h) 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.]

(i) 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 stu-

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dent 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.

(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. & cert. ef. 5-15-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 12-

2000, f. & cert. ef. 12-26-00; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0035; 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

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. [Table not included. See ED. NOTE.]

[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

Rule Caption: WIC Participation Administration.

Adm. Order No.: PH 17-2008

Filed with Sec. of State: 11-5-2008

Certified to be Effective: 11-5-08

Notice Publication Date: 10-1-2008

Rules Adopted: 333-053-0030, 333-053-0040, 333-053-0050, 333-053-0060, 333-053-0070, 333-053-0080, 333-053-0090, 333-053-0100, 333-053-0110

Subject: The Department of Human Services, Public Health Division is permanently adopting Oregon Administrative Rules in chapter 333, division 53 in order to administer the federal requirements for authorization and oversight of those participating in and receiving benefits from the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Rules Coordinator: Brittany Sande—(971) 673-1291

333-053-0030

Description of the WIC Program

(1) The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. The purpose of the WIC program is to serve as an adjunct to health care by providing: nutrition education and counseling; nutritious supplemental foods; health screening and referral services to pregnant and breastfeeding women, infants and children in certain high-risk categories.

(2) Federal regulations governing the WIC program, 7 CFR § 246, require adoption and implementation of standards and procedures to guide the state's administration of the WIC program. These regulations also define the rights and responsibilities of participants.

(3) The Department of Human Services (DHS) administers the WIC program in the state of Oregon.

(4) Any participant who receives benefits from the WIC program shall comply with these rules. Failure to comply with these rules shall result in sanctions.

(5) WIC program participation may include participation in the Farm Direct Nutrition Program (FDNP).

Stat. Auth.: ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0040

Definitions

(1) "Adjunctively income eligible" means an applicant or participant is eligible for WIC if they are:

(a) Certified and fully eligible to receive benefits for the:

(A) Food Distribution Program on Indian Reservations (FDPIR);

(B) Food Stamp Program;

(C) Medicaid/Oregon Health Plan (OHP); or

(D) Temporary Assistance for Needy Families (TANF).

(b) Determined presumptively eligible for either TANF or Medicaid/OHP (pending completion of that program's process); or

(c) A member of a household with:

(A) A food stamp recipient;

(B) A pregnant woman or infant currently on Medicaid/OHP; or

(C) A TANF recipient.

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(2) "Applicant" means any pregnant woman, breastfeeding woman, post-partum non-lactating woman, infant or child (through the end of the month he or she turns five years of age) or their guardian or proxy who applies to receive WIC benefits.

(3) "Authorized food" means any supplemental foods listed on the WIC Authorized Food List, the food instrument or the CVV.

(4) "Authorized shopper" means:

(a) The participant or any person designated by the participant who has signed the WIC ID card on the second line (second authorized signer);

(b) A documented proxy;

(c) A participant's caretaker or the caretaker's designee; or

(d) Any DHS representative posing as a participant or participant designee as authorized by DHS.

(5) "Cash Value Voucher" or "CVV" means a fixed-dollar amount check, voucher, electronic benefit transfer (EBT) card or other document which is used by a participant to obtain WIC authorized fruits and vegetables.

(6) "Certification" means the implementation of criteria and procedures to assess and document each applicant's eligibility for participation in the WIC program.

(7) "CFR" means Code of Federal Regulations.

(8) "Claim" means a demand for repayment for intentional misuse of WIC or FDNP benefits.

(9) "CSFP" means the Commodity Supplemental Food Program.

(10) "Department" means the Department of Human Services of the state of Oregon.

(11) "DHS" means the Department of Human Services.

(12) "Disqualification" means termination of participation in the WIC program and cessation of WIC benefits due to an intentional participant violation for a specific amount of time. Participants may reapply for benefits at any time after the sanction period is over.

(13) "Dual participation" means simultaneous participation in more than one WIC program (more than one state or more than one local agency within Oregon) or participation in the WIC program and in the CSFP at the same time.

(14) "Farm Direct Nutrition Program" or "FDNP" means the Farmers' Market Nutrition Program administered by the United States Department of Agriculture (USDA), Food and Nutrition Services and implemented by the state of Oregon, DHS.

(15) "Food instrument" means a negotiable financial instrument by which WIC benefits are provided to participants. Food instruments are also referred to as "checks" or "vouchers."

(16) "Hearing request" or "request for a hearing" means any clear expression by an individual, or the individual's parent, caretaker or representative, that they want a higher authority to review the adverse action that was taken against them by the local or state WIC program.

(17) "Local agency" means:

(a) A public or private non-profit health or human services agency that provides health services, either directly or through contract with DHS to provide services, in accordance with 7 CFR § 246.5;

(b) An Indian Health Service unit in contract with DHS to provide services;

(c) An Indian tribe, band or group recognized by the Department of the Interior that operates a health clinic or is provided health services by an Indian Health Service unit; or

(d) An intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior that operates a health clinic or is provided health services by an Indian Health Service unit.

(18) "Offense" means any unintentional action of a participant, parent or caretaker of an infant or child participant, or a proxy that violates federal or state statutes, regulations, policies or procedures governing the WIC program.

(19) "Participant" means any pregnant woman, breastfeeding woman, post-partum non-lactating woman, infant or child (through the end of the month he or she turns five years of age) who has been certified to receive benefits from the WIC program.

(20) "Participant's caretaker" means a person who has significant responsibility for providing food to the infant or child. The caretaker is usually part of the family unit, for example the parent or legal guardian of the infant or child.

(21) "Proxy" means a third person (besides the participant or authorized individual whose signature appears on the WIC ID card) temporarily authorized to pick up or shop with WIC food instruments or cash value vouchers on behalf of a participant.

(22) "Restitution" means reimbursement to the Department of the cash value of the benefits that were obtained or disposed of improperly as the result of an intentional participant violation.

(23) "Sanction" means a penalty imposed by the state WIC program due to an intentional misuse of program funds or other intentional violation including, but not limited to, misrepresentation of information provided to determine program eligibility.

(24) "Second authorized signer" means the individual who signed the WIC ID card on the second line.

(25) "Service area" means a local program or subdivision of a local program that encompasses a specific geographic area.

(26) "Termination from program" means a participant's file is closed and benefits cease for any reason including, but not limited to, lack of eligibility, no longer breastfeeding, or transferring out of state.

(27) "Trafficking" means the buying or exchanging of WIC food instruments, cash value vouchers or FDNP checks for alcohol, cash, credit, tobacco or any other non-food item.

(28) "Violation" means an intentional action of a participant, parent or caretaker of an infant or child participant, or a proxy that violates federal or state statutes, regulations, policies or procedures governing the WIC program.

(29) "WIC program" or "WIC" means the Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Federal Child Nutrition Act of 1966, as amended, 42 U.S.C. § 1786.

Stat. Auth.: ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0050

Participant Eligibility

(1) In order to be eligible for the WIC program, at the time of application an applicant must:

(a) Be a pregnant woman, a breastfeeding woman less than one year after delivery, a non-lactating, post-partum woman less than six months after delivery, or a child through the end of the month he or she turns five years of age;

(b) Reside within the jurisdiction of the state of Oregon and must either reside within the local agency service area or within the Indian State jurisdiction;

(c) Meet the state's income eligibility criteria at the time of application and at the time of subsequent certifications; and

(d) Be at nutritional risk as defined by the Department.

(2) In order to establish eligibility, a state or local agency shall require proof of residency and income and may require verification of pregnancy.

(3) Participants may only be enrolled in one local agency or clinic within a local agency in Oregon at a time.

(4) Participants may be enrolled in only one state WIC program at a time. If a participant moves to a new state they are no longer eligible to receive Oregon WIC benefits.

(5) A participant may be terminated from the WIC program because they are no longer eligible.

(6) A participant may be disqualified from the WIC program for violations of program rules.

(7) A participant may voluntarily withdraw from participating in the WIC program at any time.

(8) To be eligible to receive FDNP benefits, the individual must currently be receiving benefits under the WIC program and belong to any of the following categories on the date of FDNP benefit issuance:

(a) Breastfeeding woman;

(b) Child one to five years of age;

(c) Infant 6 to 12 months of age (born before May 1 of the current year);

(d) Post-partum non-breastfeeding woman; or

(e) Pregnant woman.

(9) A participant will be informed of and required to verify understanding of the rights and responsibilities of WIC participation at the time of their eligibility certification.

(10) If the participant has been terminated due to a participant violation, it is considered a disqualification and the participant can reapply for benefits at any time after the sanction period is over.

Stat. Auth.: ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: PH 17-2008, f. & cert. ef. 11-5-08

ADMINISTRATIVE RULES

333-053-0060

Participant Information

(1) Participants shall provide accurate information as part of the certification process.

(2) State or local WIC staff may verify any of the information provided by the participant.

(3) The WIC program may share information about participants with other public health programs and Oregon Head Start Programs. This information will only be used to access other health services and assess the effectiveness of those services.

(4) Information concerning eligibility shall be shared with another WIC clinic or agency if the participant moves from one service area to another or to a different state.

(5) Participants may be asked about their voter registration status and will be given the opportunity to register to vote at the local agency. Participants may decline to provide this information. Receipt of benefits will not be affected by answers to voter registration questions.

(6) A second authorized signer may attend nutrition education appointments, bring the infant or child participant in for certification appointments and spend WIC food instruments or cash value vouchers using the WIC ID card.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0070

WIC Identification Cards

(1) The local agency will issue one valid WIC identification card (ID card) per family.

(2) The participant, parent or participant's caretaker must sign the WIC ID card at the time of issuance.

(a) A second signature line is provided on the WIC ID card. Participants, parents or caretakers who are first authorized signers may choose a second authorized signer.

(b) Only two authorized signatures are allowed on a WIC ID card.

(c) If a WIC ID card has more than two signatures, it is invalid and a replacement must be obtained at the local agency.

(3) A participant or authorized shopper must:

(a) Bring and present prior to each transaction the WIC ID card to the authorized WIC farmer in order to redeem WIC cash value vouchers; and

(b) Bring and present prior to each transaction the WIC ID card to the authorized WIC vendor in order to redeem WIC food instruments or cash value vouchers.

(4) A participant shall bring their WIC ID card to all WIC local agency visits.

(5) The WIC local agency may ask the participant or parent/guardian for a valid photo ID prior to issuing a replacement WIC ID card.

(6) The WIC local agency may require verification of a child's custody or a foster parent's status prior to issuing a replacement WIC ID card.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0080

Participant Violations

It is a program violation for a participant or authorized shopper to:

(1) Conduct a WIC transaction without first providing a valid WIC ID card.

(2) Complete a WIC transaction without signing the food instrument or CVV.

(3) Redeem a WIC food instrument, CVV or FDNP check outside the valid first or last day to use.

(4) Redeem a WIC food instrument or CVV at an unauthorized vendor or a FDNP check or CVV at an unauthorized market or farm stand.

(5) Redeem a WIC food instrument, CVV or FDNP check for unauthorized foods.

(6) Accept change after redeeming a WIC food instrument, CVV or FDNP check.

(7) Redeem their own WIC food instruments, cash value vouchers or FDNP checks if the participant or authorized shopper is an employee of the store, farmer, or farm stand.

(8) Threaten, verbally abuse, assault or use physical force against store, farmer or farm stand employees or owners during a WIC or FDNP transaction.

(9) Threaten, verbally abuse, assault or use physical force against state or local agency staff.

(10) Alter a WIC food instrument, CVV, FDNP check or the WIC ID card.

(11) Misrepresent eligibility information to gain WIC or FDNP benefits.

(12) Redeem a WIC food instrument, CVV or FDNP check for alcohol, cash, credit, tobacco or any other non-food item.

(13) Sell a WIC food instrument, CVV or FDNP check for cash, credit, merchandise or other non-food item.

(14) Sell, exchange, or give away the food purchased with WIC food instruments, cash value vouchers or FDNP checks.

(15) Return foods purchased with WIC food instruments or cash value vouchers to a WIC vendor unless they are receiving the identical item in exchange.

(16) Use WIC food instruments, cash value vouchers or FDNP checks that have been reported as lost or stolen.

(17) Keep in their possession state or local agency owned property past a predetermined return date (e.g. hospital grade breast pump).

(18) Sell or exchange state or local agency owned property including, but not limited to, hospital grade breast pumps.

(19) Simultaneously participate in more than one WIC program (more than one state or more than one local agency or clinic) or participate in the WIC program and in the CSFP at the same time.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0090

Participant Sanctions

(1) A participant found to have intentionally violated OAR 333-053-0080(1) through (9) may be issued a Notice of Non-Compliance.

(2) For a first time violation of OAR 333-053-0080(10) through (17), a participant will be assessed a claim for the full amount of the benefits improperly obtained; and if the claim assessed is \$100 or more, the participant will be disqualified from the program for one year from the date the violation occurred.

(3) For second or subsequent violations of OAR 333-053-0080(10) through (17) in a 12-month period, a participant will be disqualified from the program for one year, regardless of the assessed dollar amount of the claim.

(4) A participant found to have violated OAR 333-053-0080(18) or (19) will be assessed a claim for the full amount of benefits improperly obtained or for the full value of the property, and will be disqualified from the program for one year.

(5) The Department may decide not to impose a disqualification if, within 30 days of the date the letter was mailed demanding repayment, full restitution is made or a repayment schedule is agreed upon. In the case of a violation committed by the parent or caretaker of an infant or child participant, or by a participant under the age of 18, the Department may approve the designation of a proxy in order to continue program benefits to these participants.

(6) If a claim is for a hospital grade breast pump, the participant will not be disqualified from the program, but will be required to pick up WIC benefits monthly from the local agency until the breast pump is returned or the claim is paid.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

333-053-0100

Participant Claims

(1) If the Department determines that program benefits have been obtained or used improperly as the result of an intentional participant violation, the Department shall establish a claim against the participant for the full value of such benefits.

(2) For all claims, the Department shall issue a Notice of Claim setting out the facts of the claim and demanding repayment.

(3) If the full restitution is not made or a repayment schedule is not agreed on within 30 days of the date the letter was mailed, the Department shall take additional collection actions until restitution is made or a repayment schedule is agreed on, unless the Department determines that further collection actions would not be cost-effective to pursue.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

ADMINISTRATIVE RULES

333-053-0110

Administrative Review

(1) DHS shall provide a participant with a fair hearing in accordance with the provision of ORS Chapter 183 and 7 CFR 246.9 for the following:

- (a) Denial of participation;
- (b) Disqualification; or
- (c) Imposition of a sanction.

(2) DHS shall notify the participant in writing of the right to a fair hearing, of the method by which a hearing may be requested, and that any positions or arguments on behalf of the individual may be presented personally or by a representative such as a relative, friend, legal counsel or other spokesperson.

(3) DHS shall not limit or interfere with the participant's freedom to request a hearing.

(4) Participants must request a fair hearing within 60 days from the date DHS notifies the applicant or participant of an adverse action.

(5) DHS shall not deny or dismiss the request for a fair hearing unless:

- (a) The request is not received within 60 days;
- (b) The request is withdrawn in writing by the participant or participant's representative;

(c) The participant or the participant's representative fails, without good cause, to appear at the scheduled hearing; or

(d) The participant has been denied participation by a previous hearing and cannot provide evidence that the circumstances relevant to the program have changed in such a way as to justify a hearing.

(6) Participants may continue receiving WIC benefits pending a hearing outcome unless the participant becomes categorically ineligible.

(7) A participant who becomes categorically ineligible while awaiting the outcome of an administrative review or appeal shall not continue to receive WIC benefits.

Stat. Auth.: ORS 409.600
Stats. Implemented: ORS 409.600
Hist.: PH 17-2008, f. & cert. ef. 11-5-08

Rule Caption: Indoor Clean Air Act.

Adm. Order No.: PH 18-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 1-1-09

Notice Publication Date: 10-1-2008

Rules Amended: 333-015-0030, 333-015-0040

Subject: The Department of Human Services, Public Health Division is permanently amending Oregon Administrative Rules in chapter 333, division 15 related to the implementation of the Indoor Clean Air Act based on changes to the Act made by the 74th Legislative Assembly (Senate Bill 571; 2007 Oregon Laws, chapter 602, effective January 1, 2009). Amendments are necessary to correct errors in the original filing that was made on August 15, 2008.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-015-0030

Definitions

For purposes of OAR chapter 333, division 15, the following definitions shall apply:

(1) "Act" means the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875 and 433.990(5).

(2) "Cigar bar" means a business that:

- (a) Has on-site sales of cigars as defined in ORS 323.500;
- (b) Has a humidor on the premises;

(c) Allows the smoking of cigars on the premises but prohibits the smoking of all other tobacco products in any form that includes, but is not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, and cigarillos as defined by OAR 333-015-0030(3);

(d) Has been issued and operates under a full on-premises sales license issued under ORS 471.175;

(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;

(f) Does not offer video lottery games as authorized under ORS 461.217;

(g) Has a maximum seating capacity of 40 persons;

(h) Has a ventilation system that is certified by the assistant to the State Fire Marshal described in ORS 476.060 for the jurisdiction in which the cigar bar is located as adequate to remove the cigar smoke in the cigar bar and vents the smoke from the cigar bar in a manner that prevents the smoke from entering any other establishment; and

(i) Requires all employees to read and sign a form approved and published by the Public Health Division, which explains the dangers of exposure to secondhand smoke.

(3) "Cigarillos" means a smoking device wrapped in tobacco leaf, rather than paper, containing less than three grams of tobacco and measuring less than 100 mm in length.

(4) "DHS" means the Department of Human Services.

(5) "Employer" means any entity or individual who engages an individual to perform work or services in an enclosed area under the control of said employer.

(6) "Enclosed area" means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

(7) "Entity in charge of a public place" means any person or organization that has responsibility because of ownership, proprietorship, management, or oversight of a place that is open to the public. An entity in charge of a public place is used to refer to those instances where the person or organization in charge is not an employer.

(8) "Entrance" means any point of entry to premises whereby a person gains access to the interior of enclosed space from the exterior of outdoor space.

(9) "Exit" means any point on a premises whereby a person gains access to the exterior of an enclosed space from the interior of an indoor space.

(10) "Gross revenue" means all receipts from the sale of product(s) less the amount of any rebates, refunds, or credits.

(11) "Humidor" means a storage container designed to allow controlled airflow and equipped with a device that maintains the internal humidity in the range of 70 to 75 percent and an internal temperature in the range of 68 to 70 degrees Fahrenheit.

(12) "Local Public Health Authority" means the county government unless a health district has been formed under ORS 431.414, the county has contracted with a person or agency to act as the public health authority, or the county has relinquished its authority to the state.

(13) "Maximum seating capacity" means the total number of seats available to patrons including bar stools, seating at cocktail tables, seats at buddy-bar tables, banquette seating, and dining seating.

(14) "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by American Indians.

(15) "PHD" means the Public Health Division of the Department of Human Services.

(16) "Place of employment" means every enclosed area under the control of a public or private employer that employees frequent during the course of employment that includes, but is not limited to, work areas, employee lounges, rest rooms, conference rooms, classrooms, cafeterias, hallways, and work vehicles that are not operated exclusively by one employee. Place of employment does not include a private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility providing adult day care as defined in 410.490.

(17) "Private residence" means a residence or part of a residence that is not used as a place of business where clients or customers use the premises. A residence that is considered a place of employment or public place is subject to ORS 433.835 through 433.875 during its hours of operation. Only that part of a residence used as a place of business will be subject to 433.835 through 433.875.

(18) "Public place" means any enclosed area open to the public.

(19) "Temporary walls" means walls not intended to be permanent including walls constructed of non-permanent material that includes, but is not limited to, plastic, mesh or other screening materials, slats, louvered blinds, fabric, or blankets.

(20) "Rooms designated by the owner or entity in charge of a hotel or motel as rooms in which smoking is permitted" means sleeping rooms or suites in that hotel or motel.

(21) "Smoking instrument" means any cigar, cigarette, pipe, or other smoking equipment.

(22) "Smoke shop" means a business that:

(a) Is primarily engaged in the sale of tobacco with at least 75 percent of gross revenues resulting from tobacco sales in every fiscal year;

(b) Prohibits persons under 18 years of age from entering the premises;

(c) Does not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises;

ADMINISTRATIVE RULES

(d) Does not sell or offer on-premises consumption of alcoholic beverages; and

(e) Is a stand-alone business with no other businesses or residential property attached to the premises.

(23) "Wall" means any architectural partition with a height and length greater than its thickness, used to divide or enclose an area or to support another structure.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 18-2008, f. 11-14-08, cert. ef. 1-1-09

333-015-0040

Signs

(1) An employer or entity in charge (EIC), except in those places described in OAR 333-015-0035(6) and (8), shall post signs prohibiting smoking. Signs shall use either the "no smoking" symbol (a cigarette with a diagonal slash through it within a circle) and the words "within 10 feet," or the words "No Smoking within 10 feet;" or both. Nothing in these rules shall prevent an employer from increasing the amount of property where smoking is prohibited beyond the 10 foot requirement or from designating the entire premises as smokefree. Signage may be used without specifically including the words "within 10 feet" if the signage specifies some other restriction greater than 10 feet or designates the entire premises as smokefree. Signs shall be posted prominently at each entrance and exit to the place of employment or public place.

(2) In a cigar bar or smoke shop where smoking is allowed under OAR 333-015-0035(8), the employer or EIC shall post signage at each entrance and exit to clearly state that smoking is allowed in all or some of the premises, and that anyone under the age of 21 for cigar bars and under the age of 18 for smoke shops is prohibited from entering the premises.

(3) All signs used to describe whether smoking is prohibited or allowed in a place of employment or public place shall be placed at a height and location easily seen by a person entering the establishment and shall not be obscured in any way.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835 - 433.870

Hist.: HD 10-1983, f. & ef. 7-1-83; OHD 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OHD 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 18-2008, f. 11-14-08, cert. ef. 1-1-09

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

Rule Caption: Increase public display, retail, and wholesale fireworks permit fees.

Adm. Order No.: OSFM 9-2008(Temp)

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 11-17-08 thru 5-8-09

Notice Publication Date:

Rules Amended: 837-012-0530, 837-012-0625, 837-012-0750

Subject: Changes necessary to increase public display, retail, and wholesale fireworks permit fees.

Rules Coordinator: Pat Carroll—(503) 373-1540, ext. 276

837-012-0530

Permit Fees

(1) Permit fees shall be paid at, or mailed to, the Office of State Fire Marshal and shall accompany the Permit Application.

(2) Payment shall be made by personal check, business check, cashier's check or money order made payable to the Office of State Fire Marshal. If the fee is paid by either personal or business check, the Office of State Fire Marshal shall not take any action on the Permit Application until the check has cleared the bank.

(3) The permit fee shall be \$3,000.

(4) Permit fees are non-refundable. Exception: The State Fire Marshal may refund all or part of the permit fee if it is determined the application is not appropriate or the permit is denied.

(5) Permit fees are non-transferable to any other individual or business.

Stat. Auth.: ORS 476, 478 & 480

Stats. Implemented:

Hist.: FM 2-1989(Temp), f. & cert. ef. 3-20-89; FM 5-1989, f. & cert. ef. 9-15-89; OSFM 6-2000(Temp), f. 6-5-00, cert. ef. 6-5-00 thru 12-1-00; OSFM 15-2000, f. & cert. ef. 12-4-00; OSFM 6-2002, f. & cert. ef. 6-14-02; OSFM 6-2004(Temp), f. & cert. ef. 11-17-04 thru 5-15-

05; Administrative correction 5-20-05; OSFM 8-2005, f. 5-24-05, cert. ef. 6-7-05; OSFM 9-2008(Temp), f. 11-14-08, cert. ef. 11-17-08 thru 5-8-09

837-012-0625

Retail Permit Fees

(1) Permit fees shall be paid at, or mailed to, the Office of State Fire Marshal and shall accompany the Permit Application.

(2) Payment shall be made by personal check, business check, cashier's check or money order made payable to the Office of State Fire Marshal. If the fee is paid by either personal or business check, the Office of State Fire Marshal shall not take any action on the Permit Application until the check has cleared the bank.

(3) The permit fee for each Permit Application shall be \$100.

(4) Permit fees are non-refundable and non-transferable.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.110 - 480.165

Hist.: FM 1-1990(Temp), f. & cert. ef. 1-12-90; FM 4-1990, f. & cert. ef. 7-10-90; OSFM 14-2000, f. & cert. ef. 12-4-00; OSFM 11-2001, f. & cert. ef. 12-14-01; OSFM 3-2005, f. & cert. ef. 2-15-05; OSFM 13-2005(Temp), f. & cert. ef. 8-16-05 thru 2-11-06; OSFM 2-2006(Temp), f. & cert. ef. 2-13-06 thru 3-10-06; OSFM 5-2006, f. & cert. ef. 3-10-06; OSFM 9-2008(Temp), f. 11-14-08, cert. ef. 11-17-08 thru 5-8-09

837-012-0750

Display Permit Application Fees

(1) Display Permit Application fees shall be paid at, or mailed to, the Office of State Fire Marshal and shall accompany the Display Permit Application.

(2) Payment shall be made by personal check, business check, cashier's check or money order made payable to the Office of State Fire Marshal. If the fee is paid by either personal or business check, the Office of State Fire Marshal shall not take any action on the Display Permit Application until the check has cleared the bank.

(3) The Display Permit Application fee for a Display Permit is \$100.

(4) Display Permit Application fees are non-refundable and non-transferable.

Stat. Auth.: ORS 480.150

Stats. Implemented: ORS 480.110 - 480.165

Hist.: FM 2-1992, f. & cert. ef. 3-10-92; OSFM 4-2002(Temp), f. & cert. ef. 2-25-02 thru 8-19-02; OSFM 7-2002, f. & cert. ef. 6-20-02; OSFM 2-2005, f. & cert. ef. 2-15-05; OSFM 13-2005(Temp), f. & cert. ef. 8-16-05 thru 2-11-06; OSFM 3-2006(Temp), f. & cert. ef. 2-13-06 thru 3-10-06; OSFM 6-2006, f. & cert. ef. 3-10-06; OSFM 9-2008(Temp), f. 11-14-08, cert. ef. 11-17-08 thru 5-8-09

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**Department of Revenue
Chapter 150**

Rule Caption: Definition of pay qualifying for \$6,000 subtraction for members of Armed Forces.

Adm. Order No.: REV 12-2008(Temp)

Filed with Sec. of State: 10-24-2008

Certified to be Effective: 11-1-08 thru 4-29-09

Notice Publication Date:

Rules Adopted: 150-316.680(1)(c)-(C)

Subject: 150-316.680(1)(c)-(C) TEMP defines the type of pay that qualifies for a maximum subtraction of \$6,000 when received by a member of the Armed Forces. Qualifying pay includes pay received for weekend drills, annual training, encampments, special school attendance and battle assemblies of the reserves.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-316.680(1)(c)-(C)

Definition of Pay Qualifying for \$6,000 Deduction

For purposes of ORS 316.680(1)(c)(A), and notwithstanding 150-316.680(1)(c)-(B), "active service" includes pay received for weekend drills, annual training, encampments, special school attendance, and battle assemblies of the reserves. This rule applies to pay received for tax years beginning on or after January 1, 2007.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.680(1)(c)(A)

Hist.: REV 12-2008(Temp), f. 10-24-08, cert. ef. 11-1-08 thru 4-29-09

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Rule Caption: Inheritance tax credit for natural resource based property.

Adm. Order No.: REV 13-2008

Filed with Sec. of State: 11-3-2008

Certified to be Effective: 11-3-08

Notice Publication Date: 7-1-2008

Rules Adopted: 150-118.140

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Rules Repealed: 150-118.140(T)

Subject: OAR 150-118.140 is adopted to implement provisions of 2008 Oregon Laws chapter 28 (HB 3618), including:

- (1) Define member of family, adjusted gross estate, working capital and other terms.
- (2) Provide that federal elections are binding for Oregon purposes.
- (3) Clarify that fishing business credit does not require look back period of 5 out of 8 years.
- (4) Reflect the statutory extension period for filing returns without penalty and interest.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-118.140

Inheritance Tax Credit for Natural Resource or Commercial Fishing Property

(1) Definitions. The following definitions apply for purposes of ORS 118.140 and this rule:

(a) “Active Management” is defined by Internal Revenue Code (IRC) Section 2032A(e)(12) and means the making of the management decisions of a business (other than the daily operating decisions). Treasury Regulations 20.2032A-3(e) through (g) provide additional examples of active management.

(b) “Adjusted gross estate” means the value of the gross estate reduced by the sum of the amounts allowable as a deduction under either IRC sections 2053 or 2054, or both. The amount is determined on the basis of the facts and circumstances in existence on the date (including extensions) for filing the return of tax imposed by chapter 118 (or, if earlier, the date on which the return is filed).

(c) “Current assets” means the sum of cash and cash equivalents, accounts receivable, inventory, marketable securities, prepaid expenses and other assets of the qualified natural resource business that can be converted to cash within one year. Current assets do not include assets not used in the qualified natural resource business, long-term assets such as capital or sinking funds, or personal assets.

(d) “Current liabilities” means the sum of all money owed to the qualified natural resource business that is required to be paid within one year.

(e) “Domestic partner” means an individual who has entered into a domestic partnership as defined in the Oregon Family Fairness Act; Chapter 99, Oregon Laws 2007 (notes following ORS 106.990).

(f) “Member of family” means, with respect to a decedent:

(A) An ancestor of the decedent;

(B) The spouse or domestic partner of the decedent;

(C) A lineal descendant of the decedent, of the decedent’s spouse or domestic partner, or of a parent of the decedent, or

(D) The spouse or domestic partner of any lineal descendant described in paragraph (C). For purposes of the preceding sentence, a legally adopted child of an individual is treated as the child of such individual by blood.

(g) “Working capital” means current assets less current liabilities.

(h) “Working capital of a farm, natural resource-based business or fishing business” means working capital in an amount that represents the funds needed to operate the business annually.

(2) Federal Elections Binding for Oregon. Because ORS 118.007 ties Oregon inheritance tax law to the Internal Revenue Code (IRC) as it existed on December 31, 2000, elections that were available on December 31, 2000, and that are made for federal estate tax purposes are binding for Oregon inheritance tax purposes unless specifically provided otherwise by statute or rule. Property that is excluded from the estate due to claiming a marital deduction under IRC § 2056 cannot be included in the Oregon estate in order to claim a tax credit under this section.

Example 1: Edwina passed away on July 1, 2007; her husband survives her. The value of her gross estate is \$8,000,000, made up entirely of natural resource property. For federal estate tax purposes, the estate elects a marital deduction of \$6,000,000. The unified credit offsets tax otherwise due on the balance of the estate, \$2,000,000, and there is no federal tax due. For Oregon purposes, the \$6,000,000 marital deduction election applies. In addition, the estate may elect to establish a Special Oregon Marital property trust as provided in ORS 118.016 to shelter \$1,000,000 of the value of the estate (the difference between the \$1,000,000 Oregon taxable estate and the \$2,000,000 federal taxable estate). Alternatively, the estate may use any portion of the \$2,000,000 in value to claim a natural resource credit against tax imposed on the estate.

(3) Active Management by a Member of Family. If natural resource property or a commercial fishing business is owned indirectly by the decedent or a member of the family, the following requirements must be met to qualify for a credit under ORS 118.140:

(a) At least one member of the family must engage in active management of the natural resource property or commercial fishing business after the transfer.

(A) The determination of whether active management occurs is factual, and the requirement can be met even though no self-employment tax is payable by the member of the family with respect to income derived from the farm or other trade or business operation.

(B) Among the farming activities, various combinations of which constitute active management, are inspecting growing crops, reviewing and approving annual crop plans in advance of planting, making a substantial number of the management decisions of the business operation, and approving expenditures for other than nominal operating expenses in advance of the time the amounts are expended.

(C) Examples of active management decisions are what crops to plant or how many cattle to raise, what fields to leave fallow, where and when to market crops and other business products, how to finance business operations, and what capital expenditures the trade or business should make.

(b) An otherwise qualifying natural resource property or commercial fishing business qualifies for the credit without active management if it is the subject of a net cash lease or percentage lease from the decedent or a member of the decedent’s family.

(c) The property also qualifies for the credit if it is held in trust for a member of the family or if the property is transferred directly to a member of the family.

(d) If an indirect interest is held in trust for a member of the family, it qualifies as long as a member of the family is engaged in the active management of the business.

(e) The trustee does not have to be engaged in active management if these requirements are met.

(4) Prior Use Requirement.

(a) An estate that otherwise qualifies for the commercial fishing business property credit is not required to meet the aggregate use period of five out of eight years ending on the date of the decedent’s death.

(b) Active management of the natural resource property is not a requirement prior to death.

Example 2: Kelly died on April 3, 2007. Kelly owned and operated Kelly’s Fishing Boat business starting in February 2005. The estate files the tax return with the department on June 17, 2008, claiming the commercial fishing business credit, and pays the inheritance tax due. The estate may claim the commercial fishing business credit providing all other requirements to qualify for the credit are met.

(5) Future Use Requirement. In order for the estate to meet the requirements of ORS 118.140(7)(a) the following apply.

(a) Cash and like cash assets that are included in the credit calculation as working capital must be spent on the operation of the business either during the year of death or any of the eight calendar years following the decedent’s death. Current assets remaining unspent on January 1 of the ninth calendar year following the decedent’s death are subject to recapture of tax under ORS 118.140(7)(a).

(b) Payment of federal estate taxes or state inheritance taxes is not considered to be an expense incurred in operation of the natural resource business. Thus, use of cash or other assets to pay those taxes results in recapture of the credit to the extent the cash or asset was used as the basis for the credit.

Example 3: The Smith estate claimed a credit in 2007 based on farming assets worth \$1,000,000. In 2009, the estate sold a combine for \$100,000 to pay additional federal estate tax resulting from an audit. Sale of the combine results in recapture of the tax credit because the combine was not used in the farming business for 5 of the 8 years following the decedent’s death.

(6) Claiming a Partial Credit. In determining whether the value of the credit property is at least 50 percent of the total estate, all of the eligible property must be considered, regardless of an election to claim only a partial credit under ORS 118.140(2)(b)(C).

(7) Working Capital. The determination of whether an amount qualifies as “working capital of a farm, natural resource-based business or fishing business” is based on the facts and circumstances existing at the decedent’s death. However, the department will presume that working capital that does not exceed the highest amount of working capital present at any time during the five years prior to the year of the date of death qualifies as “working capital of a farm, natural resource-based business or fishing business.” This presumption may be overcome by the facts in a particular case, including, but not limited to, the growth rate of the business, the length of the business cycle or the proximity of the date of death to the harvest date.

(8) Interest and Penalty. The department will not charge penalty or interest if an estate claims a natural resource property or commercial fishing business property credit or if the estate is directly affected by the changes made to ORS 118.140 by chapter 28, Oregon Laws 2008 and the return is filed and tax is paid before September 1, 2008. This provision

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applies to estates of decedents dying on or after January 1, 2007, and before December 1, 2007.

Example 4: John died on June 23, 2007. The regular due date of the inheritance tax return is March 23, 2008. The estate files the return with the department on August 29, 2008, claiming the natural resource credit, and pays the inheritance tax due. Because the return is filed and the tax is paid before September 1, 2008, the interest and penalty which would otherwise result from late filing and late payment is cancelled.

Stat. Auth.: ORS 305.100 & 118.140

Stats. Implemented: ORS 118.140

Hist.: REV 4-2008(Temp), f. & cert. ef. 5-23-08 thru 11-17-08; REV 13-2008, f. & cert. ef. 11-3-08

Rule Caption: Unit valuation of property.

Adm. Order No.: REV 14-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 11-14-08

Notice Publication Date: 7-1-2008

Rules Adopted: 150-308.555

Subject: 150-308.555 clarifies how the department determines the unit of property when multiple legal entities participate in the operation of a centrally assessed business subject to property tax assessment under ORS 308.505 to 308.665.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-308.555

Unit Valuation of Centrally Assessed Properties

(1) ORS 308.555 authorizes the department to assess property by valuing the entire property as a unit. Determination of the proper unit of property to be valued is a question of fact to be decided by the appraiser under rules adopted pursuant to 308.655 and the guidelines in the WSATA Handbook, adopted in OAR 150-308.205-(B).

(2) For purposes of determining the assessed value of centrally assessed property appraised as a unit pursuant to ORS 308.505 to 308.665, the following definitions apply:

(a) "Controlling interest" means owning or holding more than 50 percent of the voting stock or shares in a company.

(b) "Holding company" means a company that is formed to own the stock in other companies.

(A) A holding company usually owns enough voting stock in another corporation to influence its board of directors and, therefore, to control its policies and management.

(B) A holding company's operations are the operations of the companies in which it holds stock.

(c) "Parent Company" means a company that owns a controlling interest in another company.

(d) "Unit" means all property, real and personal, tangible and intangible, as described in ORS 308.510, and used or held for future use by a company in providing the services and commodities listed in ORS 308.515.

(e) "Unit valuation" is the valuation of integrated assets functioning as an economic unit at their highest and best use.

(3) The department may consider a variety of facts to determine what property should be assessed as a unit. These include, but are not limited to:

(a) Functional integration, determined by looking at the operation of the property used in the business at its highest and best use,

(b) Integration of management, administration, marketing, financing, use of employees and other resources of the business in which the property is used;

(c) Use of the property that contributes to the service or business listed in ORS 308.515;

(d) How both stock investors and investors acquiring all or a portion of the business assets or stock view investment in the property;

(e) Information in:

(A) Reports filed by publicly traded companies with the Securities and Exchange Commission;

(B) Filings with other governmental or nongovernmental agencies or organizations; and

(C) Other documents or materials used by the business in its service or sales.

(4) When valuing property as a unit:

(a) The department may include property used or held for future use by a parent company, holding company, subsidiary, or any other type of legal entity, including but not limited to partnerships, LLCs or joint ventures, when the department determines that the property of such business is operationally or financially integrated without regard to the physical location of the property, whether within or without the United States.

(b) The department will generally assess the property of each company on the roll (ORS 308.560) in the name of the parent corporation when the company unit includes more than one corporate entity.

NOTE: Publications: The publication referred to or incorporated by reference in this rule is available from the Department of Revenue pursuant to ORS 183.360(2) and 183.355(6).

Stat. Auth.: ORS 305.100 & 308.655

Stats. Implemented: ORS 308.555 & 308.515

Hist.: REV 14-2008, f. & cert. ef. 11-14-08

Rule Caption: Tax credit for biomass producers or collectors.

Adm. Order No.: REV 15-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 11-14-08

Notice Publication Date: 7-1-2008

Rules Adopted: 150-315.141

Subject: 150-315.141 provides definitions and clarifies requirements and procedures related to the tax credit available to producers or collectors of biomass.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-315.141

Biomass Production or Collection Credit

(1) Definitions for purposes of ORS 315.141 and this rule.

(a) "Biomass collector" means a person that:

(A) Physically (including through employees or agents) collects biomass or receives biomass from another person (whether or not for consideration); and

(B) Transfers that biomass to a person that is a biofuel producer.

(b) "Agricultural producer" means a person that:

(A) Produces (including through employees or agents) biomass; and

(B) Transfers that biomass to a person that is a biofuel producer.

(c) "Biofuel producer" is a person that:

(A) Through activities in Oregon, alters the physical makeup of biomass to convert it into a biofuel;

(B) Through activities in Oregon, changes the biomass from one biofuel to another biofuel; or

(C) Uses biomass in Oregon to produce energy.

(d) "Person" means any of the following:

(A) An individual; or

(B) A legal entity (including but not limited to any domestic or foreign corporation, trust, partnership, or limited liability company), regardless of whether the entity is treated as a separate entity for income tax purposes.

(e) "Transfer" means, with respect to any biomass, a conveyance of ownership of such biomass from an agricultural producer or biomass collector to a biofuel producer. In addition to the receipt required under subsection (2)(d) of this rule, a transfer of biomass must be substantiated with:

(A) Written records, including invoices or a bill of sale, indicating that the producer or collector has conveyed ownership of the biomass to the biofuel producer;

(B) Written statements from the biofuel producer indicating a transfer has occurred; or

(C) Receipts demonstrating that the biomass was transported to a biofuel producer or an agent of the biofuel producer.

(2) Qualifications for the production or collection credit. To qualify for the credit under ORS 315.141, the taxpayer must:

(a) Be a person that is an agricultural producer or biomass collector;

(b) Own or have the contractual rights to the biomass at the time the biomass is transferred to the biofuel producer;

(c) Transfer the ownership or contractual rights in the biomass to a person that is a biofuel producer; and

(d) Obtain from the biofuel producer a written receipt, based on data recorded at the time of the transfer, stating the quantity and type of the biomass and a statement of affirmation that the biomass will be used in Oregon as a biofuel or used in Oregon to produce biofuel. The receipt and statement described in this paragraph must be kept in the taxpayer's records for five years after the tax year in which the credit is claimed.

Example 1: Ed owns forested property in Oregon. Ed hires Kerry to collect wood debris, which qualifies for a biomass tax credit, and delivers it to Woody Pellets, a biofuel producer. Upon delivery, Woody Pellets issues a receipt to Ed with the quantity and a description of the biomass along with an affirmation that the biomass will be used to produce biofuel. Ed, not Kerry, is the person eligible to take the credit for the biomass because he owns the wood debris. Kerry was only hired as Ed's agent to collect and deliver the wood debris and did not have an ownership interest in the debris.

Example 2: Same facts as in Example 1 except that the contract between Ed and Kerry provides that Kerry will own the wood debris once it is removed from Ed's land.

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When Kerry later delivers the debris to Woody Pellets, Kerry, not Ed, may claim the credit because she owns the biomass being transferred. Ed is not eligible for the credit because Ed relinquished his rights in the biomass to Kerry.

Example 3: Ed, who owns forested property in Oregon, has decided to sell 700 of the 1,000 tons of woody biomass he has collected to Heat Pellets, Inc., a biofuel producer. Ed will transport the remaining 300 tons of woody biomass to his lumber yard where he will convert it into a biofuel. Ed is eligible to claim the credit under ORS 314.141 for the 700 tons of woody biomass he sells to Heat Pellets, Inc. Ed is not eligible to claim the credit under ORS 314.141 for the 300 tons of woody biomass he keeps and transforms into a biofuel because a transfer from a biomass collector (or agricultural producer) to a biofuel producer has not occurred.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.141

Hist.: REV 15-2008, f. & cert. ef. 11-14-08

Department of State Lands Chapter 141

Rule Caption: Corrects a wording error within the Division 014 rules.

Adm. Order No.: DSL 5-2008

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-23-08

Notice Publication Date: 8-1-2008

Rules Amended: 141-014-0370

Subject: These rules:

(1) Govern the granting of leases and licenses for the removal or use of (a) rock, sand, gravel and silt derived from state-owned submerged and submergible land (termed "material"); and (b) state-owned dredged material that has been placed on either land controlled by the Department of State Lands or land belonging to another person.

(2) Describe when compensation is due to the Department for the removal or use of material.

(3) Are in addition to other rules that may also be applicable to the removal or use of Division 85 (Administrative Rules Governing the Issuance and Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands).

Rules Coordinator: Elizabeth Martino—(503) 986-5239

141-014-0370

Insurance and Bond

(1) The Department, in the exercise of its reasonable discretion, may require the holder of a lease or license to remove or use material to obtain insurance in a specified amount if the use or removal, in the opinion of the Department, constitutes a risk to public safety, or to the State of Oregon.

(2) The Department may request that the applicant for, or the holder of a lease or license to remove or use material provide information concerning the use of the area to the Risk Management Division of the Oregon Department of Administrative Services, which may assist the Department in determining the appropriate amount of insurance coverage based on the nature of the use.

(3) The Department may, at its discretion, require that the holder of a lease or license obtain a surety or bid bond in an amount specified by the Department (or a cash deposit in an amount equal to the surety bond and which names the State of Oregon as co-owner) to ensure that they will perform in accordance with all terms and conditions of the lease or license.

Stat. Auth.: ORS 273.551, 274.525, 274.530, 274.550 & 274.560

Stats. Implemented: ORS 274.525 & 274.550

Hist.: DSL 2-2008, f. & cert. ef. 10-15-08; DSL 5-2008, f. & cert. ef. 10-23-08

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

Rule Caption: Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation.

Adm. Order No.: DMV 26-2008

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-23-08

Notice Publication Date: 9-1-2008

Rules Amended: 735-070-0030

Subject: OAR 735-070-0030 establishes when DMV will suspend or revoke a person's Oregon driving privileges based on notification from another jurisdiction of a conviction, suspension or revocation in that jurisdiction. Section (5) of the rule establishes what evidence

must be received by DMV that the underlying cause for suspension under Section (3) of the rule has ended in the reporting jurisdiction. These are suspensions based on notification from another jurisdiction that a citizen of Oregon has been suspended or revoked in that jurisdiction under implied consent laws for failure or refusal of a breath, blood or urine test.

DMV amended OAR 735-070-0030(5) to include a DMV inquiry on the National Driver Register/Problem Driver Pointer System (NDR/PDPS) that shows clear in the reporting jurisdiction as acceptable evidence that the suspension or revocation in the reporting jurisdiction has ended. This inquiry will show electronically that the person's driving privileges are no longer suspended or revoked in the reporting jurisdiction for the reasons described above. Previously the person whose driving privileges were suspended or revoked by another jurisdiction had to provide a letter or certified copy of the driving record in the other jurisdiction to show that the suspension or revocation has ended. Other jurisdictions are often resistant to write such letters when they know Oregon DMV can access the information electronically.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0030

Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation

(1) For purposes of ORS 809.400(1):

(a) The date a notice of conviction is received by the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) is:

(A) The date the notice of conviction is date stamped by the Driver Records Unit; or

(B) The date the notice of conviction is electronically transmitted to Oregon DMV from the reporting jurisdiction.

(b) "Initiated" means the date the conviction is entered on the person's Oregon driving record.

(c) A conviction is entered on the person's Oregon driving record when it is manually placed on the record by DMV or when it is transmitted from the reporting jurisdiction if received electronically.

(2) Except as provided in ORS 809.400(1), DMV will suspend or revoke the driving privileges of any resident of this state upon receiving notice of the conviction of the person in another jurisdiction for an offense which, if committed in this state, would be grounds for suspending or revoking of the person's driving privileges.

(3) DMV will suspend the driving privileges of a resident of this state, upon receiving notice from another state, territory, federal possession or district, or province of Canada that the person's driving privileges have been suspended or revoked in that jurisdiction under circumstances which would require DMV to suspend driving privileges under ORS 813.410(1) if the conduct had occurred in Oregon.

(4) DMV will suspend the commercial driving privileges of a resident of this state pursuant to ORS 809.413(12), upon receiving notice that the person's commercial driving privileges have been suspended or revoked in another jurisdiction under circumstances that would require DMV to suspend driving privileges if the conduct had occurred in Oregon. The period of suspension will be the same as would be imposed if the conduct had occurred in Oregon.

(5) A suspension under section (3) of this rule will continue until evidence acceptable to DMV is received that the person has complied with the law of the reporting jurisdiction, driving privileges have been restored in the reporting jurisdiction, or the revocation or suspension in the other jurisdiction was not imposed under circumstances that would require DMV to suspend driving privileges under ORS 813.410(1) if the conduct had occurred in Oregon. Acceptable evidence is:

(a) A letter on letterhead from the reporting jurisdiction showing the person has complied with the jurisdiction's law or that driving privileges have been restored.

(b) A certified copy of the driving record from the reporting jurisdiction showing the restoration of driving privileges;

(c) Response to a DMV inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) indicating the person's driving privileges are not suspended, revoked, cancelled or otherwise not valid in the reporting jurisdiction; or

(d) A copy of the reporting jurisdiction's law and any relevant documents showing the suspension or revocation was not imposed under cir-

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cumstances that would require DMV to suspend if the conduct had occurred in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.400
Stats. Implemented: ORS 802.540, 809.413 & 809.400
Hist.: MV 10-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0053; MV 16-1990, f. & cert. ef. 9-25-90; MV 1-1992, f. & cert. ef. 2-18-92; DMV 6-1995, f. & cert. ef. 3-9-95; DMV 22-2004, f. 11-17-04, cert. ef. 1-1-05; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 26-2008, f. & cert. ef. 10-23-08

Landscape Architect Board Chapter 804

Rule Caption: Adopt model rules; open exam site opportunities; eliminate exemption for PDH; identify PDH requirements for reinstatement.

Adm. Order No.: LAB 4-2008

Filed with Sec. of State: 11-7-2008

Certified to be Effective: 11-7-08

Notice Publication Date: 10-1-2008

Rules Adopted: 804-025-0015

Rules Amended: 804-001-0005, 804-020-0001, 804-025-0010

Subject: OAR 804-001-0005 updates the date for the Model Rules adopted by the Board.

OAR 804-020-0001 identifies that the Board will honor national test results acquired at regional test sites.

OAR 804-025-0010 removes the exemption for the PDH requirement for new registrants. Because the initial registration date is one year from the first renewal, every registrant must complete the PDH, even those in the first year of registration.

OAR 804-025-0015 outlines the requirements of professional development hours (PDH) for reinstatement of registration for those that have been in inactive status.

Rules Coordinator: Susanna Knight—(503) 589-0093

804-001-0005

Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, in effect on January 1, 2008, are adopted as the rules of procedure for the State Landscape Architect Board.

Stat. Auth.: ORS 183 & 671
Stats. Implemented:
Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 3-2006, f. & cert. ef. 8-14-06; LAB 4-2008, f. & cert. ef. 11-7-08

804-020-0001

Landscape Architect Registration Examination (LARE)

(1) The board administers the Landscape Architect Registration Examination (LARE) prepared by the Council of Landscape Architect Registration Boards (CLARB) to test the applicants' knowledge, skills, and abilities considered to be the minimum competency needed for protecting the health, safety and welfare of the public.

(2) The board administers sections of the LARE as designated by CLARB.

(3) Candidates must request of CLARB to provide verification to the Oregon Board of passing Sections A, B, and D of the LARE.

(4) In lieu of sitting for examinations at the Oregon examination site, the Board will honor test results from CLARB's regional test centers for Section C and Section E.

Stat. Auth.: ORS 671
Stats. Implemented: ORS 671.335
Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-020-0020. LAB 1-2007, f. & cert. ef. 4-27-07; LAB 4-2008, f. & cert. ef. 11-7-08

804-025-0010

Continuing Education Requirements

(1) Exemptions: A registrant may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

(a) A registrant is called to active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year. This individual may be exempt from obtaining one-half of the required continuing education during that renewal period.

(b) A registrant experiences physical disability, illness, or other extenuating circumstances that prevents the registrant from practicing landscape architecture. The registrant shall provide supporting documentation for the

board's review and approval. If the registrant elects to return to practice, the registrant shall complete all professional development hours required for one renewal cycle, in addition to those required for the next licensure renewal.

(2) Records: each registrant shall maintain:

(a) A log showing the subject and type of activity claimed, the sponsoring organization, location, duration and instructor's or speaker's name.

(b) Documentation sufficient to prove completion of the activity claimed such as attendance verification records, completion certificates or other documents;

(c) Required log and documentation for at least four (4) years.

(3) Audit: Upon request, each registrant shall provide proof of satisfying the continuing education requirements. If the registrant fails to furnish the information as required by the board or if the information is not sufficient to satisfy the requirements, the license shall not be renewed.

(4) Disallowance: If the board disallows one or more continuing education activities claimed, the board may, at its discretion, allow the registrant up to 120 days after notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

Stat. Auth.: ORS 671.415
Stat. Implemented: ORS 671.395
Hist.: LAB 1-2005, f. & cert. ef. 2-14-05; LAB 4-2008, f. & cert. ef. 11-7-08

804-025-0015

Continuing Education Requirements for Reactivation of Registration

(1) If the inactive registration is less than one year, the Inactive registrant must provide proof of meeting all of the continuing education requirements of OAR 804-025-0020(2) for reactivation of registration.

(2) If the inactive registration is for one year or more, the Inactive registrant must provide proof of meeting the continuing education requirements of OAR 804-025-0020(2) during the two year period immediately prior to reactivation of registration.

(3) Delinquent registrants seeking reinstatement must provide proof of compliance with requirements of OAR 804-025-0020(2) for each year the registration has been delinquent before the registration may be considered for reinstatement.

Stat. Auth.: ORS 183 & 671
Stat. Implemented: ORS 671.335, 671.395 & 671.415
Hist.: LAB 4-2008, f. & cert. ef. 11-7-08

Landscape Contractors Board Chapter 808

Rule Caption: Housekeeping; corrects references; adjust amounts of landscaping work a general contractor may perform based upon CPI Index; and amends and clarifies civil penalty amounts and when a civil penalty may be adjusted per a settlement agreement.

Adm. Order No.: LCB 10-2008

Filed with Sec. of State: 11-6-2008

Certified to be Effective: 11-6-08

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Rules Amended: 808-002-0210, 808-002-0340, 808-002-0420, 808-002-0820, 808-002-0840, 808-003-0015, 808-003-0018, 808-003-0040, 808-003-0045, 808-003-0130, 808-003-0200, 808-003-0210, 808-003-0220, 808-003-0450, 808-005-0020, 808-030-0050, 808-030-0060, 808-040-0010

Subject: 808-002-0210 — Corrects statutory reference.

808-002-0340 — corrects statutory reference.

808-002-0420 — Updates definition to show type of college accreditation.

808-002-0820 — Corrects statutory reference.

808-002-0840 — Corrects statutory reference.

808-003-0015 — Updates titles and requirements to apply for licenses.

808-003-0018 — Corrects statutory language.

808-003-0040 — Corrects statutory language.

808-003-0045 — Corrects statutory language and updates name of Laws & Rules section of examination.

808-003-0130 — Corrects statutory language; deletes fees for examination due to examination being contracted out to be admin-

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istered by a third party. These fees are no longer paid to the LCB, but to the third party.

808-003-0200 — Corrects statutory language.

808-003-0210 — Increases amount of landscaping work a general contractor may perform from \$3,000 to \$3,400.

808-003-0220 — Corrects statutory language.

808-003-0450 — Corrects statutory reference.

808-005-0020 — Corrects statutory references and amends and clarifies civil penalty amounts to be assessed and when those amounts may be adjusted per a settlement agreement.

808-030-0050 — Corrects statutory references and updates requirement for owner/managing employee testing.

808-030-0060 — Updates requirements for owner/managing employee testing.

808-040-0010 — Corrects statutory references and language.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-002-0210

Claimant

“Claimant” means a person who files a claim against a landscape contracting business under ORS 671.760.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671

Hist.: LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-002-0340

Employ

“Employ,” as used in ORS 671.530(6), 671.565(1)(b) and 671.610(2)(e), means to hire an employee, as defined in OAR 808-002-0360, and thereafter be subject to ORS Chapters 654, 656, 657 and state and federal wage and hour laws.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.530 & 671.565

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LC 2-1984, f. & ef. 10-2-84; LC 1-1985, f. & ef. 7-1-85; LC 1-1986, f. & ef. 1-3-86; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 3-1991(Temp), f. & cert. ef. 12-3-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 3-1992(Temp), f. & cert. ef. 7-16-92; LCB 1-1993, f. & cert. ef. 1-19-93; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 10-2008, f. & cert. ef. 11-6-08

808-002-0420

Full Year of Training

“Full Year of Training in an area related to landscaping at an Accredited School or College”, as used in ORS 671.570(1)(d)(B) means 36 quarter hours or 24 semester hours of classes relating to landscape contracting at a school or college accredited by an agency recognized by either the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA).

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.570

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LC 2-1984, f. & ef. 10-2-84; LC 1-1985, f. & ef. 7-1-85; LC 1-1986, f. & ef. 1-3-86; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 3-1991(Temp), f. & cert. ef. 12-3-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 3-1992(Temp), f. & cert. ef. 7-16-92; LCB 1-1993, f. & cert. ef. 1-19-93; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LCB 10-2008, f. & cert. ef. 11-6-08

808-002-0820

Residential Dwelling

“Residential Dwelling” as used in ORS 671.540(8) means a residence, including a site-built home, a modular home constructed off site, a manufactured dwelling, or a duplex.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.540

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LC 2-1984, f. & ef. 10-2-84; LC 1-1985, f. & ef. 7-1-85; LC 1-1986, f. & ef. 1-3-86; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 3-1991(Temp), f. & cert. ef. 12-3-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 3-1992(Temp), f. & cert. ef. 7-16-92; LCB 1-1993, f. & cert. ef. 1-19-93; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LCB 10-2008, f. & cert. ef. 11-6-08

808-002-0840

Residential Property

“Residential Property” as used in ORS 671.540(8) and (9) means property upon which one or more “residential dwellings,” as defined in 808-002-0820 are constructed or will be constructed.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.540

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LC 2-1984, f. & ef. 10-2-84; LC 1-1985, f. & ef. 7-1-85; LC 1-1986, f. & ef. 1-3-86; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 3-1991(Temp), f. & cert. ef. 12-3-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 3-1992(Temp), f. & cert. ef. 7-16-92; LCB 1-1993, f. & cert. ef. 1-19-93; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0015

Application for Landscape Contracting Business and Landscape Construction Professional License

(1) Application for a landscape contracting business license shall be on forms provided by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional assumed business names under which the landscaping work is conducted and Corporation Division registry numbers (if applicable). The business entity name and all assumed business names listed must be the same as what appears on record with the Corporation Division, if applicable;

(b) Mailing and physical address of the business entity;

(c) Name of all owners and percent of ownership of each owner;

(d) Name and license number of all licensed landscape construction professionals employed by the business as required under ORS 671.565 along with a signed and notarized verification of employment form provided by the agency. A business may meet the requirements of ORS 671.565, not withstanding the conditions or ORS 657.044, if the licensed landscape construction professional is a sole proprietor, a member of an LLC, a general partner in a partnership, or a stockholder of a Sub Chapter S-Corp and is actively involved in the landscape contracting business' operations and is receiving remuneration, whether by salary or other payment, for services provided;

(e) Name and address of owner or managing employee;

(f) Independent contractor certification statement;

(g) A signed statement by the owner of the business, on which the landscape contracting business estimates the total maximum job charges for a single landscape job during the term of the license for the purpose of determining the correct bonding amount for that specific term of the license;

(h) Social security number of the owner of a sole proprietorship or partners in a general partnership (where the partners are human beings);

(i) Complete questions to Licensing and Litigation History and Criminal Background sections;

(j) State Tax Identification number, if applicable;

(k) Federal Employer ID Number (EIN), if applicable;

(l) Workers Compensation Information, if non-exempt; and

(j) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct.

(2) Application for a landscape contracting business license must be accompanied by:

(a) A non-refundable application fee;

(b) A required license fee;

(b) A properly executed surety bond, irrevocable letter of credit or deposit as required under ORS 671.690;

(c) A Certificate of Liability Insurance as required under ORS 671.565 for an amount not less than \$100,000 listing the Landscape Contractors Board as the certificate holder;

(d) A Certificate of Completion of Owner/Managing Employee course from an approved course provider and proof of passing the Laws, Rules & Business Practice examination;

(e) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, “applicant” has the same meaning as owner as defined in OAR 808-002-0734.

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(e) Copies of the original and amended articles of incorporation for corporations, organizational filings for limited liability companies, and partnership agreements for partnerships; and

(f) A completed, signed and notarized Verification form (provided by the board) for every licensed landscape construction professional who is supervising work for the landscape contracting business as required in OAR 808-003-0018.

(3) Application for a landscape construction professional license shall be on forms provided by the agency and shall be accompanied by:

(a) A non-refundable application fee;

(b) Verification of experience and/or transcripts or copies of completion certificates from courses of study;

(c) If applicable, name of employing licensed landscape contracting business or businesses;

(d) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, "applicant" means the person applying for the individual landscape construction professional license;

(e) Complete questions to Licensing and Litigation History and Criminal Background sections;

(f) Social security number of the applicant;

(g) Mailing and physical address of the applicant; and

(h) Signature of applicant.

(4) Application for a probationary landscape construction professional license shall be on forms provided by the agency and shall be accompanied by:

(a) A non-refundable application fee,

(b) If applicable the name of the employing licensed landscape contracting business or businesses.

(c) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, "applicant" means the person applying for the individual probationary landscape construction professional license;

(d) Complete questions to Licensing and Litigation History and Criminal Background sections;

(e) Social security number of the applicant;

(f) Mailing and physical address of the applicant; and

(g) Signature of applicant.

(5) If an applicant as defined in subsections (1), (3) and (4) of this rule has any unpaid damages as stated in subsections (1), (3) and (4) of this rule and there are no appeals or exceptions filed, the applicant must show current payments are being made. If payments are not being made, the Landscape Contractors Board may refuse to issue the license.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560, 671.563 & 671.565

Hist.: LC 3, f. & ef. 2-7-77; LC 3-1980, f. & ef. 2-5-80; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0015; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-1999, f. & cert. ef. 11-17-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 4-2005, f. & cert. ef. 10-5-05; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0018

Employment, Change of License Phase, Supervisory Responsibilities

(1) If a landscaping contracting business employs only one licensed landscape construction professional, that licensed landscape construction professional must hold a license covering each phase of landscaping work that the landscape contracting business offers and must be on the payroll each hour or meet the salary test for salaried, exempt employees during the time the landscape contracting business is performing landscape work related to the landscape construction professional's phase of license.

(2) If a landscape contracting business employs more than one licensed landscape construction professional the combined licenses must cover each phase of landscaping work that the business offers and the landscape construction professionals must be on the payroll each hour or meet the salary test for salaried, exempt employees during the time the landscape contracting business is performing landscape work related to each landscape construction professional's phase of license.

(3) The licensed landscape construction professional who holds part or wholly the phase basis of the landscape contracting business license must perform the following supervisory services:

(a) Review and initial the landscape plan and written contract for each job;

(b) Attend all on-site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and

(c) Directly supervise all non-licensed employees employed by the landscape contracting business as defined in OAR 808-002-0328. For the purpose of verification of direct supervision of an unlicensed employee as required by ORS 671.540(15) or (16), the communication requirement of direct supervision will be considered met if the licensed landscape construction professional communicates with the Landscape Contractors Board investigator who requested the unlicensed employee to contact the supervising landscape construction professional before midnight of the same day of the request.

(4) A landscape contracting business must require a licensed landscape construction professional to supervise the landscaping operation of the business and directly supervise the unlicensed employees of the landscape contracting business who are performing work related to the landscape construction professional's phase of license.

(5) Upon application for and before the renewal of a landscape contracting business license, and at any other time the board requests, a landscape contracting business must submit:

(a) A completed, signed and notarized Verification form (provided by the board) for every licensed landscape construction professional for whom the landscape contracting business has not previously submitted this Verification form and who is supervising work for the landscape contracting business;

(b) A copy of the landscape construction professionals current pay stub issued by the landscape contracting business if the landscape construction professional is a paid employee with the social security number and dollar amounts redacted or blackened out and

(c) A Verification form when a new individual landscape construction professional becomes part or the whole basis of the landscape contracting business license.

(6) The Verification form verifies that the licensed landscape construction professional:

(a) Is a paid employee of the landscape contracting business and is on the payroll each hour or meets the salary test for salaried, exempt employees or is an owner of the business as defined in OAR 808-002-0734 during the time the business is performing landscape work related to the landscape construction professional's phase of license;

(b) Will directly supervise work based on the landscape construction professional's phase of license;

(c) Will attend on site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and

(d) Understands the requirement to notify the board within ten calendar days after termination of employment from the landscape contracting business.

Stat. Auth.: ORS 183.310 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.565

Hist.: LCB 2-1998, f. & cert. ef. 4-30-98; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 2-2006, f. 8-2-06, cert. ef. 10-2-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0040

Limitation of Service by License

(1) A licensed landscape contracting business shall perform only those phases of landscape work for which its owners or employees who are landscape construction professionals are licensed.

(2) The landscape work a licensed landscaping contracting business offers to perform shall be limited to the following:

(a) An all phase license holder is entitled to perform all areas of landscaping work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape construction professional contractor has signed an agreement with the Board prior to April 30, 1996 stating that the landscape construction professional will not perform Backflow Prevention work;

(b) An irrigation; no backflow limited license holder may only perform irrigation functions;

(c) A sod and seed limited license holder may only perform grass seed planting or sod laying;

(d) A tree limited license holder may only install new or transplant trees;

(e) A standard limited license holder may perform all areas of landscape work except irrigation and the installation of backflow assemblies;

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(f) An irrigation plus backflow license holder may perform only irrigation and the installation of backflow assemblies.

(g) A probationary All Phase Plus Backflow license holder may perform all areas of landscape contracting, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000.

(h) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscaping business within a 12 month period the owner or employee who holds the probationary license and is providing supervision as described in ORS 671.540(15) and (16) or 671.565(1)(b) may be required to take specific continued education hours (CEH) as required by the board that are related to the claim issues. Failure to complete the required CEH within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

(3)(a) Tapping into the potable water supply and installation of irrigation or ornamental water feature backflow assemblies shall be done by plumbers licensed by the State Plumbers Board or by licensed landscape construction professionals who have been qualified by examination to install backflow assemblies and who are either employees or owners of landscaping contracting businesses. If the backflow assembly is installed by a landscape construction professional, the landscape construction professional or landscape contracting business shall obtain all required permits and shall install the backflow assemblies in conformance with the permits;

(b) If a landscape construction professional or landscape contracting business fails to obtain permits to tap into the potable water system and install irrigation or ornamental water feature backflow assemblies or fails to comply with applicable code requirements, in addition to any other remedy, the Board may suspend, condition or revoke the landscape construction professional or landscape contracting business license.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 447.060 & 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0021; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 2-1993, f. & cert. ef. 2-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 7-2003(Temp), f. 11-28-03, cert. ef. 12-1-03 thru 5-29-04; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0045

Change to Limited Licenses

(1) Landscape construction professionals holding limited licenses may add to the phase of landscaping work they perform by taking and passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be taken and passed to hold a standard landscape license:

(a) General license holders must take Laws, Rules and Business Practice, General A, General B, General C, and General D;

(b) Sod & Seed license holders must take General A, General B, General C, and General D.

(c) Tree license holders must take General A, General B, General C, and General D.

(3) Holders of a General license, Sod & Seed license or a Tree license must take and pass the irrigation and Backflow Prevention sections of the landscape examination to become licensed to perform irrigation work and install backflow prevention devices.

(4) Probationary license holders may obtain removal from probationary status by:

(a) demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540(15) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

(5) A landscape contracting business shall notify the agency in writing (regular mail, fax or email) within ten (10) days after the date a landscape contracting business' phase of license changes:

(a) because the license phase of an owner or employee who is the licensed landscape construction professional and phase basis of the business, changes; or

(b) because the landscape construction professional ceases to own or be employed by the business, and

(c) The business for which this licensee worked must immediately stop performing those phases of work until they have an owner or employee who is licensed to perform those phases of work.

(6) An individual licensed landscape construction professional shall notify the agency in writing within ten (10) days of the date of departure of the individual license holder for a business who leaves the employ or ceases to be an owner of the business, and

(7) When a license phase is changed, the agency will issue a new license card at no cost to the licensee.

(8) The landscape contracting business shall not advertise to perform or perform services for which it is not licensed.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. & ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0130

Fees

(1) Initial license or renewal of active license

(a) Landscape contracting business, \$225.

(b) Landscape construction professional, \$75.

(2) Renewal of inactive license

(a) Landscape contracting business, \$225.

(b) Landscape construction professional, \$75.

(3) Late penalty fee:

(a) Landscape contracting business, \$25.

(b) Landscape construction professional, \$25

(4) Individual Landscape Construction Professional License

Application fee: \$60.

(5) Landscape Contracting Business License Application fee: \$75.

(6) Probationary Individual Landscape Construction Professional License Application: \$50

(7) Owner or Managing Employee Application fee: \$30.

(8) Requests for a replacement license card: \$20

(9) If a landscape construction professional license expires, the amount to be paid for reinstatement equals the required fee for each year of lapse (up to two years) plus a late penalty fee for each year.

(10) If a Landscape contracting business license expires, and the Landscape contracting business has continuously maintained its bond, irrevocable letter of credit or deposit together with required liability insurance, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement will be retroactive to the expiration date.

(11) If a Landscape contracting business license expires, and no bond, irrevocable letter of credit or deposit, or required liability insurance, has been in effect during the interim, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the required fee and documentation are received in the board office.

(12) Payments received after board deadlines, including, but not limited to payments for renewals, applications and civil penalties will be considered late and penalties shall be assessed.

(13) The board may waive the late fee if:

(a) The properly completed renewal form and correct fee are received by the agency prior to the expiration date and all other renewal requirements are met within one month after the expiration date; or

(b) The licensee's failure to meet the renewal date was caused entirely or in part by a board error or omission.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.595, 671.650 & 671.660

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1983(Temp), f. 10-14-83, ef. 10-15-83; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0035; LCB 3-1988(Temp), f. 4-11-88, cert. ef. 5-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LCB 1-1989(Temp), f. 5-16-89, cert. ef. 7-1-89; LCB 2-1989, f. & cert. ef. 7-24-89; LSCB 1-1995, f. & cert. ef. 2-2-95; LSCB 1-1997(Temp), f. & cert. ef. 6-10-97; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-2002, f. & cert. ef. 7-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 6-2003, f. & cert. ef. 10-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-

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2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0200

Bidding Exceptions

A landscape contracting business may bid on a job or perform a contract that includes the phase of landscaping work for which it is not licensed if it upgrades the landscape contracting business license by employ a landscape construction professional licensed for that phase, or subcontracts with another licensed landscape contracting business, licensed for that phase.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.530

Hist.: LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0039; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 1-1993, f. & cert. ef. 1-19-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 4-2005, f. & cert. ef. 10-5-05; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0210

General contractor licensed under ORS 701 who performs landscaping work

A general contractor licensed under ORS 701 who performs landscaping work is exempt from ORS 671.510 to 671.760 per 671.540(8) if:

(1) The landscaping work is performed on residential property as defined in OAR 808-002-0840; and

(2) The general contractor is under contract for the construction of a new dwelling; and

(3) The landscaping work was completed on or before September 1, 2003 and is less than \$2,500 per residential dwelling as defined in OAR 808-002-0820; or

(4) The landscaping work was completed after September 1, 2003 and before September 1, 2008 and is less than \$3,000 per residential dwelling as defined in OAR 808-002-0820; or

(5) The landscaping work was completed after September 1, 2008 and is less than \$3,400.00 per residential dwelling as defined in OAR 808-002-0820.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.540

Hist.: LCB 5-2003, f. & cert. ef. 8-1-03; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0220

Voluntary Surrender/Resignation of License

(1) A landscape construction professional or landscape contracting business may resign and surrender the license issued under ORS 671, by submitting a written resignation, together with the original license card issued by the Board. The licensee's resignation shall be accepted by the Board only if the licensee acknowledges in writing that:

(a) The license issued to the licensee must be returned to the Board; and

(b) After such resignation, in the event that the licensee wishes to reapply for a license to perform landscaping work, the licensee will be required to meet all requirements of ORS Chapter 671 and OAR chapter 808.

(c) All resignations are effective upon acceptance by the Board.

(2) If the licensee's license is the subject of a complaint filed with the Board or a Board investigation, or if disciplinary proceedings are pending against a licensee, the resignation by such licensee shall be deemed to be a revocation for misconduct in the event that the licensee applies for a license after such resignation is accepted by the Board. The Board may refuse to accept a resignation under this provision if the written resignation does not include a written acknowledgment by the resigning licensee of the following:

(a) That the licensee is required to return the license card to the Board;

(b) That the licensee has knowledge of any pending investigation or disciplinary proceedings and does not wish to contest or defend the matter;

(c) That the licensee understands that in the event the licensee submits a subsequent application to be licensed to perform landscaping work, the licensee shall not be entitled to a reconsideration or re-examination of the facts, complaints, or instances of misconduct upon which investigations or disciplinary proceedings were pending at the time of the resignation; and

(d) That upon any subsequent application to perform landscaping work, the licensee must meet all requirements of ORS Chapter 671 and OAR chapter 808.

(e) Unless otherwise ordered by the Board, any pending investigation or disciplinary proceeding shall be closed upon acceptance of the licensee's resignation.

(3) Requirements upon acceptance of resignation. Upon resignation, a former licensee is required to:

(a) Surrender the license card to the Board; and

(b) Take all reasonable steps to avoid foreseeable harm to any client.

(4) A licensee may voluntarily surrender a license only upon the express written consent of the Board. Such license will not be subject to renewal.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implements: ORS 671.525 & 671.565

Hist.: LCB 5-2004, f. & cert. ef. 10-4-04; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-003-0450

License Fitness Standards

(1) In considering whether to sanction an applicant or licensee pursuant to ORS 671.610(1)(q), the agency shall consider whether the applicant's or licensee's criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in landscaping work. Fitness to engage in landscaping work includes, but is not limited to, the ability to refrain from the violent, threatening, intimidating or sexually predatory behavior. Factors to be considered in suspending, revoking or refusing to issue or renew a license include, but are not limited to, the date of the offense and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidence by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.

(2) Upon notice and request from the agency, it will be the duty of an applicant or licensee to provide the requested information in order for the agency to conduct a criminal background check as authorized by ORS 671.610(1)(q). Requested information includes, but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.

(3) Failure to provide requested information in (2) of this section may result in a suspension, revocation or refusal to issue or renew a license.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.560, 671.565, 671.610 & 671.703

Hist.: LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 10-2008, f. & cert. ef. 11-6-08

808-005-0020

Schedule of Civil Penalties

The board may assess civil penalties according to the following schedule. Sections 1-4 may be adjusted per the terms of a settlement agreement for the first offense:

(1) For operating as a landscape contracting business in violation of ORS 671.530(1) or (3):

(a) if the value of the work is \$500 or less; \$500; and

(b) if the value of the work is more than \$500; \$1,000

(2) For operating as a landscape contracting business in violation of ORS 671.530(1) or (3), when a claim has been filed for damages arising out of that work, \$2,000.

(3) For operating as a landscape construction professional in violation of ORS 671.530(1), \$1,000.

(4) For advertising in violation of ORS 671.530(2), (4), or (5):

(a) \$500 for the first offense; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense.

(5) For advertising for landscaping work outside the scope of the landscape contracting business license in violation of OAR 808-003-0040:

(a) \$500 for the first offense; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense.

(6) For operating as a landscape contracting business in violation of ORS 671.530(1) or (3) when one or more previous violations have occurred after action taken on first offense, \$2,000.

(7) For operating as a landscaping contracting business without having at least one owner or employee who is a licensed landscape construction professional licensed within the phase of work performed, in violation of OAR 808-003-0040 and 808-003-0045:

(a) \$500 for the first offense; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense.

(8) For performing landscaping work while not subject to a written contract or failing to comply with minimum contract standards, in violation of ORS 671.625(2) and OAR 808-002-0020:

(a) \$200 for the first offense; and

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(b) \$500 for subsequent offenses occurring after action taken on first offense.

(9) For failure to include the license number in all written advertising, in violation of OAR 808-003-0010:

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(10) For performing work outside the scope of the landscape contracting business license in violation of OAR 808-003-0040:

(a) \$500 for the first offense; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense.

(11) For installation of an irrigation backflow assembly or tapping into the potable water supply in violation of a written agreement with the Board as provided in OAR 808-003-0040, \$1,000 and suspension of the license until Backflow Prevention license is obtained.

(12) For failure to maintain the insurance required by ORS 671.565 or bond or other board accepted surety as required by ORS 671.690 in effect continuously throughout the license period:

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(13) Failure to conform to information provided on the application in violation of ORS 671.510 to 671.710:

(a) \$500 for the first offense and suspension of the license until the applicant provides the agency with proof of compliance with the statutes and rules; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense and suspension of the license until the applicant provides the agency with proof of compliance with the statutes and rules.

(14) Failure to comply with any part of ORS Chapters 316, 656, 657, and 671, as authorized by ORS 671.510 to 671.710:

(a) \$500 for the first offense and suspension of the license until the applicant provides the agency with proof of conformance with the application; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense and suspension of the license until the applicant provides the agency with proof of conformance with the application.

(15) Violating an order to stop work as authorized by ORS 671.510 to 671.710, \$1,000 per day.

(16) For failure to obtain a permit to tap into a potable water supply prior to the installation of an irrigation backflow assembly or failure to comply with applicable plumbing code requirements as required by OAR 808-003-0040(3)(a):

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(17) Failure to obtain the appropriate building code permit(s):

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(18) When as set forth in ORS 671.610(5), the number of licensed landscape contracting businesses working together on the same task on the same job site, where one of the businesses is licensed exempt under ORS 671.525(2)(b), exceeded two sole proprietors, one partnership, one corporation, or one limited liability company, penalties shall be imposed on each of the persons to whom the contract is awarded and each of the persons who award the contract, as follows:

(a) \$1,000 for the first offense;

(b) \$2,000 for the second offense;

(c) Six month suspension of the license for the third offense; and

(d) Three-year revocation of license for a fourth offense.

(19) Failure of a landscape contracting business to notify the board of a change in the landscaping business' phase of license as required by OAR 808-003-0045(4):

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(20) Failure by the landscape construction professional to comply with the supervisory responsibilities as required by OAR 808-003-0018;

(a) \$200 for the first offense;

(b) \$500 for the second offense occurring after action taken on first offense; and

(c) \$1,000 and six month suspension of the license for the third offense.

(21) Failure of the landscape construction professional to notify the Landscape Contractors Board of a change of address or employment in writing or on line at the LCB website as required by ORS 671.603 and OAR 808-003-0045:

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(22) Failure of a landscape contracting business to notify the board of a change in address in writing or on line at the LCB website as required by ORS 671.603:

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(23) Failure of a landscape contracting business to require the landscape construction professional to directly supervise unlicensed employees of the landscaping business performing landscaping work that is related to the landscape construction professional phase of license:

(a) \$200 for the first offense; and

(b) \$500 for subsequent offenses occurring after action taken on first offense.

(24) Failure of a landscape contracting business to obtain the correct amount of surety bond or irrevocable letter of credit, as required by ORS 671.690(1):

(a) \$500 for the first offense and immediate suspension per ORS 671.610(2) until the proper bond is received in the State Landscape Contractors Board office;

(b) \$1,000 for the second offense occurring after action taken on the first offense and immediate suspension per ORS 671.610(2) until the proper bond is received in the State Landscape Contractors Board office.

Stat. Auth.: ORS 183.310 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.997

Hist.: LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1991(Temp), f. 9-27-91, cert. ef. 9-29-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1995, f. 8-8-95, cert. ef. 8-15-95; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 4-2002, f. & cert. ef. 12-4-02; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 2-2005, f. & cert. ef. 4-5-05; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-030-0050

Testing Requirements

(1) The test required in ORS 671.595: Effective date January 1, 2008 shall cover the subjects listed in OAR 808-030-0040.

(2) A person seeking to take the test shall:

(a) Apply on a form provided by the agency;

(b) Pay any fees required by the agency;

(c) Provide approved government-issued picture identification to the agency; and

(d) Complete the test within a time limit approved by the agency.

(3) A person taking the test shall be allowed to use material acquired from the agency and one language translation book or device during the examination.

(4) A person taking the test shall not be accompanied by anyone while taking the test, except a board approved interpreter.

(5) There are no reciprocal agreements with other states or organizations that test owners or managing employees of landscape contracting businesses.

Stat. Auth.: ORS 670.310, 671.670

Stats. Implemented: ORS 671.595

Hist.: LCB 5-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-030-0060

Testing Subversion

(1) Testing subversion is the use of any means to alter the results of a test to cause the results to inaccurately represent the competency of an examinee. Testing subversion includes, but is not limited to:

(a) Communication between examinees inside the testing room

(b) Giving or receiving any unauthorized assistance on the test while the test is in process;

(c) Having any printed or written matter or other devices in the examinee's possession during the test except a provided copy of:

(A) The Oregon Landscape Contractors Board Owner/Managing Employee Study Guide & Manual; Laws and Rules; and

(B) One language translation book or device.

(d) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured test questions or other secured examination material prior to, during or after the administration of the examination;

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(e) Copying another examinee's answers or looking at another examinee's materials while a test is in process;

(f) Encouraging anyone to copy answers to the test;

(g) Copying or removing any test questions from the testing area;

(h) Allowing another person to take the test in the examinee's place;

(i) Writing notes or questions in the Oregon Landscape Contractors

Board Owner/Managing Employee Study Guide & Manual or language translation book during the test; or

(j) Leaving the room during the test for an unapproved purpose.

(2) At the discretion of the agency or its designees, if there is evidence of testing subversion by an examinee prior to, during, or after the administration of the test, one or more of the following may occur:

(a) The examinee may be denied the privilege of taking the test if testing subversion is detected before the administration of the test;

(b) If the testing subversion detected has not yet compromised the integrity of the test, such steps as are necessary to prevent further testing subversion shall be taken, and the examinee may be allowed to continue with the test;

(c) The examinee may be requested to leave the testing facility if testing subversion is detected during the test. If the examinee does not leave the facility, the examinee will be deemed a trespasser;

(d) The examinee's test results may be invalidated and the application fee forfeited; or

(e) The examinee may not be allowed to sit for an examination for up to one year.

(3) If testing subversion is detected after the administration of the test, the agency or its designee shall make appropriate inquiry to determine the facts concerning the testing subversion and the agency or its designee may take any of the actions described in this rule.

Stat. Auth.: ORS 670.310, 671.670

Stats. Implemented: ORS 671.595

Hist.: LCB 5-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

808-040-0010

Continued Competency

(1) To ensure continuing efforts on the part of licensed landscape construction professionals to remain current with new developments in landscape technology and to encourage better business practices and safety in the profession continuing education is required as a condition of license renewal.

(2) Continuing education requirements apply whether the renewal applicant is living or working within Oregon or outside of the state so long as Oregon licensure is maintained.

(3) It is the obligation of each licensee to select a course of study that contributes to the licensee's professional competence in landscaping work. The licensee may take programs in a variety of topics that are relevant to the licensee's area of practice.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.676

Hist.: LCB 8-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 10-2008, f. & cert. ef. 11-6-08

Rule Caption: Updates the use of lay representatives in contested case hearings conducted by the agency.

Adm. Order No.: LCB 11-2008

Filed with Sec. of State: 11-6-2008

Certified to be Effective: 11-6-08

Notice Publication Date: 9-1-2008

Rules Amended: 808-009-0340

Subject: 808-009-0340 — This rule must be in effect in order to allow the agency to use its employees to represent the agency at specific types of contested case hearings. On August 4, 2008, the Attorney General revoked all prior authorization for lay representation from the Landscape Contractors Board and approved proposed rule amendments and a new authorization for lay representation. That new authorization is effective upon the adoption of the rule amendments. If these rules are not in effect the agency will not have the Attorney General's approval for lay representation and this will create the need for the agency's assigned assistant attorney general to represent the agency at all hearings, which would be a significant, unbudgeted cost to the agency.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-009-0340

Agency Representation by Officer or Employee

(1) Subject to the approval of the Attorney General as provided in ORS 183.452, agency officers and employees may appear, but not make legal argument, on behalf of the agency in the following types of hearings conducted by the agency:

(a) Hearings involving the possible imposition of civil penalties for violations of statutes or regulations;

(b) Hearings involving refusal to issue, refusal to renew or suspension, where the license would be issued or renewed or the suspension lifted upon correction of the deficiency or payment of the penalty;

(c) Hearings involving a refusal to issue, refusal to renew or suspension of a license for failure to pay a civil penalty, failure to pay a claim or for violations of employer status regulations, including ORS chapters 656, 657 and 316, where the license would be issued or renewed or the suspension lifted upon correction of the deficiency or payment of the penalty;

(d) Hearings involving the placement of a licensee on probation and for hearings involving suspension, revoking or refusal to renew for failing to fulfill the terms of the probation per ORS 671.614;

(e) Hearings involving suspensions without prior hearing as stated in ORS 671.610(2), where the suspension would be lifted upon correction of the deficiency or payment of the penalty; and

(f) In other compliance hearings as approved in writing by the Attorney General on an individual case basis.

(2) The agency representative may not make legal argument on behalf of the agency.

(a) "Legal argument" includes argument on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual argument or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statute or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence;

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an agency officer or employee represents the agency in a hearing, the presiding officer shall advise the representative of the manner in which objections may be made and matters preserved for appeal. This advice is of a procedural nature and does not change applicable law on waiver on the duty to make timely objection. Where an objection may involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit the legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 183, 670.310 & 671.670

Stats. Implemented: ORS 183.452

Hist.: LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88;

LCB 1-1990(Temp), f. & cert. ef. 3-28-90; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 1-

2000, f. & cert. ef. 2-1-00; Renumbered from 808-001-0035; LCB 7-2008(Temp), f. & cert.

ef. 8-8-08 thru 9-30-08; Administrative correction 10-21-08; LCB 11-2008, f. & cert. ef. 11-

6-08

Office of Private Health Partnerships

Chapter 442

Rule Caption: Enables agency to limit enrollment when program costs exceed funding.

Adm. Order No.: OPHP 3-2008

Filed with Sec. of State: 11-10-2008

Certified to be Effective: 11-11-08

Notice Publication Date: 10-1-2008

Rules Amended: 442-005-0250, 442-005-0270

Subject: OAR 442-005-0250 gives the Family Health Insurance Assistance Program the ability to limit or prohibit members' ability to add dependents during the 12-month eligibility period when

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program costs would exceed funding available to cover subsidy payments.

Rules Coordinator: Cindy Bowman—(503) 378-4674

442-005-0250

Adding Dependents

(1) Members may add dependents to their FHIAP enrollment at any time throughout the 12-month eligibility period as long as the dependent meets the period of uninsurance requirement or exceptions outlined in OAR 442-005-0060.

(2) FHIAP may limit or prohibit the ability to add dependents when doing so would cause projected program costs to exceed the funding available to cover subsidy payments for those enrolled.

(3) Premium rates and the member's portion of the premium could change as a result of adding dependents.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 2-2008(Temp), f. & cert. ef. 5-19-08 thru 11-14-08; OPHP 3-2008, f. 11-10-08, cert. ef. 11-11-08

442-005-0270

Termination of Subsidy

Termination from the FHIAP program occurs when:

(1) Payment of the member's share of the insurance premium is not postmarked by the date stipulated in correspondence from FHIAP;

(2) The member is no longer a resident of Oregon;

(3) The member terminates or is terminated from the member's health benefit plan and fails to notify FHIAP;

(4) The insurance plan that covers an eligible child of any member terminates or is terminated, and the member does not replace the eligible child's health insurance within 120 calendar days from the date FHIAP notifies the member to replace the child's coverage.

(5) The member is determined to be ineligible at reapplication or any time during the subsidy year. Ineligibility results if:

(a) A member is eligible for or receiving Medicare on or before the date the application was signed. Subsidy may remain in force for the remainder of the applicant's 12-month eligibility period if the applicant became eligible for Medicare after signing the application.

(b) A member is incarcerated beyond 30 continuous calendar days.

(c) Any member is enrolled in OHP and FHIAP simultaneously and fails to timely terminate from one program after being notified by FHIAP that they must do so.

(d) Any information submitted is inconsistent and does not allow for eligibility determination.

(e) FHIAP staff makes an administrative error when determining eligibility and the applicant should have been denied and error is identified during an audit of the member's file.

(f) An applicant or member in the individual market becomes eligible for a benchmark-approved group plan with an employer contribution and doesn't enroll within 30 days of the first opportunity of enrollment in the group plan.

(g) The member failed to submit required or requested information or submitted inadequate or unclear information such that FHIAP cannot make an eligibility determination.

(6) In the group market, the member fails to provide monthly verification of coverage, premiums, and employer contribution within 30 days from the date FHIAP requests such documentation.

(7) The member fails to pay an overpayment amount as per OAR 442-005-0280.

(8) The member fails to return their reapplication within 45 days from the date it was mailed to them.

(9) A member is found to have committed misrepresentation on the FHIAP application. If a civil penalty is imposed, the member is ineligible to enroll or re-enroll in FHIAP.

(10) Projected program costs exceed the funding available to cover subsidy payments for those enrolled.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 1-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; Administrative correction 10-21-08; OPHP 3-2008, f. 11-10-08, cert. ef. 11-11-08

Oregon Board of Dentistry
Chapter 818

Rule Caption: Amends/repeals rules: Procedures, Standards of Practice, Advertising, Examination/Licensing, Anesthesia, Dental Hygiene, Dental Assisting.

Adm. Order No.: OBD 1-2008

Filed with Sec. of State: 11-10-2008

Certified to be Effective: 12-1-08

Notice Publication Date: 9-1-2008

Rules Amended: 818-001-0002, 818-012-0030, 818-012-0040, 818-012-0060, 818-015-0005, 818-015-0007, 818-015-0015, 818-021-0017, 818-026-0030, 818-035-0020, 818-035-0025, 818-035-0030, 818-035-0040, 818-035-0100, 818-042-0095

Rules Repealed: 818-012-0050

Subject: OAR 818-001-0002, Definitions, is amended to update the titles of the dental specialties that are defined by the American Dental Association and for clarification add the definition of "full-time student" as defined in the statutes.

OAR 818-012-0030, Unprofessional Conduct is amended to include language that is repealed from 818-012-0050 and to update fees that were previously updated by legislation but were changed in error.

OAR 818-012-0040, Infection Control Guidelines, is amended to update the current name of the federal agency that develops guidelines on infection control and to update current terminology for hand hygiene.

OAR 818-012-0060, Failure to Cooperate with Board, is amended to include provisions regarding persons who may deal with the Board.

OAR 818-015-0005, General Provisions, is amended to further clarify and define advertising.

OAR 818-015-0007, Specialty Advertising, is amended to include the updated titles of dental specialties amended in 818-001-0002.

OAR 818-015-0015, Disclosure Requirements, is amended to clarify what type of information must be found in an advertisement by a licensee of the Board.

OAR 818-021-0017, Application to Practice as a Specialist, is amended to allow an applicant who has completed a post-graduate specialty program of not less than two years from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association to be eligible to practice as a Specialist after meeting all other requirements.

OAR 818-026-0030, Requirement for Anesthesia Permit, Standards and Qualification of an Anesthesia Monitor, is amended to include dental hygiene for the purposes of applying for a permit if the education and training has been more than five years, as it was previously left out in a previous rule adoption.

OAR 818-035-0020, Authorization to Practice, is amended to include diagnoses and treatment plan for dental hygiene services.

OAR 818-035-0025, Prohibitions, is amended to clarify the prescription, administering and dispensing of certain drugs by a dental hygienist; and to clarify and update prohibitions to be consistent with the restorative rule.

OAR 818-035-0030, Additional Functions of Dental Hygienists, is amended to include functions that were previously a part of the Expanded Functions of Dental Hygienists.

OAR 818-035-0040, Expanded Functions of Dental Hygienists, is amended to remove those items that have been moved to Additional Functions of Dental Hygienists and renumber.

OAR 818-035-0100, Record Keeping, is amended to remove a requirement that was previously changed by recent legislation.

OAR 818-042-0095, Restorative Functions of Dental Assistants, is amended to remove "Endorsements" as it is not a part of the title assigned to those dental assistants who can perform Restorative Functions.

OAR 818-012-0050, Obtaining a Fee by Fraud or Misrepresentation, is repealed as similar language is found elsewhere in the Board's rules regarding Unprofessional Conduct and it was felt to be duplicative.

Rules Coordinator: Sharon Ingram—(971) 673-3200

ADMINISTRATIVE RULES

818-001-0002

Definitions

As used in OAR Chapter 818:

(1) "Board" means the Oregon Board of Dentistry, the members of the Board, its employees, its agents, and its consultants.

(2) "Dental Practice Act" means ORS Chapter 679 and 680.010 to 680.170 and the rules adopted pursuant thereto.

(3) "Dentist" means a person licensed pursuant to ORS Chapter 679 to practice dentistry.

(4) "Direct Supervision" means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(5) "General Supervision" means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(6) "Hygienist" means a person licensed pursuant to ORS 680.010 to 680.170 to practice dental hygiene.

(7) "Indirect Supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(8) "Informed Consent" means the consent obtained following a thorough and easily understood explanation to the patient, or patient's guardian, of the proposed procedures, any available alternative procedures and any risks associated with the procedures. Following the explanation, the licensee shall ask the patient, or the patient's guardian, if there are any questions. The licensee shall provide thorough and easily understood answers to all questions asked.

(9) "Licensee" means a dentist or hygienist.

(a) "Volunteer Licensee" is a dentist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.

(10) "Limited Access Patient" means a patient who, due to age, infirmity, or handicap is unable to receive regular dental hygiene treatment in a dental office.

(11) "Specialty." Specialty areas of dentistry are as defined by the American Dental Association, Council on Dental Education. The specialty definitions are added to more clearly define the scope of the practice as it pertains to the specialty areas of dentistry.

(a) "Dental Public Health" is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

(b) "Endodontics" is the branch of dentistry which is concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(c) "Oral and Maxillofacial Pathology" is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.

(d) "Oral and Maxillofacial Radiology" is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.

(e) "Oral and Maxillofacial Surgery" is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(f) "Orthodontics and Dentofacial Orthopedics" is the area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and

among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(g) "Pediatric Dentistry" is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

(h) "Periodontics" is the specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of these structures and tissues.

(i) "Prosthodontics" is the branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(12) "Full-time" as used in ORS 679.025 and 680.020 is defined by the Board as any student who is enrolled in an institution accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency in a course of study for dentistry or dental hygiene.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.010 & 680.010

Hist.: DE 11-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0001; DE 3-1997, f. & cert. ef. 8-27-97; OBD 7-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-012-0030

Unprofessional Conduct

The Board finds that in addition to the conduct set forth in ORS 679.140(2), a licensee engages in unprofessional conduct if the licensee does or permits any person to:

(1) Attempt to obtain a fee by fraud or misrepresentation.

(2) Obtaining a fee by fraud or misrepresentation.

(a) A licensee obtains a fee by fraud if the licensee obtains a fee by knowingly making or permitting any person to make a material, false statement intending that a recipient who is unaware of the truth rely upon the statement.

(b) A licensee obtains a fee by misrepresentation if the licensee obtains a fee through making or permitting any person to make a material, false statement.

(c) Giving cash discounts and not disclosing them to third party payors is not fraud or misrepresentation.

(3) Offer rebates, split fees, or commissions for services rendered to a patient to any person other than a partner, employee, or employer.

(4) Accept rebates, split fees, or commissions for services rendered to a patient from any person other than a partner, employee, or employer.

(5) Initiate, or engage in, with a patient, any behavior with sexual connotations. The behavior can include but is not limited to, inappropriate physical touching; kissing of a sexual nature; gestures or expressions, any of which are sexualized or sexually demeaning to a patient; inappropriate procedures, including, but not limited to, disrobing and draping practices that reflect a lack of respect for the patient's privacy; or initiating inappropriate communication, verbal or written, including, but not limited to, references to a patient's body or clothing that are sexualized or sexually demeaning to a patient; and inappropriate comments or queries about the professional's or patient's sexual orientation, sexual performance, sexual fantasies, sexual problems, or sexual preferences.

(6) Engage in an unlawful trade practice as defined in ORS 646.605 to 646.608.

(7) Fail to present a treatment plan with estimated costs to a patient upon request of the patient or to a patient's guardian upon request of the patient's guardian.

(8) Misrepresent any facts to a patient concerning treatment or fees.

(9)(a) Fail to provide a patient or patient's guardian within 14 days of written request:

(A) Legible copies of records; and

(B) Duplicates of study models and radiographs, photographs or legible copies thereof if the radiographs, photographs or study models have been paid for.

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(b) The dentist may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The dentist may charge a fee not to exceed \$30 for copying 10 or fewer pages of written material and no more than \$0.50 per page for pages 11 through 50 and no more than \$0.25 for each additional page (including records copied from microfilm), plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual cost of duplicating x-rays may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (8)(a)(B) of this rule.

(10) Fail to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders services.

(11) Use prescription forms pre-printed with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature.

(12) Use a rubber stamp or like device to reproduce a signature on a prescription form or sign a blank prescription form.

(13) Order drugs listed on Schedule II of the Drug Abuse Prevention and Control Act, 21 U.S.C. Sec. 812, for office use on a prescription form.

(14) Violate any Federal or State law regarding controlled substances.

(15) Becomes addicted to, or dependent upon, or abuses alcohol, illegal or controlled drugs, or mind altering substances.

(16) Practice dentistry or dental hygiene in a dental office or clinic not owned by an Oregon licensed dentist(s), except for an entity described under ORS 679.020(3) and dental hygienists practicing pursuant to ORS 680.205(1)(2).

(17) Make an agreement with a patient or person, or any person or entity representing patients or persons, or provide any form of consideration that would prohibit, restrict, discourage or otherwise limit a person's ability to file a complaint with the Oregon Board of Dentistry; to truthfully and fully answer any questions posed by an agent or representative of the Board; or to participate as a witness in a Board proceeding.

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

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.140(1)(c), 679.140(2), 679.170(6) & 680.100

Hist.: DE 6, f. 8-9-63, ef. 9-11-63; DE 14, f. 1-20-72, ef. 2-10-72; DE 5-1980, f. & ef. 12-26-80; DE 2-1982, f. & ef. 3-19-82; DE 5-1982, f. & ef. 5-26-82; DE 9-1984, f. & ef. 5-17-84; Renumbered from 818-010-0080; DE 3-1986, f. & ef. 3-31-86; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0020; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 2-1997, f. & cert. ef. 2-20-97; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2007, f. & cert. ef. 3-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-012-0040

Infection Control Guidelines

In determining what constitutes unacceptable patient care with respect to infection control, the Board may consider current infection control guidelines such as those of the Centers for Disease Control and Prevention and the American Dental Association. Additionally, licensees must comply with the following requirements:

(1) Disposable gloves shall be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene shall be performed prior to gloving.

(2) Masks and protective eyewear or chin-length shields shall be worn by licensees and other dental care workers when spattering of blood or other body fluids is likely.

(3) Between each patient use, instruments or other equipment that come in contact with body fluids shall be sterilized.

(4) Heat sterilizing devices shall be tested for proper function on a weekly basis by means of a biological monitoring system that indicates micro-organisms kill.

(5) Environmental surfaces that are contaminated by blood or saliva shall be disinfected with a chemical germicide which is mycobactericidal at use.

(6) Impervious backed paper, aluminum foil, or plastic wrap may be used to cover surfaces that may be contaminated by blood or saliva and are difficult or impossible to disinfect. The cover shall be replaced between patients.

(7) All contaminated wastes and sharps shall be disposed of according to any governmental requirements.

Stat. Auth.: ORS 679.120, 679.250(7), 680.075 & 680.150

Stats. Implemented: ORS 679.140, 679.140(4) & 680.100

Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 2-1992, f. & cert. ef. 6-24-92; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-012-0060

Failure to Cooperate with Board

No licensee shall:

(1) Fail to report to the Board violations of the Dental Practice Act.

(2) Use threats or harassment to delay or obstruct any person in providing evidence in any investigation, contested case, or other legal action instituted by the Board.

(3) Discharge an employee based primarily on the employee's attempt to comply with or aid in the compliance with the Dental Practice Act.

(4) Use threats or harassment to obstruct or delay the Board in carrying out its functions under the Dental Practice Act.

(5) Deceive or attempt to deceive the Board with respect to any matter under investigation including altering or destroying any records.

(6) Make an untrue statement on any document, letter, or application submitted to the Board.

(7) Fail to temporarily surrender custody of original patient records to the Board when the Board makes a written request for the records. For purposes of this rule, the term records includes, but is not limited to, the jacket, treatment charts, models, radiographs, photographs, health histories, billing documents, correspondence and memoranda. No person shall:

(8) Deceive or attempt to deceive the Board with respect to any matter under investigation including altering or destroying any records.

(9) Make an untrue statement on any document, letter, or application submitted to the Board.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.060(4), 679.170(5), 679.250(8), 679.290, 679.310(1), 680.050(4) & 680.100

Hist.: DE 9-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0050; DE 2-1997, f. & cert. ef. 2-20-97; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-015-0005

General Provisions

(1) "To advertise" means to publicly communicate information about a licensee's professional services or qualifications for the purpose of soliciting business.

(2) Advertising shall not be false, deceptive, misleading or not readily subject to verification and shall not make claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof.

(3) A licensee who authorizes another to disseminate information about the licensee's professional services to the public is responsible for the content of that information unless the licensee can prove by clear and convincing evidence that the content of the advertisement is contrary to the licensee's specific directions.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.140(2)(e)

Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 3-1997, f. & cert. ef. 8-27-97; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-015-0007

Specialty Advertising

(1) The Board recognizes the following specialties:

(a) Endodontics;

(b) Oral and Maxillofacial Surgery;

(c) Oral and Maxillofacial Radiology;

(d) Oral and Maxillofacial Pathology;

(e) Orthodontics and Dentofacial Orthopedics;

(f) Pediatric Dentistry;

(g) Periodontics;

(h) Prosthodontics; and

(i) Public Health Dentistry.

(2) A dentist may only advertise as a specialist or as specializing in an area of dentistry which is recognized by the Board and in which the dentist is licensed or certified by the Board.

(3) A dentist whose license is not limited to the practice of a specialty under OAR 818-021-0017 may advertise that the dentist performs or limits practice to specialty services even if the dentist is not a specialist in the advertised area of practice so long as the dentist clearly discloses that the dentist is a general dentist or a specialist in a different specialty. For example, the following disclosures would be in compliance with this rule for dentists except those licensed pursuant to 818-021-0017: "Jane Doe, DDS, General Dentist, practice limited to pediatric dentistry." "John Doe, DMD, Endodontist, practice includes prosthodontics."

(4) A hygienist may not advertise as a specialist in any area of dentistry or dental hygiene.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.140(2)(e)

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Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 3-1997, f. & cert. ef. 8-27-97; OBD 5-2001, f. & cert. ef. 1-8-01; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-015-0015

Disclosure Requirements

(1) An advertisement must describe the dentist as practicing general dentistry or as a general dentist or as a specialist if the dentist is certified or has passed a specialty exam pursuant to OAR 818-021-0017 and 818-015-0007.

(2) An advertisement which includes the price of dental services must disclose:

(a) When services are advertised at a discount, the regular price of services;

(b) The dates advertised services will be available at the advertised price;

(c) When services are advertised at less than value, how the value was determined;

(d) Whether a discount is limited to cash payment; and

(e) There may be other costs based on dental needs determined after examination.

(3) An advertisement which consists of a newsletter or educational column not written by the licensee or employees must include: "This column/newsletter is written on behalf of (name of licensee advertising) by (name of person writing column/newsletter)".

(4) An advertisement which may be mistaken for a news item must include "paid advertisement".

(5) An advertisement for hygienist services must include the name of the hygienist's supervising dentist unless the dental hygienist is practicing under a Limited Access Permit issued under ORS 680.200.

(6) A licensee who places an assumed business name or the name of a professional corporation under a specialty heading in any directory must identify the specialists practicing under the name unless all licensees doing business under the name are certified in that specialty.

(7) A professional corporation organized to provide dental services may have a corporate name which does not contain the last name of one or more of its shareholders.

Stat. Auth.: ORS 58 & 679

Stats. Implemented: ORS 58.115 & 679.140(20)(e)

Hist.: DE 9-1978, f. & ef. 11-15-78; DE 3-1984, f. & ef. 5-17-84; Renumbered from 818-010-0056; Renumbered from 818-015-0010; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; OBD 5-2001, f. & cert. ef. 1-8-01; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-021-0017

Application to Practice as a Specialist

(1) A dentist who wishes to practice as a specialist in Oregon, who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association and active licensure as a general dentist in another state. Licensure as a general dentist must have been obtained as a result of the passage of any clinical Board examination administered by any state or regional testing agency;

(b) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination; and

(c) Proof of satisfactory completion of a post-graduate specialty program accredited by the Commission on Dental Accreditation of the American Dental Association.

(2) A dentist who graduated from a dental school located outside the United States or Canada who wishes to practice as a specialist in Oregon, who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language, and evidence of active licensure as a general dentist in another state obtained as a result of the passage of any clinical Board examination administered by any state or regional testing agency; or

(b) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language and certification of having successfully passed the clinical examination administered by any state or regional testing agency with-

in the five years immediately preceding application; and

(c) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination; and

(3) An applicant who meets the above requirements shall be issued a specialty license upon:

(a) Passing a specialty examination administered by examiners appointed by the Board who are specialists in the same specialty as the applicant; and

(b) Passing the Board's jurisprudence examination.

(4) Any applicant who does not pass the first examination for a specialty license may apply for a second and third regularly scheduled specialty examination. The applicable fee and application for the reexamination shall be submitted to the Board at least 45 days before the scheduled examination. If the applicant fails to pass the third examination for the practice of a recognized specialty, the applicant will not be permitted to retake the particular specialty examination until he/she has attended and successfully passed a remedial program prescribed by a dental school and approved by the Board.

(5) Licenses issued under this rule shall be limited to the practice of the specialty only.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.140, 679.060, 679.065, 679.070, 679.080 679.090

Hist.: DE 4-1997, f. & cert. ef. 12-31-97; OBD 2-1999(Temp), f. 3-10-99, cert. ef. 3-15-99 thru 9-10-99; OBD 5-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 11-2001, f. & cert. ef. 1-8-01; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-026-0030

Requirement for Anesthesia Permit, Standards and Qualifications of an Anesthesia Monitor

(1) A permit holder who administers sedation shall assure that drugs, drug dosages, and/or techniques used to produce sedation shall carry a margin of safety wide enough to prevent unintended deeper levels of sedation.

(2) No dentist or dental hygienist shall induce central nervous system sedation or general anesthesia without first having obtained a permit under these rules for the level of anesthesia being induced.

(3) No dentist or dental hygienist may be granted a permit to administer sedation or general anesthesia under these rules without documentation of current training/education and/or competency in the permit category for which the licensee is applying. The applicant may demonstrate current training/education or competency by any one the following:

(a) Current training/education or competency shall be limited to completion of initial training/education in the permit category for which the applicant is applying and shall be completed no more than two years immediately prior to application for sedation or general anesthesia permit; or

(b) Completion of initial training/education no greater than five years immediately prior to application for sedation or general anesthesia permit. Current competency must be documented by completion of all continuing education that would have been required for that anesthesia/permit category during that five year period following initial training; or

(c) Completion of initial training/education no greater than five years immediately prior to application for sedation or general anesthesia permit. Current competency must be documented by completion of a comprehensive review course approved by the Board in the permit category to which the applicant is applying and must consist of at least one-half (50%) of the hours required by rule for Class 1, Class 2, or Class 3 Permits. Class 4 Permits will require at least 120 hours of general anesthesia training.

(d) An applicant for sedation or general anesthesia permit whose completion of initial training/education is greater than five years immediately prior to application, may be granted a sedation or general anesthesia permit by submitting documentation of the requested permit level from another state or jurisdiction where the applicant is also licensed to practice dentistry or dental hygiene, and provides documentation of the completion of at least 25 cases in the requested level of sedation or general anesthesia in the 12 months immediately preceding application; or

(e) Demonstration of current competency to the satisfaction of the Board that the applicant possesses adequate sedation or general anesthesia skill to safely deliver sedation or general anesthesia services to the public.

(4) Persons serving as anesthesia monitors in a dental office shall maintain current certification in Health Care Provider Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained in monitoring patient vital signs, and be competent in the use of monitoring and emergency equipment appropriate for the level of sedation utilized. (The term "competent" as used in these rules means displaying special skill or knowledge derived from training and experience.)

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(5) No dentist or dental hygienist holding an anesthesia permit shall administer anesthesia unless they hold a current Health Care Provider BLS/CPR level certificate or its equivalent, or holds a current Advanced Cardiac Life Support (ACLS) Certificate or Pediatric Advanced Life Support (PALS) Certificate, whichever is appropriate for the patient being sedated.

(6) When a dentist utilizes a single dose oral agent to achieve anxiolysis only, no anesthesia permit is required.

(7) The applicant for an anesthesia permit must pay the appropriate permit fee, submit a completed Board-approved application and consent to an office evaluation.

(8) Permit fees may be prorated based on the 24-month renewal cycle.

(9) Permits shall be issued to coincide with the applicant's licensing period.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.250

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-035-0020

Authorization to Practice

(1) A dental hygienist may practice dental hygiene in the places specified by ORS 680.150 under general supervision upon authorization of a supervising dentist.

(2) A dentist who authorizes a dental hygienist to practice dental hygiene on a limited access patient must review the hygienist's findings.

(3) A supervising dentist, without first examining a new patient, may authorize a dental hygienist:

- (a) To take a health history from a patient;
 - (b) To take dental radiographs;
 - (c) To perform periodontal probings and record findings;
 - (d) To gather data regarding the patient; and
 - (e) To perform a prophylaxis.
- (f) To diagnose and treatment plan for dental hygiene services.

(4) When hygiene services are provided pursuant to subsection

(3), the supervising dentist need not be on the premises when the services are provided.

(5) When hygiene services are provided pursuant to subsection (3), the patient must be scheduled to be examined by the supervising dentist within fifteen business days following the day the hygiene services are provided.

(6) A supervising dentist may not authorize a dental hygienist and a dental hygienist may not perform periodontal procedures unless the supervising dentist has examined the patient and diagnosed the condition to be treated.

(7) If a new patient has not been examined by the supervising dentist subsequent to receiving dental hygiene services pursuant to subsection (3), no further dental hygiene services may be provided until an examination is done by the supervising dentist.

Stat. Auth.: ORS 679.120, 679.250(7), 680.075 & 680.150

Stats. Implemented: ORS 680.150

Hist.: DE 7, f. 2-3-66, DE 8, f. 3-20-67, ef. 3-21-67; DE 11, f. 3-31-71, ef. 4-25-71; DE 17, f. 1-20-72, ef. 2-1-72; DE 21, f. 1-9-74, ef. 2-11-74; DE 5-1978, f. & ef. 6-14-78; DE 4-1980, f. & ef. 9-8-80; DE 5-1984, f. & ef. 5-17-84; Renumbered from 818-010-0110; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 3-2001, f. & cert. ef. 1-8-01; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-035-0025

Prohibitions

A dental hygienist may not:

(1) Diagnose and treatment plan other than for dental hygiene services;

(2) Cut hard or soft tissue with the exception of root planing;

(3) Extract any tooth;

(4) Fit or adjust any correctional or prosthetic appliance except as provided by OAR 818-035-0040(1)(c);

(5) Prescribe, administer or dispense any drugs except as provided by OAR 818-035-0030, 818-035-0040, 818-026-0060(11) and 818-026-0070(11);

(6) Place, condense, carve or cement permanent restorations except as provided in OAR 818-035-0072, or operatively prepare teeth;

(7) Irrigate or medicate canals; try in cones, or ream, file or fill canals;

(8) Use the behavior management techniques of Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.020(1)

Hist.: DE 2-1992, f. & cert. ef. 6-24-92; DE 2-1997, f. & cert. ef. 2-20-97; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 2-2001, f. & cert. ef. 1-8-01; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 2-2005, f. 1-

31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-035-0030

Additional Functions of Dental Hygienists

(1) In addition to functions set forth in ORS 679.010, a dental hygienist may perform the following functions under the general supervision of a licensed dentist:

(a) Make preliminary intra-oral and extra-oral examinations and record findings;

(b) Place periodontal dressings;

(c) Remove periodontal dressings or direct a dental assistant to remove periodontal dressings;

(d) Perform all functions delegable to dental assistants and expanded function dental assistants providing that the dental hygienist is appropriately trained;

(e) Administer and dispense antimicrobial solutions or other antimicrobial agents in the performance of dental hygiene functions.

(f) Prescribe fluoride, fluoride varnish, antimicrobial solutions for mouth rinsing or other antimicrobial agents.

(g) Use high-speed handpieces to polish restorations.

(h) Apply temporary soft relines to complete dentures for the purpose of tissue conditioning.

(2) A dental hygienist may perform the following functions at the locations and for the persons described in ORS 680.205(1) and (2) without the supervision of a dentist:

(a) Determine the need for and appropriateness of sealants or fluoride; and

(b) Apply sealants or fluoride.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.025(2)(j)

Hist.: DE 5-1984, f. & ef. 5-17-84; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 1-2001, f. & cert. ef. 1-8-01; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-035-0040

Expanded Functions of Dental Hygienists

(1) Upon completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, a dental hygienist who completes a Board approved application shall be issued an endorsement to administer local anesthetic agents under the general supervision of a licensed dentist.

(2) Upon completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, a dental hygienist may administer nitrous oxide under the indirect supervision of a licensed dentist in accordance with the Board's rules regarding anesthesia.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.025(2)(j) & 679.250(7)

Hist.: DE 5-1984, f. & ef. 5-17-84; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 3-1998, f. & cert. ef. 7-13-98; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 8-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-035-0100

Record Keeping

(1) A Limited Access Permit Dental Hygienist shall refer a patient annually to a dentist who is available to treat the patient, and note in the patient's official chart held by the facility that the patient has been referred.

(2) When a licensed dentist has authorized a Limited Access Permit Dental Hygienist to administer local anesthesia, denture tissue conditioning, temporary restorations, radiographs or nitrous oxide, the permit holder shall document in the patient's official chart the name of the authorizing dentist and date the authorization was given.

Stat. Auth.: ORS 680

Stats. Implemented: ORS 680.205(2) & (3)

Hist.: OBD 1-1998, f. & cert. ef. 6-8-98; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

818-042-0095

Restorative Functions of Dental Assistants

(1) The Board shall issue a Restorative Functions Certificate (RFC) to a dental assistant who holds an Oregon EFDA Certificate, and has successfully completed:

(a) A Board approved curriculum from a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, and successfully

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passed the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board within the last five years; or

(b) If successful passage of the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board occurred over five years from the date of application, the applicant must submit verification from another state or jurisdiction where the applicant is legally authorized to perform restorative functions and certification from the supervising dentist of successful completion of at least 25 restorative procedures within the immediate five years from the date of application.

(2) A dental assistant may perform the placement and finishing of direct alloy or direct anterior composite restorations, under the indirect supervision of a licensed dentist, after the supervising dentist has prepared the tooth (teeth) for restoration(s):

(a) These functions can only be performed after the patient has given informed consent for the procedure and informed consent for the placement of the restoration by a Restorative Functions dental assistant.

(b) Before the patient is released, the final restoration(s) shall be checked by a dentist and documented in the chart.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.010 & 679.250(7)

Hist.: OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08

Oregon Department of Education Chapter 581

Rule Caption: Updates language relating to persons with disabilities.

Adm. Order No.: ODE 26-2008

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Subject: Changes archaic references to disabled or handicapped persons to persons with disabilities.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-010-0200

Minimum Standards and Definitions Pertaining to Objectives of Reorganization

(1) Definitions. The following definitions apply to the application of ORS 330.535 and 330.543 and this rule unless the context indicates otherwise.

(a) "Adversely Affect" means to cause any effect which diminishes educational opportunity for students;

(b) "Affected District" means a school district existing prior to reorganization which by the proposed reorganization will be significantly impacted, directly, or indirectly, in any one of the following areas:

(A) Utilization of facilities;

(B) Programs;

(C) Operational costs;

(D) Revenues;

(E) Assessed valuation per student;

(F) Levying authority;

(G) Tax rates.

(c) "Assets" means all property, both real and personal, owned by or accruing to a school district;

(d) "Average Operational Revenues Per Student" means revenues available for Net Operating Expenditures as defined in ORS 327.006 and computed according to OAR 581-023-0041, divided by the district's Average Daily Membership as defined in ORS 327.006;

(e) "Committee" means the education service district board for the county in which the proposed school district is located. In any county where there is no education service district, "committee" means the governing body of the county. Where a proposed reorganization involves territory in two or more counties, a request for preparation of a reorganization plan shall initially be made to the committee for the county having the greatest number of affected students;

(f) "Contemplated Reorganization" means a reorganization plan:

(A) Which includes all or a portion of the area affected by the proposed reorganization; and

(B) Which the Committee has decided to develop, has underdevelopment, or has adopted but which has not yet been approved by the voters.

(g) "Curricular program" means the following instructional programs:
(A) Grades Kindergarten–6 means art, health education, language arts, mathematics, music, physical education, science and social studies;

(B) Grades 7–8 means Fine and/or applied arts, health education, language arts, mathematics, physical education, science and social studies;

(C) Grades 9–12 means career development, global studies, government, health education, language arts, mathematics, personal finance and economics, physical education, science, U.S. history, and applied arts, fine arts or foreign language.

(h) "More Effectively Coordinated Programs" means a determination by the Committee and upon de novo review by the State Board of Education, that, considering the standards set forth in section (2) of this rule, the overall coordination of curricular and extracurricular programs within both the affected district(s) and the proposed district will be more effective as a result of reorganization;

(i) "More Efficient and Economical Administration" means a determination by the Committee and upon de novo review by the State Board of Education, that, considering the standards set forth in section (2) of this rule, the overall cost of providing public education to all students affected by the plan of reorganization will not increase as a result of reorganization;

(j) "School Facilities" means real and personal property, which shall include school buildings, administrative offices, warehouses, garages, buses, computers, audiovisual equipment and other property which may be owned or leased by the school district;

(k) "Significant Impact" means any impact that would diminish a district's ability to provide students such physical facilities, instructional materials, curricular programs and school personnel as may be required by federal law, state law, and administrative rules adopted by the State Board of Education;

(l) "Substantially Equal" means a standard indicating similarity to the extent that no deviation shall be allowed which would deprive any affected student of such physical facilities, instructional materials, curricular programs and school personnel as are required in order for a district to be deemed standard;

(m) "Superior" means a standard indicating qualitative or quantitative improvement over the existing programs.

(2) "Standards": The plan shall be deemed to provide for a satisfactory school district system pursuant to ORS 330.565 if it appears probable the proposed reorganization meets the requirements of 330.090(4) and will achieve all of the objectives of reorganization described in 330.543(1) and this rule. Such requirements of 330.090(4) and the objectives of reorganization are subject to the following minimum standards:

(a) The proposed district shall offer a curricular program for kindergarten through grade twelve which shall:

(A) Meet all state standards for public schools; and

(B) Be substantially equal to or superior to the program which would be available in the affected district or districts in the absence of reorganization.

(b) Reorganization shall not adversely affect individual curricular programs in the affected district(s);

(c) The proposed district shall in a more cost effective manner, administer support services including counseling, health, food, maintenance and transportation than what would be provided in the absence of reorganization;

(d) Reorganization shall not adversely affect administration of support services within the affected district(s);

(e) The proposed district shall in a more cost effective manner administer the existing school facilities within the proposed district than what would be provided in the absence of reorganization;

(f) Reorganization shall not adversely affect the efficient and economical administration of existing school facilities in the affected districts;

(g) Utilization of existing school facilities and projected facilities in the proposed district shall:

(A) Conform with applicable federal, state and local laws and regulations relating to fire, health and safety;

(B) Provide appropriate facilities to assure students with disabilities substantially equal or superior educational opportunities to those which would be provided in the absence of reorganization;

(C) Provide physical facilities to assure equal educational opportunity for both sexes.

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(h) The proposed district shall provide coordination of curricular, extracurricular, athletic, and community programs and services superior to the coordination which would have existed in the absence of reorganization;

(i) Reorganization shall not adversely affect the coordination of curricular, extracurricular, athletic, and community programs within the affected district(s);

(j) Reorganization shall provide more efficient and economical administration with respect to social and economic community centers and with respect to natural geographic features within the proposed district(s) and affected district(s) as compared to what would be provided in the absence of reorganization;

(k) Reorganization shall provide integrated, nonsegregated education in the proposed and affected districts, which shall include programs to encourage and support affected children of all races and national origins to learn together and acquire the skills and attributes of citizenship;

(l) Any existing affirmative or remedial programs or services offered to students within the affected districts shall be substantially equal to those available to students within the affected districts as a result of reorganization;

(m) Reorganization shall not result in violation of ORS 659.150 or OAR 581-021-0045;

(n) Reorganization shall not result in an increase in tax rates on taxable property in the proposed or affected district(s) where such increase will have a significant impact on any affected district;

(o) Reorganization shall not result in an increase in assessed value per student in the proposed or affected district(s) where such increase will have a significant impact on any affected district;

(p) Reorganization shall not result in a reduction in assessed value per student where such reduction would have a significant impact on any affected district(s);

(q) Reorganization shall not result in a reduction in operational revenues per student where such reduction would have a significant impact on any affected district(s);

(r) In the case of a reorganization which results in a new district having an indebtedness or liability (whether or not immediately payable) which is more than 20 percent of the projected first year's operating budget of the new district, the new district shall not receive its share of assets and shall not operate until adequate provision has been made, as determined by the Committee and State Board of Education, for payment of such indebtedness or liability as it becomes due. Such provision may be in the form of a tax base or authorization for the issuance of bonds. The "indebtedness or liability" referred to in this subsection includes, but is not limited to prior debt service costs or funding of a retirement system established pursuant to ORS Chapter 239(TRFA);

(s) When the reorganization combines two or more districts into one district, the duties of administrators shall be reviewed, and, if necessary, redistributed, to obtain maximum operating efficiency within affected districts;

(t) When reorganization involves detachment from an existing district, administrative efficiency of the existing district shall not be adversely affected by the reorganization;

(u) If by reason of the application of ORS 330.660(1)(b) or otherwise, reorganization results in a district having an excess number of employees, then:

(A) The reduction in probationary and permanent teacher staff shall be governed by ORS 342.934 of the Fair Dismissal Law, except to the extent such may be in conflict with any valid and applicable provision of an individual or collective bargaining contract; and

(B) Reduction of other employees shall be governed by any applicable and valid individual or collective bargaining contract.

(v) If the provisions of ORS 330.660(1)(b) are inapplicable those employees who, immediately prior to the date on which the new district comes into existence, spent the majority of their on-duty time in the buildings assigned to the new district in the reorganization, shall become employees of the new district, effective ensuing July 1, unless their employment with the former district terminates prior to that date. Unless otherwise agreed by the new district and such employees or their respective collective bargaining representatives, their employment status as regards permanency (for instance, whether a permanent teacher, probationary teacher, temporary employee) shall be subject to the same rights, or lack thereof, as applied immediately prior to the date on which the new district came into existence. In such cases, unless agreed otherwise between the new district and said employees or their respective collective bargaining representatives, for a period of one year, the salary rates and employee benefits while employed

shall remain unchanged. The provision does not refer to membership or receipt of benefits from a retirement system established under Chapter 239(TRFA);

(w) As determined by legal descriptions and maps, reorganization shall not result in a noncontiguous district;

(x) Reorganization shall not result in a school district having fewer than 20 children, as determined by the most recent enrollment report to the Oregon Department of Education and projected enrollment for the two forthcoming years;

(y) Reorganization shall not affect any other contemplated reorganization.

Stat. Auth.: ORS 330

Stats. Implemented:

Hist.: 1EB 9-1985, f. & ef. 2-5-85; 1EB 27-1986, f. & ef. 7-18-86; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2000

Definitions

The definitions below apply to Oregon Administrative Rules 581-015-2000 through 2999, unless the context indicates otherwise.

(1) "Adult student" is a student for whom special education procedural safeguard rights have transferred as described in OAR 581-015-2325.

(2) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

(3) "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

(4) "Children with disabilities" or "students with disabilities" means children or students who require special education because of: autism; communication disorders; deafblindness; emotional disturbances; hearing impairments, including deafness; mental retardation; orthopedic impairments; other health impairments; specific learning disabilities; traumatic brain injuries; or visual impairments, including blindness.

(a) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance. Other characteristics that may be associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age three. Autism may include autism spectrum disorders such as but not limited to autistic disorder, pervasive developmental disorder — not otherwise specified, and Asperger's syndrome. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. However, a child who qualifies for special education under the category of autism may also have an emotional disturbance as a secondary disability if the child meets the criteria under emotional disturbance.

(b) "Communication Disorder" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.

(c) "Deafblindness" means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be

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accommodated in special education programs designed solely for students having hearing or visual impairments

(d) "Emotional Disturbance" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems;

(F) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

(e) "Hearing Impairment" means a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf.

(f) "Mental Retardation" means significantly sub average general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.

(g) "Orthopedic Impairment" means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury).

(h) "Other Health Impairment" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:

(A) Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome or diabetes); and

(B) Adversely affects a child's educational performance.

(i) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

(j) "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

(k) "Visual Impairment" means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

(5) "Consent" means that:

(a) The parent or adult student has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(b) The parent or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought; and the consent describes that activity and lists any records that will be released and to whom; and

(c) The parent or adult student understands that the granting of consent is voluntary and may be revoked at any time in accordance with OAR 581-015-2090(4) or 581-015-2735.

(6) "Day" means calendar day unless otherwise indicated as:

(a) "Business day," which means Mondays through Fridays, other than holidays; or as

(b) "School day," which means any day, including partial days that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including those with and without disabilities.

(7) "Department" means the Oregon Department of Education.

(8) "EI/ECSE" means early intervention/early childhood special education and refers to services or programs for preschool children with disabilities.

(9) "Elementary or secondary school or facility" means a school or facility with any combination of grades K through 12.

(10) "Evaluation" means procedures used to determine whether the child has a disability, and the nature and extent of the special education and related services that the child needs.

(11) "General education curriculum" means the same curriculum as for children without disabilities (children without disabilities). For preschool children with disabilities, the term means age-appropriate activities.

(12) "Health assessment statement" means a written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.

(13) "Homeless children" (or "homeless youth") has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a(2).

(14) "Identification" means the process of determining a child's disability and eligibility for special education and related services.

(15) "Individualized Education Program" (IEP) means a written statement of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability.

(16) "Individualized Family Service Plan" (IFSP) is defined in OAR 581-051-2700.

(17) "Limited English proficient" has the same meaning as in the Elementary and Secondary Education Act, 20 USC § 9101(25).

(18) "Mediation" means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such a time as a resolution is agreed to by the parties or the mediation process is terminated.

(19) "Medical statement" means a written statement issued by a physician licensed by a State Board of Medical Examiners.

(20) "Native language", when used with respect to a person who is limited English proficient, means the language normally used by that person or, in the case of a child, the language normally used by the parent of the child. For an individual with deafness, blindness, deafblindness or no written language, the term means the mode of communication normally used by the person (such as sign language, Braille, or oral communication). In direct contact with a child, the term means the language normally used by the child.

(21) "Parent" means:

(a) One or more of the following persons:

(A) A biological or adoptive parent of the child;

(B) A foster parent of the child,

(C) A legal guardian, other than a state agency;

(D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320, for school-age children, or 581-015-2760 for preschool children.

(b) Except as provided in subsection (c), if more than one party is qualified under subsection (a) to act as a parent and the biological or adoptive parent is attempting to act as the parent, the biological or adoptive parent is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(c) If a judicial decree or order identifies a specific person under subsection (a) to act as the parent of a child or to make educational decisions on behalf of a child, then that person will be the parent for special education purposes.

(22) "Participating agency" means a state or local agency, other than the school district responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

(23) "Personally identifiable" means information that includes, but is not limited to:

(a) The name of the child, the child's parent or other family member;

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(b) The address of the child;

(c) A personal identifier, such as the child's social security number or student number; and

(d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(24) "Placement" means educational placement, not social service placement by a state agency.

(25) "Preschool child" means "preschool child with a disability" as defined under OAR 581-015-2700.

(26) "Private school" means an educational institution or agency not operated by a public agency.

(27) "Public agency" means a school district, an education service district, a state agency or institution, EI/ECSE contractor or subcontractor, responsible for early intervention, early childhood special education or special education.

(28) "Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes orientation and mobility services, speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, school health services and school nurse services, counseling services, including rehabilitation counseling services, social work services in schools, parent counseling and training, school health services and medical services for diagnostic or evaluation purposes, and includes early identification and assessment of disabling conditions in children. This definition incorporates the exception for services for children with surgically implanted devices, including cochlear implants, in 34 CFR 300.34(b) and the definitions for individual related services in 34 CFR 300.34(c).

(29) "School age child or children" means a child or children who have reached 5 years of age but have not reached 21 years of age on or before September 1 of the current school year.

(30) "School district" means the public education agency (school district, ESD, or state agency) that is responsible by statute, rule or contract for providing education to children with disabilities.

(31) "Services plan" is defined in OAR 581-015-2450.

(32) "Short term objectives" means measurable intermediate performance steps that will enable parents, students and educators to gauge, at intermediate times during the year, how well the child is progressing toward the annual goals by either:

(a) Breaking down the skills described in the goal into discrete components, or

(b) Describing the amount of progress the child is expected to make within specified segments of the year.

(33) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction in the classroom, instruction in the home and instruction in hospitals, institutions, special schools, and other settings. The term includes specially designed instruction in physical education, speech language services, vocational education, travel training, and orientation and mobility services.

(34) "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:

(a) To address the unique needs of the child that result from the child's disability; and

(b) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(35) "Supplementary aids and services" means aids, services and other supports that are provided in regular education classes or other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

(36) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(37) "Surrogate parent" means an individual appointed under OAR 581-015-2320 for school age children or 581-015-2760 for preschool children who acts in place of a biological or adoptive parent in safeguarding a child's rights in the special education decision-making process.

(38) "Transition services" means a coordinated set of activities for a student with a disability that:

(a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to

facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(b) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(c) Includes:

(A) Instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post school adult living objectives; and

(E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and

(d) May be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

(39) "Ward of the state" means child who is in the temporary or permanent custody of, or committed to, the Department of Human Services or Oregon Youth Authority through the action of the juvenile court.

Stat. Auth.: ORS 343.041, 343.045, 343.155 & 343.223

Stats. Implemented: ORS 343.045, 343.155, 343.223, 34 CFR 300.5, 300.6, 300.8, 300.11, 300.15, 300.19, 300.22, 300.27, 300.28, 300.29, 300.30, 300.34, 300.37, 300.39, 300.42, 300.43 & 300.45

Hist.: 1EB 8-1978, f. & ef. 3-3-78; 1EB 35-1978, f. & ef. 10-5-78; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 5-1985, f. 1-30-85, ef. 1-31-85; EB 39-1988(Temp), f. & cert. ef. 11-15-88; EB 18-1989, f. & cert. ef. 5-15-89; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 9-1993, f. & cert. ef. 3-25-93; EB 18-1994, f. & cert. ef. 12-15-94; EB 22-1995, f. & cert. ef. 9-15-95; ODE 10-2000, f. & cert. ef. 5-3-00; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0005, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2200

Content of IEP

(1) The individualized education program (IEP) must include:

(a) A statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum.

(b) A statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to:

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability.

(c) A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(d) A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

(A) To advance appropriately toward attaining the annual goals;

(B) To be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

(C) To be educated and participate with other children with disabilities and children without disabilities,

(e) The projected dates for initiation of services and modifications and the anticipated frequency, amount, location and duration of the services and modifications described in subsection (1)(d) of this rule.

(f) An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities described in subsection (1)(d) of this rule.

(g) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments of student achievement that are needed for the child to participate in the assessment:

(A) A child may not be exempt from participation in State or district-wide assessment, including extended and juried assessments, because of a disability, unless the parent has requested an exemption under OAR 581-022-0612.

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(B) If the IEP team determines that the child must take an alternate assessment in any area instead of a regular State or district-wide assessment, a statement of why the child cannot participate in the regular assessment, and why the alternate assessment selected is appropriate for the child.

(2) For the purposes of transition, the IEP must include:

(a) Beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP team, and updated annually thereafter:

(A) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

(B) The transition services (including courses of study) needed to assist the child in reaching those goals.

(b) Beginning at least one year before a student reaches age 18, or when the district obtains actual knowledge that within one year the student will marry or become emancipated before age 18, a statement that the district has informed the student that procedural rights will transfer to the student upon age 18, marriage or emancipation, whichever occurs first.

Stat. Auth.: ORS 343.041, 343.045, 343.055 & 343.151

Stats. Implemented: ORS 343.151 & 34 CFR 300.320

Hist.: 1EB 269, f. & ef. 12-22-77; EB 9-1993, f. & cert. ef. 3-25-93; ODE 32-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0068, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2240

Requirement for Least Restrictive Environment

School districts must ensure that:

(1) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have a disability and

(2) Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Stat. Auth.: ORS 343.041, 343.045 & 343.055

Stats. Implemented: ORS 343.045, 343.155 & 34 CFR 300.114

Hist.: 1EB 269, f. & ef. 12-22-77; EB 11-1995, f. & cert. ef. 5-25-95; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0059, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2255

Nonacademic Settings

(1) In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities described in OAR 581-015-2070, each school district must ensure that each child with a disability participates with children who do not have a disability in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

(2) School districts must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Stat. Auth.: ORS 343.041, 343.045 & 343.055

Stats. Implemented: ORS 343.045, 343.155 & 34 CFR 300.117

Hist.: ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2390

Definitions for Hearings Under Section 504 of the Rehabilitation Act

The following definitions apply to OAR 581-015-2395:

(1) "Student with a disability under Section 504" means any student who has a physical or mental impairment that substantially limits one or more major life activities.

(2) As used in section (1) of this rule:

(a) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; endocrine; any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(3) "Qualified student with a disability under Section 504" means a student with a disability under Section 504 who is:

(a) Of an age during which persons without a disability are provided educational services;

(b) Of any age during which it is mandatory under state law to provide such services to students with disabilities; or

(c) To whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act.

(4) "School District" means a school district as defined in ORS 343.153.

Stat. Auth.: ORS 326 & 323.055

Stats. Implemented: ORS 343.041

Hist.: EB 7-1987(Temp), f. & ef. 5-11-87; EB 24-1988, f. & cert. ef. 5-24-88; ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03; Renumbered from 581-015-0108, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2400

Definitions

For the purposes of OAR 581-015-2400 through 581-015-2445, the following definitions apply:

(1) "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.

(2) "Current educational placement" means the type of educational placement of the child as described in the child's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the type of placement on the continuum of placement options (e.g. regular classroom with support; regular classroom with resource room support; special class; special school; home instruction, etc.).

(3) "Disciplinary removal" means suspension, expulsion, or other removal from school for disciplinary reasons, including removals for mental health examinations for students who threaten violence or harm in public schools under ORS 339.250(4)(b)(C). It does not include:

(a) Removals by other agencies;

(b) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);

(c) In-school suspensions if the child continues to have access to the general curriculum and to special education and related services as described in the child's IEP, and continues to participate with children without disabilities to the extent they would in their current placement; or

(d) Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

(4) "Functional behavioral assessment" means an individualized assessment of the student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.

(5) "Suspension" means any disciplinary removal other than expulsion.

Stat. Auth.: ORS 343.041, 343.045 & 343.155

Stats. Implemented: ORS 343.155

Hist.: ODE 35-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0550, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2555

Referral for Regional Services

In referring a child to the regional program, the district or early intervention/early childhood special education program must provide the regional coordinator with the following information:

(1) A request for regional services;

(2) A statement of a child's eligibility in one of the following categories, if previously determined: autism spectrum disorder; deafblindness, hearing impairment, orthopedic impairment, traumatic brain injury, vision impairment, or;

(3) A statement from the child's eligibility team for a child who, has a severe orthopedic impairment including eligibility tool(s) approved by the Department, if previously determined; and

(4) Additional information as the regional coordinator or other regional program representative may request.

Stat. Auth.: ORS 343.236

Stats. Implemented: ORS 343.236

Hist.: EB 27-1988, f. & cert. ef. 6-9-88; EB 10-1996, f. & cert. ef. 6-26-96; ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03; Renumbered from 581-015-0294, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2575

School Programs in Private Hospitals

(1) For purposes of this rule:

(a) "Patient" means a school age child;

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(b) "Specialized intensive treatment" means that the hospital maintains special facilities, equipment, and staff;

(c) "School district" means the school district in which the private hospital is located.

(2) Private hospitals not including psychiatric facilities may submit an application for approval of a school program to the State Superintendent of Public Instruction. The application submitted must include verification that:

(a) The hospital admits patients from throughout the state;

(b) The hospital provides specialized intensive treatment that is unique and generally not available in local community hospitals;

(c) The hospital provides services to patients who have severe, low incidence types of disabling conditions including but not limited to burns, orthopedic impairments, and head injuries, but not including drug and alcohol problems;

(d) The hospital admits patients who can be expected to be hospitalized for five days or more or readmitted frequently; and

(e) The facility is licensed as a hospital under OAR 333-500-0010(1)(a).

(3) Approval of the application by the State Superintendent of Public Instruction establishes the school district's eligibility to receive state funds to operate the hospital education program.

(4) All patients are eligible to receive educational services. Educational services must begin if a patient's hospital stay is expected to last five school days or longer and the hospital staff has determined the patient is medically able to receive educational services.

(5) The school district contracting to provide the education program must develop or implement an existing individualized education program that meets all applicable state and federal requirements for patients who meet eligibility criteria for a disability under OAR 581-015-2130 through 581-015-2180:

(6) The primary purpose of the school program for hospitalized patients is to maintain the patient's educational programs.

(7) The hospital must:

(a) Provide classroom space and facilities necessary to carry out the educational program for each patient;

(b) Coordinate with the school program in developing each patient's educational and medical treatment needs; and

(c) Assume responsibility for the transportation, care, treatment, and medical costs of each patient.

(8) All teachers in the hospital school program must have appropriate teacher licensure under rules of the Teacher Standards and Practices Commission.

(9) Upon initial application or approval of a school program in a private hospital, the Oregon Department of Education will review the application, inspect the school program facility and confer with hospital authorities as necessary. The Department will then notify the school district whether the school program is approved or disapproved and under what conditions; if approved, the date upon which funds will be available for operation of the school program, and the effective date and length of the approval. The school district may reapply for approval at the expiration of each approval period.

(10) The Department will monitor each program for compliance with applicable state and federal requirements.

(11) The State Superintendent of Public Instruction will ensure that the school district contracting to provide the educational program meets the following requirements:

(a) The program is operated under a written agreement with the Department of Education;

(b) Each child without a disability has a personalized educational plan that includes goals, services, timelines, and assessment of progress.

(c) Information pertaining to the educational programs is provided to the Department in an accurate and timely manner; and

(d) The educational program is developed and implemented in conjunction with the medical treatment program.

Stat. Auth.: ORS 343.261

Stats. Implemented: ORS 343.261

Hist.: EB 29-1987, f. & ef. 11-19-87; EB 16-1990, f. & cert. ef. 4-5-90; ODE 2-2003, f. & cert. ef. 3-10-03; ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03; Renumbered from 581-015-0017, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2580

School Programs in State-Operated Hospitals

(1) For purposes of this rule:

(a) "Patient" means a school age child who is admitted to a state-operated hospital;

(b) "School district" means the school district in which the state-operated hospital or training centers is located.

(2) All patients admitted to state operated hospitals are eligible to receive educational services.

(3) Educational services in state operated hospitals must commence if a patient's hospital stay is expected to last five school days or longer and the hospital staff has determined the patient is medically able to receive educational services.

(4) The school district contracting to provide the education program shall develop or implement an existing individualized education program that meets all applicable state and federal requirements for patients who meet eligibility criteria under OAR 581-015-2130 through 581-015-2180.

(5) The primary purpose of the school program for patients in state-operated hospitals is to maintain the patients' educational programs.

(6) The hospital must:

(a) Provide classroom space and facilities necessary to carry out the educational program for each patient;

(b) Coordinate with the school program in developing each patient's educational and medical treatment needs; and

(c) Assume responsibility for the transportation, care, treatment, and medical costs of each patient.

(7) All teachers in hospital programs must have appropriate teacher licensure under rules of the Teacher Standards and Practices Commission.

(8) The Department will monitor each program for compliance with applicable state and federal requirements.

(9) The State Superintendent of Public Instruction will ensure that the school district contracting to provide the educational program meets the following requirements:

(a) The program is operated under a written agreement with the Department of Education;

(b) Each child without a disability has a personalized educational plan that includes goals, services, timelines, and assessment of progress.

(c) Information pertaining to the educational programs is provided to the Department in an accurate and timely manner;

(d) The educational program is developed and implemented in conjunction with the medical treatment program.

Stat. Auth.: ORS 343.261

Stats. Implemented: ORS 343.261

Hist.: EB 28-1987, f. & ef. 11-19-87; EB 15-1990, f. & cert. ef. 4-5-90; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0016, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-015-2815

IFSP Content

(1) Contractors or subcontractors must use IFSP forms and directions published by the Oregon Department of Education.

(2) Oregon Department of Education IFSP forms combine the content requirements for IEPs under Part B of IDEA, IFSPs under Part C of IDEA, and IFSPs under ORS 343.521.

(3) Each individualized family service plan must contain:

(a) A statement of the child's present level of development, including how the child's disability affects the child's participation in appropriate activities for the child's age. For a child under age three, the statement must include present levels of physical development including vision, hearing and health status, cognitive development, communication development, social development and adaptive development. The statement must be based on professionally acceptable objective criteria.

(b) A statement of major outcomes or annual goals and short-term objectives expected to be achieved for the child and family related to:

(A) Meeting the child's needs that result from the child's disability to enable the child to participate in appropriate activities;

(B) Meeting each of the child's other developmental needs that result from the child's disability.

(c) For a child under age three, a statement of the specific early intervention services, based on peer-reviewed research to the extent practicable, to be provided for the child and to the family to advance toward attaining the major outcomes or annual goals (including pre-literacy, language, and numeracy skills, as developmentally appropriate for the child).

(d) For a child age three and older, a statement of ECSE and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for personnel that will be provided for the child:

(A) To advance appropriately toward attaining the annual goals;

(B) To participate in appropriate activities and to participate in extracurricular and other nonacademic activities; and

(C) To be educated and participate with other children with disabilities and children without disabilities.

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(e) With concurrence of the family, a statement of the family's resources, priorities, concerns and goals related to enhancing the development of the child.

(f) The projected dates for initiation of services and modifications and the anticipated frequency, location, intensity, method and duration of the services and modifications described in subsection (3)(d) of this rule and the payment arrangements, if any.

(g) The name of the service coordinator from the profession, including service coordination, most immediately relevant to the child's or family's needs (or who is otherwise qualified to carry out all applicable EI/ECSE responsibilities) responsible for coordinating the involvement of the family and agencies in implementing early intervention and other services, including transition services. The contractor or subcontractor may:

(A) Assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation; or

(B) Appoint a new service coordinator.

(h) For a child under age three:

(A) The natural environments in which early intervention services will be provided; and

(B) A justification of the extent, if any, to which services will not be provided in a natural environment.

(i) For a child age three and older, an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities described in subsection (3)(d) of this rule.

(j) A statement of:

(A) How the progress toward major outcomes or annual goals will be measured, including the criteria, procedures and timelines used to determine:

(i) The degree to which progress toward achieving the outcomes or goals is being made; and

(ii) Whether revisions of the outcomes or goals or services are necessary.

(B) For a child age three and older, how the child's parents will be regularly informed of:

(i) Their child's progress toward major outcomes or annual goals; and

(ii) The extent to which that progress is sufficient to enable the child to achieve the outcomes or goals by the annual IFSP review date.

(k) The steps to be taken to support the transition of the child from early intervention services to early childhood special education or other appropriate services, in accordance with OAR 581-015-2805, 581-015-2750, and 581-015-2810.

(l) The steps to be taken to support the transition of the child from early childhood special education to public schooling or other education setting, in accordance with OAR 581-015-2805, 581-015-2750, and 581-015-2810.

(m) A statement of other services, such as medical services, that the child may need but are not early intervention or early childhood special education services including the funding sources used in paying for those services or the steps to be taken to secure those services through public or private sources. This provision does not apply to routine medical services (e.g., immunizations, and "well-baby" care) unless a child needs those services and the services are not otherwise available or being provided.

Stat. Auth.: ORS 343.475 & 343.521

Stats. Implemented: ORS 343.521

Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; ODE 24-2000, f. & cert. ef. 10-16-00; ODE 2-2003, f. & cert. ef. 3-10-03; ODE 1-2004, f. & cert. ef. 1-15-04; Renumbered from 581-015-0970, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-016-0920

Curriculum

In developing an instruction program for students with disabilities, the Oregon School for the Blind shall include:

(1) Academics:

(a) Language Communication Development;

(b) Math;

(c) Social Studies;

(d) Science, and

(e) Study Skills.

(2) Compensatory skills such as:

(a) Typing;

(b) Braille reading and writing;

(c) Large print reading;

(d) Handwriting;

(e) Use of visual, auditory and physical aids;

(f) Social skills, and

(g) Computer.

(3) Self-help and skills of daily living.

(4) Adaptive arts, crafts, and music.

(5) Orientation and mobility.

(6) Adaptive physical education.

(7) Career, prevocational, and technical skills.

(8) Augmentative communication.

Stat. Auth.: ORS 343 & 346

Stats. Implemented: ORS 346.010

Hist.: EB 31-1989, f. & cert. ef. 11-2-89; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-019-0005

Definitions

The following definitions apply to Oregon Administrative rules 581-019-0010 through 581-019-0035.

(1) "Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.

(2) "Applicant" means a public or private nonsectarian organization which applies for prekindergarten funds.

(3) "Approved Prekindergarten Programs" means those programs which are recognized by the Department as meeting the minimum program rules to be adopted by the State Board of Education.

(4) "At-Risk" means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start Program.

(5) "Children with Disabilities" means children who are of the age served by the prekindergarten program of their residence and who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional, or learning problems. These groups include but are not limited to those categories that have traditionally been designated: mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children.

(6) "Contractor" means an applicant which has been awarded state funds under the prekindergarten program, and which has entered into a contract with the Department of Education to provide a prekindergarten program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(7) "Department" means the Department of Education.

(8) "Eligible Child" means an at-risk child who is not a participant in a federal, state, or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education.

(9) "Family" means all persons living in the same household who are:

(a) Supported by the income of the parent(s), caretaker(s) or guardian(s) of the child enrolling in the prekindergarten program; and

(b) Related to the parent(s), caretaker(s) or guardian(s) by blood, marriage, or adoption.

(10) "Nonsectarian" means that no aspect of prekindergarten services will include any religious orientation.

(11) "Prekindergarten" means those programs which provide comprehensive health, education, and social services in order to maximize the potential of three- and four-year-old children. The "State Prekindergarten Programs" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to create or assist local prekindergarten programs.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 329.175 & 329.195

Hist.: EB 10-1988, f. & cert. ef. 2-24-88; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-019-0030

Eligibility Criteria for Children Served

(1) Children must be at least three years old on or before September 1 of their entrance year, and not eligible for kindergarten.

(2) At least 80 percent of the children served shall be eligible according to Head Start federal regulations at **45 CFR 1305.4**.

(3) No less than ten percent of the total number of enrollment opportunities in the state of Oregon shall be available for children with disabilities. See **45 CFR 1305.5**.

(4) Up to 20 percent of the children served need not qualify according to Head Start regulations.

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

Stat. Auth.: ORS 684

Stats. Implemented: ORS 329.175 & 329.195

Hist.: EB 10-1988, f. & cert. ef. 2-24-88; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

ADMINISTRATIVE RULES

581-019-0075

Targeting of Services to Families

Programs must target families whose children ages 0-8 are at-risk of experiencing difficulty in school based on the following criteria:

- (1) Single, step and dual career families;
- (2) Low-income families;
- (3) Families for whom English is a second language;
- (4) Families who have experienced high mobility (e.g., military, migrant);
- (5) Families whose children have high absenteeism in school;
- (6) Families with a disruptive family environment (e.g., prison parent, chemically abusing parents);
- (7) Families whose children have been assessed as developmentally at risk;
- (8) Families of children with disabilities as defined by ORS 343.227;
- (9) Minority families; and
- (10) Families of adolescent parents.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 329.175 & 329.195

Hist.: EB 11-1988, f. & cert. ef. 2-24-88; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-021-0200

Standard Education for Oregon Students

A Standard Education for Oregon Students is comprised of:

(1) Common Curriculum Goals. The Common Curriculum Goals consist of:

(a) Essential Learning Skills. The Essential Learning Skills are those skills essential to learning and necessary for understanding in the subject matter areas. The skills are: Reading, writing, speaking, listening, mathematics, reasoning and study skills;

(b) Common Knowledge and Skills. The Common Knowledge and Skills consists of facts, concepts, principles, rules, procedures and methods of inquiry associated with the following subject matter areas:

- (A) English Language Arts;
- (B) Mathematics;
- (C) Health Education;
- (D) Science Education;
- (E) Physical Education;
- (F) Social Studies;
- (G) Music;
- (H) Art;
- (I) Personal Finance;
- (J) Second Language and Culture (proposed);
- (K) Career Education.

(2) Professional — Technical Education. Occupational preparation which blends the interests and aptitudes of students with the skills and experience needed to become employed, sustain economic independence and enter advanced education and training.

(3) Education Programs Mandated by State or Federal Law and Selected Other State Requirements Presently Constituted:

(a) The approximately 30 programs mandated by state statutes are in two categories, instruction and support. They include a diverse range of requirements such as protection of trees and shrubs, commemorating women in history, providing free textbooks, programs for talented and gifted students, transportation and properly maintained buildings and grounds;

(b) The three federally mandated programs are: The Asbestos Hazard Emergency Act of 1986, as amended; The Individuals With Disabilities Act, PL 101-476, that all children with disabilities have an opportunity for a free appropriate public education; The Family Education Rights and Privacy Act, PL 93-380, as amended by PL 93-568, that imposes certain requirements and restrictions on the release of student records;

(c) The following state requirements contained in OAR Chapter 581, Division 022:

- (A) Goals for Elementary and Secondary Education;
- (B) Graduation Requirements;
- (C) Education of Talented and Gifted;
- (D) Required Days of Instruction;
- (E) Required Instructional Time;
- (F) Kindergarten Programs;
- (G) Standardization;
- (H) Alternative Education Program;
- (I) Special Education Program;
- (J) Library Media Skills Instruction.

(4) Character Education. Character Education is the process of helping students develop and practice the core ethical values that our diverse society shares and holds important. These values include, but are not limited to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship.

ed to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship.

(5) Student Activities under the auspices of the secondary schools, which include the following:

- (a) Student Government;
- (b) Preparation of School Publications; e.g., newspaper, yearbook, literary magazine;
- (c) Drama;
- (d) Performing Music/Dance Groups;
- (e) Interscholastic Athletics;
- (f) Intramurals;
- (g) Rally Squad/Dance Team/Flag Line;
- (h) Competitive Speech and Debate;
- (i) Instruction program-related clubs or organizations; e.g., Distributive Education Club of America, Future Business Leaders of America, Future Farmers of America, Home Economics Related Occupations, Vocational Industrial Clubs of America.

(6) International Understanding. International Understanding represents the knowledge, skills and attitudes needed to live effectively in a world possessing limited natural resources and characterized by ethnic diversity, cultural pluralism and an increased interdependence. Such knowledge, skills and attitudes are developed through broad exposure to international content in all subject areas and through learning a second language.

(7) Support Services Necessary to Provide a Standard Education for Oregon Students:

- (a) Student Services:
 - (A) Improving attendance;
 - (B) Counseling;
 - (C) Providing health services;
 - (D) Treating students with speech and hearing disabilities;
 - (E) Providing library, audio/video, television and computer learning.
- (b) Staff Services:
 - (A) Measuring student achievement;
 - (B) Developing curriculum and training staff.
- (c) Administrative Services:
 - (A) Administering the district and individual schools;
 - (B) Planning, research, processing of data.
- (d) Business Services:
 - (A) Budgeting, payroll, inventory, internal audit;
 - (B) Buying and storing of supplies;
 - (C) Printing.
- (e) Transportation Services:
 - (A) Providing home-to-school transportation for both students with and students without disabilities;
 - (B) Transporting students to co-curricular activities.
- (f) Food Services: Offering students nutritional lunches and breakfasts;
- (g) Operation and Maintenance Services: Keeping buildings, equipment and grounds safe, working and in good condition.

Stat. Auth.: ORS 326.400, 326.410 & 336.067

Stats. Implemented: ORS 336.067

Hist.: EB 3-1991, f. & cert. ef. 2-28-91; EB 7-1993, f. & cert. ef. 2-11-93; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-021-0260

An Educational Agency or Institution's Annual Notification

(1) Each educational agency or institution shall annually notify parents of students currently in attendance, and eligible students currently in attendance, at the agency or institution of their rights under OAR 581-021-0220 through 581-021-0440.

(2) The notice must inform parents and eligible students that they have a right to:

- (a) Inspect and review the student's education records;
 - (b) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
 - (c) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these rules authorize disclosure without consent;
 - (d) Pursuant to OAR 581-021-0410, file with the U.S. Department of Education a complaint under 34 CFR § 99.64 concerning alleged failures by the agency or institution to comply with the requirements of the Family Educational Rights and Privacy Act; and
 - (e) Obtain a copy of the policy adopted under OAR 581-021-0250.
- (3) The notice must include all of the following:

ADMINISTRATIVE RULES

(a) The procedure for exercising the right to inspect and review education records.

(b) The procedure for requesting amendment of records under OAR 581-021-0300;

(c) Regarding disclosure of education records to school officials and teachers within the education agency whom the agency has determined to have legitimate educational interest, a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest;

(4) Each educational agency or institution shall annually notify parents and eligible students of what it considers to be directory information and the conditions for disclosure of such information as provided in OAR 581-021-0390.

(5) Each educational agency or institution shall annually notify parents or eligible students that it forwards education records requested under OAR 581-021-0250(1)(m) and (p) within 10 days of receiving the request.

(6) The notice provided under section (1) of this rule must also indicate the places where copies of the policy adopted under OAR 581-021-0250 are located.

(7) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents and eligible students of their rights;

(8) An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English.

(9) An educational agency or institution shall effectively notify parents or eligible students who have a disability.

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

Stat. Auth.: ORS 326.565 & 34 CFR § 99.7

Stats. Implemented: ORS 326.565

Hist.: EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93; EB 5-1994, f. & cert. ef. 4-29-94; EB 20-1995, f. & cert. ef. 7-25-95; ODE 8-2007, f. & cert. ef. 3-1-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-049-0010

Definitions

Definitions for the purposes of division 049:

(1) "Administrator" means a person responsible for all aspects of planning and managing an Emergency Medical Technology (EMT) Program.

(2) "Class" means scheduled meeting of persons for instructional purposes.

(3) "Clinical Experiences" means those experiences acquired by a student during an approved EMT program under the direct supervision of appropriate medical direction and clinical supervision. Experience must include the application of specific knowledge, assessment, and treatment skills required to meet written clinical experience competencies.

(4) "Clinical Preceptor" means a person who has been trained as a preceptor and appointed by an accredited teaching institution and approved by the EMS provider, having the responsibility of supervising and evaluating the performance of an EMT student during the clinical and field internship phases of an EMT course. A preceptor must be a physician, physician assistant, registered nurse, or certified EMT in good standing at or above level for which the student is in training.

(5) "Course" means aggregation of classes to achieve a completed set of competencies as identified by OHD-EMS and established in OAR 333-265-0000 et seq. effective July 1, 1994.

(6) "Course Director" means a person who is the principal instructor of an EMT course and is responsible for scheduling lectures and coordinating and arranging clinical rotations and field internships.

(7) "Emergency Medical Technician (EMT)" means a person who has received formal training in prehospital emergency care and is state-certified to attend a person who is ill, injured, or has a disability. (ORS 823.020) effective July 1, 1993.

(8) "Field Internship" means those hours and calls acquired by a student during an approved clinical EMT paramedic course under the direct visual supervision of a preceptor. A call shall be accepted when the clinical preceptor providing direct visual supervision has documented and verified satisfactory student performance. Calls must include the application of specific assessment and treatment skills required of a certified EMT.

(9) "Guest Lecturer" means a person who presents one or more lectures on specific topics in which the lecturer has personal expertise.

(10) "In Good Standing" means the status of a person who is currently certified or licensed, who does not have any restrictions placed on his/her certificate, and who is not on probation with the certifying or licensing agency for any reason.

(11) "Medical Director" means a licensed physician who shall provide medical direction to the didactic, clinical and field internship portions of an EMT course or serves as the medical director of an EMT, registered nurse or physician assistant associated with a licensed ambulance service. The medical director must meet the qualifications of a supervising physician as defined in OAR 847-035-0020 effective January 1, 1995.

(12) "OCCS" means the Office of Community College Services.

(13) "OHD-EMS" means the Emergency Medical Services Section of the Oregon Health Division.

(14) "OPTE" means the Office of Professional Technical Education.

(15) "Patient" means a person who is ill, injured, or has a disability who may be transported in an ambulance.

(16) "Physician" means a person licensed under ORS 677.010, actively registered and in good standing with the Board of Medical Examiners as a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO).

(17) "Private Vocational Schools Section" means the section within the Oregon Department of Education which has the responsibility for the licensure of private vocational schools (ORS 345.010 to 345.470 effective July 1, 1994).

(18) "Registered Nurse (RN)" means a person licensed under ORS 678.040 effective July 1, 1994, actively registered and in good standing with the Oregon Board of Nursing.

(19) "Scope of Practice" means the maximum level of emergency care that an EMT may provide as set forth in OAR 847-035-0030 effective July 1, 1994.

(20) "Teaching Institution" means a two-year community college or a licensed vocational school that is currently licensed and in good standing with the Private Vocational Schools Section of the Office of Professional Technical Education of the Oregon Department of Education.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 823.130 - 823.150

Hist.: EB 22-1993, f. & cert. ef. 6-2-93; EB 19-1995, f. & cert. ef. 7-11-95; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-053-0545

Type 10 Pupil Transporting Vehicle Standards and Rules for Operation

(1) Definitions of terms used in this rule:

(a) "Type 10 vehicle": Type 10 vehicles shall have a capacity of not more than ten persons, shall have a gross vehicle weight rating of not more than 10,000 pounds and are used to transport students to and from school or authorized school activities. These vehicles shall not be marked with the words "School Bus" and shall be determined by class in accordance with provisions of ORS 820.150 and are not exempted by 801.455 or 801.460;

(b) "Pupil transporting vehicle": A pupil transporting vehicle is defined by OAR 581-053-0002(1)(c);

(c) "Authorized official": An authorized official means a person designated by the local employer.

(2) Construction and equipment:

(a) Vehicle construction shall be according to manufacturers' standard for all vehicles having a capacity of ten or fewer persons including the driver. Capacity shall be based on each vehicle's manufacturer-designated seating capacity;

(b) Equipment shall be the manufacturers' standard plus:

(A) 24-unit first aid kit, in accordance with requirements set forth in OAR 581-053-0517(13)(e). Existing Type 10 vehicles in a fleet prior to June 1, 1986, may be equipped with the previously approved 16-unit first aid kit;

(B) U.L. approved five pound-2A.10BC fire extinguisher (plastic head not permissible), in accordance with OAR 581-053-0517(13)(d). Existing Type 10 vehicles in a fleet prior to June 1, 1986, may be equipped with the previously approved five pound-10 BC fire extinguisher;

(C) D.O.T. approved triangular disabled vehicle road reflectors, in accordance with OAR 581-053-0517(13)(b);

(D) A seat belt approved by the Oregon Division of Motor Vehicles, provided for each seating position;

(E) Any alterations or equipment necessary to accommodate special needs of children with disabilities, in accordance with the applicable standards in OAR 581-053-0527.

(3) Annual vehicle inspection: An annual inspection shall be completed for each vehicle (all applicable items on Form 581-2255), and certification of inspection and repair (Form 581-2256) shall be returned to ODE in accordance with OAR 581-053-0008(1) and (2).

(4) Operating rules: Operating rules for Type 10 pupil transporting vehicles when used to transport students for authorized school activities and/or to and from school on an unscheduled, irregular basis:

ADMINISTRATIVE RULES

(a) District requirements — Districts shall adopt and implement policies and procedures to assure adequate training for all Type 10 vehicle drivers, including:

- (A) Emergency procedures and evacuation training;
- (B) Vehicle pretrip inspection training; and
- (C) Others as considered necessary.

(b) District shall immediately notify the Department of Education if they have reasons to believe any change in the driver(s)' criminal or driving records has occurred which could effect the person(s) ability to meet the licensing provisions listed in OAR 581-053-0006(8);

(c) Driver requirements — Each driver shall:

(A) Be at least 18 years of age as required by ORS 820.190;

(B) Possess a valid driver license or Oregon commercial driver license. The Oregon Department of Education may approve an out-of-state operator's license if consistent in provision with the required Oregon license;

(C) Possess or obtain within 120 days of original vehicle use request, a valid first aid card; i.e., an American Red Cross First Aid program requirements or an equivalent course that is consistent with US Department of Labor Occupational Safety & Health Administration Guidelines for First Aid Programs, Directive Number CPL 2-2.53 effective January 7, 1991. A valid first aid card must then be maintained at all times;

(D) Pass a driving and criminal records check by meeting requirements specified in OAR 581-053-0006(8);

(E) Receive emergency procedure and evacuation training, vehicle pretrip inspection training and all other training as determined necessary locally. Pretrip inspections may include:

- (i) Windshield and wipers;
- (ii) All outside lights;
- (iii) Service door, emergency door and buzzer;
- (iv) Tires and wheel lug nuts;
- (v) Battery, belts, oil and coolant level;
- (vi) Horns;
- (vii) Brakes;
- (viii) Steering;
- (ix) Exhaust system;
- (x) Emergency equipment; and
- (xi) See that lights, windshield and mirrors are clean.

(F) Receive specialized training designed for special education transportation prior to transporting students with disabilities;

(G) Be judged by an authorized official as having the ability to operate the Type 10 vehicle safely and to perform related duties. Examples of related duties include, but are not limited to, handling stressful situations such as mechanical breakdowns, traffic accidents, and unruly students;

(H) Be placed on an approved driver list maintained at the Oregon department of Education. An authorized official shall provide a signed certification that the driver has completed or shall complete all requirements prior to transporting passengers, except for the first aid training provision which must be completed within 120 days as required by paragraph (5)(b)(C) of this rule. Approval expires on July 1 annually upon failure to comply with any rule requirements or termination of employment from district submitting approval list;

(I) Complete accident reports as required for school bus drivers by OAR 581-053-0015(7)(y);

(J) Report to his/her employer(s) within 15 days, any conviction for driving or criminal offenses specified in OAR 581-053-0006(8) or any involvement in an accident as defined in 581-053-0006(8)(c)(G)(i);

(K) Not operate a vehicle with more passengers than the manufacturer's rated capacity;

(L) Instruct passengers to use seat belts at all times the vehicle is in motion;

(M) Maintain order in the vehicle at all times. The inside of the vehicle shall be kept clean;

(N) See that all doors on the vehicle are kept closed while the vehicle is in motion;

(O) Not permit anyone else to operate the vehicle except with the permission of authorized officials;

(P) Make certain that all aisles and passageways are kept clear;

(Q) Make sure all rear doors (emergency exits) are unlocked during vehicle operation;

(R) Not use tobacco on the vehicle and shall not permit passengers to use tobacco on the vehicle;

(S) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty;

(T) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while on duty or within eight hours before going on duty to operate or to have physical control of a pupil-transporting vehicle;

(U) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation;

(V) Not permit animals in the vehicle; however, guide dogs are allowed when accompanying a person who is blind or deaf as are other assistance animals and guide/assistance animals in training that comply with OAR 581-053-0015(7)(j);

(W) Not permit firearms, other weapons, or potentially hazardous materials in the vehicle;

(X) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident;

(Y) Not fill the fuel tank while passengers are in the vehicle or while the motor is running;

(Z) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition;

(AA) Report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle;

(BB) Not alter routes unless approved by school authorities;

(CC) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.

(d) Driving hour limitations:

(A) Except as provided by paragraph (5)(c)(B) of this rule, a driver shall not drive any pupil transporting vehicle more than a total of ten hours during any consecutive 15-hour period. At the end of ten hours of driving or a 15-hour period, whichever occurs first, the driver shall not again drive any pupil transporting vehicle until at least eight hours have elapsed;

(B) The driver of any pupil transporting vehicle, after driving a regular morning route transporting pupils from home to school, may again operate any pupil transporting vehicle, but not more than eight hours in a consecutive ten hour period or until 12 midnight, whichever occurs first, provided the driver has at least four hours free from actual operation of a pupil transporting vehicle following the end of the morning route. To qualify under this provision, the driver shall have been free from pupil transporting vehicle driving duties for at least eight consecutive hours prior to the regular morning route;

(C) A driver shall not drive more than three hours continuously without taking at least a 15-minute break from driving duties;

(D) Emergency extension of driving hours: In the event of an unforeseen emergency, e.g., mechanical breakdown, accident or adverse road conditions, a driver may complete the trip without being in violation of the provisions of this rule if such trip could have reasonably been completed as originally scheduled without violation of this rule.

(5) Operating rules for Type 10 pupil transporting vehicles when used for regularly scheduled student transportation to and from school:

(a) District requirements are the same as those listed in subsection (5)(a) of this rule when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis;

(b) Driver requirements are the same as those listed in subsection (5)(b) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis, plus the driver shall:

(A) Demonstrate necessary vehicle operational skills (in a vehicle to be used) to the authorized official through a behind-the-wheel test; and

(B) Demonstrate to an authorized official, a knowledge of laws and regulations applicable to the vehicle being used.

(c) Driver rules are the same as those listed in subsection (5)(b) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis plus the following;

(d) Drivers shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:

(A) Windshield and wipers;

(B) All outside lights;

(C) Service door, emergency door and buzzer;

(D) Tires and wheel lug nuts;

(E) Battery, belts, oil, and coolant level;

(F) Horns;

(G) Brakes;

(H) Steering;

(I) Exhaust system;

(J) Emergency equipment; and

(K) See that lights, windshield and mirrors are clean.

ADMINISTRATIVE RULES

(e) Driving hour limitations are the same as those listed in subsection (5)(c) of this rule, when used to transport students for authorized activities and/or to and from school on an unscheduled, irregular basis.

(6) Occasional/emergency use provision — A person who does not currently meet the driver requirements for a Type 10 pupil transporting vehicle may be used on an occasional/emergency basis if such driver:

(a) Is judged competent by the local authorized official;

(b) Possesses a valid driver license or Oregon commercial driver license;

(c) Does not operate vehicles under this provision more than three times in any given fiscal year (July 1 to June 30); and

(d) Is not transporting students to and from school on regularly scheduled routes.

[ED. NOTE: Forms referenced available from the agency.]

Stat. Auth.: ORS 327.013 & 820.100 - 820.120

Stats. Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120

Hist.: 1EB 26-1986, f. 7-17-86, ef. 10-1-86; EB 45-1988, f. 12-16-88, cert. ef. 1-1-89; EB 21-1993, f. & cert. ef. 6-2-93; ODE 32-2004, f. & cert. ef. 10-15-04; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-060-0005

Definitions

The following definitions apply to OAR 581-060-0005 through 581-060-0020 unless the context requires otherwise:

(1) “Department”: The Oregon Department of Education.

(2) “The Act”: Job Training Partnership Act (JTPA), Public Law 97-300 enacted October 13, 1982, by the U.S. Congress.

(3) “Economically Disadvantaged”:

(a) One who receives, or is a member of a family which receives, cash welfare payments under a federal, state or local welfare program;

(b) One who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) for the six-month period prior to application for the program involved which, in relation to family size, was not in excess of the higher of:

(A) The poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(B) 70 percent of the lower living standard income level;

(c) One who is receiving food stamps pursuant to the Food Stamp Act of 1977;

(d) One who is a foster child on behalf of whom state or local government payments are made; or

(e) In cases permitted by federal regulations, one who is an individual adult with disabilities whose own income meets the requirements of subsection (3)(a) or (b) of this rule, but who is a member of a family whose income does not meet such requirements.

(4) “Eligible Participants”: Economically disadvantaged youth ages 14 to 21 or adults ages 22 and older.

(5) “Support Services”: Services which are necessary to enable an individual who is eligible for training under this Act, but cannot afford to pay for such services, to participate in a training program.

(6) “Service Delivery Area (SDA)”: The state or one or more units of general local government designated by the Governor to promote effective delivery of job training services to eligible program participants.

(7) “Private Industry Council (PIC)”: An advisory council appointed by each Service Delivery Area comprised of representatives of the private sector, educational agencies, labor, rehabilitation agencies, community-based organizations, economical development agencies and public employment service.

(8) “Local Matching Funds”: State or local area and authorized non-JTPA federal funds qualified to match JTPA funds, where required, in the form of cash or in-kind.

(9) “Performance Standards”: Criteria established by Congress to determine the return on investment, measured by increased employment opportunities and earnings of participants, coupled with the reduction in welfare dependency.

(10) “Review Committee”: A body of individuals selected by the Department to review, evaluate and make recommendations on the awarding of grants for services delivery.

(11) “Sole Source”: An agency or organization selected by the Department and subsequently awarded funds to perform a specific service or activity exclusive of the competitive RFP process.

Stat. Auth.: PL 97-300, 1982

Stats. Implemented: PL 97-300, 1982

Hist.: 1EB 10-1983(Temp), f. & ef. 11-2-83; 1EB 12-1984, f. & ef. 5-3-84; 1EB 18-1986, f. 5-20-86, ef. 5-23-86; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

581-070-0220

Definitions

As used in 581-070-0210 through 581-070-0240, the following definitions apply:

(1) “Participant” means a person applying for or receiving training in programs conducted under the direction of the State Job Training Coordinating Council (State Council) as the State Council implements the federal Job Training Partnership Act (JTPA) (29 U.S.C. 1501 et seq.).

(2) “Participant behavioral records” are records which include, but are not limited to, psychometric testing, personality evaluations, written transcripts of incidents relating to participant behavior, grades, conduct, personal and academic evaluations, counseling, alcohol or substance abuse evaluation and/or treatment, disciplinary actions, if any, and other personal evaluations.

(3) “Participant records” include all participant records, participant behavioral records and documents which contain personally identifiable information maintained by the recipient and its subrecipients.

(4) “Personally identifiable” means that the participant records include:

(a) The name of the participant, the participant’s parents; or other family members;

(b) The address of the participant;

(c) A personal identifier, such as the participant’s Social Security number or phone number;

(d) A list of personal or physical characteristics which would make the participant’s identity easily traceable; or

(e) Other information which would make the participant’s identity easily traceable.

(5) “Program staff” means Recipient and Subrecipient staff.

(6) “Recipient” means the Governor.

(7) “Release” means to make participant records available to individuals, agencies or businesses for inspection in original or duplicate form.

(8) “Subrecipient” means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor.

(9) “Surrogate” means an individual who acts in the place of a parent or guardian in safeguarding a participant’s rights when the parent or guardian is unknown (the parent cannot be identified or ascertained by diligent inquiry), unavailable (after reasonable effort, the whereabouts of the parents cannot be ascertained) or the participant is a ward of the State. “Surrogate” may also apply to a designated legal guardian or advocate of an adult with a disability.

Stat. Auth.: ORS 285.035(5) & ORS 293.550

Stats. Implemented: Job Training Partnership Act, Public Law 97-300

Hist.: EDD 2-1990, f. 1-16-90, cert. ef. 1-22-90; EB 13-1997, f. 9-30-97, cert. ef. 10-4-97, Renumbered from 123-070-0220; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

Rule Caption: Adopts by reference instructional materials for mathematics.

Adm. Order No.: ODE 27-2008(Temp)

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-24-08 thru 4-22-09

Notice Publication Date:

Rules Adopted: 581-011-0141

Subject: State law requires the state board to review and adopt a list of textbooks and other instructional materials for use by school districts.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-011-0141

Instructional Materials for Mathematics Adopted by the State Board of Education, 2009-2015

(1) The State Board of Education adopts by reference “State-Adopted Instructional Materials for Mathematics, 2009–2015” listing instructional materials in the following categories:

(a) Mathematics — Grades K-5/6; and

(b) Mathematics — Grades 6–8.

(2) The recommended materials are adopted for the adoption cycle beginning July 1, 2009 and ending June 30, 2015.

[Publications referenced are available from the agency]

Stat. Auth.: ORS 337.050

Stats. Implemented: ORS 337.050

Hist.: ODE 27-2008(Temp), f. 10-23-08, cert. ef. 10-24-08 thru 4-22-09

ADMINISTRATIVE RULES

Rule Caption: Modifies rules relating to education service districts.

Adm. Order No.: ODE 28-2008

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-24-08

Notice Publication Date: 7-1-2008

Rules Amended: 581-024-0191, 581-024-0205, 581-024-0206, 581-024-0208, 581-024-0210, 581-024-0215, 581-024-0226, 581-024-0228, 581-024-0231, 581-024-0235, 581-024-0240, 581-024-0245, 581-024-0250, 581-024-0252, 581-024-0255, 581-024-0257, 581-024-0260, 581-024-0262, 581-024-0265, 581-024-0270, 581-024-0275, 581-024-0285, 581-024-0290, 581-024-0300

Rules Repealed: 581-024-0212, 581-024-0225, 581-024-0288

Subject: Chapter 828, Oregon Laws was enacted by the legislature. This legislation modified requirements for education service districts. The rule amendments reflect these changes. The amendments also clarify rule language relating to ESDs.

Rules Coordinator: Paula Merritt—(503) 947-5746

581-024-0191

ESD Merger, General Requirements

(1) Two or more ESDs may merge to form one ESD. To merge, each merging ESD must present to the State Board of Education a petition indicating the intent to merge. An ESD may obtain a petition in either of the following two methods:

(a) The boards from at least two-thirds of the component school districts in each ESD proposed for merger, representing at least a majority of the students included in the average daily membership of the ESD, must present resolutions to the ESD board supporting the merger. Average daily membership for this purpose must be determined using data from the previous school year; or

(b) The ESD boards proposed for merger mutually consent to the merger and by majority vote of each board approve the petition.

(2) When the State Board of Education receives from the ESDs that are proposed for merger, petitions for merger that have been approved under either of the methods established in Section 1 of this rule, the State Board must review the petitions. Within 15 days following the State Board meeting when the petitions are reviewed the State Board must determine the date for a public hearing and notify the boards of each ESD proposed for merger of the date of the hearing.

(3) The State Board must ensure that notice is provided under the provisions of ORS 330.400.

(4) The State Board must ensure that hearings are conducted in each ESD proposed for merger to discuss the proposals contained in the petitions, including the effect of the proposed merger. Any resident of the affected districts may provide testimony on the proposed merger.

(5) The Board will review the fiscal and programmatic impact of the proposed merger in determining feasibility as required in section (6) of this rule.

(6) Following the hearings, if the State Board determines that the proposed merger is feasible, the Board must order the proposed merger based on the proposals contained in the petitions.

(7) The new ESD will come into existence effective May 31 of the year following the order of the State Board issued under section (6) of this rule.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 334.710 - 334.770 (2001 OL Ch. 518)

Hist.: ODE 20-2002, f. & cert. ef. 8-2-02; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0205

Definitions

The following definitions apply to OAR 581-024-0191 through 581-024-0310 unless otherwise indicated by context.

(1) "ADM": means the "ADM" means the average daily membership as defined in ORS 327.006.

(2) "Annual Report": a comprehensive document Submitted to the Department as required by OAR 581-024-0208 and 581-024-0226.

(3) "Board": State Board of Education.

(4) "Component" or "component school district": a school district whose administrative office is within the boundaries of the district.

(5) "Core services": major categories of services that districts must provide that include services for children with special needs, technology support, school improvement, and administrative and support. Other services may be provided if approved in a Local Service Plan.

(6) "Core service goals:" The goals of a district in providing core services are to: improve student learning; enhance the quality of instruc-

tion; provide professional development to component school district employees; provide students equitable access to resources; and maximize operational and fiscal efficiencies for component school districts.

(7) "Department": Oregon Department of Education.

(8) "District": an education service district.

(9) "District Board": an education service district board.

(10) "ESD": an education service district as defined in ORS 334.003.

(11) "Entrepreneurial Services": services and facilities provided by an ESD to noncomponent school districts, other public entities, non profit or private entities pursuant to conditions cited in ORS 334.185. The ESD provides the services or facilities with a motivation to provide services or facilities that are expected to result in benefits to the ESD and its component school districts. The benefits may be monetary, increased provision of service delivery to component school districts, intellectual property, or some other benefit. The term "entrepreneurial" does not apply to services an ESD is providing to the State of Oregon, or services provided on a cost-recovery basis.

(12) "Local service Plan": the plan developed and adopted by the district pursuant to ORS 334.175 and OAR 581-024-0285.

(13) "Noncomponent": a school district whose administrative office is outside the boundaries of the education service district.

(14) "Nonstandard district": a district that has not met the provisions of division 024 of chapter 581 of Oregon Administrative Rules, Chapter 334 of Oregon Revised Statutes, or other applicable rules and statutes to which districts are required to comply.

(15) "Performance measures": procedures designed and administered by a district to determine component school districts' satisfaction with the quality of ESD services they receive. The performance measures are to be published by the District in the Local Service Plan.

(16) "Public Entity": a unit of local, state, or federal government.

(17) "Private entity": not a unit of local, state, or federal government and includes, but is not limited to, not-for-profit or business organizations.

(18) "School Improvement Fund": means the fund established in ORS 327.294.

(19) "Sexual orientation": means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

(20) "Standard District": a district having met the provisions of division 024 of chapter 581 of Oregon Administrative Rules, Chapter 334 of Oregon Revised Statutes, and other applicable rules and statutes to which ESDs are required to comply.

(21) "Superintendent": State Superintendent of Public Instruction.

Stat. Auth.: ORS 334

Stats. Implemented: ORS 334.125

Hist.: IEB 265, f. & ef. 8-22-77; IEB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 13-2005(Temp), f. & cert. ef. 12-29-05 thru 6-1-06; Administrative correction 7-20-06; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0206

Powers and Duties

Pursuant to ORS 334.125, the district board is authorized to transact appropriate business and is required to perform certain duties.

(1) Every district shall comply with the statutes and rules governing the transaction of public business to include directives on budgeting and expenditures.

(2) Every district shall comply with Board adopted administrative rules and applicable statutes.

(3) The district board shall perform all duties required by law, including but not limited to those identified in ORS 334.125(3) as follows:

(a) Distribute school funds as it is empowered to apportion. Distribution shall be done in a timely and accurate manner;

(b) Conduct of audits requiring the district to assist component school districts to meet budgeting, accounting and audit requirements (OAR 581-024-0265), to serve as a public depository for just completed audits and maintain past audit reports for 20 years;

(c) Serve as district boundary board as identified in ORS 330.081-330.310 and OAR 581-024-0252;

(d) Prepare an annual operating budget in accordance with the local budget section of Chapter 294 of ORS, the local Budget Law, and the chart of accounts contained in the program Budget and Accounting Manual as adopted by the State Board of Education and levy taxes as required or permitted by law.

(e) Contract bonded indebtedness in the manner authorized by statute. Bonds are to be issued pursuant to ORS 328.205 to 328.295 and other laws applicable to the issuance of bonds; and

ADMINISTRATIVE RULES

(f) Creating a county education bond district under ORS 328.304 from a county within the district

(g) Review periodically with component school districts, their operations, and submit to the component school districts plans that would achieve economies and efficiencies through consolidation of various operations of all or some of the component school districts. The district and its component school districts shall submit an annual report to the Board on the effectiveness of the consolidation of operations.

(4) Districts must comply with the requirements to develop, adopt and approve a Local Service Plan as set out in ORS 334.175, and OAR 581-024-0285. The district board must adopt the local service plan and the component district boards must approve the Local Service Plan by resolution by March 1 of each year.

Stat. Auth.: ORS 334.217

Stats. Implemented: ORS 334

Hist.: EB 16-1994, f. & cert. ef. 11-14-94; ODE 22-2002, f. & cert. ef. 10-15-02; ODE 13-2005(Temp), f. & cert. ef. 12-29-05 thru 6-1-06; Administrative correction 7-20-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0208

Mission, Roles and Goals

(1) Each district shall provide regionalized core services to component school districts as provided in ORS 334.175 (2). Services must be approved by the component school district boards and the district board, and be included in the district's Local Service Plan. The goals of these services shall be to: improve student learning, enhance the quality of instruction, provide professional development to component school district employees, provide students equitable access to resources, and maximize operational and fiscal efficiencies for component school districts (334.175 (1)(a)-(f))

(2) In accordance with ORS 334.005 the mission and roles of the districts are as follows:

(a) The mission of education service districts is to assist school districts and the Department of Education in achieving Oregon's educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level.

(b) An education service district plays a key role in:

(A) Ensuring an equitable and excellent education for all children in the state;

(B) Implementing the Oregon Education Act for the 21st Century;

(C) Fostering the attainment of high standards of performance by all students in Oregon's public schools; and

(D) Facilitating inter-organizational coordination and cooperation among educational, social service, health care and employment training agencies.

(c) An education service district's role is one of leadership and service. Education service districts shall maintain the distinction between their role as service organizations and the regulatory role of the Department of Education and other agencies.

(d) To ensure that a district is responsive to its component school districts a Local Service Plan must be developed and adopted by the district board, and approved by component school district boards through the resolution process as provided in ORS 334.175(5)(a)(b). The district should consider a variety of flexible service delivery models.

(e) An education service district shall submit an Annual Report to the Department by June 30 of each year on forms provided by the Department. The Annual Report shall be a comprehensive document which includes a Local Service Plan, a Review of Component Districts' Operations and an ESD Self-Appraisal.

(f) An education service district shall remain accountable to:

(A) The public at large;

(B) The component school districts; and

(C) The State Board of Education.

Stat. Auth.: ORS 334.005 & 334.217

Stats. Implemented: ORS 334.125

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 22-2002, f. & cert. ef. 10-15-02; ODE 13-2005(Temp), f. & cert. ef. 12-29-05 thru 6-1-06; Administrative correction 7-20-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0210

Administration of the Standardization Requirements

(1) The State Board of Education by adopting Oregon Administrative Rules establishes standards to determine the adequacy of services and facilities provided by an education service district. In establishing these standards the Board shall consider the most economic method of providing services and facilities, the quality of the services and facilities according to the best educational standards, and the needs of the students.

(2) The standards include rules in division 024 of chapter 581 of Oregon Administrative Rules, Chapter 334 of Oregon Revised Statutes, and other applicable rules and statutes to which ESDs are required to comply. The board requires substantial compliance with all applicable state and federal statutes and rules.

(3) The evaluation for compliance shall be conducted through a review of the Local Service Plan/Annual Report. In addition, on-site evaluations of districts may be conducted periodically as determined by the needs or interests of the Department. Evaluation teams named by the Department shall use the Local Service Plan/Annual Report, district records, and results from on-site evaluations in determining the degree to which the standards are met.

(4) The Department shall use rules in division 024 of chapter 581 of Oregon Administrative Rules, other applicable rules and statutes, and the district's Local Service Plan/Annual Report to identify specific areas of an ESD's operation to be evaluated and reported on during an on-site visit. The district will be notified of the areas to be evaluated and the dates of the visit at least 90 days prior to an on-site visit. The district shall prepare exhibits that document its activities related to the areas to be evaluated

(5) The on-site visit will be conducted by a team lead by a Department staff person with additional members from the Department, other districts and component school districts. The size of the team shall be determined by the Department in accordance with the areas to be reviewed and the complexity of the ESD's programs, services and operations.

(6) The team leader shall, within 30 days of the visit, present to the district a draft report of the team's findings. The district's response must be received by the Department not later than 30 days after the district's receipt of the draft report.

Stat. Auth.: ORS 334.217

Stats. Implemented: ORS 334.125

Hist.: IEB 237, f. & ef. 7-9-76; IEB 265, f. & ef. 8-22-77; IEB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94; ODE 13-2005(Temp), f. & cert. ef. 12-29-05 thru 6-1-06; Administrative correction 7-20-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0215

Assignment of Standardization Classification

(1) The district's designation as standard, conditionally standard or nonstandard is determined by the State Superintendent of Public Instruction and is based on the district's compliance with the rules set out in division 024 of chapter 581 of the Oregon Administrative Rules and other applicable rules and statutes.

(2) The Superintendent will review a district's compliance with standards as part of a comprehensive, regular review of the district, or may review a district in response to a public complaint alleging noncompliance with one or more of the standards, or upon the Superintendent's own initiative at any time as may be necessary to ensure compliance with the standards.

(3) During a review, the district shall cooperate with the Superintendent and provide any and all evidence the Superintendent considers necessary for the review. If as a result of a review of the district by the Superintendent it is determined that the district does not comply with one or more of the standards, the Superintendent will notify the district of the initial determination of noncompliance and give the district 15 days to respond.

(4) If after reviewing the district's response, the Superintendent determines that the district is in compliance with all standards, the Superintendent will within 15 days from the receipt of the district's response designate the district as standard.

(5) If after reviewing the district's response, the Superintendent determines that the district is not in compliance with one or more standards, the Superintendent will within 15 days from the receipt of the district's response designate the district as nonstandard and require from the district a plan to correct all deficiencies. The district will have 30 days to provide the Superintendent with the plan. The Superintendent may accept, reject or modify the plan within 30 days from the receipt of the district's plan and will order the district to comply with the plan as approved. The district will have 180 days from the approval of the plan to correct all identified deficiencies.

(6) If a plan is not submitted to the Superintendent within 30 days, the Superintendent will designate the district nonstandard.

(7) When a plan to correct deficiencies is approved by the Superintendent, the district is designated conditionally standard.

(8) When the district corrects all identified deficiencies, the district is designated standard.

(9) If after 180 days from the approval of the plan, the district has not corrected all identified deficiencies, the Superintendent will designate the district nonstandard.

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(10) The Superintendent may impose sanctions on a nonstandard district, including requiring merger with a contiguous, standard district, withholding state school fund allocations and the sanctions described in ORS 342.173. The determination of sanction is left to the discretion of the Superintendent.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.125
Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94; ODE 1-2005(Temp), f. & cert. ef. 2-14-05 thru 8-1-05; Administrative correction 8-17-05; ODE 11-2006, f. & cert. ef. 2-21-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0226

Assessment and Evaluation of Services

(1) Each district board shall file by June 30 of each year with the Superintendent of Public Instruction an annual report to include an adopted Local Service Plan, a Review of Component Districts' Operations report, and an ESD Self-Appraisal report. This annual report, entitled "Local Service Plan/Annual Report" will be used by the Department to assess ESDs' compliance with state standards.

(2) To adequately complete the annual report the district shall have on file information regarding the procedures used in assessing the performance of services provided by the district including:

(a) A listing of services provided by the district with appropriate documentation regarding the results of component school districts' performance assessments.

(b) The budget for funds to be expended from the State School Fund as described in ORS 334.177 for each core service category shall be reported in the annual report, and maintained on file at the district.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.217
Hist.: 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94; Suspended by ODE 7-2006(Temp), f. & cert. ef. 2-14-06 thru 8-1-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0228

Review School District Operations

(1) Pursuant to ORS 334.125(9) each district board shall adopt a policy and procedure describing how the district shall work cooperatively with component school districts to periodically review their operations.

(2) The results of the review and report shall be summarized and reported to the Board as part of the district's annual report which is to be submitted by June 30 of each year.

(3) Unless specifically waived by the Board, the operations to be reviewed shall be accomplished as follows:

(a) 2008-2009, Accounting, payroll and printing; pupil transportation; legal services, investments and auditing; insurance and student records management. The order of review may be determined by the ESD and the component school districts.

(b) Other operations identified by the state board prior to September 1 of each school year.

(4) Other similar operations are subject to review as agreed upon by the district and its component school districts. Nothing in the requirements of this rule prevents a district and its component school districts from reviewing any operations at any time. However a district shall review at least one operation per year.

Stat. Auth.: ORS 334.125(9)
Stats. Implemented: ORS 334.125
Hist.: EB 16-1994, f. & cert. ef. 11-14-94; ODE 8-1999, f. & cert. ef. 1-15-99; Suspended by ODE 7-2006(Temp), f. & cert. ef. 2-14-06 thru 8-1-06; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0231

Curriculum Improvement

(1) Districts providing instructional and instructional support services shall do so, subject to available funds, and with the approval of component school district boards and the District board as provided in ORS 334.175.

(2) A district's Local Service Plan shall include services that are funded by the State School Fund; and by service contracts or agreements with component and noncomponent school districts, state and federal agencies, and other public and private agencies.

Stat. Auth.: ORS 334.125, 334.175 & 334.185
Stats. Implemented: ORS 334.125, 334.175 & 334.185
Hist.: 1EB 33-1978, f. & ef. 10-5-78; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 22-2002, f. & cert. ef. 10-15-02; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0235

Special Education Services

When providing special education services for component school districts, each district will work cooperatively with its component school districts to:

(1) Demonstrate that it has met state and federal requirements when providing special education and related services to children with disabilities; and

(2) Assist component school districts, to the extent that the district provides these services, to gather, analyze and report individualized testing data, and other information as required by the state or federal governments.

Stat. Auth.: ORS 334.125 & 334.175
Stats. Implemented: ORS 334.125 & 334.175
Hist.: 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0240

Administration

(1) Each district board shall adopt rules, policies and procedures pursuant to ORS 334.125, and shall make such information available upon request.

(2) Each district shall complete and forward promptly all reports required by state and federal governments.

(3) Each district shall cause all employees responsible for funds, fees or cash collections to be covered under a district board-approved bond.

Stat. Auth.: ORS 334.005, 334.125 & 334.240
Stats. Implemented: ORS 334.125
Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0245

Staff

(1) Each district shall employ staff as needed to provide the services as approved in the district's Local Service Plan, provided for in its annual budget and required in ORS 342.513 to 342.985, 653.310 to 653.340 and 659.850.

(2) Each district shall assign:
(a) Licensed personnel in accordance with OAR Division 584; and
(b) All personnel in accordance with their position descriptions.

(3) Each district shall maintain personnel policies to include:
(a) Assurances that equal employment opportunities for all persons are provided regardless of age, disability, national origin, race, color, marital status, religion, sex or sexual orientation; and
(b) An organization chart or written statement that describes the formal relationship between the district board and the various levels, titles and general assignments of employees.

(4) Personnel policies shall be provided to all employees and made available to the public.

Stat. Auth.: ORS 334.217
Stats. Implemented: ORS 334.125
Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 15-1994, f. & cert. ef. 10-3-94; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0250

District Boundary Board

In fulfilling its statutory responsibility to serve as district boundary board, the education service district board shall:

(1) Maintain official minutes recording its actions as district boundary board;

(2) Insure that meetings and minutes of the district boundary board are separate from its actions as district board;

(3) Maintain current records describing the boundaries of the component school districts and their identification numbers consistent with official records of their respective county assessors;

(4) Adopt policies under ORS 330.090(5); and

(5) Adopt procedures for conducting hearings and reporting findings and conclusions in accordance with the requirements of OAR 581-025-0005 through 581-025-0015.

Stat. Auth.: ORS 334
Stats. Implemented: ORS 330.090
Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 6-1989, f. & cert. ef. 1-26-89; EB 15-1994, f. & cert. ef. 10-3-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0252

Boundary Changes

(1) The Board shall serve as the boundary board for districts. While serving as the boundary board the Board shall determine if a proposed

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boundary change is feasible and if the matter shall be submitted to the electors of each district. The Board, upon request, shall make available preprinted forms for petition and cause its staff to review and, if appropriate, modify statements of proposed boundary changes as they are to appear on the yet-to-be signed petitions.

(2) The board shall consider a proposed boundary change upon receipt of:

(a) A joint petition from the two proposing districts; or

(b) A petition from each proposing district containing the signatures of at least 500 electors or a number of electors of the district at least equal to five percent of the electors in the district, whichever is less.

(3) Consideration by the Board shall not be later than its second regular meeting following receipt of the qualified petition. At that meeting the Board shall review the petition and if appropriate:

(a) Fix the time and place for a public hearing in each of the proposing districts to discuss the proposal;

(b) Cause notices of the hearings to be published in accordance with ORS 330.400;

(c) Name a Hearings Officer, Board member or Department staff person to conduct the public hearings and to present a written report on the hearings to the Superintendent. The report shall be submitted to the Superintendent within 15 days of the last hearing;

(d) Notify the district boards of each district designated by the petition of this rule. This notification shall be issued to be received by each district within 15 days of the Board's action.

(4) At the public hearing in each proposing district the presiding officer shall cause to have discussed the effect on the proposed district. The hearing shall be conducted in accordance with procedures identified in ORS Chapter 183.

(5) Following the public hearings and receipt of the hearings report the Superintendent shall prepare for the Board's consideration at its next regular meeting an analysis and recommendation on the proposal. The recommendation shall consider whether the proposed district or districts would have the characteristics identified in ORS 334.690(1)–(5) and is feasible (334.720(2)).

(6) The Board shall consider the boundary change proposal including the Superintendent's analysis and recommendation and the hearings officer's report. The Board shall consider whether the proposed district or districts would have the characteristics identified in ORS 334.690. To favorably consider the proposal the Board shall determine that the proposed district or districts is in the best interest of the state and the students and school districts to be served. The Board may:

(a) Find the petition feasible and approve submitting the question of the proposed district or districts to the electors of each district at the next regular district election;

(b) Find the petition to be unfeasible, denying the request to place the matter before the electors; or

(c) Postpone action until the next meeting. Action by the Board shall be accomplished not later than its second meeting following receipt of the report on the hearings.

(7) Expenses incurred for the election shall be paid by each district as specified in ORS 255.305.

(8) A petition for a boundary change that would transfer territory from a school district which is a member of one education service district to another school district which is a member of another education service district, thus altering the boundaries of two ESDs must originate with and be adjudicated by the affected ESD boundary boards pursuant to ORS 330.095. The ESD boundary board of the most populous school district must act first and the ESD Boundary Boards must adhere to timelines established in 330.107 unless the state board grants an extension of time. Appeals of ESD boundary boards' procedures may be made to the State Board of Education under 330.090 and OAR 581-025-0020.

Stat. Auth.: ORS 255.305, 334.690, 334.710 & 334.720

Stats. Implemented: ORS 255.305, 335.690, 334.710 & 334.720

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0255

Attendance Supervision

Each district shall provide attendance supervisors for component school districts of less than 1,000 ADM or, upon written request, shall grant a component school district permission to supervise their own attendance matters.

Stat. Auth.: ORS 339.040

Stats. Implemented: ORS 339.040

Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0257

Children Instructed by Parent or Private Teacher

Each district shall perform those duties as identified in OAR 581-021-0026 through 581-021-0029.

Stat. Auth.: ORS 339.005 - 339.090

Stats. Implemented: ORS 339.035

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0260

Budgets

Each district board shall:

(1) Provide evidence that the district budget has been properly developed, adopted and implemented;

(2) Assist component school districts, when requested, to develop annual budgets; and

(3) Maintain a file of district and component school districts' budgets as officially adopted.

Stat. Auth.: ORS 334.125 & 334.240

Stats. Implemented: ORS 334.125 & 334.240

Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0262

Budget Committee

(1) The budget committee of a district shall consist of the voting members of the district board and a number of electors equal to the number of voting members of the district board plus one, who are members, or designees of component district boards.

(2) The district board shall adopt policies assuring equitable representation of the component school districts and which identify the nomination and appointment process. Terms of appointment shall be for three years.

(3) Sections (1) and (2) of this rule are not applicable when the district has a population exceeding 100,000 and is located in a county which has a tax supervising and conservation commission which shall serve as the budget committee. (See ORS 294.341.)

Stat. Auth.: ORS 334.240

Stats. Implemented: ORS 334.240

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0265

Audits

(1) Each district shall insure that an annual audit of component school districts and its own accounts is conducted and shall:

(a) File in the district office a copy of the district's annual audits;

(b) Assist component school districts to meet budgeting, accounting and audit requirements of state agencies; and

(c) Maintain a file of the component school districts' audits.

(2) By January 1 of each year the district shall file with the Department the district audit for the previous year.

Stat. Auth.: ORS 294, 334.125(3)(b) & 334.217

Stats. Implemented: ORS 334.125 & 334.217

Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 16-1994, f. & cert. ef. 11-14-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0270

State Board Assistance

(1) Each district shall assist the Board and Department pursuant to the provisions of ORS 334.005(5)(c), and 334.217(1) in providing state-level services and support of statutes and standards.

(2) When requested by the Department, each district shall verify how it has assisted component school districts to comply with applicable statutes and rules.

(3) Each district shall gather and forward information the Department requires or requests.

(4) Each district shall, within its capabilities, and when requested, provide personnel to assist in Department conduct standardization visits and school improvement services.

Stat. Auth.: ORS 334.005 & 334.217

Stats. Implemented: ORS 334.005 & 334.217

Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 15-1979, f. 10-4-79, ef. 10-5-79; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0275

Facilities, Safety and Emergency Planning

(1) Each district shall operate and maintain an administration office and other physical facilities as necessary to accommodate district services.

ADMINISTRATIVE RULES

These facilities must be in compliance with applicable federal and state health and safety regulations.

(2) Each district shall maintain inspection reports showing the district in compliance with all applicable federal and state health and safety regulations.

(3) In facilities operated by the district, each district shall provide for regularly scheduled and documented safety inspections to assure that the facilities and services are operated and maintained in a manner that protects the safety and health of staff and students.

(4) In facilities operated by the district that are occupied by students, the district must ensure that all students are instructed and have drills on emergency procedures in compliance with ORS 336.071. The emergency procedures shall include drills and instruction on fires and earthquakes. In addition, facilities that are in a coastal zone shall include tsunami drills and instruction.

(5) In facilities operated by the district, each district must have a written plan for responding to emergency situations. Emergency situations include but are not limited to: injury accidents, fire, chemical spill, hazardous materials, exposure to contagious disease, fire arms on the premises, and other illegal acts that threaten the health and safety of staff and students.

(a) Emergency plans should be coordinated with appropriate police and fire services, ambulance services and area hospitals.

(b) There should be an adequate internal communication system in district operated facilities to transmit emergency information to staff and students in a rapid and clear manner.

(c) The emergency plan should be posted in conspicuous places throughout district operated facilities.

(d) There should be periodic training for staff and students regarding the emergency plan. Appropriate first-aid supplies and at least one staff member with a current first-aid/CPR card shall be available at all district operated facilities.

Stat. Auth.: ORS 334.125 & 334.217

Stats. Implemented: ORS 334.125 & 334.217

Hist.: 1EB 237, f. & ef. 7-9-76; 1EB 265, f. & ef. 8-22-77; 1EB 4-1985, f. 1-4-85, ef. 7-1-85; EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0285

Local Service Plans

(1) The district board must develop and adopt a local service plan pursuant to ORS 334.175 and this rule.

(2) Following adoption by the district board, the local service plan must be approved by the boards of the component school districts by resolution on or before March 1 pursuant to ORS 334.175(5)(b). The local service plan must include all services and facilities provided by an ESD, including the core services as defined in 334.175(2) and section (7) of this rule, those services required by state and federal law and services provided under contract to component school districts, non-component school districts and other public and private entities and must be approved annually by the ESD board and the component school districts. A local service plan shall also contain annual performance measures. A local service plan must be approved by the affirmative vote of at least two thirds of the boards of the ESD's component school districts, representing at least 50 percent of the total number of students enrolled in component school districts of the ESD.

(3) Pursuant to ORS 334.177 an education service district board shall expend at least 90 percent of all amounts received from the State School Fund and at least 90 percent of all amounts considered to be local revenues of an education service district on services or programs that have been adopted by the district board in the local service plan and approved by the component school districts of the education service district through the resolution process described in 334.175. For purposes of this section, amounts considered to be local revenues of an education service district are those local revenues defined in 327.019(1)(b) less the amounts required to be distributed to component school districts under 327.019(8).

(4) Pursuant to ORS 334.177, an education service district board shall expend 100 percent of all amounts received from the School Improvement Fund on services or programs that have been adopted by the district board in the local service plan and approved by the boards of the component school districts of the education service district through the resolution process described in 334.175.

(5) Appropriate allocated costs of personnel, supplies, materials, equipment, and facilities associated with providing resolution services may be allocated to the local service plan and included in the 90% calculation.

(6) An approved local service plan may be amended at any time by the affirmative vote of at least two thirds of the boards of the ESD's component

school districts, representing at least 50 percent of the total number of students enrolled in component school districts of the ESD.

(7) ESDs shall offer the following core services to component school districts, including:

(a) Programs for children with special needs, including but not limited to special education services, services for at-risk students and professional development for employees who provide those services;

(b) Technology support for component school districts and the individual technology plans of those districts, including but not limited to technology infrastructure services, data services, instructional technology services, distance learning and professional development for employees who provide those services;

(c) School improvement services for component school districts, including but not limited to services designed to support component school districts in meeting the requirements of state and federal law, services designed to allow the education service district to participate in and facilitate a review of the state and federal standards related to the provision of a quality education by component school districts, services designed to support and facilitate continuous school improvement planning, services designed to address schoolwide behavior and climate issues and professional technical education and professional development for employees who provide those services;

(d) Administrative and support services for component school districts, including but not limited to services designed to consolidate component school district business functions, liaison services between the Department of Education and component school districts and registration of children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035; and

(e) Other services that an education service district is required to provide by state or federal law, including but not limited to services required under ORS 339.005 to 339.090.

(8) An ESD may provide entrepreneurial services and facilities to non-component school districts and other public and private entities pursuant to ORS 334.185. An ESD may provide entrepreneurial services and facilities if:

(a) The entrepreneurial services or facilities are included and identified in an approved local service plan;

(b) The entrepreneurial services or facilities are provided pursuant to a business plan, which must include a description of each service and facility, a statement of the projected expense incurred and revenue generated by the service or facility, a statement of the expected benefit to component school districts, an annual financial report provided to component school districts and a statement of the source of funding for the service or facility; and

(c) The primary purpose of the entrepreneurial services or facilities is to address a need of component school districts.

(9) Prior to June 30 of each year, an ESD shall submit to the Department of Education the local service plan of the ESD adopted pursuant to ORS 334.175 and this rule. The local service plan shall be part of the Annual Report submitted by the ESD to the Department.

Stat. Auth.: ORS 326.051, 334.005 & 334.175

Stats. Implemented: ORS 334.005 & 334.175

Hist.: EB 16-1994, f. & cert. ef. 11-14-94; ODE 22-2002, f. & cert. ef. 10-15-02; ODE 13-2005(Temp), f. & cert. ef. 12-29-05 thru 6-1-06; Administrative correction 7-20-06; ODE 33-2007, f. & cert. ef. 12-12-07; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0290

Advisors to the Board

Each district board may appoint nonvoting advisory members to the board as the board deems important.

Stat. Auth.: ORS 334.025(3)

Stats. Implemented: ORS 334.025

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 22-2002, f. & cert. ef. 10-15-02; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

581-024-0300

Advisory Committees

(1) Except as required in section (2) of this rule, the district board may appoint local advisory committees to represent the interests of areas within the district and to advise the district board on matters of interest within the area.

(2) If two or more component school district boards adopt resolutions petitioning the district board to establish a local advisory committee, the district board shall establish such a committee.

(3) A local advisory committee shall represent more than one component school district board.

ADMINISTRATIVE RULES

(4) The district board shall adopt policies concerning the composition, number of members, term of office, procedures for appointment, and duties and responsibilities of each advisory committee.

(5) Nothing in this rule prevents district boards from appointing ad hoc advisory committees whenever the board deems it appropriate.

Stat. Auth.: ORS 334.025(4)

Stats. Implemented: ORS 334.025

Hist.: EB 10-1994, f. & cert. ef. 8-16-94; ODE 28-2008, f. 10-23-08, cert. ef. 10-24-08

Oregon Medical Board

Chapter 847

Rule Caption: Grant authority to Board Executive Director to approve Interim Stipulated Orders.

Adm. Order No.: BME 22-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Adopted: 847-001-0030

Subject: Proposed rule grants authority to Board's Executive Director to approve Interim Stipulated Orders (limitation on license), so that Orders may become public information and be released to hospitals and health care facilities, in the interest of protecting the public.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-001-0030

Approval of Interim Stipulated Orders

(1) The Executive Director, via his/her signature, has the authority to grant approval of an Interim Stipulated Order that has been signed by a licensee of the Board.

(2) The Executive Director's signature grants approval of the Interim Stipulated Order which allows the Order to become a public document. As a public document, the Interim Stipulated Order may be released to hospitals, clinics, and other practice locations.

(3) The Executive Director shall forward Interim Stipulated Orders to the Board in a timely manner.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 & 677.275

Hist.: BME 13-2008(Temp), f. & cert. ef. 5-16-08 thr 10-31-08; BME 22-2008, f. & cert. ef. 10-31-08

Rule Caption: Requires the years of practice under multiple Limited Licenses, Medical Faculty to be consecutive.

Adm. Order No.: BME 23-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Amended: 847-010-0052, 847-010-0063, 847-020-0140

Subject: The proposed rule change requires the years of practice under multiple Limited Licenses, Medical Faculty to be consecutive. The proposed rule change also consolidates rule language to reduce redundancy.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-010-0052

Limited License, Visiting Professor

(1) A physician who does not qualify for a medical license under any of the provisions of this Chapter and who is offered a teaching fellowship in an approved medical school or affiliated teaching institution in this state may, after application to and approval by the Board, be issued a Limited License, Visiting Professor. This license allows the physician to practice medicine only to the extent that such practice is incident to and a necessary part of the applicant's duties as approved by the Board in connection with such teaching fellowship.

(2) The Limited License, Visiting Professor is valid for a period of one year, and upon written request may be renewed for one additional year. The two years must be consecutive, and any unused portion of time can not be requested at a later date.

(3) Every physician who is issued a Limited License, Visiting Professor to practice in this state and who intends to continue practice in such teaching position beyond the period granted for the license must submit a new limited license application and fee at least 30 days before the expiration date of the license.

(4) To qualify for a Limited License, Visiting Professor, an applicant must furnish documentary evidence satisfactory to the Board of graduation from a school of medicine, and a curriculum vitae.

(5) The head of the department in which the applicant is to be appointed must certify in writing to the Board that the applicant has been offered a teaching fellowship which will be under the direction of the head of the department and will not be permitted to practice medicine unless as a necessary part of the applicant's duties as approved by the Board in section (1) of this rule.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100 & 677.132

Hist.: ME 21-1987, f. & ef. 10-29-87; ME 11-1988, f. & cert. ef. 8-5-88; ME 1-1991(Temp), f. 1-30-91, cert. ef. 1-31-91; ME 2-1991, f. & cert. ef. 4-19-91; ME 4-1993, f. & cert. ef. 4-22-93; BME 2-2002, f. & cert. ef. 1-28-02; BME 4-2003, f. & cert. ef. 1-27-03; BME 2-2006, f. & cert. ef. 2-8-06; BME 23-2008, f. & cert. ef. 10-31-08

847-010-0063

Limited License, Medical Faculty

(1) A physician qualifying under OAR 847-020-0140 may be granted a Limited License, Medical Faculty after applying to and being approved by the Board at a quarterly Board meeting. This license allows the physician to practice medicine only to the extent that such practice is incident to and a necessary part of the applicant's duties as approved by the Board in connection with the faculty position.

(2) A Limited License, Medical Faculty is valid for one year after issuance and may be renewed as frequently as needed for a total period not to exceed four years. The four years must be consecutive.

(3) Every physician who is issued a Limited License, Medical Faculty to practice in this state and who intends to continue practice in such faculty position beyond the period granted for the license must submit a new limited license application and fee at least 30 days before the expiration date of the license.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100 & 677.132

Hist.: ME 21-1987, f. & ef. 10-29-87; ME 11-1988, f. & cert. ef. 8-5-88; ME 4-1993, f. & cert. ef. 4-22-93; BME 5-2001, f. & cert. ef. 4-23-01; BME 2-2002, f. & cert. ef. 1-28-02; BME 5-2004, f. & cert. ef. 4-22-04; BME 3-2007, f. & cert. ef. 1-24-07; BME 23-2008, f. & cert. ef. 10-31-08

847-020-0140

Limited License, Medical Faculty, and Limited License, Visiting Professor

(1)(a) Any physician who does not qualify for a medical license under any of the provisions of this chapter and who is offered by the Dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the Board at a quarterly meeting of the Board, be granted a Limited License, Medical Faculty to engage in the practice of medicine only to the extent that such practice is incident to and a necessary part of the applicant's duties as approved by the Board in connection with such faculty position.

(b) To qualify for a Limited License, Medical Faculty an applicant shall meet all the following requirements:

(A) Furnish documentary evidence satisfactory to the Board that the applicant is a United States citizen or is legally admitted to the United States.

(B) Furnish documentary evidence satisfactory to the Board that the applicant has been licensed to practice and has practiced medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the Board, or has been engaged in the practice of medicine in the United States for at least four years in approved hospitals, or has completed a combination of such licensed practice and training.

(C) The dean of the medical school shall certify in writing to the Board that the applicant has been appointed to a full-time faculty position; that a position is available; and that because the applicant has unique expertise in a specific field of medicine, the medical school considers the applicant to be a valuable member of the faculty.

(D) The head of the department in which the applicant is to be appointed shall certify in writing to the Board that the applicant will be under the direction of the head of the department and will not be permitted to practice medicine unless as a necessary part of the applicant's duties as approved by the Board in subsection (a) of this section.

(E) The applicant may be required to take and pass an examination by the Board.

(c) A Limited License, Medical Faculty is valid for one year after issuance and may be renewed as frequently as needed for a total period not to exceed four years during which time the applicant must pass USMLE Steps 1, 2 and 3, or have previously passed the FLEX, or National Board of

ADMINISTRATIVE RULES

Medical Examiners Examination or a combination of all three per OAR 847-020-0170(1)–(4). Having completed four years of practice under a Limited License, Medical Faculty and successfully passed either the FLEX examination, the National Board of Medical Examiners Examination, or USMLE Steps 1, 2 and 3, the applicant is eligible for licensure regardless of any other requirements of this Chapter.

(2)(a) Any physician who does not qualify for a medical license under any of the provisions of this Chapter and who is offered a teaching fellowship at an approved medical school or affiliated teaching institution in this state may, after application to and approval by the Board, be granted a Limited License, Visiting Professor for two years to practice medicine only to the extent that such practice is incident to and a necessary part of the duties as approved by the Board in connection with such faculty position.

(b) To qualify for a Limited License, Visiting Professor, an applicant shall furnish documentary evidence satisfactory to the Board of graduation from a school of medicine, and a curriculum vitae;

(c) The head of the department in which the applicant is to be appointed shall certify in writing to the Board that the applicant has been offered a teaching position which will be under the direction of the head of the department and will not be permitted to practice medicine unless as a necessary part of the applicant's duties as approved by the Board in subsection (a) of this section.

(d) The Limited License, Visiting Professor shall be granted for a period of one year, and upon written request, may be renewed for one additional year. The two years must be consecutive, and any unused portion of time can not be requested at a later date.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 2-2002, f. & cert. ef. 1-28-02; BME 5-2002, f. & cert. ef. 4-23-02; BME 3-2006, f. & cert. ef. 2-8-06; BME 4-2007, f. & cert. ef. 1-24-07; BME 18-2008, f. & cert. ef. 7-21-08; BME 23-2008, f. & cert. ef. 10-31-08

Rule Caption: Removes requirement to examine the patient in person prior to practicing medicine across state lines.

Adm. Order No.: BME 24-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Amended: 847-025-0000

Subject: Proposed rule removes requirement to examine the patient in person prior to practicing medicine across state lines.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-025-0000

Preamble

(1) A physician granted a license to practice medicine across state lines is subject to all the provisions of the Medical Practice Act (ORS Chapter 677), and to all the administrative rules of the Oregon Medical Board.

(2) A physician granted a license to practice medicine across state lines has the same duties and responsibilities and is subject to the same penalties and sanctions as any other physician licensed under ORS Chapter 677, including but not limited to the following:

(a) The physician shall establish a physician-patient relationship;

(b) The physician shall make a judgment based on some type of objective criteria upon which to diagnose, treat, correct or prescribe;

(c) The physician shall engage in all necessary practices that are in the best interest of the patient; and

(d) The physician shall refrain from writing prescriptions for medication resulting only from a sale or consultation over the Internet.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.135, 677.137, 677.139 & 677.141

Hist.: BME 10-2000, f. & cert. ef. 7-27-00; BME 14-2008(Temp), f. & cert. ef. 7-15-08 thru 1-9-09; BME 24-2008, f. & cert. ef. 10-31-08

Rule Caption: Updates license renewal and reactivation rules; structure of PA Committee per Senate Bill 531 (2007).

Adm. Order No.: BME 25-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Amended: 847-050-0042, 847-050-0043, 847-050-0063

Subject: The proposed rule amendments ensure license renewal and reactivation requirements for physician assistants are consistent with those of other licensees of the Board. Rule amendments also bring

rule language into conformity with ORS 677.540, which was amended as a result of Senate Bill 531 (2007).

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-050-0042

Registration

(1) The registration renewal form and fee must be received in the Board office during regular business hours and must be satisfactorily complete on or before December 31 of each odd-numbered year in order for the physician assistant's registration to be renewed for the next 24 months. This application may also require the completion of a report by the supervising physician on the practice description and supervision arrangements.

(2) Upon failure to comply with section (1) of this rule, the license will automatically lapse as per ORS 677.228.

Stat. Auth.: ORS 677.512

Stats. Implemented: ORS 677.512

Hist.: ME 1-1979, f. & ef. 1-2-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 7-1984, f. & ef. 1-26-84; ME 2-1990, f. & cert. ef. 1-29-90; ME 7-1990, f. & cert. ef. 4-25-90; ME 7-1991, f. & cert. ef. 7-24-91; ME 5-1994, f. & cert. ef. 1-24-94; BME 6-2003, f. & cert. ef. 1-27-03; BME 25-2008, f. & cert. ef. 10-31-08

847-050-0043

Inactive Registration, and Reactivation from Inactive to Active

(1) Any physician assistant licensed in this state and registered under ORS 677.525 who changes location to some other state or country, or who terminates employment with his/her supervising physician, will be listed by the Board as inactive. If the physician assistant wishes to resume active status to practice in Oregon, the physician assistant must submit the Affidavit of Reactivation and processing fee, and satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(2) If, in the judgment of the Board, the conduct of the physician assistant has been such, during the period of inactive registration, that the physician assistant would have been denied a license if applying for an initial license, the Board may deny active registration.

(3) If a physician assistant in this state ceases to practice for a period of 12 or more consecutive months, the board in its discretion may require the person to prove to its satisfaction that the physician assistant has maintained the skills required to be a physician assistant. If there is reasonable cause to question that a physician assistant has not adequately maintained the skills required to be a physician assistant, the Board may require the physician assistant to do one or more of the following:

(a) Pass the examination given by the National Commission on the Certification of Physician Assistants (N.C.C.P.A.);

(b) Provide documentation of current N.C.C.P.A. certification;

(c) Document 25 hours of Category I continuing medical education acceptable to the Board for every year the licensee has ceased practice during the time their Oregon license was inactive or lapsed. Category I continuing education that meets N.C.C.P.A.'s recertification requirements would qualify as Board approved continuing education.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.512

Hist.: ME 12-1986, f. & ef. 7-31-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 5-1996, f. & cert. ef. 7-26-96; BME 11-1998, f. & cert. ef. 7-22-98; BME 2-2000, f. & cert. ef. 2-7-00; BME 25-2008, f. & cert. ef. 10-31-08

847-050-0063

Physician Assistant Committee

(1) There is created a Physician Assistant Committee which shall consist of five members. Members of the committee shall be appointed as follows:

(a) The Oregon Medical Board for the State of Oregon shall appoint one of its members and one physician. The physician who is not a member of the Board must supervise a physician assistant.

(b) The Oregon Medical Board shall appoint three physician assistants after considering persons nominated by the Oregon Society of Physician Assistants.

(2) The term of each member of the committee shall be for three years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.

(3) If any vacancy under subsection (1) of this section is not filled within 45 days, the Governor shall make the necessary appointment from the category which is vacant.

(4) The committee shall elect its own chairperson with such powers and duties as the committee shall fix.

ADMINISTRATIVE RULES

(5) A quorum of the committee shall be three members. The committee shall hold a meeting at least once quarterly and at such other times the committee considers advisable to review requests for prescription and dispensing privileges and to review applications for licensure or renewal.

(6) The chairperson may call a special meeting of the Physician Assistant Committee upon at least 10 days' notice in writing to each member, to be held at any place designated by the chairperson.

(7) The committee members are entitled to compensation and expenses as provided in ORS 677.292.495.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.540

Hist.: BME 15-1999, f. & cert. ef. 10-28-99; BME 1-2001, f. & cert. ef. 1-25-01; BME 25-2008, f. & cert. ef. 10-31-08

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Rule Caption: Establishes term limit for membership on Diversion Program Supervisory Council.

Adm. Order No.: BME 26-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Amended: 847-065-0000

Subject: The proposed rule change establishes term limit for membership on Diversion Program Supervisory Council.

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-065-0000

Diversion Program Supervisory Council

(1) There is established a Diversion Program Supervisory Council (Council) consisting of five members, one of whom is a public member, appointed by the Oregon Medical Board (Board) for the purpose of developing and implementing a diversion program for chemically dependent licensees regulated under ORS 677.615–677.665. No current Board members or staff shall serve on the Council.

(2) The term of office of each member is two years, but a member serves at the pleasure of the board. Before the expiration of the term of a member, the Board shall appoint a successor whose term begins July 1. A member is eligible for reappointment to serve not more than three terms. If there is a vacancy for any cause, the Board shall make an appointment to become immediately effective for the unexpired term.

(3) The members of the Council must be citizens of this state who are familiar with the recognition, intervention, assessment and treatment of chemically dependent persons. The public member shall represent health consumers.

(4) A member of the Council is entitled to compensation and expenses as provided in ORS 292.495, except that the compensation for the time spent in performance of official duties shall be the same as the compensation received by members of the Board.

(5) The Council shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the Council determines.

(6) A majority of the members of the Council constitutes a quorum for the transaction of business.

Stat. Auth.: ORS 677.677

Stats. Implemented: ORS 677.615

Hist.: BME 17-2006, f. & cert. ef. 7-25-06; BME 26-2008, f. & cert. ef. 10-31-08

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Rule Caption: Applicants who graduated from podiatric medical school after 1/1/2001 must pass NBPME examination Part III.

Adm. Order No.: BME 27-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 10-31-08

Notice Publication Date: 8-1-2008

Rules Amended: 847-080-0010, 847-080-0018

Subject: The proposed rule change makes the podiatry rules consistent in specifying that applicants who graduated from a school or college of podiatric medicine on or after 1-1-2001 must meet requirements regarding passage of Part III of the National Board of Podiatric Medical Examiners (NBPME).

Rules Coordinator: Diana M. Dolstra—(971) 673-2713

847-080-0010

Requirements for Licensure

(1) The applicant for licensure shall be required to:

(a) Have graduated from a school or college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(b) Successfully pass the National Board of Podiatric Medical Examiners (NBPME) examination Part I and Part II. Effective April 25, 2008, the applicant for licensure who graduated from a school or college of podiatric medicine on or after January 1, 2001 must also pass the NBPME examination Part III, unless the applicant is licensed as a podiatric physician in another state, or certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(c) Fulfill one of the following:

(A) Satisfactory completion of one year of post-graduate training served in a hospital that is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, or

(B) Satisfactory completion of one year of post-graduate training in a hospital residency program that was not approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association; and current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(d) Have satisfactorily met the requirements of ORS 677.825.

(2) No application will be accepted on the basis of reciprocity or written examination, other than the National Board of Podiatric Medical Examiners.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.825 & 677.830

Hist.: ME 4-1982, f. & ef. 4-23-82; ME 7-1982, f. & ef. 10-27-82; Suspended by ME 3-1983(Temp), f. & ef. 10-3-83 to 10-7-83; Suspended by ME 2-1984(Temp), f. & ef. 1-20-84; ME 11-1985, f. & ef. 8-6-85; ME 6-1986, f. & ef. 4-23-86; ME 8-1994, f. & cert. ef. 4-29-94; BME 16-2004, f. & cert. ef. 7-13-04; BME 13-2005, f. & cert. ef. 10-12-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 12-2008, f. & cert. ef. 4-24-08; BME 27-2008, f. & cert. ef. 10-31-08

847-080-0018

Endorsement, Competency Examination and Personal Interview

(1) The applicant shall base an application upon certification by the National Board of Podiatric Medical Examiners.

(a) For applicants who graduated from a school or college of podiatric medicine on or after January 1, 2001, certification by the NBPME must include Part III of the examination. This requirement may be waived if the applicant is:

(A) Licensed as a podiatric physician in another state; or

(B) Certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(b) All three Parts of the NBPME examination must be passed within a seven-year period which begins when the first Part, either Part I or Part II, is passed. The score achieved on each Part of the examination must equal or exceed the figure established by the National Board of Podiatric Medical Examiners as a recommended passing score.

(c) An applicant who graduated from a school or college of podiatric medicine on or after January 1, 2001 and who has not passed all three Parts within the seven-year period may request an exception to the seven-year requirement if he/she:

(A) Has current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery, or

(B) Suffered from a documented significant health condition which by its severity would necessarily cause a delay to the applicant's podiatric study.

(d) Except as noted in Section (1)(e) of this rule, effective April 25, 2008, to be eligible for licensure, the applicant who graduated from a school or college of podiatric medicine on or after January 1, 2001 must have passed NBPME Part III within four attempts whether for Oregon or for any other state. After the third failed attempt, the applicant must have completed one additional year of postgraduate training in the United States prior to readmission to the examination. The Board must approve the additional year of training to determine whether the applicant is eligible for licensure. The applicant, after completion of the required year of training, must have passed Part III on their fourth and final attempt. If the fourth attempt of Part III is failed, the applicant is not eligible for Oregon licensure. If the applicant did not complete a year of training approved by the Board between the third and fourth attempt to pass Part III, the applicant is not eligible for licensure.

(e) An applicant who has passed the NBPME Part III, but not within the four attempts required by OAR 847-080-0018(1)(d), may request a waiver of this requirement if he/she has current certification by the

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American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(2) The applicant may also be required to pass a competency examination in podiatry. The competency examination may be waived if, within ten years of filing the application with the Board, the applicant has:

(a) Passed the examination administered by the National Board of Podiatric Medical Examiners, or

(b) Been certified or recertified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery, or

(c) Completed an approved one-year residency, and has not ceased the practice of podiatry for a period of 12 or more consecutive months.

(3) After the applicant has met all requirements for licensure, the applicant may be required to appear before the Board for a personal interview regarding information received during the processing of the application. The interview shall be conducted during a regular meeting of a committee of the Board or the Board.

(4) Licensure shall not be granted until all requirements of OAR 847-080-0002 through 847-080-0020 are completed satisfactorily.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.825 & 677.830

Hist.: ME 6-1986, f. & cert. ef. 4-23-86; ME 17-1987, f. & cert. ef. 8-3-87; ME 23-1989(Temp), f. & cert. ef. 10-20-89; ME 3-1990, f. & cert. ef. 1-29-90; ME 13-1992, f. & cert. ef. 10-22-92; ME 8-1994, f. & cert. ef. 4-29-94; ME 11-1996, f. & cert. ef. 10-29-96; BME 2-1999, f. & cert. ef. 1-26-99; BME 4-1999, f. & cert. ef. 2-17-99; BME 10-2005, f. & cert. ef. 7-20-05; BME 19-2006, f. & cert. ef. 7-25-06; BME 17-2007, f. & cert. ef. 7-23-07; BME 18-2007(Temp), f. & cert. ef. 7-23-07 thru 1-8-08; BME 22-2007, f. & cert. ef. 10-24-07; BME 12-2008, f. & cert. ef. 4-24-08; BME 27-2008, f. & cert. ef. 10-31-08

Oregon State Lottery Chapter 177

Rule Caption: Amendments update lottery requirements for Video LotterySM retailers.

Adm. Order No.: LOTT 6-2008(Temp)

Filed with Sec. of State: 10-29-2008

Certified to be Effective: 11-1-08 thru 4-28-09

Notice Publication Date:

Rules Amended: 177-040-0017, 177-040-0061

Subject: The Oregon Lottery[®] has initiated permanent rulemaking to amend these administrative rules to clarify Lottery's standards for determining if an establishment is operating or will be operating as a casino. Amendments to the Oregon Liquor Control Commission's rules related to Full On-Premises License requirements, effective on November 1, 2008, necessitates these amendments to Lottery's rules.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-040-0017

Additional Video LotterySM Retailer Business Operation Criteria and Requirements

(1) **Placement of Video LotterySM Terminals:** The Lottery will not place Video LotterySM terminals in a business or at a premises:

(a) That has operated or will operate primarily as a grocery or convenience store. This subsection shall not apply to any existing Video LotterySM retailer who the Director determines was not in accordance with this subsection as of October 14, 1993;

(b) That operates as a laundromat, movie theater, car dealership, beauty salon, bed and breakfast lodging, hardware store, dry goods store, clothing store, liquor store, or other business not normally associated with the on-premise consumption of food and alcoholic beverages.

(2) **Grocery Store:** For purposes of this rule, a grocery store means a retail business at which food and foodstuffs are regularly and customarily sold in a bona fide manner for consumption off the premises, and shall include supermarkets and one-stop shopping centers which contain a grocery section in addition to offering other wares, goods, and services.

(3) **Convenience Store:** For purposes of this rule, a convenience store means a retail business which offers a relatively limited line of high-volume products, and the majority of the products are for consumption off the premises.

Stat. Auth.: ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 9-2005(Temp), f. & cert. ef. 9-7-05 thru 3-5-06; LOTT 20-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 1-2007, f. 1-21-07, cert. ef. 2-1-07; LOTT 6-2008(Temp), f. 10-29-08, cert. ef. 11-1-08 thru 4-28-09

177-040-0061

Casino Prohibition

(1) **General:** The operation of a casino is constitutionally prohibited in the state of Oregon. It is the policy of the Oregon State Lottery to place Video LotterySM terminals only in an establishment that does not operate as a casino. The purpose of this rule is to provide a framework and a process for determining when an establishment is operating or may operate as a casino. This framework and process are in addition to other methods the Oregon State Lottery uses to prevent Video LotterySM retailers from operating an establishment as a casino. Other methods include, but are not limited to:

(a) A limit on the number of Video LotterySM terminals in any establishment;

(b) Limiting public view of Video LotterySM terminals;

(c) A limitation on certain advertising and promotional activities by retailers; and

(d) Considering the sale of Lottery tickets and shares by retailers an adjunct to their businesses.

(2) **Definitions:** For purposes of this rule:

(a) **"Establishment"** means any single location in which Video LotterySM games are operated or which is identified in a Video LotterySM Retailer Application as the proposed site for such activity. An establishment must be owned or operated by a person licensed to sell alcoholic beverages for consumption in a specific age-controlled area of the establishment. The final determination of what constitutes an establishment shall be made by the Director.

(b) **"Total Annual Lottery Compensation"** means the actual, or in the case of an applicant, the reasonably projected total annual compensation received from the Lottery for the sale of all Lottery tickets and shares at the establishment over a selected twelve-month period, including, but not limited to, compensation resulting from participation in Lottery incentive and bonus programs, as described in the Retailer Contract, other than those programs awarding bonuses on the basis of the sale of winning and validated Scratch-itSM or On-Line tickets for which a prize of \$10,000 or more is paid.

(c) **"Annual Non-Lottery Sales"** means the actual, or in the case of an applicant, the reasonably projected revenue from the sale of products or services other than Lottery tickets and shares to retail customers at the establishment over a selected twelve-month period. Projected sales will only be deemed reasonable if they are based on a detailed business plan which is fact and evidence based or meets industry standards for business plans. Only the sale of products or services to retail customers in return for which the establishment receives cash or any instrument evidencing cash consideration shall be included in the calculation of annual non-Lottery sales. Examples of products and services not considered for annual non-Lottery sales for purposes of this rule include, but are not limited to:

(A) The sale of products or services which are not usually sold by or associated with the type of retail establishment being reviewed. For example, the sale of a car by a tavern would not be included;

(B) The wholesale sale of products. **"Wholesale"** means the sale of goods in quantity, as to retailers or jobbers, for resale to the public. This includes the sale or transfer of cigarettes or other products between two or more establishments operated by the same retailer;

(C) The gifting of complimentary or promotional products; or the value of promotional discounts/coupons;

(D) The retail sale of products or services sold or rendered outside of the establishment (such as catering) unless the work is substantially completed at the establishment and the services are provided substantially by employees of the establishment;

(E) The sale of products or services for which the retailer receives a commission, except that the amount of the commission received may be considered; and

(F) Income from other than the sale of a product or service (such as a cover charge) will not be included in the calculation of annual non-Lottery sales.

(3) **Director's Casino Determination:** The Director shall determine whether an establishment is operating or may operate as a casino before entering into a Video LotterySM contract for that establishment. The Director may also initiate a review of an existing Video LotterySM retailer whenever the Director has reason to believe that an establishment is operating as a casino, or may operate as a casino. The Director may rely on whatever resources and information are available in deciding to initiate a review of an existing Video LotterySM retailer. A Video LotterySM retailer, or person applying to become a Video LotterySM retailer, has the burden of proof to show to the satisfaction of the Director that an establishment is

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not operating, or will not be operating, as a casino. The Director's determination is final.

(4) **Conclusive Evidence that an Establishment Is Not a Casino:** The following establishments are not casinos for purposes of this rule:

(a) An establishment whose annual non-Lottery sales are at least 50% of the establishment's total income as defined in section (5) of this rule. This subsection does not apply if the Director determines that the establishment is a convenience store or a business not normally associated with the on-premise consumption of food and alcoholic beverages as described in OAR 177-040-0017.

(b) A private club as described in ORS 471.175 so long as the private club is not engaged exclusively in the business of selling Lottery tickets and shares.

(5) **Income Analysis:** In determining whether an establishment meets the criteria set forth in section (4)(a) of this rule, the Director shall conduct an income analysis as set forth below.

(a) **General:** The Director shall conduct a review of the establishment's total income which, for the purpose of this rule, shall equal the sum of the establishment's total annual Lottery compensation and the establishment's annual non-Lottery sales. For a person applying to become a Video LotterySM retailer, the Director shall conduct a review of the establishment's projected total income which, for the purposes of this rule, shall equal the sum of the establishment's projected total annual Lottery compensation and the establishment's reasonably projected annual non-Lottery sales. If the review of an establishment's total income shows that the establishment's annual non-Lottery sales are less than 50% of total income or projected total income, and there is no conclusive evidence that the establishment is not a casino as explained in section (4) above, the Director shall consider other factors as set forth in section (6) below in determining whether the establishment is operating or may operate as a casino. The twelve-month period selected for the review will be chosen by Lottery staff. The ratio of an establishment's total annual Lottery compensation to its total income shall be determined by dividing the establishment's total annual Lottery compensation by the sum of:

(A) The establishment's actual, or in the case of an applicant, reasonably projected annual non-Lottery sales; and

(B) The establishment's actual or projected total annual Lottery compensation.

(b) **CPA Review:** The retailer or applicant may request that a Certified Public Accountant (CPA), engaged and paid for by the retailer or the applicant, verify the accuracy of the Lottery's calculation of the retailer's annual non-Lottery sales or the applicant's reasonably projected annual non-Lottery sales. The CPA must use procedures specified by the Lottery and document his or her analysis as required by the Lottery. The Director may consider the CPA's analysis in making the final determination.

(c) **Director's Determination:** The final determination of the ratio of an establishment's actual or projected total annual Lottery compensation to the establishment's actual or projected total income shall be made by the Director.

(d) **Business Records:** For the purposes of this rule, a Lottery retailer must acquire, compile, retain, and make readily available to the Lottery all business sales and expense records that are pertinent to the calculation and determination of the establishment's total income for a period of 24 months. Required records of the gross non-Lottery sales must be detailed and correct including, but not limited to, records of the cost, price and amount of goods sold, bank statements, records of daily sales, and other relevant sales records. Lottery staff shall be allowed to perform examinations of these records, and make any copies necessary to complete the review. Records and accounting information must be provided, at the retailer's expense, in any form or format reasonably requested by Lottery staff. Retailers operating multiple establishments must maintain separate and complete records as specified in this paragraph for each establishment they operate. In the absence of adequate records, Lottery staff will make a reasonable estimate of annual non-Lottery sales based on available records and information. In making a reasonable estimate, the Lottery will only rely on records and information that the Director concludes are credible and accurate.

(6) **Factors to Consider:** If the income analysis indicates that the establishment's annual non-Lottery sales are less than 50% of total income or projected total income, and there is no conclusive evidence that the establishment is not a casino as explained in section (4) above, the Director shall consider additional relevant factors such as those described below to make a final determination whether the establishment, taken as a whole, is operating as a casino or may operate as a casino. Such factors include, but are not limited to:

(a) **History:** The history of the establishment's operation, or lack of history. If, for example, an establishment has a longstanding history as a neighborhood pub or a family restaurant, this factor may demonstrate that the establishment is not operating as a casino.

(b) **Appearance:** The appearance of the premises, as perceived by a reasonable person and determined by the Director, as it relates to the type of establishment. If, for example, a reasonable person, as determined by the Director, would perceive the establishment to be a place to eat, drink, socialize, and engage in a variety of activities or forms of entertainment, this factor may demonstrate that the establishment is not operating as a casino.

(c) **Floor Space:** The ratio of floor space dedicated for the use of Video LotterySM games to the total floor space of the establishment. Any space or portion of an establishment which is designated as a common area, is shared with other establishments or businesses, or is not contiguous with the area(s) where the Video LotterySM terminals are located or are proposed to be located, shall not be considered as part of an establishment's total floor space. Any areas of the establishment not normally open to patrons shall not be considered as part of an establishment's total floor space. For purposes of this rule, 24 square feet per Video LotterySM terminal shall be used to compute such a ratio. If the amount of floor space dedicated for the use of Video LotterySM games is 20% or less of the establishment's total floor space, this factor may demonstrate that the establishment is not operating as a casino.

(d) **Food Service Accoutrements:** The availability of menus, dining tables and chairs, tableware for the consumption of food and beverages, and other accoutrements intended specifically for use by patrons for eating and drinking. For example, an ample number of tables and chairs, proportionate to the size of the area, that are set up with napkins, salt and pepper, etc., and are available to patrons for eating and drinking, combined with the availability of food and beverages, the staff and means to cook, prepare and serve food and beverages, the availability of tableware, a menu or reader board, may demonstrate that the establishment is not operating as a casino.

(e) **Meals and Menus:** The number and variety of meals and menu items available on a daily basis. For example, serving two meals per day, such as lunch and dinner, and a variety of entrees and side dishes for each meal, as opposed to serving only one or two items, or only a variety of sandwiches, throughout the day, may demonstrate that the establishment is not operating as a casino.

(f) **Non-Lottery Products and Entertainment:** The number and variety of non-Lottery products and forms of entertainment available. If, for example, an establishment offers snacks, gum, and cigarettes for sale, and has pool, darts, and live music and dancing, as opposed to only one or two products or services, this factor may demonstrate that the establishment does not operate as a casino. This factor acknowledges that a retailer's efforts to sell or serve non-Lottery products or services are not always successful. The mere fact that the non-Lottery products or services are readily available, as evidenced by observation and records, is a factor.

(g) **Business Name:** The name of the business. For example, if the business name does not contain words, references or allusions to gambling or gambling related objects or activities, good luck or good fortune, or winning, directly or indirectly, this factor may demonstrate that the establishment does not operate as a casino.

(h) **Advertising:** Advertising and promotional activities. If, for example, the retailer advertises food and other non-Lottery products, services or forms of entertainment at least equivalent to advertising for Lottery products; and, if the retailer offers promotions, such as discount coupons for food and other non-Lottery products at least equivalent to promotional activities related to Lottery products, this factor may demonstrate that the establishment does not operate as a casino.

(i) **Records:** The retailer's financial records. If the retailer's financial records, including expenses, show that the volume of non-Lottery products and services sold, and the number and variety of non-Lottery forms of entertainment made available to patrons is greater than indicated by the establishment's annual non-Lottery sales, this factor may demonstrate that the establishment does not operate as a casino.

(j) **Atmosphere:** The general atmosphere of the establishment and the attitude and approach of the retailer. If the retailer, and the retailer's employees encourage and promote food and beverage service; if the general environment is clean and inviting to patrons for purposes of dining or engaging in entertainment activities; if the retailer and the retailer's employees are equally courteous and accommodating to non-Lottery playing patrons as they are to those playing Lottery games; and if the retailer demonstrates cooperation with the Lottery and approaches this matter with

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a demonstrated willingness to keep the establishment in compliance, this factor may demonstrate that the establishment does not operate as a casino.

(7) Compliance Plan:

(a) **General:** For purposes of selling Video LotterySM tickets and shares, the Lottery Director shall determine whether a Lottery retailer is operating an establishment as a casino, or in the case of an applicant, will be operating as a casino in violation of this rule. When the Director determines that an existing Video LotterySM establishment is operating as a casino pursuant to review under section (6) of this rule, the Director shall notify the retailer of the determination in writing, and set forth the reasons for the determination. The Director shall provide the retailer the opportunity to develop and implement a plan to bring the establishment into compliance with this rule within six months from the date of this written notification. The plan must be submitted within 30 days from the date the notification is issued by the Lottery. The plan shall include an analysis of the retailer's business operation to show that the retailer has made a reasonable determination of what changes need to be made and the steps the retailer intends to take to bring the establishment into compliance. A retailer may not restrict access to any Lottery game to achieve compliance with this rule without prior written approval from the Director. The retailer's submission of the plan is for the purpose of demonstrating to the Lottery that the retailer seeks to bring the establishment into compliance. The Lottery will review the retailer's plan and may offer guidance to help the retailer bring the establishment into compliance. The retailer is solely responsible for implementing the plan and for its success or failure during the six month period.

(b) **Four Month Review:** At the end of the first four months of the six-month period, the Lottery will review the retailer's progress toward compliance, and may provide the retailer with factual information, analysis, or recommendations if it appears to Lottery staff that doing so will assist the retailer in bringing the establishment into compliance.

(c) **Determination at End of Six-Month Period:** At the end of the six-month period, the Director shall determine whether the establishment is in compliance. A retailer shall be deemed to be in compliance if either:

(A) The establishment's total Lottery compensation was not more than 50% of the establishment's total income, as set forth in section (5) of this rule, over the entire six-month period; or

(B) Based upon an analysis of some or all of the factors set forth in section (6) of this rule, or other additional factors, the Director determines that the establishment is not operating as a casino.

(d) **Sixth Month:** If the establishment's total Lottery compensation was not more than 50% of the establishment's total income, as set forth in section (5) of this rule, for the sixth month of the plan (but not the entire six months), the Director may extend the original six month period of the compliance plan up to three additional months if, in the opinion of the Director, the retailer will become compliant within that time. At the end of the additional time period, the Director shall determine whether the establishment is in compliance based upon subsection (7)(c) of this rule.

(e) **Termination:** If, at the end of the compliance period, the Director determines that the establishment continues to operate as a casino, the retailer's contract to sell Video LotterySM tickets and shares shall be immediately terminated.

(f) **One Year Review:** If, at the end of the compliance period, the Director determines that the establishment is no longer operating as a casino, the Director shall send a notice of compliance to the retailer. At the end of one year commencing on the first day of the month following notification of compliance, the Lottery will conduct another compliance review as set forth in this rule. If the Director determines that the establishment is again operating as a casino, the retailer's contract to sell Video LotterySM tickets and shares shall be immediately terminated. The retailer shall not be given the opportunity to implement a compliance plan as described in subsections (7)(a), (b), (c), and (d) of this rule in these circumstances. Nothing in this subsection prohibits the Director from initiating another review at any time as set forth in section (3) of this rule.

(g) **Application Denial:** If a person applying to become a Video LotterySM retailer is projected by the Lottery not to be in compliance with the requirements of this rule, the Director shall deny the application.

(8) **Re-Application:** Any Video LotterySM retailer whose contract to sell Video LotterySM tickets and shares is terminated, or any person applying to become a Video LotterySM retailer whose application is denied, shall not be eligible to reapply for a Lottery contract for the terminated or denied establishment for one year from the date of termination or application denial. After one year, the application shall only be accepted upon a showing by the applicant that a substantial change in conditions at the establishment has taken place. Upon acceptance of an application, the Director shall determine whether the establishment will be operated as a casino as set

forth in this rule. In the case of a person applying to become a Video LotterySM retailer whose application is denied, the Director may, in the Director's sole discretion, waive up to six months of the one-year waiting period based upon a showing of good cause by the applicant.

Stat. Auth.: ORS 461

Stats. Implemented: OR Const. Art. XV, § 4(4), ORS 461.215 & 461.217

Hist.: LC 10-1994, f. 11-23-94, cert. ef. 12-1-94; LC 2-1997, f. 2-27-97, cert. ef. 3-1-97, Renumbered from 177-100-0015; LOTT 4-1998, f. & cert. ef. 6-26-98, Renumbered from 177-040-0060; LOTT 5-1998(Temp), f. & cert. ef. 7-7-98 thru 12-31-98; LOTT 1-1999, f. & cert. ef. 2-1-99; LOTT 8-1999, f. 5-27-99, cert. ef. 5-30-99; LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00, Renumbered from 177-100-0155; LOTT 1-2007, f. 1-21-07, cert. ef. 2-1-07; LOTT 6-2008(Temp), f. 10-29-08, cert. ef. 11-1-08 thru 4-28-09

Rule Caption: Amend definition of "Video LotterySM game terminal," define "Video LotterySM game retailer," general housekeeping changes.

Adm. Order No.: LOTT 7-2008

Filed with Sec. of State: 10-31-2008

Certified to be Effective: 11-1-08

Notice Publication Date: 9-1-2008

Rules Amended: 177-010-0003, 177-100-0000, 177-100-0010, 177-100-0080, 177-100-0090, 177-100-0095, 177-100-0130, 177-100-0160, 177-100-0180, 177-100-0185

Subject: The Oregon State Lottery initiated permanent rulemaking to amend the above referenced administrative rules. Most of the amendments are for general housekeeping purposes, including grammatical changes, the addition of captions, use of consistent terms, and clarification of meaning. OAR 177-010-0003 was amend to incorporate the statutory definition of "Video LotterySM game retailer" and update the definition of "Video LotterySM game terminal." OAR 177-100-0010(8) was also amended to update this definition.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-010-0003

Definitions

(1) **"Business day"** means the period beginning at 5 a.m. of a calendar day and ending at 4:59 a.m. on the morning of the next calendar day.

(2) **"Business week"** means the period beginning at 5 a.m. on a Sunday and ending at 4:59 a.m. the following Sunday morning.

(3) **"Business year"** means the period beginning at 5 a.m. on the Sunday immediately following the last Saturday in June, and ending at the end of the business day of the last Saturday of the following June.

(4) **"Commissioner"** has that definition as defined in ORS 461.010(2).

(5) **"Director"** has that definition as defined in ORS 461.010(3).

(6) **"Drawing coordinator"** means the Lottery employee designated by the Assistant Director for Security, subject to the approval of the Director, to develop and implement procedures for conducting drawings.

(7) **"Immediate family"** and **"family member"** mean a natural person's spouse, child, brother, sister, or parent by blood or adoption.

(8) **"Lottery"** or **"State Lottery"** has that definition as defined in ORS 461.010(1).

(9) **"Lottery Commission"** or **"Commission"** has that definition as defined in ORS 461.010(4).

(10) **"Lottery contract"** means any contract entered into by the Lottery for the purchase, lease, or sale of goods or services.

(11) **"Lottery contractor"** or **"contractor"** has that definition as defined in ORS 461.010(9).

(12) **"Lottery game"** or **"game"** has that definition as defined in ORS 461.010(5).

(13) **"Lottery game retailer"** or **"retailer"** has that definition as defined in ORS 461.010(7).

(14) **"Lottery vendor"** or **"vendor"** has that definition as defined in ORS 461.010(8).

(15) **"Person"** has that definition as defined in ORS 461.010(6).

(16) **"Prize"** means any award of economic value, monetary or otherwise, that may be distributed to a Lottery player for submitting a valid claim based on a winning Lottery ticket or share.

(17) **"Retailer contract"** means any written contract entered into by the Lottery with a retailer for selling Lottery tickets or shares to the public.

(18) **"Share"** means an opportunity to win a prize in a Lottery game that does not use certificates or tokens, such as in Video LotterySM games.

(19) **"Ticket"** means a certificate or token of the opportunity to win a prize in a Lottery game.

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(20) “**Traditional lottery games**” means all lottery games offered by the Oregon State Lottery, other than Video LotterySM games, and includes BreakopensSM, Scratch-itsSM, and On-Line games.

(21) “**Unclaimed prize**” means any prize offered in a Lottery game which has not been submitted to the Lottery for validation and prize payment within the specified prize claim period and for which the Lottery has data or evidence that the ticket or share was sold or distributed to the public.

(22) “**Video LotterySM game retailer**” or “**Video LotterySM retailer**” has that definition as defined in ORS 461.217.

(23) “**Video LotterySM game terminal**” means a type of video device for the playing of Video LotterySM games which is in a console that contains a game platform with a video display and a random number generator, is connected to and monitored by a central system, and accepts cash payments to permit a person to play the Video LotterySM games offered on the terminal for the opportunity to win a prize. Unless the context or a specially applicable definition indicates otherwise, any reference to a “Video LotterySM terminal”, “video lottery terminal”, or “video terminal” in OAR chapter 177, a Lottery retailer contract, or Lottery form in effect or in use on or after the effective date of this rule shall be deemed to refer to a “Video LotterySM game terminal” as defined in this section.

(24) “**Winner claim form**” means a form provided by the Lottery to a player for the purpose of claiming a prize.

Stat. Auth.: ORS 461 & OR Const. Art. XV, § 4(4)
Stat. Implemented: ORS 461.020, 461.210, 461.215, 461.217, 461.220 & 461.250
Hist.: LOTT 10-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 21-2002, f. & cert. ef. 11-25-02; LOTT 3-2004(Temp), f. & cert. ef. 4-6-04 thru 10-1-04; LOTT 6-2004, f. & cert. ef. 5-26-04; LOTT 3-2008, f. 6-30-08, cert. ef. 7-1-08; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0000

Video LotterySM Game System

The Director may operate a Video LotterySM game system using Video LotterySM game terminals approved under this Division.

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461.215 & 461.217
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0010

Definitions

For purposes of division 100, the following definitions apply except as otherwise provided in OAR chapter 177, or unless the context requires otherwise:

(1) “**Certification**” means the inspection process used by the Lottery to approve Video LotterySM game terminals and games.

(2) “**Decal**” means the stamp displayed by the Lottery upon a Video LotterySM game terminal to provide notice that the Video LotterySM game terminal is authorized by the Oregon Lottery[®].

(3) “**Display**” means the visual presentation of Video LotterySM game features shown on the screen of a Video LotterySM game terminal.

(4) “**Gray machine**” means a gambling device as described in ORS 167.117(9).

(5) “**Manufacturer**” means any individual, partnership, corporation, trust, association, joint venture, limited liability company, or other business entity that manufactures, assembles, services, or produces Video LotterySM game terminals or gray machines in Oregon.

(6) “**Service**” means the activities of a manufacturer related to the maintenance, repair, testing, or quality assurance of gray machines.

(7) “**Video LotterySM**” or “**Video LotterySM game**” means a lottery conducted through Video LotterySM game terminals that are monitored by a central computer system.

(8) “**Video LotterySM game terminal**” is a device operated under the authority of the Oregon State Lottery and has the meaning set forth in OAR 177-100-0003(23).

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461.215 & 461.217
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 5-2005(Temp), f. & cert. ef. 5-20-05 thru 11-11-05; LOTT 8-2005, f. & cert. ef. 9-1-05; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0080

Certification Decal

(1) Each Video LotterySM game terminal certified for operation by the Lottery must bear a certification decal and must conform to the specifications of the prototype terminal of the same model that has been tested and certified by the Lottery.

(2) No person other than an authorized Lottery employee or agent may affix or remove the certification decal. The placement of the decal represents that the Video LotterySM game terminal has been certified, inspected, and approved for operation in Oregon.

(3) No Video LotterySM game terminal may be transported out of Oregon until the decal has been removed.

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461.215, 461.217 & 461.330
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0090

External Video LotterySM Game Terminal Specifications and Age Restriction Requirements

(1) Video LotterySM game terminals operated by the Lottery may only display information on the screen or terminal housing that has been approved by the Lottery.

(2) At no time may anyone other than an authorized Lottery employee or agent place stickers or other removable devices on a Video LotterySM game terminal for any reason.

(3) Each Video LotterySM game terminal must display an Oregon Lottery[®] logo.

(4) The following age restriction notice must clearly be displayed on each Video LotterySM game terminal: “**No person under 21 years of age may play**” or “**Must be 21 years of age or older to play**” or “**Anyone under 21 years of age must not play**.”

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461.215 & 461.217
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0095

Procurement of Video LotterySM Game Terminals

(1) Only the Lottery may possess and operate Video LotterySM game terminals in Oregon.

(2) The Lottery may select and procure Video LotterySM game terminals as necessary by contracting with manufacturers approved pursuant to OAR chapter 177, division 35, and may provide the terminals to Video LotterySM retailers.

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0130

Duties of Manufacturers

Manufacturers, their employees, representatives, and agents shall:

(1) Promptly report to the Lottery any violation or any facts or circumstances that may result in a violation of ORS Chapter 461 or these rules.

(2) Provide immediate access to all records and the entire physical premises of the business for inspection at the request of the Lottery or its auditors.

(3) Not conduct any advertising or promotional activities in Oregon (or directed at Oregon residents) that are false or misleading regarding Video LotterySM games.

(4) Promptly report to the Lottery their knowledge or suspicion of any gray machine located within Oregon.

(5) Attend all trade shows or conferences as required by the Lottery.
Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stat. Implemented: ORS 461.215, 461.217 & 461.400
Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0160

Transportation of Video LotterySM Game Terminals Within, Into, or Through Oregon

(1) No person shall ship or transport Video LotterySM game terminals within or into Oregon without first obtaining a written authorization for transport from the Director. Transporting or shipping within Oregon means the starting point of a trip is within the boundaries of the state and the termination point is either within or outside the boundaries of the state. Transporting or shipping into Oregon means the starting point of a trip is outside the boundaries of the state and terminates within the boundaries of the state.

(2) No person shall ship or transport Video LotterySM game terminals through Oregon without first obtaining a written authorization from the

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nearest port of entry immediately upon arrival in the state. Transporting or shipping through Oregon means the starting point and termination point of a trip are outside the boundaries of the state and the route between the starting and termination points enters the state.

(3) Notwithstanding section (1) of this rule, authorization to transport a Video LotterySM game terminal within or into Oregon for purposes of display or demonstration at a trade show conducted within the boundaries of the state must be obtained as described in OAR 177-010-0120.

(4) The written authorization required under sections (1) and (2) of this rule shall include:

(a) The manufacturer of each Video LotterySM game terminal being transported;

(b) The model and serial number of each Video LotterySM game terminal being transported;

(c) The full name, address, and telephone number of the person or establishment from which the Video LotterySM game terminals were obtained;

(d) The full name, address, and telephone number of the person or venue to whom the Video LotterySM game terminals are being sent or transported; and

(e) The dates of shipment or transport within, into, or through the state.

(5) At all times, a copy of the written authorization shall accompany the Video LotterySM game terminal or terminals in transport.

Stat. Auth.: OR Const. Art. XV, § 4 & ORS 461

Stats. Implemented: 1999 OL Ch. 193 & ORS 461.215

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LOTT 12-1999(Temp), f. & cert. ef. 12-27-99 thru 6-20-00; LOTT 3-2000, f. 3-31-00, cert. ef. 4-3-00; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0180

Approval for Instate Manufacturing and Servicing of Gray Machines Shipped Out-of-State

(1) General Approval: A manufacturer shall apply to the Director of the Oregon Lottery for approval to manufacture or service gray machines within Oregon.

(a) **Director's Approval:** The Director may authorize a manufacturer to manufacture or service gray machines within the state of Oregon only if the manufacturer intends to export the gray machines to another state or jurisdiction where the operation or possession of the machines is legal. The Director shall require a manufacturer to cite the law that authorizes the legal operation or possession of the machines in the state or jurisdiction, and may require additional evidence that the gray machines will be sold or otherwise provided to a person who is authorized to operate or possess the machines in that jurisdiction. The authorization includes approval to engage in ongoing research and development related to the improvement and development of Video LotterySM game terminals the manufacturer intends to manufacture.

(b) **Disclosure Requirements:** The manufacturer is subject to the same disclosure and background investigation requirements as an applicant for a major procurement. The manufacturer may be required by the Director to reimburse the Lottery for the costs of background investigations.

(c) **Inspections and Audits:** A manufacturer's premises, and all production, shipping, service, and financial records, shall be made available for routine and unannounced inspections and audits by the Assistant Director of Security. A manufacturer shall provide to the Lottery, upon request of the Assistant Director for Security, a report listing: the types and numbers of gray machines manufactured; the types and number of machines in storage; the types and number of machines serviced; the name and address of each individual or entity who purchased, leased, or otherwise was provided gray machines or who agreed or expressed an intent to purchase, lease, or otherwise acquire gray machines, or who own, operate, or otherwise possess gray machines serviced by the manufacturer; the number of shipments; destinations of all shipments; and methods of shipment, including carrier used. The information in the report shall be for a time period designated by the Assistant Director for Security. Shipment or transport of gray machines to a destination outside of Oregon also must comply with OAR 177-100-0160.

(2) **Temporary Approval:** The Director may temporarily authorize a manufacturer to manufacture or service gray machines within the state of Oregon that the manufacturer intends to export to another state or jurisdiction where the operation or possession of the machines is legal. The temporary authorization is subject to such terms, conditions, or limitations as the Director deems necessary.

(a) The manufacturer must submit the following:

(A) The information required by ORS 461.410(1);

(B) A written description of the proposed use of the gray machines;

(C) A cite for the law that authorizes the legal operation or possession of the gray machines in the state or jurisdiction where the machines will be used; and

(D) The identity of the individuals or entities who have agreed to or have expressed an intent to purchase or otherwise acquire gray machines from the manufacturer, or who own, operate, or otherwise possess gray machines serviced by the manufacturer.

(b) When the Lottery receives the above materials for temporary approval, the Lottery will conduct an abbreviated background investigation of the manufacturer. The investigation includes, but is not limited to:

(A) A computerized criminal background check of all control persons and any employee deemed necessary by the Assistant Director for Security.

(B) A credit check using the services of a commercial credit reporting company, and

(C) An inspection of the manufacturer's business premises where the gray machines will be manufactured or serviced.

(c) If the Director issues a temporary approval, it is effective for no longer than 180 days.

(3) **Cancellation of Approval:** The Director may cancel any general or temporary approval if the Director determines that the manufacturer has failed to adhere to the qualifications or conditions required for authorization of the manufacturer or otherwise poses a threat to the integrity, security, or honesty of the Lottery. Approval also may be cancelled if within a reasonable time from the date of production, the manufacturer is unable to show the machines have been purchased, leased, or otherwise acquired by a person or entity authorized to obtain or possess the machines.

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461

Stats. Implemented: ORS 167.117 & 167.164

Hist.: LC 7-1991(Temp), f. & cert. ef. 10-28-91; LC 8-1991, f. & cert. ef. 11-25-91; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 5-2005(Temp), f. & cert. ef. 5-20-05 thru 11-11-05; LOTT 8-2005, f. & cert. ef. 9-1-05; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

177-100-0185

Instate Manufacturing of Video LotterySM Game Terminals Operated in Oregon

(1) A manufacturer of Video LotterySM game terminals approved by the Lottery for the Lottery's own use under OAR chapter 177, division 35, may manufacture such terminals in Oregon.

(2) The Director may issue temporary approval for the manufacture of Video LotterySM game terminals upon submission and satisfactory review of the following information:

(a) The information required by ORS 461.410(1);

(b) The manufacturer's written statement of intent to manufacture Video LotterySM game terminals to be operated in Oregon solely by the Lottery; and

(c) A copy of a letter or other document from the Lottery expressing an interest in purchasing Video LotterySM game terminals from the manufacturer.

(3) If the Director issues a temporary approval, it shall be effective for no longer than 180 days.

(4) No Video LotterySM game terminal shall leave the premises of the approved manufacturer until it is shipped to a destination authorized by the Lottery.

(5) All Video LotterySM game terminals whose manufacture has been approved by the Lottery shall be operated only under the authority of the Lottery.

(6) A manufacturer's premises, and all production, shipping, service, and financial records, shall be made available for routine and unannounced inspections and audits by the Assistant Director of Security. A manufacturer shall provide to the Lottery a monthly report listing the types and numbers of Video LotterySM game terminals manufactured, the types and number in storage, the number of shipments of these Video LotterySM game terminals, the destinations of all shipments, and methods of shipment, including carrier used.

(7) The Director may cancel any approval if the Director determines that the manufacturer has failed to adhere to the conditions required for approval of the manufacturer or otherwise poses a threat to the integrity, security, or honesty of the Lottery. Approval also may be revoked if the Lottery does not enter into a contract with the manufacturer for the purchase of the Video LotterySM game terminals within a reasonable period, or if such a contract is cancelled.

(8) Notwithstanding sections (1) through (3) of this rule, any Oregon manufacturer who has previously submitted a bid in response to a request for proposal issued by the Lottery may continue to perform Video LotterySM game terminal research and development. If the manufacturer is

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not successful in providing Video LotterySM game terminals in any subsequent request for proposal issued by the Lottery, the Director may cancel the manufacturer's approval to manufacture Video LotterySM game terminals.

Stat. Auth.: OR Const. Art. XV, § 4(4) & ORS 461
Stats. Implemented: ORS 167.117 & 167.164
Hist.: LC 7-1991(Temp), f. & cert. ef. 10-28-91; LC 8-1991, f. & cert. ef. 11-25-91; LC 13-1992, f. & cert. ef. 10-29-92; LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 6-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 14-2003, f. & cert. ef. 9-29-03; LOTT 7-2008, f. 10-31-08, cert. ef. 11-1-08

Oregon State Marine Board
Chapter 250

Rule Caption: Eliminates emergency communication EPIRB exemption.

Adm. Order No.: OSMB 8-2008

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 10-22-08

Notice Publication Date: 9-1-2008

Rules Amended: 250-015-0011

Rules Repealed: 250-015-0011(T)

Subject: The rule eliminates the satellite 406 MHz EPIRB exemption for vessels carrying six or fewer passengers.

Rules Coordinator: June LeTarte—(503) 378-2617

250-015-0011

Exemption

Open construction, dory-styled craft of less than 23 feet in length, departing from and returning to beach sites shall be exempt from requirement to carry an Anchor, Anchor Chain or Anchor Line as specified in 250-015-0020.

Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.430 - 830.460
Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05; OSMB 7-2008(Temp), f. & cert. ef. 7-17-08 thru 12-31-08; OSMB 8-2008, f. & cert. ef. 10-22-08

Rule Caption: Establish no-wake zone and wake-enhancing device restrictions on the Willamette River.

Adm. Order No.: OSMB 9-2008

Filed with Sec. of State: 10-22-2008

Certified to be Effective: 1-1-09

Notice Publication Date: 8-1-2008

Rules Amended: 250-020-0032, 250-020-0385

Subject: This rule will set a 5 mph slow no-wake zone and prohibit the use of wake-enhancing devices on the Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0032

Boat Operations on the Willamette River in Clackamas County

(1) No person shall operate a motorboat in excess of 10 MPH in the following areas:

- (a) Between the southern shore of Hog Island and the mainland;
 - (b) Within 100 feet of the west shore, between RM 30.0 and 30.5.
- (2) No person shall operate a boat:

(a) Downstream from Oregon City Falls in an area from the base of the falls to a line across the river between the northeast corner of the Crown Zellerbach's Mill A Grinder Room on the west bank of the river to the southwest corner of Publisher's Paper Company Power Plant on the east bank of the river as marked;

(b) In the area commonly known as the "cul-de-sac" or the Simpson Paper Company tailrace; beginning at the mouth of the tailrace on the south bank then extending across the tailrace following the line established by the bridge across the tailrace to the north bank, then in a westerly, southerly, and easterly direction around the bank of the tailrace to the place of beginning.

(c) Exceptions:

(A) Boats of any federal, state, county, or local governmental agency and Portland General Electric Sullivan Plant and Crown Zellerbach Corporation Mill maintenance crews may operate in the closed area when on official business;

(B) Boats used in taking lamprey under a permit issued by the State Department of Fish and Wildlife may operate in the closed area subject to the conditions specified in the permit.

(3) No person shall operate a boat at a speed in excess of a "Slow — No Wake" maximum 5 MPH speed on the following waters:

(a) Cedar Island lagoon;

(b) From the north point of the eastern spit of Cedar Island 100 yards due north and thence due west to the shore line;

(c) Within 200 feet of a designated public launching ramp and/or marked swimming area;

(d) Within 200 feet of shore adjacent to George Rogers Park (Lake Oswego), from the southern bank of Sucker Creek north along the west bank of the Willamette, to a point 200 yards north of the boat ramp, as posted;

(e) From the I-5 Boones Bridge west approximately 1,700 feet to the Railroad Bridge.

(4) No person shall operate a personal watercraft in continuous operation on the Willamette River between Hog Island and the Union Pacific Railroad Bridge during the period from May 1 through September 30, except to transit through this zone.

(5) On the Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5, the following rules apply:

(a) No person shall operate a motorboat at a speed in excess of a "Slow — No Wake" maximum 5 mph speed within 100 feet of private docks, boathouses or moorages legally permitted by the Oregon Department of State Lands.

(b) Beginning January 1, 2010, no person shall use wake-enhancing devices, including ballast tanks, wedges or hydrofoils or other mechanical devices, or un-even loading of persons or gear, to artificially operate bow-high.

Stat. Auth.: ORS 830
Stats. Implemented: ORS 830.110 & 830.175
Hist.: MB 26, f. 7-20-64; MB 80, f. & ef. 4-19-77; MB 83, f. & ef. 4-22-77; Renumbered from 250-020-0142; MB 9-1982, f. 10-13-82, ef. 10-15-82; MB 6-1986, f. & ef. 5-23-86; MB 1-1987, f. & ef. 2-4-87; MB 13-1987, f. & ef. 6-15-87; MB 3-1996, f. & cert. ef. 2-22-96; OSMB 5-2000, f. & cert. ef. 10-30-00; OSMB 5-2007(Temp), f. & cert. ef. 6-18-07 thru 12-13-07; Administrative correction 12-20-07; OSMB 5-2008, f. & cert. ef. 7-11-08; OSMB 9-2008, f. 10-22-08, cert. ef. 1-1-09

250-020-0385

Boat Operations in Yamhill and Marion Counties

(1) No person shall operate a motorboat in excess of 5 MPH during July and August between river miles 44.5 and 45.0, as marked during the hours of 7–10 p.m. Thursdays through Sundays, during evenings on which the historic Champoeg Pageant is performed.

(2) On the Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5, the following rules apply:

(a) No person shall operate a motorboat at a speed in excess of a "Slow-No-Wake" maximum 5 mph speed within 100 feet of private docks, boathouses or moorages legally permitted by the Oregon Department of State Lands.

(b) Beginning January 1, 2010, no person shall use wake-enhancing devices, including ballast tanks, wedges or hydrofoils or other mechanical devices, or un-even loading of persons or gear, to artificially operate bow-high.

Stat. Auth.: ORS 830
Stats. Implemented: ORS 830.110 & 830.175
Hist.: MB 9-1987, f. 4-20-87, ef. 5-1-87; OSMB 9-2008, f. 10-22-08, cert. ef. 1-1-09

Oregon Student Assistance Commission
Chapter 575

Rule Caption: ASPIRE Partnership Grant.

Adm. Order No.: OSAC 5-2008(Temp)

Filed with Sec. of State: 10-27-2008

Certified to be Effective: 10-27-08 thru 3-1-09

Notice Publication Date:

Rules Adopted: 575-078-0005, 575-078-0010, 575-078-0015, 575-078-0020, 575-078-0025, 575-078-0030, 575-078-0035, 575-078-0040

Subject: Partnership Grants are provided to underwrite a portion of the cost of a current school employee who assists with ASPIRE activities. The Commission shall establish and equitable application process for ASPIRE sites to seek Partnership Grant funding. ASPIRE sites may be selected and awarded Partnership Grants based on the

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quality of the Partnership Grant application in terms of meeting the goals of the law and the availability of Partnership Grant funds.

Rules Coordinator: Susanne D. Taylor—(541) 687-7394

575-078-0005

Purpose and Scope

This rule implements a grant system through which certain ASPIRE sites can obtain Partnership Grants, subject to legislative allocation of funds. Partnership Grants are provided to underwrite a portion of the cost of a current school employee who assists with ASPIRE activities. The Commission shall establish and equitable application process for ASPIRE sites to seek Partnership Grant funding. ASPIRE sites may be selected and awarded Partnership Grants based on the quality of the Partnership Grant application in terms of meeting the goals of the law and the availability of Partnership Grant funds.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0010

Definitions

Definitions used for this rule are the same as used in OAR 575-076-0010 unless otherwise noted.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0015

Procedure for Awards

Each biennium the Commission will notify in writing all ASPIRE sites with which an existing ASPIRE agreement is in place and all organizations that have expressed an interest in becoming ASPIRE sites of the availability of Partnership Grants and the criteria for obtaining such grants. Notification shall include:

- (1) The availability of grants
- (2) Any requirements for matching funds or in-kind support
- (3) Deadline for application
- (4) Requirements for application and any necessary forms
- (5) Payment schedule

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0020

Eligibility for Awards

An ASPIRE site is eligible to apply for a Partnership Grant if it meets the requirements for matching funds or in-kind support included in the notice.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0025

Amount of Award

Award types and amounts will be set by the Commission or designee based on the amount allocated for this purpose by the legislature or raised from other sources.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0030

Selection Criteria

Awards will be made by the Commission or designee based on the following criteria.

- (1) Whether the application is timely, complete and accurate.
- (2) Whether the ASPIRE site is eligible.
- (3) Whether funds are available.
- (4) Availability of local matching funds or other support.
- (5) Size of the student population to be served.
- (6) Special needs of the student population to be served.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0035

Rescission of Award

The Commission may rescind an award made under this rule if the recipient school is not in compliance with program requirements. Any such

rescission will be made only after at least 30 days notice to the affected school and an opportunity for that school to be heard by the Commission.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

575-078-0040

Effective Date of Temporary Rule

These rules are effective on July 1, 2007.

Stat. Auth.: HB 2729 & 2007 OR Laws Ch. 293
Stats. Implemented: ORS 348 (HB 2729 (2007))
Hist.: OSAC 5-2008(Temp), f. & cert. ef. 10-27-08 thru 3-1-09

**Oregon University System,
Portland State University
Chapter 577**

Rule Caption: Amends Portland State University's Rules Regarding Maintenance of and Access to Student Records.

Adm. Order No.: PSU 8-2008

Filed with Sec. of State: 10-27-2008

Certified to be Effective: 10-27-08

Notice Publication Date: 5-1-2008

Rules Adopted: 577-030-0017, 577-030-0022

Rules Amended: 577-030-0005, 577-030-0010, 577-030-0015, 577-030-0020, 577-030-0025, 577-030-0030, 577-030-0040, 577-030-0045, 577-030-0050, 577-030-0060, 577-030-0065, 577-030-0070

Rules Repealed: 577-030-0075

Subject: This rulemaking action will make permanent a temporary rule currently in place regarding the procedure for a student to challenge the content of the student's education record. Portland State University is required to comply with federal Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, and the U.S. Department of Education's rules regarding student records. This new permanent rule mirrors the federal requirements found in 34 CFR 99.22.

Rules Coordinator: Tanja Dill—(503) 725-3701

577-030-0005

Purpose and General Policies

(1) Portland State University is required to comply with the federal Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended, and other federal and state laws governing access to and confidentiality of records and information pertaining to students. This policy is intended to inform students and others generally of their rights and guide the University in its management of student records and information.

(2) Only such records as are demonstrably and substantially relevant to the educational and related purposes of the University, division, or department shall be generated and maintained.

(3) No student shall be required to give (although the student may voluntarily provide) information as to the student's race, religion, sex, age, handicap, national origin, marital status, political affiliation, sexual orientation, gender identity, or personal values, except as specifically required by state or federal law, rules, or orders.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0010

Definitions

(1) "Act" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. sec. 1232g, as amended, its implementing regulations (particularly those found in 34 C.F.R. Part 99), and any other official guidance issued by the U.S. Department of Education.

(2) "Directory information" means a student's full name, address, telephone number, electronic mail addresses, dates of attendance, major or minor field of study, degrees and awards received, number of credits earned, participation in officially recognized activities and sports, weight and height of members of athletic teams, and the facts of enrollment, including whether the student is enrolled full-time or part-time;

(3)(a) "Education records" means records that are directly related to a student and that are maintained by the University or by a person acting for the University.

(b) To the extent set forth in the Act, "education records" do not include:

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(A) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(B) Records of the Campus Public Safety Office;

(C) Records related to an employee of the University, unless the individual is in attendance at the University and is employed as a result of his or her status as a student;

(D) Treatment records concerning a student that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity; or

(E) Records that only contain information about an individual after he or she is no longer a student at the University.

(4) "Legitimate educational interest" means a reasonable need to know information in the course of carrying out one's professional duties.

(5) "Personally identifiable information" means a student's name, the name of a student's parents or other family members, a student's address, a student's personal identifier such as Social Security number or student number, and other personal information or characteristics that would make a student's identity easily traceable.

(6) "School official" means a person employed by the University or in the chancellor's office of the Oregon University System; a person or entity, including a governmental entity, with whom the University or the Oregon University System has contracted; a person serving on the University's governing board; or a student serving on an official committee or assisting another school official in performing his or her duties.

(7) "Student" means anyone who is or has been registered at Portland State University. A person who is or has been registered in one component of the University and who has applied for admission to but has not been admitted or registered in another component of the University is not a student with respect to the component in which his or her application and registration are pending.

(8) "Unit Custodian of Student Records" means the head of each academic or administrative unit responsible for the education records within that unit.

(9) "University Custodian of Student Records" means the Vice Provost for Student Affairs or any other person officially delegated University-wide responsibility for education records by the University President.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 1-2002, f. & cert. ef. 10-22-02; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0015

Release of Personally Identifiable Information With Consent

Except as provided in the Act or other applicable law and OAR 577-030-0016, the University will not disclose personally identifiable information from a student's education records unless the student provides a signed and dated written consent which specifies the records that may be disclosed, states the purpose of the disclosure, and identifies the party or class of parties to whom the disclosure may be made.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 3-1981, f. & ef. 12-3-81; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0017

Release of Personally Identifiable Information Without Consent

The University may, in its discretion and to the extent permitted by the Act, disclose personally identifiable information from an education record without the student's consent if one of the following conditions is met:

(1) The disclosure is to a school official who has a legitimate educational interest.

(2) The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is to comply with a judicial order or lawfully issued subpoena as provided in OAR 577-030-0021.

(4) The disclosure is in connection with a health or safety emergency, if disclosure is necessary to protect the health or safety of the student or other person. In such an instance information may be disclosed only if the threat to health or safety is serious, if the information is needed to meet the emergency, and if time is critical in dealing with the emergency. These requirements are to be strictly construed.

(5) The disclosure is to an organization conducting legitimate educational research, testing, accreditation functions, granting financial aid, or

improving instruction; provided, that such data does not permit identification of the student or parents to others and the information is to be destroyed when no longer needed to carry out its specified purpose(s).

(6) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions for the aid, or enforce the terms and conditions of the aid. As used in paragraph, "financial aid" means a payment of funds provided to a student (or a payment in kind of tangible or intangible property to a student) that is conditioned on a student's attendance at the University.

(7) The disclosure is of directory information, unless the student has requested in writing that directory information be kept confidential as provided in OAR 577-030-0020.

(8) The disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense.

(9) The disclosure is in connection with a disciplinary proceeding at the University and the University determines that (a) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and (b) the student has committed a violation of the institution's rules or policies with respect to the allegation made against him or her. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This subsection applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

(10) The disclosure is otherwise in compliance with the Act or other applicable law.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0020

Release and Restriction of Directory Information

(1) Upon request, the Office of Admission, Registration & Records and the Office of Institutional Research may disclose directory information.

(2) A student may request that his or her directory information not be released by submitting a Student Records Privacy Request form to the Office of Admission, Registration & Records. The restriction becomes effective as soon as is reasonably practicable and remains in effect until revoked in writing. Such a restriction may be placed or removed not more than once per academic term.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0022

Response to Subpoenas and Court Orders

(1) Except as provided in paragraph (2) of this rule, if a lawfully issued subpoena or court order requires the production of an education record, the University shall immediately make a reasonable effort to notify the student of the order or subpoena in advance of compliance so that the student may seek protective action.

(2) If a federal grand jury subpoena or any other subpoena issued for a law enforcement purpose requires the production of an education record and orders that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, then the University shall not notify the student. Any law enforcement subpoena or court order requiring that the existence of the subpoena or the information furnished in response to the subpoena be kept confidential shall be immediately sent to the University's Office of General Counsel for review prior to compliance.

(3) Subpoenas seeking education records are typically served on the Office of Admission, Registration & Records. The Office of Admission, Registration & Records shall be informed whenever the University or a University employee is served with a subpoena seeking education records.

(4) Questions regarding the validity of a subpoena or court order or the appropriate response thereto should be directed to the University's Office of General Counsel.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070; 20 USC 1232g

Hist.: PSU 8-2008, f. & cert. ef. 10-27-08

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577-030-0025

Location and Custody of Student Records

(1) Student Records shall be kept in locations central to the University, or to the colleges, schools, divisions, or departments in which they are maintained, with the custody thereof assigned to designated personnel specifically charged with maintaining the confidentiality of the records.

(2) The Vice Provost for Student Affairs shall be the University Custodian of Student records.

(3) The Office of Admission, Registration & Records is the initial point of contact for questions related to these rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0030

Student Access to Records

(1) Except as provided in paragraph (3) of this rule, a student may inspect and review, with the appropriate record custodian or in his or her absence a staff member of the office or department that maintains the record, any education records that pertain to the student. Access to records shall be provided as soon as practicable, but not later than 45 days following the request.

(2) If circumstances effectively prevent a student from exercising the right to inspect and review his or her education records, the student may make a written request for a copy of the records. Copies shall be provided as soon as practicable, but not later than 45 days following the request. The student may be charged a fee for the copying at the prevailing University rate for photocopy services.

(3) The following records are not available to students:

(a) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records.

(b) Records relating to an individual who is employed by the University which are made and maintained in the normal course of business and which relate exclusively to the individual in question in his or her capacity as an employee, and are not available for any other purpose. This paragraph does not apply to records relating to an individual in attendance at the University who is employed as a result of his or her status as a student.

(c) Records made or maintained by a physician, psychiatrist, psychologist, or other professional or paraprofessional acting in a professional capacity related to treating a student. However, such records may be reviewed by a physician or other appropriate professional at the student's written request.

(d) Financial records of the student's parents or guardians, unless they have given written consent to the student seeking the records.

(e) Confidential appraisals, evaluations or recommendations placed in an education record prior to January 1, 1975, if the appraisals, evaluations or recommendations continue to be used only for their original purpose.

(f) Confidential appraisals, evaluations or recommendations received after January 1, 1975 for which the student has signed a waiver of the right of access and which relate to the student's admission to an educational institution, application for employment, or recommendation for or receipt of an honor or other form of recognition.

(g) Records of the Campus Public Safety Office which are created and maintained for law enforcement purposes and which are not otherwise available to the public.

(h) Copies of transcripts of grades of a student sent to the University by other educational institutions.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0040

Waivers of Right to Access

(1) A person applying for admission, or a student, may voluntarily waive the right of access to confidential letters of appraisal, evaluation or recommendation regarding admission, employment, or the receipt of an honor or honorary recognition. A person providing a waiver is entitled, upon request, to be notified of the names of all persons providing confidential appraisals, evaluations or recommendations. Such waivers must be in writing, signed by the student, and submitted to the Office of Admission, Registration & Records.

(2) Under no circumstances can a student be compelled to waive his or her right to access education records.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0045

Files or Records Containing Letters of Appraisal, Evaluation or Recommendation

(1) Letters Received Prior to January 1, 1975: No letters of appraisal, evaluation or recommendation received prior to January 1, 1975, shall be revealed to a person applying for admission or to a student unless the author notifies the unit custodian in writing of his or her agreement.

(2) Letters Received After January 1, 1975: Such letters shall be treated as follows:

(a) Unless a waiver from the student, as provided in OAR 577-030-0040, is on file, letters of appraisal, evaluation or recommendation solicited with an assurance to the writer of confidentiality, or if the writer claims confidentiality, shall be returned to the writer. The return letter to the writer shall inform the writer that the document is open to review by the student under the Act. If the writer is willing to resubmit the letter under that condition, the writer is asked to return the letter.

(b) Letters of appraisal, evaluation or recommendation which were not solicited with an assurance of confidentiality nor which claim confidentiality shall be open for review by the applicant or student involved, unless a waiver from the student, as provided in OAR 577-030-0040, is on file.

(3) University application instructions and appraisal forms shall inform writers and applicants or students of student rights of access to letters of appraisal, evaluation or recommendation under this section.

(4) Where a student exercises a waiver in accordance with OAR 577-030-0040 and requests that letters of appraisal, evaluation or recommendation be sent to graduate or professional schools for admission purposes, the student does not have the right to designate which letters are to be sent.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0050

Non-Release to Third Parties

All copies of educational records released pursuant to these rules shall include a statement advising the recipient of the limitations on redisclosure contained in the Act.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0060

Record of Access to Student Records

A written notation shall be made in a student's educational record of each occasion that a person outside the University is given access to it. The notation should indicate the person's name, organization represented, the date and the reason for granting access. However, such notation is not required when:

(1) The disclosure is made to the student;

(2) The disclosure is made pursuant to the student's written consent. The written consent must be kept as a permanent part of the student's record;

(3) The disclosure is made to University officials with a legitimate educational interest;

(4) The disclosure consists of directory information not restricted by the student;

(5) The disclosure is made to other officials as permitted by OAR 577-030-0015; or

(6) The disclosure is as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 20 USC 1232g

Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

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577-030-0065

Permanence, Duplication, and Disposal of Student Records

(1) Individual education records shall be maintained only for the minimum period of time required to serve the official functions of the office generating and maintaining them. The records shall then be disposed of in a manner designed to assure confidentiality.

(2) The permanent retention of education records shall be limited to records that the president or the State Archivist determine to be of long-range value to the student or the University.

(3) Duplication of permanent education records shall be minimized. Duplicate permanent records shall be destroyed in accordance with this rule.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

577-030-0070

Notice to Students

At least annually, the University shall provide notice to students of their rights under the Act in a manner reasonably likely to inform students of such rights. The notice shall comply with the applicable provisions of the Act.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070 & 20 USC 1232g
Hist.: PSU 14, f. & ef. 4-26-77; PSU 2-2008(Temp), f. 4-15-08, cert. ef. 5-1-08 thru 10-24-08; PSU 8-2008, f. & cert. ef. 10-27-08

Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Proposed updates to grant administration rules to benefit OWEB grant program implementation.

Adm. Order No.: OWEB 3-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 1-1-09

Notice Publication Date: 7-1-2008

Rules Adopted: 695-004-0010, 695-004-0020, 695-004-0030, 695-010-0110, 695-035-0080, 695-040-0080

Rules Amended: 695-005-0020, 695-005-0030, 695-005-0050, 695-005-0060, 695-005-0070, 695-010-0100

Subject: These amendments are updates to the OWEB grant program rules related to grant administration, including landowner agreement requirements contained in 695-005-0060(4) and 695-005-0030(4); grant amendment requirements contained in 695-005-0050(1); the ability of the Director to enter into rule waivers contained in 695-005-0070 and in divisions 10, 35, and 40; and the consistent use of terms Director, Board and effectiveness monitoring in divisions 5 and 10. OWEB has also adopted new rule language in division 4 that frames the ability of the OWEB Board to make watershed enhancement investments through the regular grant program or through specific initiatives and programs.

Rules Coordinator: Melissa Leoni — (503) 986-0179

695-004-0010

Purpose

The Oregon Watershed Enhancement Board has broad authority to carry out a watershed enhancement program under the provisions of ORS 541.351 to 541.415. The Board may allocate funds to support projects for restoration, monitoring, technical assistance, small grants, education and outreach, watershed council support, land acquisition, instream water leases and transfers, research and other related activities that advance the purposes of the watershed enhancement program.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-004-0020

Definitions

(1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.360.

(2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(3) "OWEB" means the Oregon Watershed Enhancement Board state agency.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-004-0030

Process and Criteria

The Board shall approve standards and guidance for application requirements and processing, evaluation criteria, agreement conditions, and distribution of funds.

(1) Guidance and criteria for accepting and reviewing applications for watershed enhancement projects proposed under the regular grant program are contained in OAR chapter 695, divisions 5 through 50.

(2) For watershed enhancement project requests for initiatives or programs that are separate or distinct from the programs referenced in subsection (1), the Board shall approve additional necessary guidance and criteria.

(3) Board allocations under subsections (1) and (2) may be distributed through grant agreements, interagency agreements, and contracts for services.

(4) The Director shall enter into the grant agreements, interagency agreements, or contracts necessary to carry out the standards approved by the Board.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-005-0020

Definitions

(1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.360.

(2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(3) "Grant Agreement" is the legally binding contract between the Board and the grant recipient. It consists of the conditions specified in these rules, the notice of grant award, special conditions to the agreement, a certification to comply with applicable state and federal regulations, the project budget and the approved application for funding the project.

(4) "Regional Review Team" is a team, appointed by the Director, of designated personnel with regional knowledge and interdisciplinary expertise drawn from agencies represented on the Board and other entities to evaluate regional grant applications. The Director may change the composition of regional review teams.

(5) "Partners" are non-governmental or governmental persons or entities that have committed funding, expertise, materials, labor, or other assistance to a proposed project.

(6) "Match" is any contribution to a project that is non-Board funds. Match may include:

(a) Cash on hand or cash that is pledged to be on hand prior to commencement of the project;

(b) Secured funding commitments from other sources;

(c) Pending commitments of funding from other sources. In such instances, Board funding will not be released prior to secured commitment of the other funds. Pending commitments of the funding must be secured within 12 months from the date of the award; or

(d) The value of in-kind labor, equipment rental and materials essential to the project, based on local market rates.

(7) "OWEB" means the Oregon Watershed Enhancement Board state agency.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-005-0030

Application Requirements

(1) Applications must be submitted on the most current form prescribed by the Board. Current applications are available on the OWEB website. An explanation must accompany the application if any of the information required on the application cannot be provided. In addition to the information required in the application, and the required attachments, an applicant may submit additional information that will aid the Board in evaluating the project.

(2) All applicants for Board grants shall supply the following information:

(a) Names, physical and email addresses, fax and telephone numbers of the applicant contact person(s) and the fiscal officer(s);

(b) Name and address of involved landowner(s);

(c) The name and location of the proposed project. The location shall be described in reference to the public land survey, latitude and longitude using decimal degrees, North American Datum 1983, county, watershed, and stream mile, if appropriate;

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(d) Estimated line item budget for the project using the most current budget form prescribed by the Board. Current budget forms are available on the OWEB website;

(e) Identification of specific project elements for which Board funds will be used;

(f) A list of any non-Board funds, services or materials available or secured for the project and any conditions which may affect the completion of the project;

(g) If the project is part of a multi-year project, and a new funding request continues a previously Board-funded activity, a description of the previous project accomplishments and results as well as an accounting of past expenditures and revenues for the project;

(h) Identification of volunteers and partners and the contribution they will make to the project;

(i) A project schedule including times of project beginning and completion; and

(j) Any information requested that is necessary to evaluate the project based on the evaluation criteria for that project type.

(3) All applicants shall demonstrate at least 25% match is being sought, on a form prescribed by the Board, based on the total Board grant request, at the time of application.

(4) All applications that involve physical changes or monitoring on private land must include certification from the applicant that the applicant has informed all landowners involved of the existence of the application and has also advised all landowners that all monitoring information obtained on their property is public record. If contact with all landowner was not possible at the time of application, explain why.

(5) Fiscal administration costs, which may include accounting, auditing, contract management and fiscal reporting expenses for the project, for a grant awarded by the Board may not exceed 10% of the total Board funds expended for the project.

(6) Applications will be considered complete as submitted. Clarification of information may be sought from the applicant during the evaluation process but additional, new information will not be accepted after the application deadline.

(7) Applicants are encouraged to submit requests for up to \$10,000 for watershed restoration projects to the Small Grant Team in their Small Grant Area, unless the project is not eligible for funding under the Small Grant Program or the Small Grant Program has no funds available at the time of application. Applicants may not submit the same proposal to both the Board and the Small Grant Team.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-005-0050

Grant Agreement Conditions

(1) The Board will enter into new agreements or amendments to existing agreements for time extensions and award amounts with prior Grantees only if all reporting obligations under earlier agreements have been met.

(2) If the grant agreement has not been fully executed by all the parties within one year of Board approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the Board.

(3) The Director shall establish grant agreement conditions for each grant type. Grantees shall comply with all grant agreement conditions.

(4) The Grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be done under the agreement.

(5) All project activities must demonstrate, to the extent possible, consistency with local community workforce and economic development plans and policies.

(6) Following project completion, equipment purchased with Board funds shall reside with any of the following: watershed council, soil and water conservation district, tribe, local government, state agency, institution of higher learning, or a school district. These entities will make the equipment available to others at no cost, other than nominal operation and maintenance costs.

(7) Upon notice to the Grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the Board.

(8) The Grantee will account for funds distributed by the Board, using project expense forms provided.

(9) The Grantee will obtain the necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy to the Board.

(10) The Board may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the watershed enhancement program. Such conditions may include:

(a) A commitment by the landowner for continued access for monitoring the project after completion;

(b) A commitment by the Grantee to maintain the project for a period of time as deemed appropriate by the Board;

(c) A commitment to supply future reports on the project as required;

(d) Such other conditions as the Board deems appropriate to the particular circumstances of the project.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-005-0060

Distribution of Funds

(1) The Board will not reimburse the Grantee for any expenditures incurred prior to the signing of the grant agreement by all parties, except for fees charged by an affected city or county for processing the required Land Use Information Sheet.

(2) The Director may withhold payments to a Grantee in a situation where there are significant and persistent difficulties with satisfying Board requirements.

(3) Prior to disbursement of Board funds, the Grantee must provide proof that the 25% required match, based on the total Board award, has been secured.

(4) Prior to disbursement of Board funds for projects involving private lands, the Board must receive certification from the Grantee that they will obtain, prior to expending Board funds on a property, a cooperative agreement from the landowner that, at a minimum, includes:

(a) Permission to access the private land, at times agreeable to the landowner, to implement the project, inspect the project, track the status of the project, or perform repairs or maintenance;

(b) Permission for the Board or its representatives to access the private land for inspection and evaluation of the project; and

(c) Identification of the party responsible for repairs and maintenance of the project.

(5) Funds shall not be disbursed until the Board receives satisfactory evidence that necessary permits and licenses have been granted and documents required by the Board have been submitted.

(6) Funds will be released upon presentation of a completed fund release request form accompanied by receipts or invoices, and proof of completion of specific work elements of the project as identified in the Grant Agreement.

(7) Advance funds may be released upon presentation of a detailed estimate of expenses for up to 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance must be submitted, a justification to extend the advance must be approved, or the unexpended advance funds must be returned to the Board. Additional funds will not be released until receipts for expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by the Director.

(8) The Board shall retain ten percent of project funds until the final report, as required in the grant agreement, has been approved. Final reports are due within 60 days of project completion. Any unexpended Board funds must be returned to the Board with the final report. Upon receipt of the final report, the Board shall have 90 days to approve the completed report or notify the Grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved the final payment shall be promptly processed.

(9) All Grantees shall account for at least 25% in actual match, on a form prescribed by the Board, based on the total Board grant expenditures, upon project conclusion and final reporting.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-005-0070

Waiver of Rules

The Director may waive the requirements of division 5, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program.

ADMINISTRATIVE RULES

Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-010-0100

Grant Agreement Conditions

(1) The Grantee must submit a report at completion of the project describing the work done and placing it in its larger watershed context.

(2) The Grantee will track the status of the project, and continue its maintenance, submitting periodic reports on a schedule set by the Board. All reports will be filed with the Board or at a location specified by the Board.

(3) The Grantee must agree to complete the project as approved by the Board and within the timeframe specified in the grant agreement unless proposed modifications are submitted and approved by the Director prior to the beginning of any work proposed in the modification.

(4) The Director will consider project modifications including expansion of funded projects with moneys remaining from the original project allocation if the purpose and intent of the amendment remains the same as the original project, the proposed activity is within the same watershed, and the modification would be compatible with acknowledged comprehensive plans.

(5) The Director may authorize minor changes within the scope of the original project plan.

(6) The Grantee will allow Board members or designated representatives access to the project area at a mutually agreeable time to monitor and evaluate the project.

(7) The Grantee must submit as part of their final report a completed Oregon Watershed Restoration Reporting form, using the most current form available on the OWEB website.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-010-0110

Waiver of Rules

The Director may waive the requirements of division 10, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-035-0080

Waiver of Rules

The Director may waive the requirements of division 35, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

695-040-0080

Waiver of Rules

The Director may waive the requirements of division 40, unless they are required by statute, for individual grants, when doing so will result in more efficient or effective implementation of the Board's grant program. Any waiver granted shall be in writing and included in the permanent file of the individual grant for which the waiver was granted.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

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Rule Caption: Amends OWEB criteria for grants that enhance habitat and employ displaced commercial and sport fishers.

Adm. Order No.: OWEB 4-2008

Filed with Sec. of State: 11-14-2008

Certified to be Effective: 12-4-08

Notice Publication Date: 8-1-2008

Rules Amended: 695-007-0010, 695-007-0020, 695-007-0030, 695-007-0040

Subject: The rules amend division 7 of OAR that allow the Oregon Watershed Enhancement Board to apply award preferences for restoration, inventory and data collection, and project development grants that support priority salmon habitat enhancement and that are able to create work opportunities for fishers displaced the the 2008 limitations n ocean commercial and sport salmon fishing. These rules are in response to the Governor's Executive Order No. 08-10 declaring a state of emergency.

Rules Coordinator: Melissa Leoni—(503) 986-0179

695-007-0010

Purpose

(1) The following administrative rules apply to the state of emergency established by Executive Order No. 08-10, dated April 10, 2008, relating to limitations on ocean commercial and sport salmon fishing.

(2) These rules provide for action available to the Board and Director. These rules are operative until the Governor declares that the state of emergency established by Executive Order No. 08-10 is concluded. Action within these rules is intended to mitigate the economic and social impacts facing coastal communities during restricted commercial and sport salmon fishing seasons and to advance and accelerate salmon habitat restoration and recovery efforts.

Stat. Auth.: ORS 541.396, Gov. Exc order 06-06 & 06-07
Stats. Implemented: ORS 541.351-541.401
Hist.: OWEB 1-2007, f. & cert. ef. 2-1-07; OWEB 2-2008(Temp), f. & cert. ef. 5-27-08 thru 11-18-08; OWEB 4-2008, f. 11-14-08, cert. ef. 12-4-08

695-007-0020

Definitions

(1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.360.

(2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(3) "OWEB" means the Oregon Watershed Enhancement Board state agency.

(4) "Displaced Worker" or "displaced fisher" means an individual who meets the criteria adopted by the Oregon Salmon Commission to be considered displaced with respect to commercial fishing employment, or, with respect to sport fishing employment, who meets the criteria identified by the Director in consultation with the ocean salmon charter industry, to be made available on the OWEB web site before funding is offered to grant applicants.

Stat. Auth.: ORS 541.396, Gov. Exc order 06-06 & 06-07
Stats. Implemented: ORS 541.351-541.401
Hist.: OWEB 1-2007, f. & cert. ef. 2-1-07; OWEB 2-2008(Temp), f. & cert. ef. 5-27-08 thru 11-18-08; OWEB 4-2008, f. 11-14-08, cert. ef. 12-4-08

695-007-0030

OWEB Actions

During the pendency of Executive Order No. 08-10 declaring a salmon season state of emergency, the Board may:

(1) Provide grant funding to support salmon habitat enhancement and related projects within salmon-bearing watersheds in Oregon, for the purpose of accelerating the rebuilding of salmon populations and creating employment opportunities for displaced workers, including projects that:

(a) Support salmon habitat enhancement;
(b) Gather information that can be directly used for salmon habitat restoration;

(c) Conduct outreach to the public concerning salmon habitat restoration; or

(d) Support research that assists in the evaluation of salmon stocks at sea.

(2) Provide grant funding to develop projects that would enhance salmon habitat in the future.

Stat. Auth.: ORS 541.396, Gov. Exc order 06-06 & 06-07
Stats. Implemented: ORS 541.351-541.401
Hist.: OWEB 1-2007, f. & cert. ef. 2-1-07; OWEB 2-2008(Temp), f. & cert. ef. 5-27-08 thru 11-18-08; OWEB 4-2008, f. 11-14-08, cert. ef. 12-4-08

695-007-0040

Application Criteria

(1) For grant applicants to receive funding, the following award preferences are applicable, in addition to the evaluation criteria set forth in any other applicable rule. Projects must employ displaced fishers in all project labor opportunities to the greatest extent possible over a period of several months, and also must:

(a) Provide benefit to high priority salmon habitat along the Oregon coast;

ADMINISTRATIVE RULES

(b) Directly address limiting factors for the recovery of salmon in watersheds that drain directly to the ocean, including the Umpqua and Rogue basins;

(c) Be identified in an existing watershed-scale assessment and action plan; or

(d) Address a specific limiting factor identified in the 2003–2005 Oregon Plan Biennial Report, Volume 2 published by the Oregon Watershed Enhancement Board in 2005.

(2) In addition to the preference criteria described in section 1, the following award preferences are applicable to specific types of grant applications:

(a) For Inventory and Data Collection grants, preference will be given to projects that focus on surveys and inventories that document conditions affecting aquatic resources or ground-truth mapping of high priority salmon habitat.

(b) For Restoration grants, preference will be given to projects that focus on restoration in high priority salmon habitat, or have received from OWEB a relevant technical assistance award in an earlier grant cycle.

(c) For Project Development grants, preference will be given to projects that have a high likelihood of being implemented within one year following completion of the project development grant, focus on high priority salmon habitat, or address a specific limiting factor identified in the 2003–2005 Oregon Plan Biennial Report, Volume 2 published by the Oregon Watershed Enhancement Board in 2005.

(3) The preferences identified in section 1 of this rule may also be applied to other OWEB grants, including Restoration Projects described in division 10, Education and Outreach Grants described in division 15, Monitoring Grants described in division 25, and Assessment and Action Plan Grants described in division 30, in addition to the evaluation criteria set forth in rules contained in those divisions.

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

Stat. Auth.: ORS 541.396, Gov. Exc order 06-06 & 06-07

Stats. Implemented: ORS 541.351–541.401

Hist.: OWEB 1-2007, f. & cert. ef. 2-1-07; OWEB 2-2008(Temp), f. & cert. ef. 5-27-08 thru 11-18-08; OWEB 4-2008, f. 11-14-08, cert. ef. 12-4-08

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**Secretary of State,
Elections Division
Chapter 165**

Rule Caption: Hand counts of ballots at General Election.

Adm. Order No.: ELECT 9-2008

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-23-08

Notice Publication Date: 9-1-2008

Rules Adopted: 165-007-0290

Subject: This rule is proposed for adoption to set forth the procedures the Secretary of State will use to randomly select the precincts or ballot count batches that are to be hand counted, appoint the Secretary of State Hand Count Advisory Committee, adopt SEL 798, Hand Count Results form, for the county clerks to use to provide a detailed explanation of any difference between the hand count and the tally of votes produced by each vote tally system in the county, and generally clarify the procedures to implement ORS 254.529.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-007-0290

Hand Count of Ballots at General Election

(1) This rule is adopted to implement hand counts of ballots counted by the vote tally system in the county at every general election as required by ORS 254.529. The hand count must be compared to the tally of votes produced by a vote tally system for the same ballots. The number of ballots that must be hand counted is dependent on the margin of victory between the two candidates in the same race receiving the largest number of votes in the county, as determined by the unofficial tally of ballots. Depending on the margin of victory, which will be determined by the results posted to the Secretary of State's electronic reporting system, ORESTAR, as of noon the day after the date of the general election, either 10%, 5% or 3% of all precincts or of ballots in ballot count batches will be hand counted.

(2) For purposes of implementing ORS 254.529 and this rule:

(a) "Margin of victory" means the percentage difference between the first and second place candidates in a given contest. For a contest for state measure the "margin of victory" is the difference between the "yes" and "no" votes.

(b) "Precinct" means any precinct with registered voters.

(c) "Ballot count batch" means a subset of ballots which can be associated with a subtotal in the vote tally system.

(d) "State Office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge of the Supreme Court, judge of the Court of Appeals or judge of the Oregon Tax Court.

(3) In order to assist the Secretary in selecting the election contests for which ballots are to be hand counted, the Secretary shall appoint three members, one of whom will be an expert in statistics, to the Secretary of State's Hand Count Advisory Committee.

(4) Not later than the day after the date of the general election the Committee shall randomly select the election contests for which the county elections official is to conduct the hand count. The Committee shall randomly draw for each county to select:

(a) The state office and state measure contests for which ballots are to be hand counted; and

(b) The precincts or ballot count batches in which ballots are to be hand counted. The same precincts or ballot count batches will be used to conduct the hand counts on all three election contests to be hand counted.

(c) If the randomly selected state office is the same contest in the county receiving the largest number of votes between two candidates, another state office will be randomly selected.

(5) Once the Committee has randomly selected the election contests and the precincts or ballot count batches in which ballots are to be hand counted, the Secretary of State will notify county elections officials. In addition to identifying the precincts or ballot batches to be hand counted, the notification will include the state office, the state measure and the contest between the two candidates receiving the largest number of votes in the county.

(6) Hand counts will be conducted in accordance with ORS 258.200 and 258.211.

(a) Not later than the 5th business day after the date of the general election the Secretary of State will notify by first-class mail all affected candidates for selected election contests, chief petitioners or legislative sponsor of the state measure selected and any registered opponents of the measure.

(b) Members of the public may observe the hand count. The County Elections Official shall permit only so many persons as observers as will not interfere with an orderly procedure at the office of the County Elections Official.

(7) A county elections official may only begin the hand count after certification of the official results to the Secretary of State, but not later than the 20th day after the election. All hand counts must be completed no later than the 30th day after the election.

(8) If a comparison of the tally of votes produced by a vote tally system with the tally of votes produced by the hand count shows that the tally of votes produced by the vote tally system differs by no more than one-half of one percent of the total votes cast in the contest, from the tally of votes produced by the hand count, the hand count is complete and the county elections official reports the results as provided in subsection (10). If the difference exceeds one-half of one percent of the total votes cast in the contest, a second hand count is conducted as provided in subsection (11).

(9) Valid votes that have been marked by the voter outside the vote targets or using a marking device that cannot be read by the vote tally system shall not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct or ballot batch under ORS 254.529(8)(a) through (c).

(10) Upon completion of the hand count, but not later than the 30th day after the election, the county elections official must submit to the Secretary of State form SEL 798 detailing any difference and providing an explanation of the difference between the hand count and the tally of votes produced by the vote tally system in the county. Over votes and under votes are excluded from the totals on the SEL 798. Valid votes referenced in (9) of this rule, are to be listed as exceptions on the SEL 798.

(11) If after the first hand count, a second hand count is required to be conducted, the county elections official must again upon completion, but not later than the 30th day after the election, submit to the Secretary of State form SEL 798 detailing any difference and providing an explanation of the difference between the hand count and the tally of votes produced by the vote tally system in the county.

(12) If the county elections official is required under ORS 254.529(8)(d) to conduct a hand count of all ballots counted by the vote tally system, the county elections official not later than the 30th day after the election must certify to the Secretary of State and any other appropriate elections official an amended abstract of votes.

Stat. Auth.: ORS 246.150

ADMINISTRATIVE RULES

Stats. Implemented: ORS 254.529
Hist.: ELECT 9-2008, f. & cert. ef. 10-23-08

Rule Caption: Adopts Division 100 implementing the procedure to be appointed to the Public Officials Compensation Commission.

Adm. Order No.: ELECT 10-2008

Filed with Sec. of State: 10-23-2008

Certified to be Effective: 10-23-08

Notice Publication Date: 9-1-2008

Rules Adopted: 165-100-0035, 165-100-0040, 165-100-0045, 165-100-0050, 165-100-0055, 165-100-0060, 165-100-0065

Subject: These rules set forth the procedures for the selection and notification by the Secretary of State, of electors to be appointed to the Public Officials Compensation Commission as provided for in ORS 292.908.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-100-0035

Statement of Purpose

The purpose of this division is to provide uniform procedures for the selection and notification by the Secretary of State (“Secretary”) of electors to be appointed to the Public Officials Compensation Commission (“Commission”) as provided for in ORS 292.908.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907 & 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0040

Conducting the Selection of Names by Lot

No later than May 20 of the year of selection, the Secretary shall arrange for the random selection of 100 names of electors from each congressional district that requires appointment of a new commissioner, or from the statewide registration roll for the at large position. The Secretary may employ an electronic data processing system or device to make the random selection of electors as required by this section. The list compiled shall form the pool of prospective candidates for appointment to the Commission under ORS 292.908.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907, 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0045

Notifying Persons Selected by Lot

(1) No later than May 31 of the year of selection, the Secretary shall notify by nonforwardable 1st class mail each prospective candidate selected under OAR 165-100-0010. The notification shall contain a response form and prestamped, self-addressed return envelope.

(a) The notification shall include the statutory qualifications for membership on the Commission as specified in ORS 290.907-290.930 and describe the duties of the position under 290.907-290.930.

(b) The notification shall instruct the prospective candidate to certify on the form whether the prospective candidate satisfies the statutory qualifications to serve on the Commission and indicate whether the prospective candidate is willing to serve on the Commission if selected to serve.

(c) The prospective candidate shall be instructed to return the form no later than June 10 of that year.

(d) A prospective candidate, by appropriate indication on the form, may decline to serve on the Commission. The Secretary shall take as conclusive indication that the prospective candidate has declined to serve if the form is not received by the Secretary on or before June 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The Secretary shall compile a list by open position of each qualified prospective candidate who has timely returned the notification form, and on the form has certified that the prospective candidate satisfies the specified qualifications described in ORS 290.907 and is willing to serve on the Commission.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907, 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0050

Selecting Candidates for Appointment by Lot

(1) From the list prepared under OAR 165-100-0020(2), the Secretary shall conduct a separate, manual selection at random of all qualified prospective candidates for each open position.

(2) This list shall serve as the list of available candidates for the initial appointment and for filling any vacancy occurring during the term of office for which the initial appointment was made.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907, 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0055

Term of Appointment

(1) The term of office of each member is four years. A member is eligible for reappointment or reselection.

(2) The term of office for the members first appointed on or after the effective date of Oregon Laws 2007, chapter 901, will begin on July 1, 2008.

(3) Notwithstanding the term of office specified in subsection (1) of this section, the term of office for the members first appointed on or after the effective date of Oregon Laws 2007, chapter 901 will expire on the dates set forth in Oregon Laws 2007, chapter 901, section 4.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907, 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0060

Appointment to Commission

(1) No later than July 1 of the year of selection, for each open position to which ORS 292.908 applies, the Secretary shall forward to the Commission the name of the first available candidate selected under OAR 165-100-0030 for appointment to the Commission.

(2) In the event that a candidate whose name has been forwarded to the Commission for appointment to the Commission declines the appointment, the Commission shall promptly inform the Secretary, who shall forward to the Commission the name of the next available candidate eligible for appointment to the open position from the list compiled under OAR 165-100-0020.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907, 292.908

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

165-100-0065

Vacancy on Commission

(1) Whenever a vacancy occurs in any of the positions to which ORS 292.908 applies, the Commission shall promptly notify the Secretary of the vacancy. The Secretary shall forward to the Commission for appointment the name of the next available candidate on the list created in OAR 165-100-0030 or that position. This procedure will be repeated until this list is exhausted.

(2) If the list for a position to which ORS 292.908 applies is exhausted, the Secretary shall create a new list for that position using the most recent voter information available on the Oregon Centralized Voter Registration system. Except for the revision of timelines under this section, the process for compiling the data file of records of electors by congressional district, conducting the selection by lot, notifying electors selected, determining appointees, and forwarding to the Commission the certified list of the name of the elector selected shall be substantially the same as specified in OAR 165-100-0010 through 165-100-0040.

Stat. Auth.: ORS 292.908

Stats. Implemented: ORS 292.907-292.930

Hist.: ELECT 10-2008, f. & cert. ef. 10-23-08

Teacher Standards and Practices Commission

Chapter 584

Rule Caption: Amends rules regarding reinstatement of licenses, administrator, psychologist and counselor licenses, discipline action and housekeeping issues.

Adm. Order No.: TSPC 8-2008

Filed with Sec. of State: 11-13-2008

Certified to be Effective: 11-13-08

Notice Publication Date: 9-1-2008

Rules Amended: 584-020-0040, 584-048-0115, 584-050-0018, 584-060-0162, 584-070-0211, 584-070-0221, 584-080-0031

Rules Repealed: 584-060-0041, 584-070-0050, 584-070-0051, 584-070-0239, 584-070-0240

ADMINISTRATIVE RULES

Subject: 1. Clarifies required educational experience for reinstatement of expired licenses is consistent with

OAR 584-048-0015.

2. Updates Restricted Transitional Teaching License to include the Initial "I" Teaching License.

3. Adds additional mandatory crimes to 584-020-0040 to comply with Legislative changes.

4. Adds Knowingly working without a license and Failing to make a child abuse report to rule 584-020-0040.

5. Clarifies procedure regarding revoked licenses or right to apply for a license in rule 584-050-0018.

6. Amends Initial and Continuing School Psychologist licenses.

7. Amends Restricted Transitional School Counselor License.

8. Renames the Continuing Superintendent License to Distinguished Administrator License.

9. Repeals several redundant rules.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-020-0040

Grounds for Disciplinary Action

(1) The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in 161.405. Evaluation of substantially equivalent crimes or attempts to commit crimes will be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred. The crimes listed in 342.143 are:

- (a) ORS 163.095 — Aggravated Murder;
- (b) ORS 163.115 — Murder;
- (c) ORS 163.185 — Assault in the First Degree;
- (d) ORS 163.235 — Kidnapping in the First Degree;
- (e) ORS 163.355 — Rape in the Third Degree;
- (f) ORS 163.365 — Rape in the Second Degree;
- (g) ORS 163.375 — Rape in the First Degree;
- (h) ORS 163.385 — Sodomy in the Third Degree;
- (i) ORS 163.395 — Sodomy in the Second Degree;
- (j) ORS 163.405 — Sodomy in the First Degree;
- (k) ORS 163.408 — Unlawful Sexual Penetration in the Second

Degree;

- (l) ORS 163.411 — Unlawful Sexual Penetration in the First Degree;
- (m) ORS 163.415 — Sexual Abuse in the Third Degree;
- (n) ORS 163.425 — Sexual Abuse in the Second Degree;
- (o) ORS 163.427 — Sexual Abuse in the First Degree;
- (p) ORS 163.432 — Online Sexual Corruption of a Child in the

Second Degree;

- (q) ORS 163.433 — Online Sexual Corruption of a Child in the First

Degree;

- (r) ORS 163.435 — Contributing to the Sexual Delinquency of a

Minor;

- (s) ORS 163.445 — Sexual Misconduct;
- (t) ORS 163.465 — Public Indecency;
- (u) ORS 163.515 — Bigamy;
- (v) ORS 163.525 — Incest;
- (w) ORS 163.547 — Child Neglect in the First Degree;
- (x) ORS 163.575 — Endangering the Welfare of a Minor;
- (y) ORS 163.670 — Using Child in Display of Sexually Explicit

Conduct;

- (z) ORS 163.675 — Sale or Exhibition of Visual Reproduction of

Sexual Conduct by a Child;

- (aa) ORS 163.680 — Paying for Viewing Sexual Conduct Involving a

Child;

- (bb) ORS 163.684 — Encouraging Child Sexual Abuse in the First

Degree;

- (cc) ORS 163.686 — Encouraging Child Sexual Abuse in the Second

Degree;

- (dd) ORS 163.687 — Encouraging Child Sexual Abuse in the Third

Degree;

- (ee) ORS 163.688 — Possession of Materials Depicting Sexually

Explicit Conduct of a Child in the First Degree;

- (ff) ORS 163.689 — Possession of Materials Depicting Sexually

Explicit Conduct of a Child in the Second Degree;

- (gg) ORS 164.325 — Arson in the First Degree;

(hh) ORS 164.415 — Robbery in the First Degree;

(ii) ORS 166.005 — Treason;

(jj) ORS 166.087 — Abuse of a Corpse in the First Degree;

(kk) ORS 167.007 — Prostitution;

(ll) ORS 167.012 — Promoting Prostitution;

(mm) ORS 167.017 — Compelling Prostitution;

(nn) ORS 167.054 — Furnishing Sexually Explicit Material to a

Child

(oo) ORS 167.057 — Luring a Minor

(pp) ORS 167.062 — Sadomasochistic Abuse for Sexual Conduct in a Live Show;

(qq) ORS 167.075 — Exhibiting an Obscene Performance to a Minor;

(rr) ORS 167.080 — Displaying Obscene Materials to Minors;

(ss) ORS 167.090 — Publicly Displaying Nudity or Sex for

Advertising Purposes;

(tt) ORS 475.848 — Unlawful manufacture of heroin within 1,000 feet of school;

(uu) ORS 475.852 — Unlawful delivery of heroin within 1,000 feet of school;

(vv) ORS 475.858 — Unlawful manufacture of marijuana within 1,000 feet of school;

(ww) ORS 475.860 — Unlawful delivery of marijuana;

(xx) ORS 475.862 — Unlawful delivery of marijuana within 1,000 feet of school;

(yy) ORS 475.864(4) — Possession of less than 1 ounce of marijuana within 1,000 feet of school;

(zz) ORS 475.868 — Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;

(aaa) ORS 475.872 — Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;

(bbb) ORS 475.878 — Unlawful manufacture of cocaine within 1,000 feet of school;

(ccc) ORS 475.880 — Unlawful delivery of cocaine;

(ddd) ORS 475.882 — Unlawful delivery of cocaine within 1,000 feet of school;

(eee) ORS 475.888 — Unlawful manufacture of methamphetamine within 1,000 feet of school;

(fff) ORS 475.890 — Unlawful delivery of methamphetamine;

(ggg) ORS 475.892 — Unlawful delivery of methamphetamine within 1,000 feet of school;

(hhh) ORS 475.904 — Unlawful manufacture or delivery of controlled substance within 1,000 feet of school; or

(iii) ORS 475.906 — Penalties for distribution to minors.

(2) An applicant fails to meet the requirement of ORS 342.143 "good moral character" if the applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or other acts which are in violation of sections (1) or (3) of this rule.

(3) The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under ORS 342.143 who:

(a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;

(b) Is charged with knowingly making any false statement in the application for a license or registration;

(c) Is charged with gross neglect of duty;

(d) Is charged with gross unfitness; or

(e) Is convicted of a crime involving the illegal use, sale or possession of controlled substances.

(4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:

(a) Knowing and substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;

(b) Knowing and substantial unauthorized use of employment time or school resources for private purposes;

(c) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;

(d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;

(e) Violent or destructive behavior on school premises or at a school-sponsored activity;

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- (f) Any sexual conduct with a student;
 - (g) Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance;
 - (h) Unauthorized disclosure of student records information received in confidence by the educator under a statutory privilege, (See, subsection (6), below);
 - (i) Deliberately assigning an educator in violation of licensure requirements;
 - (j) Resignation from a contract in violation of ORS 342.553, (See, subsection (6), below);
 - (k) Knowing violation of any order or rule of the Commission;
 - (l) Sexual harassment;
 - (m) Knowing and willful failure of a chief administrator to report a violation of Commission standards as required by OAR 584-020-0041;
 - (n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;
 - (o) Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035;
 - (p) Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation;
 - (q) Knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials;
 - (r) Knowingly working without a license; or
 - (s) Failing to report child abuse pursuant to ORS 419B.010.
- (5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:
- (a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;
 - (b) Fraud or misrepresentation;
 - (c) Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.
 - (d) Commission of an act listed in OAR 584-020-0040(1);
 - (e) Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; or
 - (f) Violation of a term of probation imposed by a court.
- (6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator's license. In any proceeding brought under subsection (4)(j) of this rule, the Commission may not impose a sanction more severe than suspension of the educator's license for the remainder of the school year.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1983, f. & ef. 7-21-83; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1993, f. & cert. ef. 9-29-93; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 8-1998 f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 6-1999(Temp), f. & cert. ef. 9-20-99 thru 3-17-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 8-2008, f. & cert. ef. 11-13-08

584-048-0115

Reinstatement of Expired Licenses

- (1)(a) For one year after expiration, a license may be reinstated, or upgraded if it would not have been renewable at the time of application, upon payment of the regular and late application fees and satisfaction of applicable renewal or upgrading requirements.
- (b) In each case, the proviso that renewal experience or education must be gained during the life of the license is waived, and the applicable time span becomes the most recent three years.
- (2) Thereafter, a renewable expired license may be reinstated as if renewed upon completion of renewal requirements, including applicable experience consistent with OAR 584-017-0015 within the last three years, and payment of the regular and late application fees.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.200 & 342.400

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 8-2008, f. & cert. ef. 11-13-08

584-050-0018

Reinstatement of Revoked License, Registration, or Right to Apply for a License, Certificate or Registration

(1) Any revocation for conviction for crimes listed in ORS 342.143(3) is permanent and the license, certificate or registration is not eligible for reinstatement. All other revocations of a license, certificate or registration or right to apply for a license, certificate or registration are eligible for application for reinstatement.

(2) Application for reinstatement of a license, certificate or registration revoked for any reason other than those cited in ORS 342.143(3) may be submitted at any time after the period of revocation has expired for the license, certificate or registration or right to apply for a license, certificate or registration.

(3) The burden will be on the educator to establish fitness for reinstatement.

(4) The application for reinstatement must include:

- (a) A C-1 application form;
- (b) A fee pursuant to OAR 584-036-0055;
- (c) A personal notarized affidavit attesting that:

(A) All the conditions of the order for revocation have been met; and

(B) That the educator has not violated any laws of the states, including ethical violations related to licensure, certificate or registration; and

(d) Any additional documentation, sufficient to establish convincingly that the educator possesses all of the qualifications required for first licensure or reinstatement of a license, certificate or registration.

(5) All decisions to reinstate a revoked license, registration or right to apply for a license or registration will be made by the Commission in executive session.

(6) Following review of the application for reinstatement of a revoked license, certificate or registration or an application for a first license, certificate or registration following a revocation of the right to apply for a license, certificate or registration, the Executive Director may make a recommendation to the Commission regarding whether to approve or deny the application.

(7) The Executive Director or the Commission may require the educator to appear before the Commission in executive session at the meeting at which the Commission will consider the application for reinstatement. It is entirely at the Commission's discretion whether an educator may meet with the Commission under these circumstances. In no case does this subsection grant a right to any applicant under this rule to appear before the Commission prior to the Commission's consideration of the application for reinstatement or first licensure.

(8) If the Commission denies the reinstatement, or the right to apply for a license or registration, the Executive Director will mail a copy of the recommendation of denial to the educator and notice of right to a hearing under ORS 342.175.

Stat. Auth.: ORS 181 & 342

Stats. Implemented: ORS 181.525, 342.120 - 342.200 & 342.400

Hist.: TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 8-2008, f. & cert. ef. 11-13-08

584-060-0162

Restricted Transitional Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Restricted Transitional Teaching License.

(2) This license is issued for three years and is non-renewable.

(3) This license is valid for teaching with the requesting employer only at the designated level and/or specialty specifically requested by the employer. This license may not be transferred to another employer without a specific request from the new district.

(4) Upon expiration of the Restricted Transitional Teaching License, recipients of this license must meet all the requirements of the Initial I Teaching License for which they may apply at any time.

(5) To be eligible for a Restricted Transitional Teaching License, the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Demonstrate knowledge of applicable civil rights laws. An applicant from out of state may submit an affidavit for the first Oregon license

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assuring that the applicant has read *Discrimination and the Oregon Educator* and has completed the self-study questions; and

(d) Furnish fingerprints in the manner prescribed by the commission. (See OAR 584-036-0062 for Criminal Records Check Requirement); and

(e) Obtain an approved first aid card within 90 days of receiving the license; and

(f) Submit a letter from the employing district describing the particular need in relation to the applicant's teacher qualifications summarized on a submitted resume. The district must agree to provide a mentor and attest that circumstances prevent hiring a suitable teacher holding an unrestricted full-time license appropriate for the assignment to be filled.

(6) When the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for the Initial I Teaching License, an extension for up to one year may be issued upon joint application from an educator and the employing district. The applicant must provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the Initial I Teaching License upon expiration of the Restricted Transitional Teaching License.

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

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2008, f. & cert. ef. 11-13-08

584-070-0211

Initial School Psychologist License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted an Initial School Psychologist License for three years.

(2) The Initial School Psychologist License is valid for:

- (a) School psychology at all age or grade levels;
- (b) Substitute counseling at any level; and
- (c) Substitute teaching at any level in any specialty.

(3) To be eligible for an Initial School Psychologist License, an applicant must satisfy all of the following general preparation requirements:

(a) A master's or higher degree in the behavioral sciences or their derivative therapeutic professions from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission, together with an equally accredited bachelor's degree in any field;

(b) Completion in Oregon or another U.S. jurisdiction, as part of the master's degree or separately, of an initial graduate program in school psychology at an institution approved for psychologist education by the commission; or certification from the National Association of School Psychologists.

(c) A passing score as currently specified by the commission on a test of professional knowledge for school psychologists, or five years of experience practicing school psychology on a license valid for the assignment full time in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license;

(d) A passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant held an Oregon educator license before 1985 or has a regionally accredited doctor's degree;

(e) A passing score on a test of knowledge of U.S. and Oregon civil rights laws; 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.)

(4) To be eligible for an Initial School Psychologist License, an applicant must satisfy a recent experience in accordance with 584-005-0005(51).

(5) The Initial School Psychologist License may be renewed repeatedly for three years upon completion of:

(a) Any one of the following educational experiences as a licensed educator on a license appropriate for the assignment:

- (A) One academic year full-time; or
- (B) Two academic years half-time or more; or
- (C) One hundred and eighty (180) days as a substitute; or
- (D) Completion of six (6) semester hours or nine (9) quarter hours of preparation completed in an approved institution during the life of the current school psychologist license; or

(E) A combination of (A)–(D) above may be submitted in satisfaction of this requirement in which one quarter hour of preparation equals 20 days of successful experience or;

(F) Meeting any of the special provisions for renewal contained in OARs 584-048-0015, 584-048-0020 or 584-048-0067; and

(b) A professional development plan in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 8-2008, f. & cert. ef. 11-13-08

584-070-0221

Continuing School Psychologist License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Continuing School Psychologist License.

(2) The Continuing School Psychologist License is issued for five years and is renewable repeatedly under conditions specified below.

(3) The Continuing School Psychologist License is valid for school psychology at all age or grade levels, for substitute counseling at any level, and for substitute teaching at any level in any specialty.

(4) To be eligible for a Continuing School Psychologist License, an applicant must:

(a) Meet and complete all of the requirements for the Initial School Psychologist License;

(b) Hold a master's or higher degree in the behavioral sciences or their derivative therapeutic professions from a regionally accredited institution in the United States, or hold the foreign equivalent of such degree approved by the commission, together with an equally accredited bachelor's degree;

(c) Have five years of school psychology experience at least half-time or more on any non-provisional license appropriate for the assignment; and

(d) Demonstrate minimum competencies, knowledge and skills in accordance with OAR 584-017-0360 by completing one of the following:

(A) Complete an advanced program in psychologist competencies consisting of at least six semester hours or nine quarter hours of graduate credit or the equivalent; or

(B) Validation of all advanced psychology competencies through assessment by a commission-approved professional development program offered by an institution, an employer, or the two working together; or

(C) By obtaining a current National School Psychology Certificate awarded by the National Association of School Psychologists; or

(D) By having a regionally accredited doctor's degree in educational, clinical or counseling psychology.

(5) The Continuing School Psychologist License may be renewed for five years upon completion of:

(a) Any one of the following educational experiences as a licensed school psychologist on a license appropriate for the assignment:

(A) One academic year full-time; or

(B) Two academic years half-time or more; or

(C) One hundred and eighty (180) days as a substitute; or

(D) Completion of 6 semester hours or 9 quarter hours of preparation completed in an approved institution during the life of the current School Psychologist License; or

(E) A combination of (A)–(D) above may be submitted in satisfaction of this requirement in which one quarter hour of preparation equals 20 days of successful experience; or

(F) Meeting any of the special provisions for renewal contained in OAR 584-048-0015, 584-048-0020 or 584-048-0067; and

(b) A professional development plan in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 8-2008, f. & cert. ef. 11-13-08

584-080-0031

Distinguished Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Distinguished Administrator License.

(2) The Distinguished Administrator License is issued for five years and is renewable repeatedly under conditions specified below.

(3) The Distinguished Administrator License is voluntary and is valid for school administration at all age or grade levels in any position and for substitute teaching at any level in any specialty.

(4) To be eligible for a Distinguished Administrator License, an applicant must have:

(a) Completed, beyond the advanced administrator program specified in OAR 584-080-0022 an advanced education leadership or school admin-

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istration program consisting of at least 12 semester hours or 18 quarter hours of graduate credit or the equivalent; or in the alternative, hold a regionally accredited doctor's degree in school administration or educational leadership.

(A) Completion of the advanced program must be verified by the institution offering the program or through official transcripts.

(B) Doctorates in programs other than school administration or educational leadership do not qualify for this license.

(b) Three years of half time or more experience on a transitional, initial, continuing, or out-of-state administrative license valid for the assignment functioning as a superintendent in a public school district, education service district, or regionally accredited private school system.

(5) The Distinguished Administrator License may be renewed for five years upon completion of experience and professional development under the following circumstances:

(a) Completion of licensed education experience during the life of the license under any of the following conditions:

(A) One academic year as a full-time licensed educator on any valid Oregon license appropriate for the assignment;

(B) Two consecutive years as a half-time licensed educator; or

(C) 180 days of substitution in administration or teaching, on any license appropriate for the assignment, in any K-12 public or private school or district registered or licensed by the Oregon Department of Education; and

(b) Completion of continuing professional development requirements in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 8-2008, f. & cert. ef. 11-13-08

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110-040-0014	11-4-2008	Renumber	12-1-2008	111-050-0001	8-15-2008	Amend(T)	9-1-2008
110-040-0015	4-15-2008	Suspend	5-1-2008	111-050-0010	4-15-2008	Adopt	5-1-2008
110-040-0015	6-17-2008	Repeal	8-1-2008	111-050-0010	8-15-2008	Amend(T)	9-1-2008
110-040-0020	4-15-2008	Suspend	5-1-2008	111-050-0015	4-15-2008	Adopt	5-1-2008
110-040-0020	6-17-2008	Repeal	8-1-2008	111-050-0020	8-15-2008	Adopt(T)	9-1-2008
110-050-0010	11-4-2008	Renumber	12-1-2008	111-050-0025	8-15-2008	Adopt(T)	9-1-2008

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111-050-0035	8-15-2008	Adopt(T)	9-1-2008	123-001-0700	6-4-2008	Amend	7-1-2008
111-050-0045	8-15-2008	Adopt(T)	9-1-2008	123-001-0725	1-2-2008	Amend	2-1-2008
111-050-0050	8-15-2008	Adopt(T)	9-1-2008	123-001-0725	3-28-2008	Amend(T)	5-1-2008
111-050-0060	10-16-2008	Adopt(T)	12-1-2008	123-001-0725	6-4-2008	Amend	7-1-2008
111-050-0065	10-16-2008	Adopt(T)	12-1-2008	123-001-0750	1-2-2008	Amend	2-1-2008
111-050-0070	10-16-2008	Adopt(T)	12-1-2008	123-001-0750	3-28-2008	Amend(T)	5-1-2008
111-050-0075	10-16-2008	Adopt(T)	12-1-2008	123-001-0750	6-4-2008	Amend	7-1-2008
111-050-0080	10-16-2008	Adopt(T)	12-1-2008	123-006-0005	9-1-2008	Amend	10-1-2008
111-060-0001	4-1-2008	Adopt(T)	5-1-2008	123-006-0015	9-1-2008	Amend	10-1-2008
111-060-0001	9-29-2008	Adopt	11-1-2008	123-006-0020	9-1-2008	Amend	10-1-2008
111-080-0001	8-13-2008	Adopt(T)	9-1-2008	123-006-0025	9-1-2008	Amend	10-1-2008
111-080-0005	8-13-2008	Adopt(T)	9-1-2008	123-006-0030	9-1-2008	Amend	10-1-2008
111-080-0030	10-16-2008	Adopt(T)	12-1-2008	123-006-0035	9-1-2008	Amend	10-1-2008
115-010-0032	12-26-2007	Amend	2-1-2008	123-006-0040	9-1-2008	Amend	10-1-2008
115-010-0115	12-26-2007	Amend	2-1-2008	123-006-0045	9-1-2008	Adopt	10-1-2008
115-025-0000	1-1-2008	Amend	2-1-2008	123-009-0060	1-2-2008	Amend	2-1-2008
115-025-0010	1-1-2008	Amend	2-1-2008	123-009-0060	3-28-2008	Amend(T)	5-1-2008
115-025-0015	1-1-2008	Amend	2-1-2008	123-009-0060	6-4-2008	Amend	7-1-2008
115-025-0020	1-1-2008	Amend	2-1-2008	123-009-0080	1-2-2008	Amend	2-1-2008
115-025-0023	1-1-2008	Amend	2-1-2008	123-009-0080	3-28-2008	Amend(T)	5-1-2008
115-025-0025	1-1-2008	Amend	2-1-2008	123-009-0080	6-4-2008	Amend	7-1-2008
115-025-0025	3-17-2008	Amend	4-1-2008	123-009-0090	1-2-2008	Amend	2-1-2008
115-025-0030	1-1-2008	Amend	2-1-2008	123-009-0090	3-28-2008	Amend(T)	5-1-2008
115-025-0030	3-17-2008	Amend	4-1-2008	123-009-0090	6-4-2008	Amend	7-1-2008
115-025-0035	1-1-2008	Amend	2-1-2008	123-011-0025	8-1-2008	Amend	9-1-2008
115-025-0065	1-1-2008	Adopt	2-1-2008	123-011-0027	8-1-2008	Amend	9-1-2008
115-025-0065	3-17-2008	Amend	4-1-2008	123-011-0030	3-4-2008	Amend(T)	4-1-2008
115-025-0070	1-1-2008	Adopt	2-1-2008	123-011-0030	8-1-2008	Amend	9-1-2008
115-025-0075	1-1-2008	Adopt	2-1-2008	123-011-0035	3-4-2008	Amend(T)	4-1-2008
115-035-0035	12-26-2007	Amend	2-1-2008	123-011-0035	8-1-2008	Amend	9-1-2008
115-040-0005	12-26-2007	Amend	2-1-2008	123-011-0037	3-4-2008	Adopt(T)	4-1-2008
115-040-0030	1-1-2008	Amend	2-1-2008	123-011-0037	8-1-2008	Adopt	9-1-2008
115-070-0000	12-26-2007	Amend	2-1-2008	123-011-0040	3-4-2008	Amend(T)	4-1-2008
115-070-0035	12-26-2007	Amend	2-1-2008	123-011-0040	8-1-2008	Amend	9-1-2008
121-030-0000	9-19-2008	Amend	11-1-2008	123-011-0045	3-4-2008	Amend(T)	4-1-2008
121-030-0010	9-19-2008	Amend	11-1-2008	123-011-0045	8-1-2008	Amend	9-1-2008
121-030-0020	9-19-2008	Amend	11-1-2008	123-016-0000	6-10-2008	Amend(T)	7-1-2008
121-030-0030	9-19-2008	Amend	11-1-2008	123-016-0010	6-10-2008	Amend(T)	7-1-2008
121-030-0040	9-19-2008	Amend	11-1-2008	123-016-0020	6-10-2008	Amend(T)	7-1-2008
121-030-0050	9-19-2008	Amend	11-1-2008	123-016-0030	6-10-2008	Amend(T)	7-1-2008
121-030-0060	9-19-2008	Amend	11-1-2008	123-016-0040	6-10-2008	Amend(T)	7-1-2008
121-030-0070	9-19-2008	Amend	11-1-2008	123-016-0050	6-10-2008	Amend(T)	7-1-2008
121-030-0080	9-19-2008	Amend	11-1-2008	123-016-0060	6-10-2008	Amend(T)	7-1-2008
121-030-0090	9-19-2008	Adopt	11-1-2008	123-016-0070	6-10-2008	Amend(T)	7-1-2008
123-001-0050	1-2-2008	Amend	2-1-2008	123-016-0075	6-10-2008	Adopt(T)	7-1-2008
123-001-0050	3-28-2008	Amend(T)	5-1-2008	123-016-0076	6-10-2008	Adopt(T)	7-1-2008
123-001-0050	6-4-2008	Amend	7-1-2008	123-016-0080	6-10-2008	Amend(T)	7-1-2008
123-001-0300	1-2-2008	Amend	2-1-2008	123-016-0090	6-10-2008	Amend(T)	7-1-2008
123-001-0300	3-28-2008	Amend(T)	5-1-2008	123-016-0100	6-10-2008	Amend(T)	7-1-2008
123-001-0300	6-4-2008	Amend	7-1-2008	123-017-0008	2-26-2008	Amend(T)	4-1-2008
123-001-0500	1-2-2008	Amend	2-1-2008	123-017-0008	8-1-2008	Amend	9-1-2008
123-001-0500	3-28-2008	Amend(T)	5-1-2008	123-017-0010	2-26-2008	Amend(T)	4-1-2008
123-001-0500	6-4-2008	Amend	7-1-2008	123-017-0010	8-1-2008	Amend	9-1-2008
123-001-0520	1-2-2008	Amend	2-1-2008	123-017-0015	2-26-2008	Amend(T)	4-1-2008
123-001-0520	3-28-2008	Amend(T)	5-1-2008	123-017-0015	8-1-2008	Amend	9-1-2008
123-001-0520	6-4-2008	Amend	7-1-2008	123-017-0020	2-26-2008	Amend(T)	4-1-2008
123-001-0700	1-2-2008	Amend	2-1-2008	123-017-0020	8-1-2008	Amend	9-1-2008

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123-017-0025	8-1-2008	Amend	9-1-2008	123-023-3100	8-1-2008	Adopt	9-1-2008
123-017-0030	2-26-2008	Amend(T)	4-1-2008	123-023-3200	8-1-2008	Adopt	9-1-2008
123-017-0030	8-1-2008	Amend	9-1-2008	123-023-3300	8-1-2008	Adopt	9-1-2008
123-017-0035	2-26-2008	Amend(T)	4-1-2008	123-023-3400	8-1-2008	Adopt	9-1-2008
123-017-0035	8-1-2008	Amend	9-1-2008	123-023-4000	8-1-2008	Adopt	9-1-2008
123-017-0055	2-26-2008	Amend(T)	4-1-2008	123-023-4100	8-1-2008	Adopt	9-1-2008
123-017-0055	8-1-2008	Amend	9-1-2008	123-024-0001	3-20-2008	Amend(T)	5-1-2008
123-018-0010	3-4-2008	Amend(T)	4-1-2008	123-024-0001	9-1-2008	Amend	10-1-2008
123-018-0010	8-1-2008	Amend	9-1-2008	123-024-0011	3-20-2008	Amend(T)	5-1-2008
123-018-0040	3-4-2008	Amend(T)	4-1-2008	123-024-0011	9-1-2008	Amend	10-1-2008
123-018-0040	8-1-2008	Amend	9-1-2008	123-024-0031	3-20-2008	Amend(T)	5-1-2008
123-018-0060	3-4-2008	Amend(T)	4-1-2008	123-024-0031	9-1-2008	Amend	10-1-2008
123-018-0060	8-1-2008	Amend	9-1-2008	123-024-0041	3-20-2008	Suspend	5-1-2008
123-018-0085	3-4-2008	Amend(T)	4-1-2008	123-024-0041	9-1-2008	Repeal	10-1-2008
123-018-0085	8-1-2008	Amend	9-1-2008	123-025-0010	12-7-2007	Amend(T)	1-1-2008
123-018-0100	3-4-2008	Amend(T)	4-1-2008	123-025-0010	6-4-2008	Amend	7-1-2008
123-018-0100	8-1-2008	Amend	9-1-2008	123-025-0012	12-7-2007	Amend(T)	1-1-2008
123-018-0160	3-4-2008	Amend(T)	4-1-2008	123-025-0012	6-4-2008	Amend	7-1-2008
123-018-0160	8-1-2008	Amend	9-1-2008	123-025-0014	12-7-2007	Adopt(T)	1-1-2008
123-019-0010	8-1-2008	Amend	9-1-2008	123-025-0015	12-7-2007	Suspend	1-1-2008
123-019-0020	2-26-2008	Amend(T)	4-1-2008	123-025-0015	6-4-2008	Amend	7-1-2008
123-019-0020	8-1-2008	Amend	9-1-2008	123-025-0017	12-7-2007	Amend(T)	1-1-2008
123-019-0040	2-26-2008	Amend(T)	4-1-2008	123-025-0017	6-4-2008	Amend	7-1-2008
123-019-0040	8-1-2008	Amend	9-1-2008	123-025-0021	12-7-2007	Amend(T)	1-1-2008
123-021-0010	2-26-2008	Amend(T)	4-1-2008	123-025-0021	6-4-2008	Amend	7-1-2008
123-021-0010	8-1-2008	Amend	9-1-2008	123-025-0023	12-7-2007	Amend(T)	1-1-2008
123-021-0015	8-1-2008	Adopt	9-1-2008	123-025-0023	6-4-2008	Amend	7-1-2008
123-021-0020	8-1-2008	Amend	9-1-2008	123-025-0025	12-7-2007	Amend(T)	1-1-2008
123-021-0030	2-26-2008	Suspend	4-1-2008	123-025-0025	6-4-2008	Amend	7-1-2008
123-021-0040	8-1-2008	Amend	9-1-2008	123-025-0030	12-7-2007	Amend(T)	1-1-2008
123-021-0050	2-26-2008	Amend(T)	4-1-2008	123-025-0030	6-4-2008	Amend	7-1-2008
123-021-0050	8-1-2008	Amend	9-1-2008	123-042-0020	4-9-2008	Amend(T)	5-1-2008
123-021-0060	8-1-2008	Amend	9-1-2008	123-042-0020	10-3-2008	Amend	11-1-2008
123-021-0070	8-1-2008	Amend	9-1-2008	123-042-0026	4-9-2008	Amend(T)	5-1-2008
123-021-0080	8-1-2008	Amend	9-1-2008	123-042-0026	10-3-2008	Amend	11-1-2008
123-021-0090	2-26-2008	Amend(T)	4-1-2008	123-042-0036	4-9-2008	Amend(T)	5-1-2008
123-021-0090	8-1-2008	Amend	9-1-2008	123-042-0036	10-3-2008	Amend	11-1-2008
123-021-0100	8-1-2008	Amend	9-1-2008	123-042-0038	10-3-2008	Adopt	11-1-2008
123-021-0110	8-1-2008	Amend	9-1-2008	123-043-0010	4-9-2008	Amend(T)	5-1-2008
123-021-0120	8-1-2008	Amend	9-1-2008	123-043-0010	10-3-2008	Amend	11-1-2008
123-021-0130	8-1-2008	Amend	9-1-2008	123-043-0035	4-9-2008	Amend(T)	5-1-2008
123-021-0140	8-1-2008	Amend	9-1-2008	123-043-0035	10-3-2008	Amend	11-1-2008
123-023-1000	8-1-2008	Amend	9-1-2008	123-043-0045	4-9-2008	Amend(T)	5-1-2008
123-023-1100	8-1-2008	Amend	9-1-2008	123-043-0045	10-3-2008	Amend	11-1-2008
123-023-1200	8-1-2008	Amend	9-1-2008	123-043-0055	4-9-2008	Amend(T)	5-1-2008
123-023-1250	8-1-2008	Adopt	9-1-2008	123-043-0055	10-3-2008	Amend	11-1-2008
123-023-1300	8-1-2008	Amend	9-1-2008	123-043-0075	4-9-2008	Amend(T)	5-1-2008
123-023-1400	8-1-2008	Amend	9-1-2008	123-043-0075	10-3-2008	Amend	11-1-2008
123-023-1500	8-1-2008	Amend	9-1-2008	123-049-0005	9-1-2008	Amend	10-1-2008
123-023-1525	8-1-2008	Adopt	9-1-2008	123-049-0010	9-1-2008	Amend	10-1-2008
123-023-1550	8-1-2008	Adopt	9-1-2008	123-049-0020	9-1-2008	Amend	10-1-2008
123-023-1600	8-1-2008	Amend	9-1-2008	123-049-0030	9-1-2008	Amend	10-1-2008
123-023-1700	8-1-2008	Amend	9-1-2008	123-049-0040	9-1-2008	Amend	10-1-2008
123-023-1800	8-1-2008	Amend	9-1-2008	123-049-0050	9-1-2008	Amend	10-1-2008
123-023-1900	8-1-2008	Amend	9-1-2008	123-049-0060	9-1-2008	Amend	10-1-2008
123-023-1950	8-1-2008	Adopt	9-1-2008	123-055-0100	3-4-2008	Amend(T)	4-1-2008
123-023-2000	8-1-2008	Amend	9-1-2008	123-055-0100	9-1-2008	Amend	10-1-2008

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123-055-0120	9-1-2008	Amend	10-1-2008	123-105-0010	8-1-2008	Repeal	9-1-2008
123-055-0200	3-4-2008	Amend(T)	4-1-2008	123-105-0020	8-1-2008	Repeal	9-1-2008
123-055-0200	9-1-2008	Amend	10-1-2008	123-105-0030	8-1-2008	Repeal	9-1-2008
123-055-0220	3-4-2008	Amend(T)	4-1-2008	123-105-0040	8-1-2008	Repeal	9-1-2008
123-055-0220	9-1-2008	Amend	10-1-2008	123-105-0050	8-1-2008	Repeal	9-1-2008
123-055-0240	3-4-2008	Amend(T)	4-1-2008	123-105-0060	8-1-2008	Repeal	9-1-2008
123-055-0240	9-1-2008	Amend	10-1-2008	123-105-0070	8-1-2008	Repeal	9-1-2008
123-055-0300	3-4-2008	Amend(T)	4-1-2008	123-105-0080	8-1-2008	Repeal	9-1-2008
123-055-0300	9-1-2008	Amend	10-1-2008	123-105-0090	8-1-2008	Repeal	9-1-2008
123-055-0340	3-4-2008	Amend(T)	4-1-2008	123-135-0020	6-4-2008	Amend	7-1-2008
123-055-0340	9-1-2008	Amend	10-1-2008	123-135-0070	6-4-2008	Amend	7-1-2008
123-055-0400	3-4-2008	Amend(T)	4-1-2008	123-145-0100	8-1-2008	Repeal	9-1-2008
123-055-0400	9-1-2008	Amend	10-1-2008	123-145-0200	8-1-2008	Repeal	9-1-2008
123-055-0420	3-4-2008	Amend(T)	4-1-2008	123-145-0300	8-1-2008	Repeal	9-1-2008
123-055-0420	9-1-2008	Amend	10-1-2008	123-145-0400	8-1-2008	Repeal	9-1-2008
123-055-0440	3-4-2008	Amend(T)	4-1-2008	123-145-0500	8-1-2008	Repeal	9-1-2008
123-055-0440	9-1-2008	Amend	10-1-2008	123-145-0600	8-1-2008	Repeal	9-1-2008
123-055-0460	3-4-2008	Amend(T)	4-1-2008	123-145-0700	8-1-2008	Repeal	9-1-2008
123-055-0460	9-1-2008	Amend	10-1-2008	123-145-1000	8-1-2008	Repeal	9-1-2008
123-055-0525	3-4-2008	Amend(T)	4-1-2008	123-145-1100	8-1-2008	Repeal	9-1-2008
123-055-0525	9-1-2008	Amend	10-1-2008	123-145-1200	8-1-2008	Repeal	9-1-2008
123-055-0620	3-4-2008	Amend(T)	4-1-2008	123-145-1300	8-1-2008	Repeal	9-1-2008
123-055-0620	9-1-2008	Amend	10-1-2008	125-050-0200	2-29-2008	Adopt	4-1-2008
123-055-0900	3-4-2008	Amend(T)	4-1-2008	125-125-0050	4-15-2008	Amend(T)	5-1-2008
123-055-0900	9-1-2008	Amend	10-1-2008	125-125-0050	6-17-2008	Amend	8-1-2008
123-057-0110	3-4-2008	Amend(T)	4-1-2008	125-125-0100	4-15-2008	Amend(T)	5-1-2008
123-057-0110	9-1-2008	Amend	10-1-2008	125-125-0100	6-17-2008	Amend	8-1-2008
123-057-0130	3-4-2008	Amend(T)	4-1-2008	125-125-0150	4-15-2008	Amend(T)	5-1-2008
123-057-0130	9-1-2008	Amend	10-1-2008	125-125-0150	6-17-2008	Amend	8-1-2008
123-057-0150	3-4-2008	Amend(T)	4-1-2008	125-125-0250	4-15-2008	Amend(T)	5-1-2008
123-057-0150	9-1-2008	Amend	10-1-2008	125-125-0250	6-17-2008	Amend	8-1-2008
123-057-0190	3-4-2008	Amend(T)	4-1-2008	125-125-0300	4-15-2008	Amend(T)	5-1-2008
123-057-0190	9-1-2008	Amend	10-1-2008	125-125-0300	6-17-2008	Amend	8-1-2008
123-057-0210	3-4-2008	Amend(T)	4-1-2008	125-125-0350	4-15-2008	Amend(T)	5-1-2008
123-057-0210	9-1-2008	Amend	10-1-2008	125-125-0350	6-17-2008	Amend	8-1-2008
123-057-0230	3-4-2008	Amend(T)	4-1-2008	125-125-0400	4-15-2008	Amend(T)	5-1-2008
123-057-0230	9-1-2008	Amend	10-1-2008	125-125-0400	6-17-2008	Amend	8-1-2008
123-057-0310	3-4-2008	Suspend	4-1-2008	125-125-0500	4-15-2008	Adopt(T)	5-1-2008
123-057-0310	9-1-2008	Repeal	10-1-2008	125-125-0500	6-17-2008	Adopt	8-1-2008
123-057-0330	3-4-2008	Amend(T)	4-1-2008	125-125-0600	4-15-2008	Adopt(T)	5-1-2008
123-057-0330	9-1-2008	Amend	10-1-2008	125-125-0600	6-17-2008	Adopt	8-1-2008
123-057-0350	3-4-2008	Amend(T)	4-1-2008	125-145-0010	12-6-2007	Suspend	1-1-2008
123-057-0350	9-1-2008	Amend	10-1-2008	125-145-0010	2-6-2008	Repeal	3-1-2008
123-057-0410	3-4-2008	Amend(T)	4-1-2008	125-145-0020	12-6-2007	Suspend	1-1-2008
123-057-0410	9-1-2008	Amend	10-1-2008	125-145-0020	2-6-2008	Repeal	3-1-2008
123-057-0430	3-4-2008	Amend(T)	4-1-2008	125-145-0030	12-6-2007	Suspend	1-1-2008
123-057-0430	9-1-2008	Amend	10-1-2008	125-145-0030	2-6-2008	Repeal	3-1-2008
123-057-0450	3-4-2008	Amend(T)	4-1-2008	125-145-0040	12-6-2007	Suspend	1-1-2008
123-057-0450	9-1-2008	Amend	10-1-2008	125-145-0040	2-6-2008	Repeal	3-1-2008
123-057-0470	3-4-2008	Amend(T)	4-1-2008	125-145-0045	12-6-2007	Suspend	1-1-2008
123-057-0470	9-1-2008	Amend	10-1-2008	125-145-0045	2-6-2008	Repeal	3-1-2008
123-057-0510	3-4-2008	Amend(T)	4-1-2008	125-145-0060	12-6-2007	Suspend	1-1-2008
123-057-0510	9-1-2008	Amend	10-1-2008	125-145-0060	2-6-2008	Repeal	3-1-2008
123-057-0530	3-4-2008	Amend(T)	4-1-2008	125-145-0080	12-6-2007	Suspend	1-1-2008
123-057-0530	9-1-2008	Amend	10-1-2008	125-145-0080	2-6-2008	Repeal	3-1-2008
123-057-0710	3-4-2008	Amend(T)	4-1-2008	125-145-0090	12-6-2007	Suspend	1-1-2008
123-057-0710	9-1-2008	Amend	10-1-2008	125-145-0090	2-6-2008	Repeal	3-1-2008

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125-145-0100	2-6-2008	Repeal	3-1-2008	125-247-0310	7-2-2008	Amend	8-1-2008
125-145-0105	12-6-2007	Suspend	1-1-2008	125-247-0330	7-2-2008	Amend	8-1-2008
125-145-0105	2-6-2008	Repeal	3-1-2008	125-247-0340	7-2-2008	Adopt	8-1-2008
125-160-0010	10-15-2008	Amend(T)	11-1-2008	125-247-0400	7-2-2008	Amend	8-1-2008
125-160-0020	10-15-2008	Adopt(T)	11-1-2008	125-247-0410	7-2-2008	Amend	8-1-2008
125-246-0100	7-2-2008	Amend	8-1-2008	125-247-0430	7-2-2008	Amend	8-1-2008
125-246-0110	7-2-2008	Amend	8-1-2008	125-247-0525	7-2-2008	Amend	8-1-2008
125-246-0130	7-2-2008	Amend	8-1-2008	125-247-0550	7-2-2008	Amend	8-1-2008
125-246-0140	7-2-2008	Amend	8-1-2008	125-247-0575	7-2-2008	Amend	8-1-2008
125-246-0170	7-2-2008	Amend	8-1-2008	125-247-0600	7-2-2008	Amend	8-1-2008
125-246-0200	7-2-2008	Amend	8-1-2008	125-247-0610	7-2-2008	Amend	8-1-2008
125-246-0310	7-2-2008	Amend	8-1-2008	125-247-0691	7-2-2008	Amend	8-1-2008
125-246-0330	7-2-2008	Amend	8-1-2008	125-247-0700	7-2-2008	Amend	8-1-2008
125-246-0333	7-2-2008	Adopt	8-1-2008	125-247-0710	7-2-2008	Amend	8-1-2008
125-246-0335	7-2-2008	Amend	8-1-2008	125-247-0730	7-2-2008	Amend	8-1-2008
125-246-0345	7-2-2008	Amend	8-1-2008	125-247-0731	7-2-2008	Amend	8-1-2008
125-246-0350	7-2-2008	Amend	8-1-2008	125-247-0750	7-2-2008	Amend	8-1-2008
125-246-0353	7-2-2008	Amend	8-1-2008	125-248-0100	7-2-2008	Amend	8-1-2008
125-246-0355	7-2-2008	Repeal	8-1-2008	125-248-0130	7-2-2008	Amend	8-1-2008
125-246-0365	7-2-2008	Adopt	8-1-2008	125-248-0200	7-2-2008	Amend	8-1-2008
125-246-0400	7-2-2008	Amend	8-1-2008	125-248-0210	7-2-2008	Amend	8-1-2008
125-246-0410	7-2-2008	Amend	8-1-2008	125-248-0220	7-2-2008	Amend	8-1-2008
125-246-0420	7-2-2008	Amend	8-1-2008	125-248-0240	7-2-2008	Amend	8-1-2008
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125-246-0450	7-2-2008	Amend	8-1-2008	125-248-0340	7-2-2008	Amend	8-1-2008
125-246-0460	7-2-2008	Amend	8-1-2008	125-249-0100	7-2-2008	Amend	8-1-2008
125-246-0555	7-2-2008	Amend	8-1-2008	125-249-0140	7-2-2008	Amend	8-1-2008
125-246-0556	7-2-2008	Adopt	8-1-2008	125-249-0150	7-2-2008	Amend	8-1-2008
125-246-0560	7-2-2008	Amend	8-1-2008	125-249-0160	7-2-2008	Amend	8-1-2008
125-246-0570	7-2-2008	Amend	8-1-2008	125-249-0200	7-2-2008	Amend	8-1-2008
125-246-0575	7-2-2008	Amend	8-1-2008	125-249-0210	7-2-2008	Amend	8-1-2008
125-246-0700	2-29-2008	Am. & Ren.	4-1-2008	125-249-0220	7-2-2008	Amend	8-1-2008
125-246-0710	2-29-2008	Am. & Ren.	4-1-2008	125-249-0270	7-2-2008	Amend	8-1-2008
125-246-0720	2-29-2008	Am. & Ren.	4-1-2008	125-249-0280	7-2-2008	Amend	8-1-2008
125-246-0730	2-29-2008	Am. & Ren.	4-1-2008	125-249-0290	7-2-2008	Amend	8-1-2008
125-246-0800	7-2-2008	Amend	8-1-2008	125-249-0310	7-2-2008	Amend	8-1-2008
125-247-0010	7-2-2008	Amend	8-1-2008	125-249-0390	7-2-2008	Amend	8-1-2008
125-247-0100	7-2-2008	Amend	8-1-2008	125-249-0395	7-2-2008	Amend	8-1-2008
125-247-0170	7-2-2008	Amend	8-1-2008	125-249-0430	7-2-2008	Amend	8-1-2008
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125-247-0261	7-2-2008	Amend	8-1-2008	125-249-0800	7-2-2008	Amend	8-1-2008
125-247-0265	7-2-2008	Amend	8-1-2008	125-249-0860	7-2-2008	Amend	8-1-2008
125-247-0270	7-2-2008	Amend	8-1-2008	125-600-7550	6-30-2008	Adopt	8-1-2008
125-247-0275	7-2-2008	Amend	8-1-2008	137-008-0000	5-1-2008	Amend	6-1-2008
125-247-0280	7-2-2008	Amend	8-1-2008	137-008-0005	5-1-2008	Amend	6-1-2008
125-247-0286	7-2-2008	Amend	8-1-2008	137-008-0010	5-1-2008	Amend	6-1-2008
125-247-0287	7-2-2008	Amend	8-1-2008	137-008-0020	5-1-2008	Amend	6-1-2008
125-247-0288	7-2-2008	Amend	8-1-2008	137-009-0130	2-1-2008	Amend	3-1-2008
125-247-0293	7-2-2008	Repeal	8-1-2008	137-009-0140	2-1-2008	Amend	3-1-2008
125-247-0294	7-2-2008	Repeal	8-1-2008	137-009-0145	2-1-2008	Amend	3-1-2008
125-247-0295	7-2-2008	Amend	8-1-2008	137-009-0147	2-1-2008	Adopt	3-1-2008
125-247-0296	7-2-2008	Amend	8-1-2008	137-009-0150	2-1-2008	Amend	3-1-2008
125-247-0300	7-2-2008	Amend	8-1-2008	137-009-0155	2-1-2008	Amend	3-1-2008

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137-010-0033	4-22-2008	Amend	6-1-2008	137-055-1070	7-1-2008	Amend	8-1-2008
137-020-0015	1-2-2008	Amend	2-1-2008	137-055-2160	7-1-2008	Amend	8-1-2008
137-020-0020	1-2-2008	Amend	2-1-2008	137-055-3020	1-2-2008	Amend(T)	2-1-2008
137-020-0040	1-2-2008	Amend	2-1-2008	137-055-3020	4-1-2008	Amend	5-1-2008
137-020-0050	1-2-2008	Amend	2-1-2008	137-055-3060	1-2-2008	Amend(T)	2-1-2008
137-045-0010	1-1-2008	Amend	2-1-2008	137-055-3060	4-1-2008	Amend	5-1-2008
137-045-0015	1-1-2008	Amend	2-1-2008	137-055-3080	1-2-2008	Amend(T)	2-1-2008
137-045-0020	1-1-2008	Amend	2-1-2008	137-055-3080	4-1-2008	Amend	5-1-2008
137-045-0030	1-1-2008	Amend	2-1-2008	137-055-3100	1-2-2008	Amend(T)	2-1-2008
137-045-0035	1-1-2008	Amend	2-1-2008	137-055-3100	4-1-2008	Amend	5-1-2008
137-045-0050	1-1-2008	Amend	2-1-2008	137-055-3140	1-2-2008	Amend(T)	2-1-2008
137-045-0055	1-1-2008	Amend	2-1-2008	137-055-3140	4-1-2008	Amend	5-1-2008
137-045-0060	1-1-2008	Amend	2-1-2008	137-055-3420	7-15-2008	Amend(T)	8-1-2008
137-045-0070	1-1-2008	Amend	2-1-2008	137-055-3420	10-1-2008	Amend(T)	11-1-2008
137-045-0090	1-1-2008	Amend	2-1-2008	137-055-3420	10-7-2008	Amend(T)	11-1-2008
137-046-0100	1-1-2008	Amend	2-1-2008	137-055-3420(T)	10-7-2008	Suspend	11-1-2008
137-046-0110	1-1-2008	Amend	2-1-2008	137-055-4540	10-1-2008	Amend	11-1-2008
137-046-0130	1-1-2008	Amend	2-1-2008	137-055-4560	4-1-2008	Amend	5-1-2008
137-047-0000	1-1-2008	Amend	2-1-2008	137-055-4620	1-2-2008	Amend	2-1-2008
137-047-0100	1-1-2008	Amend	2-1-2008	137-055-5110	7-1-2008	Amend	8-1-2008
137-047-0257	1-1-2008	Amend	2-1-2008	137-055-6010	10-1-2008	Amend	11-1-2008
137-047-0262	1-1-2008	Amend	2-1-2008	137-055-6022	10-1-2008	Amend	11-1-2008
137-047-0263	1-1-2008	Amend	2-1-2008	137-055-6210	10-7-2008	Amend(T)	11-1-2008
137-047-0275	1-1-2008	Amend	2-1-2008	137-060-0100	1-18-2008	Amend	3-1-2008
137-047-0280	1-1-2008	Amend	2-1-2008	137-060-0110	1-18-2008	Amend	3-1-2008
137-047-0285	1-1-2008	Amend	2-1-2008	137-060-0130	1-18-2008	Amend	3-1-2008
137-047-0310	1-1-2008	Amend	2-1-2008	137-060-0140	1-18-2008	Amend	3-1-2008
137-047-0330	1-1-2008	Amend	2-1-2008	137-060-0150	1-18-2008	Amend	3-1-2008
137-047-0400	1-1-2008	Amend	2-1-2008	137-060-0150	7-24-2008	Amend	6-1-2008
137-047-0410	1-1-2008	Amend	2-1-2008	137-060-0160	1-18-2008	Amend	3-1-2008
137-047-0430	1-1-2008	Amend	2-1-2008	137-060-0160	7-24-2008	Amend	6-1-2008
137-047-0575	1-1-2008	Amend	2-1-2008	137-060-0200	1-18-2008	Amend	3-1-2008
137-047-0610	1-1-2008	Amend	2-1-2008	137-060-0210	1-18-2008	Amend	3-1-2008
137-047-0730	1-1-2008	Amend	2-1-2008	137-060-0230	1-18-2008	Amend	3-1-2008
137-048-0100	1-1-2008	Amend	2-1-2008	137-060-0240	1-18-2008	Amend	3-1-2008
137-048-0130	1-1-2008	Amend	2-1-2008	137-060-0250	1-18-2008	Amend	3-1-2008
137-048-0200	1-1-2008	Amend	2-1-2008	137-060-0260	1-18-2008	Amend	3-1-2008
137-048-0210	1-1-2008	Amend	2-1-2008	137-060-0300	1-18-2008	Amend	3-1-2008
137-048-0220	1-1-2008	Amend	2-1-2008	137-060-0310	1-18-2008	Amend	3-1-2008
137-048-0240	1-1-2008	Amend	2-1-2008	137-060-0330	1-18-2008	Amend	3-1-2008
137-048-0250	1-1-2008	Amend	2-1-2008	137-060-0340	1-18-2008	Amend	3-1-2008
137-048-0300	1-1-2008	Amend	2-1-2008	137-060-0350	1-18-2008	Amend	3-1-2008
137-048-0320	1-1-2008	Amend	2-1-2008	137-060-0350	7-24-2008	Amend	6-1-2008
137-049-0100	1-1-2008	Amend	2-1-2008	137-060-0360	1-18-2008	Amend	3-1-2008
137-049-0140	1-1-2008	Amend	2-1-2008	137-060-0360	7-24-2008	Amend	6-1-2008
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137-049-0160	1-1-2008	Amend	2-1-2008	137-060-0410	1-18-2008	Amend	3-1-2008
137-049-0200	1-1-2008	Amend	2-1-2008	137-060-0430	1-18-2008	Amend	3-1-2008
137-049-0210	1-1-2008	Amend	2-1-2008	137-060-0440	1-18-2008	Amend	3-1-2008
137-049-0280	1-1-2008	Amend	2-1-2008	137-060-0450	1-18-2008	Amend	3-1-2008
137-049-0290	1-1-2008	Amend	2-1-2008	137-079-0170	4-1-2008	Amend	5-1-2008
137-049-0310	1-1-2008	Amend	2-1-2008	137-079-0200	4-1-2008	Amend	5-1-2008
137-049-0390	1-1-2008	Amend	2-1-2008	137-084-0001	12-11-2007	Amend	1-1-2008
137-049-0395	1-1-2008	Amend	2-1-2008	137-084-0005	12-11-2007	Amend	1-1-2008
137-049-0630	1-1-2008	Amend	2-1-2008	137-084-0010	12-11-2007	Amend	1-1-2008
137-049-0645	1-1-2008	Amend	2-1-2008	137-084-0020	12-11-2007	Amend	1-1-2008
137-049-0860	1-1-2008	Amend	2-1-2008	137-084-0500	12-11-2007	Amend	1-1-2008

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141-014-0075	10-15-2008	Repeal	11-1-2008	141-085-0115	1-1-2008	Amend	1-1-2008
141-014-0080	10-15-2008	Repeal	11-1-2008	141-085-0121	1-1-2008	Amend	1-1-2008
141-014-0085	10-15-2008	Repeal	11-1-2008	141-085-0126	1-1-2008	Amend	1-1-2008
141-014-0090	10-15-2008	Repeal	11-1-2008	141-085-0131	1-1-2008	Amend	1-1-2008
141-014-0095	10-15-2008	Repeal	11-1-2008	141-085-0136	1-1-2008	Amend	1-1-2008
141-014-0100	10-15-2008	Repeal	11-1-2008	141-085-0141	1-1-2008	Amend	1-1-2008
141-014-0105	10-15-2008	Repeal	11-1-2008	141-085-0146	1-1-2008	Amend	1-1-2008
141-014-0110	10-15-2008	Repeal	11-1-2008	141-085-0156	1-1-2008	Amend	1-1-2008
141-014-0115	10-15-2008	Repeal	11-1-2008	141-085-0161	1-1-2008	Amend	1-1-2008
141-014-0120	10-15-2008	Repeal	11-1-2008	141-085-0166	1-1-2008	Amend	1-1-2008
141-014-0200	10-15-2008	Adopt	11-1-2008	141-085-0171	1-1-2008	Amend	1-1-2008
141-014-0210	10-15-2008	Adopt	11-1-2008	141-085-0176	1-1-2008	Amend	1-1-2008
141-014-0220	10-15-2008	Adopt	11-1-2008	141-085-0256	1-1-2008	Amend	1-1-2008
141-014-0230	10-15-2008	Adopt	11-1-2008	141-085-0257	1-1-2008	Amend	1-1-2008
141-014-0240	10-15-2008	Adopt	11-1-2008	141-085-0421	1-1-2008	Amend	1-1-2008
141-014-0250	10-15-2008	Adopt	11-1-2008	141-085-0425	1-1-2008	Amend	1-1-2008
141-014-0260	10-15-2008	Adopt	11-1-2008	141-085-0430	1-1-2008	Amend	1-1-2008
141-014-0270	10-15-2008	Adopt	11-1-2008	141-089-0100	1-1-2008	Amend	1-1-2008
141-014-0280	10-15-2008	Adopt	11-1-2008	141-089-0105	1-1-2008	Amend	1-1-2008
141-014-0290	10-15-2008	Adopt	11-1-2008	141-089-0110	1-1-2008	Amend	1-1-2008
141-014-0300	10-15-2008	Adopt	11-1-2008	141-089-0115	1-1-2008	Amend	1-1-2008
141-014-0310	10-15-2008	Adopt	11-1-2008	141-089-0120	1-1-2008	Amend	1-1-2008
141-014-0320	10-15-2008	Adopt	11-1-2008	141-089-0135	1-1-2008	Amend	1-1-2008
141-014-0330	10-15-2008	Adopt	11-1-2008	141-089-0140	1-1-2008	Amend	1-1-2008
141-014-0340	10-15-2008	Adopt	11-1-2008	141-089-0150	1-1-2008	Amend	1-1-2008
141-014-0350	10-15-2008	Adopt	11-1-2008	141-089-0155	1-1-2008	Amend	1-1-2008
141-014-0360	10-15-2008	Adopt	11-1-2008	141-089-0157	1-1-2008	Adopt	1-1-2008
141-014-0370	10-15-2008	Adopt	11-1-2008	141-089-0170	1-1-2008	Amend	1-1-2008
141-014-0370	10-23-2008	Amend	12-1-2008	141-089-0175	1-1-2008	Amend	1-1-2008
141-014-0380	10-15-2008	Adopt	11-1-2008	141-089-0180	1-1-2008	Amend	1-1-2008
141-014-0390	10-15-2008	Adopt	11-1-2008	141-089-0185	1-1-2008	Amend	1-1-2008
141-014-0400	10-15-2008	Adopt	11-1-2008	141-089-0190	1-1-2008	Amend	1-1-2008
141-014-0410	10-15-2008	Adopt	11-1-2008	141-089-0192	1-1-2008	Adopt	1-1-2008
141-014-0420	10-15-2008	Adopt	11-1-2008	141-089-0205	1-1-2008	Amend	1-1-2008
141-085-0005	1-1-2008	Amend	1-1-2008	141-089-0215	1-1-2008	Amend	1-1-2008
141-085-0006	1-1-2008	Amend	1-1-2008	141-089-0225	1-1-2008	Amend	1-1-2008
141-085-0010	1-1-2008	Amend	1-1-2008	141-089-0230	1-1-2008	Amend	1-1-2008
141-085-0015	1-1-2008	Amend	1-1-2008	141-089-0245	1-1-2008	Amend	1-1-2008
141-085-0018	1-1-2008	Amend	1-1-2008	141-089-0260	1-1-2008	Amend	1-1-2008
141-085-0020	1-1-2008	Amend	1-1-2008	141-089-0265	1-1-2008	Amend	1-1-2008
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141-085-0064	1-1-2008	Amend	1-1-2008	141-089-0360	5-1-2008	Adopt	5-1-2008
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141-085-0070	1-1-2008	Amend	1-1-2008	141-089-0375	5-1-2008	Adopt	5-1-2008
141-085-0075	1-1-2008	Amend	1-1-2008	141-089-0380	5-1-2008	Adopt	5-1-2008
141-085-0079	1-1-2008	Amend	1-1-2008	141-089-0385	5-1-2008	Adopt	5-1-2008
141-085-0085	1-1-2008	Amend	1-1-2008	141-089-0390	5-1-2008	Adopt	5-1-2008
141-085-0090	1-1-2008	Amend	1-1-2008	141-089-0400	1-1-2008	Amend	1-1-2008
141-085-0095	1-1-2008	Amend	1-1-2008	141-089-0405	1-1-2008	Amend	1-1-2008

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141-089-0420	1-1-2008	Amend	1-1-2008	141-125-0205	10-15-2008	Adopt	11-1-2008
141-089-0423	1-1-2008	Adopt	1-1-2008	141-125-0210	10-15-2008	Amend	11-1-2008
141-089-0500	1-1-2008	Amend	1-1-2008	141-125-0220	10-15-2008	Amend	11-1-2008
141-089-0505	1-1-2008	Amend	1-1-2008	142-010-0010	4-14-2008	Amend	5-1-2008
141-089-0515	1-1-2008	Amend	1-1-2008	142-010-0020	4-14-2008	Amend	5-1-2008
141-089-0520	1-1-2008	Amend	1-1-2008	142-010-0045	4-14-2008	Amend	5-1-2008
141-089-0550	1-1-2008	Amend	1-1-2008	142-015-0000	4-14-2008	Adopt	5-1-2008
141-089-0555	1-1-2008	Amend	1-1-2008	142-015-0010	4-14-2008	Adopt	5-1-2008
141-089-0560	1-1-2008	Amend	1-1-2008	142-015-0020	4-14-2008	Adopt	5-1-2008
141-089-0565	1-1-2008	Amend	1-1-2008	142-015-0030	4-14-2008	Adopt	5-1-2008
141-089-0570	1-1-2008	Amend	1-1-2008	142-015-0040	4-14-2008	Adopt	5-1-2008
141-089-0572	1-1-2008	Adopt	1-1-2008	142-015-0050	4-14-2008	Adopt	5-1-2008
141-089-0585	1-1-2008	Amend	1-1-2008	150-118.005	1-1-2008	Repeal	2-1-2008
141-089-0595	1-1-2008	Amend	1-1-2008	150-118.140	5-23-2008	Adopt(T)	7-1-2008
141-089-0600	1-1-2008	Amend	1-1-2008	150-118.140	11-3-2008	Adopt	12-1-2008
141-089-0605	1-1-2008	Amend	1-1-2008	150-118.140(T)	11-3-2008	Repeal	12-1-2008
141-089-0607	1-1-2008	Adopt	1-1-2008	150-18.385-(A)	1-1-2008	Amend	2-1-2008
141-090-0005	1-1-2008	Amend	1-1-2008	150-181.534(9)	8-31-2008	Adopt	10-1-2008
141-090-0010	1-1-2008	Amend	1-1-2008	150-181.534(9)-(A)	8-31-2008	Adopt	10-1-2008
141-090-0015	1-1-2008	Amend	1-1-2008	150-181.534(9)-(B)	8-31-2008	Adopt	10-1-2008
141-090-0020	1-1-2008	Amend	1-1-2008	150-181.534(9)-(C)	8-31-2008	Adopt	10-1-2008
141-090-0025	1-1-2008	Amend	1-1-2008	150-181.534(9)-(D)	8-31-2008	Adopt	10-1-2008
141-090-0030	1-1-2008	Amend	1-1-2008	150-181.534(9)-(E)	8-31-2008	Adopt	10-1-2008
141-090-0032	1-1-2008	Adopt	1-1-2008	150-181.534(9)-(F)	8-31-2008	Adopt	10-1-2008
141-090-0035	1-1-2008	Amend	1-1-2008	150-181.534(9)-(G)	8-31-2008	Adopt	10-1-2008
141-090-0040	1-1-2008	Amend	1-1-2008	150-181.534(9)-(H)	8-31-2008	Adopt	10-1-2008
141-090-0045	1-1-2008	Amend	1-1-2008	150-181.534(9)-(I)	8-31-2008	Adopt	10-1-2008
141-090-0050	1-1-2008	Amend	1-1-2008	150-181.534(9)-(J)	8-31-2008	Adopt	10-1-2008
141-090-0055	1-1-2008	Amend	1-1-2008	150-181.534(9)-(K)	8-31-2008	Adopt	10-1-2008
141-102-0000	1-1-2008	Amend	1-1-2008	150-181.534(9)-(L)	8-31-2008	Adopt	10-1-2008
141-102-0020	1-1-2008	Amend	1-1-2008	150-181.534(9)-(M)	8-31-2008	Adopt	10-1-2008
141-102-0030	1-1-2008	Amend	1-1-2008	150-291.349	8-31-2008	Adopt	10-1-2008
141-102-0045	1-1-2008	Repeal	1-1-2008	150-293.250(2)	2-15-2008	Amend	3-1-2008
141-122-0010	10-15-2008	Amend	11-1-2008	150-294.381(3)	8-31-2008	Repeal	10-1-2008
141-122-0020	10-15-2008	Amend	11-1-2008	150-294.930(2)	8-31-2008	Repeal	10-1-2008
141-122-0030	10-15-2008	Amend	11-1-2008	150-305.145(3)	1-1-2008	Amend	2-1-2008
141-122-0040	10-15-2008	Amend	11-1-2008	150-305.193	8-31-2008	Amend	10-1-2008
141-122-0050	10-15-2008	Amend	11-1-2008	150-305.220(2)	1-1-2008	Amend	2-1-2008
141-122-0060	10-15-2008	Amend	11-1-2008	150-305.270(10)	1-1-2008	Amend	2-1-2008
141-122-0070	10-15-2008	Amend	11-1-2008	150-305.270(2)	8-31-2008	Repeal	10-1-2008
141-122-0080	10-15-2008	Amend	11-1-2008	150-305.270(4)-(A)	1-1-2008	Amend	2-1-2008
141-122-0090	10-15-2008	Amend	11-1-2008	150-305.992	1-1-2008	Amend	2-1-2008
141-122-0100	10-15-2008	Amend	11-1-2008	150-306.126(1)	8-31-2008	Amend	10-1-2008
141-122-0105	10-15-2008	Amend	11-1-2008	150-307.175	9-23-2008	Amend	11-1-2008
141-122-0110	10-15-2008	Amend	11-1-2008	150-307.262(2)	1-1-2008	Repeal	2-1-2008
141-122-0120	10-15-2008	Amend	11-1-2008	150-307.286	8-31-2008	Amend	10-1-2008
141-122-0130	10-15-2008	Adopt	11-1-2008	150-307.289	8-31-2008	Amend	10-1-2008
141-125-0100	10-15-2008	Amend	11-1-2008	150-307.495	8-31-2008	Adopt	10-1-2008
141-125-0110	10-15-2008	Amend	11-1-2008	150-307.804	8-31-2008	Amend	10-1-2008
141-125-0120	10-15-2008	Amend	11-1-2008	150-308.146(8)	8-31-2008	Adopt	10-1-2008
141-125-0130	10-15-2008	Amend	11-1-2008	150-308.205-(G)	8-31-2008	Adopt	10-1-2008
141-125-0140	10-15-2008	Amend	11-1-2008	150-308.290-(A)	8-31-2008	Adopt	10-1-2008
141-125-0150	10-15-2008	Amend	11-1-2008	150-308.290(3)	8-31-2008	Repeal	10-1-2008
141-125-0160	10-15-2008	Amend	11-1-2008	150-308.290(5)	8-31-2008	Repeal	10-1-2008
141-125-0170	10-15-2008	Amend	11-1-2008	150-308.555	11-14-2008	Adopt	12-1-2008
141-125-0180	10-15-2008	Amend	11-1-2008	150-308.704	8-31-2008	Amend	10-1-2008
141-125-0190	10-15-2008	Amend	11-1-2008	150-308.712	8-31-2008	Amend	10-1-2008

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150-309.115(1)-(A)	1-1-2008	Repeal	2-1-2008	150-323.320(1)	8-31-2008	Renumber	10-1-2008
150-311.205(1)(b)-(A)	8-31-2008	Amend	10-1-2008	150-323.320(1)(b)	2-4-2008	Adopt(T)	3-1-2008
150-311.668(1)(a)-(A)	8-31-2008	Amend	10-1-2008	150-323.320(2)	8-31-2008	Am. & Ren.	10-1-2008
150-311.668(1)(a)-(B)	8-31-2008	Amend	10-1-2008	150-323.505(2)	8-31-2008	Adopt	10-1-2008
150-311.676	1-1-2008	Amend	2-1-2008	150-457.440(9)	8-31-2008	Amend	10-1-2008
150-311.676-(B)	1-1-2008	Repeal	2-1-2008	151-001-0005	12-13-2007	Amend(T)	1-1-2008
150-311.684	1-1-2008	Amend	2-1-2008	151-001-0005	4-14-2008	Amend	5-1-2008
150-311.689	1-1-2008	Amend	2-1-2008	151-001-0010	12-13-2007	Amend(T)	1-1-2008
150-311.806-(A)	1-1-2008	Amend	2-1-2008	151-001-0010	4-14-2008	Amend	5-1-2008
150-314.250	8-31-2008	Repeal	10-1-2008	151-001-0015	4-14-2008	Amend	5-1-2008
150-314.258	1-1-2008	Adopt	2-1-2008	151-020-0045	12-13-2007	Amend(T)	1-1-2008
150-314.258	5-23-2008	Amend(T)	7-1-2008	151-020-0045	4-14-2008	Amend	5-1-2008
150-314.258	9-23-2008	Amend	11-1-2008	160-005-0005	5-1-2008	Amend	5-1-2008
150-314.258(T)	9-23-2008	Repeal	11-1-2008	160-005-0007	5-1-2008	Adopt	5-1-2008
150-314.280-(E)	1-1-2008	Amend	2-1-2008	160-005-0010	5-1-2008	Amend	5-1-2008
150-314.280-(G)	1-1-2008	Amend	2-1-2008	160-010-0600	1-1-2008	Adopt	1-1-2008
150-314.280-(H)	1-1-2008	Amend	2-1-2008	160-010-0610	1-1-2008	Adopt	1-1-2008
150-314.280-(I)	1-1-2008	Amend	2-1-2008	160-010-0620	1-1-2008	Adopt	1-1-2008
150-314.280-(J)	1-1-2008	Amend	2-1-2008	160-010-0630	1-1-2008	Adopt	1-1-2008
150-314.280-(K)	1-1-2008	Amend	2-1-2008	160-040-0100	8-1-2008	Amend	8-1-2008
150-314.280-(L)	1-1-2008	Amend	2-1-2008	160-040-0101	8-1-2008	Amend	8-1-2008
150-314.308	1-1-2008	Adopt	2-1-2008	160-040-0102	8-1-2008	Amend	8-1-2008
150-314.400(1)	8-31-2008	Amend	10-1-2008	160-040-0103	8-1-2008	Amend	8-1-2008
150-314.403	9-23-2008	Adopt	11-1-2008	160-040-0104	8-1-2008	Amend	8-1-2008
150-314.410(3)	8-31-2008	Renumber	10-1-2008	160-040-0105	8-1-2008	Amend	8-1-2008
150-314.410(5)	8-31-2008	Renumber	10-1-2008	160-040-0106	8-1-2008	Amend	8-1-2008
150-314.410(6)	8-31-2008	Renumber	10-1-2008	160-040-0107	8-1-2008	Amend	8-1-2008
150-314.410(8)	8-31-2008	Renumber	10-1-2008	160-040-0200	8-1-2008	Amend	8-1-2008
150-314.415.(7)	1-1-2008	Amend	2-1-2008	160-040-0201	8-1-2008	Amend	8-1-2008
150-314.425-(B)	1-1-2008	Adopt	2-1-2008	160-040-0202	8-1-2008	Amend	8-1-2008
150-314.615-(D)	1-1-2008	Amend	2-1-2008	160-040-0203	8-1-2008	Amend	8-1-2008
150-314.615-(E)	1-1-2008	Amend	2-1-2008	160-040-0204	8-1-2008	Adopt	8-1-2008
150-314.665(4)	9-23-2008	Amend	11-1-2008	160-040-0205	8-1-2008	Adopt	8-1-2008
150-315.141	11-14-2008	Adopt	12-1-2008	160-040-0300	8-1-2008	Amend	8-1-2008
150-315.262	1-1-2008	Amend	2-1-2008	160-040-0301	8-1-2008	Amend	8-1-2008
150-315.354(5)	1-1-2008	Amend	2-1-2008	160-040-0302	8-1-2008	Amend	8-1-2008
150-315.521	1-1-2008	Adopt	2-1-2008	160-040-0303	8-1-2008	Amend	8-1-2008
150-316.037	8-31-2008	Amend	10-1-2008	160-040-0304	8-1-2008	Amend	8-1-2008
150-316.045	8-31-2008	Adopt	10-1-2008	160-040-0305	8-1-2008	Amend	8-1-2008
150-316.119	8-31-2008	Adopt	10-1-2008	160-040-0306	8-1-2008	Amend	8-1-2008
150-316.127-(E)	1-1-2008	Amend	2-1-2008	160-040-0307	8-1-2008	Amend	8-1-2008
150-316.127(10)	1-1-2008	Adopt	2-1-2008	160-040-0308	8-1-2008	Amend	8-1-2008
150-316.587(5)(d)	8-31-2008	Amend	10-1-2008	160-040-0309	8-1-2008	Amend	8-1-2008
150-316.587(8)-(A)	8-31-2008	Amend	10-1-2008	160-040-0310	8-1-2008	Amend	8-1-2008
150-316.680(1)(c)-(C)	11-1-2008	Adopt(T)	12-1-2008	160-040-0311	8-1-2008	Amend	8-1-2008
150-316.846	9-23-2008	Amend	11-1-2008	160-040-0312	8-1-2008	Amend	8-1-2008
150-316.NOTE	8-31-2008	Repeal	10-1-2008	160-040-0400	8-1-2008	Amend	8-1-2008
150-317.010	5-5-2008	Adopt	6-1-2008	160-040-0401	8-1-2008	Amend	8-1-2008
150-317.092	1-1-2008	Adopt	2-1-2008	160-040-0402	8-1-2008	Amend	8-1-2008
150-317.368(1)	8-31-2008	Repeal	10-1-2008	160-040-0403	8-1-2008	Amend	8-1-2008
150-317.368(6)	8-31-2008	Repeal	10-1-2008	160-040-0404	8-1-2008	Adopt	8-1-2008
150-317.660(2)	8-31-2008	Amend	10-1-2008	160-040-0500	8-1-2008	Amend	8-1-2008
150-317.705(3)(a)	1-1-2008	Amend	2-1-2008	160-040-0501	8-1-2008	Amend	8-1-2008
150-317.705(3)(b)	1-1-2008	Amend	2-1-2008	160-040-0502	8-1-2008	Amend	8-1-2008
150-320.305	9-23-2008	Amend	11-1-2008	160-040-0503	8-1-2008	Amend	8-1-2008
150-320.308	8-31-2008	Adopt	10-1-2008	160-040-0504	8-1-2008	Amend	8-1-2008
150-321.307(4)	1-1-2008	Repeal	2-1-2008	160-040-0505	8-1-2008	Adopt	8-1-2008

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160-050-0180	1-15-2008	Amend	2-1-2008	165-010-0110	8-12-2008	Amend	9-1-2008
160-050-0190	1-15-2008	Amend	2-1-2008	165-010-1001	5-2-2008	Adopt(T)	6-1-2008
160-050-0200	1-15-2008	Amend	2-1-2008	165-012-0005	12-31-2007	Amend	2-1-2008
160-050-0210	1-15-2008	Amend	2-1-2008	165-012-1020	1-29-2008	Adopt(T)	3-1-2008
160-050-0215	1-15-2008	Adopt	2-1-2008	165-013-0010	12-31-2007	Amend	2-1-2008
160-050-0220	1-15-2008	Amend	2-1-2008	165-013-0020	12-31-2007	Amend	2-1-2008
160-050-0230	1-15-2008	Amend	2-1-2008	165-014-0005	12-31-2007	Amend	2-1-2008
160-050-0240	1-15-2008	Amend	2-1-2008	165-014-0027	12-31-2007	Repeal	2-1-2008
160-050-0250	1-15-2008	Amend	2-1-2008	165-014-0030	12-31-2007	Amend	2-1-2008
160-050-0280	1-15-2008	Amend	2-1-2008	165-014-0031	12-31-2007	Adopt	2-1-2008
160-100-0020	10-15-2008	Amend	10-1-2008	165-014-0032	12-31-2007	Adopt	2-1-2008
160-100-0030	10-15-2008	Amend	10-1-2008	165-014-0100	12-31-2007	Adopt	2-1-2008
160-100-0200	1-15-2008	Amend	1-1-2008	165-014-0100	3-14-2008	Amend(T)	4-1-2008
160-100-0210	5-1-2008	Amend	5-1-2008	165-014-0100	5-2-2008	Amend(T)	6-1-2008
161-001-0005	8-13-2008	Amend	9-1-2008	165-014-0100	8-12-2008	Amend	9-1-2008
161-002-0000	5-13-2008	Amend	6-1-2008	165-014-0110	12-31-2007	Amend	2-1-2008
161-002-0000	8-13-2008	Amend	9-1-2008	165-014-0260	12-31-2007	Amend	2-1-2008
161-003-0020	5-13-2008	Amend	6-1-2008	165-014-0270	12-31-2007	Amend	2-1-2008
161-006-0140	8-13-2008	Amend	9-1-2008	165-014-0275	12-31-2007	Adopt	2-1-2008
161-006-0175	5-13-2008	Amend	6-1-2008	165-014-0280	12-3-2007	Adopt	1-1-2008
161-006-0175	8-13-2008	Amend	9-1-2008	165-020-0005	12-31-2007	Amend	2-1-2008
161-008-0040	8-13-2008	Amend	9-1-2008	165-020-0020	12-31-2007	Amend	2-1-2008
161-010-0010	5-13-2008	Amend	6-1-2008	165-020-0021	12-31-2007	Adopt	2-1-2008
161-010-0010	8-13-2008	Amend	9-1-2008	165-020-0035	12-31-2007	Amend	2-1-2008
161-010-0020	8-13-2008	Amend	9-1-2008	165-020-0045	12-31-2007	Repeal	2-1-2008
161-010-0025	8-13-2008	Amend	9-1-2008	165-020-0050	12-31-2007	Amend	2-1-2008
161-010-0035	5-13-2008	Amend	6-1-2008	165-020-0055	12-31-2007	Amend	2-1-2008
161-010-0035	8-13-2008	Amend	9-1-2008	165-020-2021	2-21-2008	Adopt(T)	4-1-2008
161-010-0045	5-13-2008	Amend	6-1-2008	165-021-0000	12-31-2007	Repeal	2-1-2008
161-010-0045	8-13-2008	Amend	9-1-2008	165-021-0005	12-31-2007	Repeal	2-1-2008
161-010-0055	5-13-2008	Amend	6-1-2008	165-021-0010	12-31-2007	Repeal	2-1-2008
161-010-0055	8-13-2008	Amend	9-1-2008	165-100-0000	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	5-13-2008	Amend	6-1-2008	165-100-0005	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-6-2008	Amend(T)	9-1-2008	165-100-0010	4-1-2008	Adopt(T)	5-1-2008
161-010-0080	8-13-2008	Amend	9-1-2008	165-100-0015	4-1-2008	Adopt(T)	5-1-2008
161-010-0085	8-6-2008	Amend(T)	9-1-2008	165-100-0020	4-1-2008	Adopt(T)	5-1-2008
161-015-0025	8-13-2008	Adopt	9-1-2008	165-100-0025	4-1-2008	Adopt(T)	5-1-2008
161-015-0030	8-13-2008	Amend	9-1-2008	165-100-0030	4-1-2008	Adopt(T)	5-1-2008
161-020-0015	8-13-2008	Amend	9-1-2008	165-100-0035	10-23-2008	Adopt	12-1-2008
161-020-0035	8-13-2008	Amend	9-1-2008	165-100-0040	10-23-2008	Adopt	12-1-2008
161-020-0110	5-13-2008	Amend	6-1-2008	165-100-0045	10-23-2008	Adopt	12-1-2008
161-020-0130	8-13-2008	Amend	9-1-2008	165-100-0050	10-23-2008	Adopt	12-1-2008
161-020-0150	8-13-2008	Amend	9-1-2008	165-100-0055	10-23-2008	Adopt	12-1-2008
161-025-0005	8-13-2008	Amend	9-1-2008	165-100-0060	10-23-2008	Adopt	12-1-2008
161-025-0010	8-13-2008	Amend	9-1-2008	165-100-0065	10-23-2008	Adopt	12-1-2008
161-025-0025	5-13-2008	Amend	6-1-2008	166-150-0205	5-30-2008	Amend	7-1-2008
161-025-0030	5-13-2008	Amend	6-1-2008	166-400-0010	1-30-2008	Amend	3-1-2008
161-025-0060	5-13-2008	Amend	6-1-2008	166-500-0015	11-29-2007	Amend	1-1-2008
161-025-0060	8-13-2008	Amend	9-1-2008	167-050-0100	7-16-2008	Adopt	9-1-2008
161-050-0000	5-13-2008	Amend	6-1-2008	167-050-0110	7-16-2008	Adopt	9-1-2008
165-002-0020	12-31-2007	Amend	2-1-2008	167-050-0120	7-16-2008	Adopt	9-1-2008
165-004-0005	12-31-2007	Amend	2-1-2008	167-050-0130	7-16-2008	Adopt	9-1-2008
165-004-0020	12-31-2007	Amend	2-1-2008	167-050-0140	7-16-2008	Adopt	9-1-2008
165-005-0130	12-31-2007	Amend	2-1-2008	167-050-0150	7-16-2008	Adopt	9-1-2008
165-007-0030	12-31-2007	Amend	2-1-2008	167-050-0160	7-16-2008	Adopt	9-1-2008
165-007-0290	10-23-2008	Adopt	12-1-2008	167-050-0170	7-16-2008	Adopt	9-1-2008
165-010-0005	12-31-2007	Amend	2-1-2008	167-050-0180	7-16-2008	Adopt	9-1-2008

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167-050-0200	7-16-2008	Adopt	9-1-2008	177-046-0110(T)	3-31-2008	Repeal	5-1-2008
167-050-0210	7-16-2008	Adopt	9-1-2008	177-046-0120	7-1-2008	Amend	8-1-2008
167-050-0220	7-16-2008	Adopt	9-1-2008	177-046-0130	7-1-2008	Amend	8-1-2008
167-055-0100	7-16-2008	Adopt	9-1-2008	177-046-0140	7-1-2008	Amend	8-1-2008
167-060-0100	7-16-2008	Adopt	9-1-2008	177-046-0150	7-1-2008	Amend	8-1-2008
167-060-0110	7-16-2008	Adopt	9-1-2008	177-046-0160	7-1-2008	Amend	8-1-2008
167-060-0120	7-16-2008	Adopt	9-1-2008	177-046-0170	3-31-2008	Amend	5-1-2008
170-002-0010	3-3-2008	Adopt	4-1-2008	177-046-0170	7-1-2008	Amend	8-1-2008
170-030-0005	7-1-2008	Repeal	8-1-2008	177-046-0170(T)	3-31-2008	Repeal	5-1-2008
170-030-0010	7-1-2008	Repeal	8-1-2008	177-050-0002	3-31-2008	Amend	5-1-2008
170-030-0015	7-1-2008	Repeal	8-1-2008	177-050-0002(T)	3-31-2008	Repeal	5-1-2008
170-030-0020	7-1-2008	Repeal	8-1-2008	177-050-0020	3-31-2008	Amend	5-1-2008
170-030-0025	7-1-2008	Repeal	8-1-2008	177-050-0020(T)	3-31-2008	Repeal	5-1-2008
170-030-0030	7-1-2008	Repeal	8-1-2008	177-050-0024	3-31-2008	Amend	5-1-2008
170-030-0045	7-1-2008	Repeal	8-1-2008	177-050-0024(T)	3-31-2008	Repeal	5-1-2008
170-030-0050	7-1-2008	Repeal	8-1-2008	177-050-0025	3-31-2008	Amend	5-1-2008
170-030-0055	7-1-2008	Repeal	8-1-2008	177-050-0025(T)	3-31-2008	Repeal	5-1-2008
170-040-0020	7-1-2008	Adopt	8-1-2008	177-050-0027	3-31-2008	Amend	5-1-2008
170-040-0030	7-1-2008	Adopt	8-1-2008	177-050-0027(T)	3-31-2008	Repeal	5-1-2008
170-040-0040	7-1-2008	Adopt	8-1-2008	177-050-0037	3-31-2008	Amend	5-1-2008
170-040-0050	7-1-2008	Adopt	8-1-2008	177-050-0037(T)	3-31-2008	Repeal	5-1-2008
170-040-0060	7-1-2008	Adopt	8-1-2008	177-050-0070	3-31-2008	Amend	5-1-2008
170-040-0070	7-1-2008	Adopt	8-1-2008	177-050-0070(T)	3-31-2008	Repeal	5-1-2008
170-040-0080	7-1-2008	Adopt	8-1-2008	177-100-0000	11-1-2008	Amend	12-1-2008
170-040-0090	10-2-2008	Adopt(T)	11-1-2008	177-100-0010	11-1-2008	Amend	12-1-2008
170-061-0200	12-27-2007	Adopt	2-1-2008	177-100-0080	11-1-2008	Amend	12-1-2008
170-071-0005	11-20-2007	Amend(T)	1-1-2008	177-100-0090	11-1-2008	Amend	12-1-2008
170-071-0005	7-9-2008	Amend(T)	8-1-2008	177-100-0095	11-1-2008	Amend	12-1-2008
170-071-0005	8-28-2008	Amend	10-1-2008	177-100-0130	11-1-2008	Amend	12-1-2008
177-010-0003	7-1-2008	Amend	8-1-2008	177-100-0160	11-1-2008	Amend	12-1-2008
177-010-0003	11-1-2008	Amend	12-1-2008	177-100-0180	11-1-2008	Amend	12-1-2008
177-010-0007	7-1-2008	Amend	8-1-2008	177-100-0185	11-1-2008	Amend	12-1-2008
177-010-0009	7-1-2008	Amend	8-1-2008	199-005-0005	3-7-2008	Adopt	4-1-2008
177-010-0011	7-1-2008	Adopt	8-1-2008	199-005-0010	3-7-2008	Adopt	4-1-2008
177-010-0025	7-1-2008	Amend	8-1-2008	199-005-0015	3-7-2008	Adopt	4-1-2008
177-010-0045	7-1-2008	Amend	8-1-2008	199-005-0020	3-7-2008	Adopt	4-1-2008
177-010-0050	7-1-2008	Amend	8-1-2008	199-005-0025	3-7-2008	Adopt	4-1-2008
177-010-0080	7-1-2008	Amend	8-1-2008	199-005-0030	3-7-2008	Adopt	4-1-2008
177-010-0085	7-1-2008	Amend	8-1-2008	199-005-0035	3-7-2008	Adopt	4-1-2008
177-010-0090	7-1-2008	Amend	8-1-2008	199-010-0068	1-2-2008	Adopt(T)	2-1-2008
177-010-0110	7-1-2008	Amend	8-1-2008	199-010-0075	3-7-2008	Amend(T)	4-1-2008
177-010-0120	7-1-2008	Amend	8-1-2008	199-010-0095	3-7-2008	Amend(T)	4-1-2008
177-040-0003	6-2-2008	Amend	7-1-2008	199-020-0005	3-7-2008	Suspend	4-1-2008
177-040-0017	11-1-2008	Amend(T)	12-1-2008	199-020-0007	3-7-2008	Adopt(T)	4-1-2008
177-040-0051	6-2-2008	Amend	7-1-2008	213-001-0010	4-12-2008	Adopt	2-1-2008
177-040-0061	11-1-2008	Amend(T)	12-1-2008	213-003-0001	1-1-2008	Amend	2-1-2008
177-046-0010	7-1-2008	Amend	8-1-2008	213-017-0002	1-1-2008	Amend	2-1-2008
177-046-0015	7-1-2008	Adopt	8-1-2008	213-017-0003	1-1-2008	Amend	2-1-2008
177-046-0020	7-1-2008	Amend	8-1-2008	213-017-0004	1-1-2008	Amend	2-1-2008
177-046-0030	7-1-2008	Amend	8-1-2008	213-017-0006	1-1-2008	Amend	2-1-2008
177-046-0040	7-1-2008	Amend	8-1-2008	213-017-0007	1-1-2008	Amend	2-1-2008
177-046-0050	7-1-2008	Amend	8-1-2008	213-017-0007	10-9-2008	Amend	11-1-2008
177-046-0060	7-1-2008	Amend	8-1-2008	213-017-0008	1-1-2008	Amend	2-1-2008
177-046-0070	7-1-2008	Amend	8-1-2008	213-017-0009	1-1-2008	Amend	2-1-2008
177-046-0080	7-1-2008	Amend	8-1-2008	213-017-0010	1-1-2008	Amend	2-1-2008
177-046-0090	7-1-2008	Amend	8-1-2008	213-018-0050	1-1-2008	Amend	2-1-2008
177-046-0100	7-1-2008	Amend	8-1-2008	213-018-0068	1-1-2008	Adopt	2-1-2008

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230-001-0005	7-1-2008	Amend	7-1-2008	230-130-0160	7-1-2008	Repeal	7-1-2008
230-001-0010	7-1-2008	Amend	7-1-2008	230-130-0170	7-1-2008	Repeal	7-1-2008
230-010-0000	7-1-2008	Amend	7-1-2008	230-130-0180	7-1-2008	Repeal	7-1-2008
230-010-0005	7-1-2008	Amend	7-1-2008	230-130-0190	7-1-2008	Repeal	7-1-2008
230-010-0010	7-1-2008	Repeal	7-1-2008	230-130-0200	7-1-2008	Repeal	7-1-2008
230-010-0016	7-1-2008	Repeal	7-1-2008	230-130-0220	7-1-2008	Repeal	7-1-2008
230-010-0030	7-1-2008	Repeal	7-1-2008	230-130-0230	7-1-2008	Repeal	7-1-2008
230-010-0040	7-1-2008	Am. & Ren.	7-1-2008	230-140-0000	1-29-2008	Adopt(T)	3-1-2008
230-010-0050	7-1-2008	Repeal	7-1-2008	230-140-0000	7-1-2008	Adopt	7-1-2008
230-020-0005	7-1-2008	Repeal	7-1-2008	230-140-0010	1-29-2008	Adopt(T)	3-1-2008
230-020-0010	7-1-2008	Amend	7-1-2008	230-140-0010(T)	7-1-2008	Repeal	7-1-2008
230-020-0020	7-1-2008	Repeal	7-1-2008	230-140-0020	1-29-2008	Adopt(T)	3-1-2008
230-020-0030	7-1-2008	Amend	7-1-2008	230-140-0020	7-1-2008	Adopt	7-1-2008
230-020-0040	7-1-2008	Amend	7-1-2008	230-140-0030	1-29-2008	Adopt(T)	3-1-2008
230-020-0050	7-1-2008	Repeal	7-1-2008	230-140-0030	7-1-2008	Adopt	7-1-2008
230-020-0060	7-1-2008	Amend	7-1-2008	230-140-0040	1-29-2008	Adopt(T)	3-1-2008
230-020-0070	7-1-2008	Amend	7-1-2008	230-140-0040	7-1-2008	Adopt	7-1-2008
230-020-0080	7-1-2008	Amend	7-1-2008	250-010-0075	12-10-2007	Adopt(T)	1-1-2008
230-020-0090	7-1-2008	Amend	7-1-2008	250-010-0075	5-1-2008	Adopt	5-1-2008
230-020-0110	7-1-2008	Amend	7-1-2008	250-010-0075(T)	5-1-2008	Repeal	5-1-2008
230-020-0170	7-1-2008	Amend	7-1-2008	250-015-0001	5-7-2008	Amend(T)	6-1-2008
230-020-0190	7-1-2008	Amend	7-1-2008	250-015-0003	5-7-2008	Adopt(T)	6-1-2008
230-020-0195	7-1-2008	Adopt	7-1-2008	250-015-0011	7-17-2008	Amend(T)	9-1-2008
230-020-0200	7-1-2008	Amend	7-1-2008	250-015-0011	10-22-2008	Amend	12-1-2008
230-020-0210	7-1-2008	Amend	7-1-2008	250-015-0011(T)	10-22-2008	Repeal	12-1-2008
230-020-0215	7-1-2008	Adopt	7-1-2008	250-020-0032	7-11-2008	Amend	8-1-2008
230-020-0220	7-1-2008	Repeal	7-1-2008	250-020-0032	1-1-2009	Amend	12-1-2008
230-020-0230	7-1-2008	Repeal	7-1-2008	250-020-0073	7-11-2008	Amend	8-1-2008
230-020-0240	7-1-2008	Amend	7-1-2008	250-020-0102	4-26-2008	Amend	5-1-2008
230-020-0250	7-1-2008	Repeal	7-1-2008	250-020-0221	1-15-2008	Amend	2-1-2008
230-020-0300	7-1-2008	Amend	7-1-2008	250-020-0385	1-1-2009	Amend	12-1-2008
230-020-0310	7-1-2008	Amend	7-1-2008	255-032-0006	10-22-2008	Adopt(T)	12-1-2008
230-020-0320	7-1-2008	Amend	7-1-2008	255-060-0011	1-11-2008	Amend	2-1-2008
230-020-0330	7-1-2008	Amend	7-1-2008	255-060-0011	9-12-2008	Amend	10-1-2008
230-020-0405	7-1-2008	Amend	7-1-2008	255-060-0016	9-12-2008	Amend	10-1-2008
230-020-0410	7-1-2008	Amend	7-1-2008	255-070-0003	4-9-2008	Amend	5-1-2008
230-020-0440	7-1-2008	Repeal	7-1-2008	259-008-0010	1-15-2008	Amend(T)	2-1-2008
230-020-0450	7-1-2008	Amend	7-1-2008	259-008-0010	4-15-2008	Amend	5-1-2008
230-020-0470	7-1-2008	Amend	7-1-2008	259-008-0010(T)	1-15-2008	Suspend	2-1-2008
230-020-0480	7-1-2008	Amend	7-1-2008	259-008-0010(T)	4-15-2008	Repeal	5-1-2008
230-050-0000	7-1-2008	Repeal	7-1-2008	259-008-0011	4-15-2008	Amend	5-1-2008
230-050-0005	7-1-2008	Repeal	7-1-2008	259-008-0025	7-15-2008	Amend	8-1-2008
230-130-0000	7-1-2008	Repeal	7-1-2008	259-008-0025	10-15-2008	Amend	11-1-2008
230-130-0005	7-1-2008	Repeal	7-1-2008	259-008-0045	7-15-2008	Amend	8-1-2008
230-130-0010	7-1-2008	Repeal	7-1-2008	259-008-0060	1-15-2008	Amend	2-1-2008
230-130-0020	7-1-2008	Repeal	7-1-2008	259-008-0060	7-15-2008	Amend	8-1-2008
230-130-0030	7-1-2008	Repeal	7-1-2008	259-008-0064	10-15-2008	Amend	11-1-2008
230-130-0040	7-1-2008	Repeal	7-1-2008	259-008-0070	10-15-2008	Amend	11-1-2008
230-130-0050	7-1-2008	Repeal	7-1-2008	259-008-0200	8-15-2008	Adopt	9-1-2008
230-130-0060	7-1-2008	Repeal	7-1-2008	259-008-0220	8-15-2008	Adopt	9-1-2008
230-130-0070	7-1-2008	Repeal	7-1-2008	259-008-0250	8-15-2008	Adopt	9-1-2008
230-130-0080	7-1-2008	Repeal	7-1-2008	259-009-0005	7-15-2008	Amend	8-1-2008
230-130-0090	7-1-2008	Repeal	7-1-2008	259-009-0062	7-15-2008	Amend	8-1-2008
230-130-0100	7-1-2008	Repeal	7-1-2008	259-009-0070	1-15-2008	Amend	2-1-2008
230-130-0110	7-1-2008	Repeal	7-1-2008	259-013-0000	10-15-2008	Adopt	11-1-2008
230-130-0120	7-1-2008	Repeal	7-1-2008	259-013-0005	10-15-2008	Adopt	11-1-2008
230-130-0140	7-1-2008	Repeal	7-1-2008	259-013-0220	10-15-2008	Adopt	11-1-2008

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259-013-0235	10-15-2008	Adopt	11-1-2008	274-030-0520	1-1-2008	Amend	2-1-2008
259-013-0240	10-15-2008	Adopt	11-1-2008	274-030-0520(T)	1-1-2008	Repeal	2-1-2008
259-013-0250	10-15-2008	Adopt	11-1-2008	274-030-0535	1-1-2008	Amend	2-1-2008
259-013-0260	10-15-2008	Adopt	11-1-2008	274-030-0545	1-1-2008	Amend	2-1-2008
259-013-0270	10-15-2008	Adopt	11-1-2008	274-030-0545(T)	1-1-2008	Repeal	2-1-2008
259-013-0280	10-15-2008	Adopt	11-1-2008	274-030-0550	1-1-2008	Amend	2-1-2008
259-013-0290	10-15-2008	Adopt	11-1-2008	274-030-0550(T)	1-1-2008	Repeal	2-1-2008
259-013-0300	10-15-2008	Adopt	11-1-2008	274-030-0555	1-1-2008	Amend	2-1-2008
259-020-0040	10-15-2008	Amend	11-1-2008	274-030-0555(T)	1-1-2008	Repeal	2-1-2008
259-060-0010	4-15-2008	Amend	5-1-2008	274-030-0560	1-1-2008	Amend	2-1-2008
259-060-0020	10-15-2008	Amend	11-1-2008	274-030-0560(T)	1-1-2008	Repeal	2-1-2008
259-060-0060	4-15-2008	Amend	5-1-2008	274-030-0565	1-1-2008	Amend	2-1-2008
259-060-0070	7-15-2008	Amend	8-1-2008	274-030-0565(T)	1-1-2008	Repeal	2-1-2008
259-060-0120	4-15-2008	Amend	5-1-2008	274-030-0570	1-1-2008	Amend	2-1-2008
259-060-0130	4-15-2008	Amend	5-1-2008	274-030-0570(T)	1-1-2008	Repeal	2-1-2008
259-060-0135	4-15-2008	Amend	5-1-2008	274-030-0575	1-1-2008	Amend	2-1-2008
259-060-0450	4-15-2008	Amend	5-1-2008	274-030-0575(T)	1-1-2008	Repeal	2-1-2008
259-060-0500	4-15-2008	Amend	5-1-2008	274-030-0600	1-1-2008	Amend	2-1-2008
259-061-0015	4-15-2008	Amend	5-1-2008	274-030-0600(T)	1-1-2008	Repeal	2-1-2008
259-061-0040	5-15-2008	Amend(T)	6-1-2008	274-030-0602	1-1-2008	Adopt	2-1-2008
259-061-0040	7-15-2008	Amend	8-1-2008	274-030-0602(T)	1-1-2008	Repeal	2-1-2008
259-061-0040(T)	7-15-2008	Repeal	8-1-2008	274-030-0605	1-1-2008	Repeal	2-1-2008
259-061-0090	5-15-2008	Amend(T)	6-1-2008	274-030-0610	1-1-2008	Amend	2-1-2008
259-061-0090	7-15-2008	Amend	8-1-2008	274-030-0610(T)	1-1-2008	Repeal	2-1-2008
259-061-0090(T)	7-15-2008	Repeal	8-1-2008	274-030-0620	1-1-2008	Amend	2-1-2008
259-061-0230	5-15-2008	Amend(T)	6-1-2008	274-030-0620(T)	1-1-2008	Repeal	2-1-2008
259-061-0230	7-15-2008	Amend	8-1-2008	274-030-0630	1-1-2008	Amend	2-1-2008
259-061-0230(T)	7-15-2008	Repeal	8-1-2008	274-030-0630(T)	1-1-2008	Repeal	2-1-2008
259-070-0001	10-15-2008	Amend	11-1-2008	274-030-0640	1-1-2008	Amend	2-1-2008
259-070-0005	10-15-2008	Amend	11-1-2008	274-030-0640(T)	1-1-2008	Repeal	2-1-2008
259-070-0010	10-15-2008	Amend	11-1-2008	274-045-0060	2-22-2008	Amend	4-1-2008
274-001-0005	3-25-2008	Amend	5-1-2008	274-045-0240	2-22-2008	Amend	4-1-2008
274-012-0001	1-7-2008	Amend(T)	2-1-2008	291-011-0010	4-1-2008	Amend(T)	5-1-2008
274-012-0001	2-22-2008	Amend	4-1-2008	291-013-0010	8-7-2008	Amend	9-1-2008
274-012-0100	1-7-2008	Amend(T)	2-1-2008	291-013-0070	8-7-2008	Amend	9-1-2008
274-012-0100	2-22-2008	Amend	4-1-2008	291-013-0100	8-7-2008	Amend	9-1-2008
274-012-0120	1-7-2008	Amend(T)	2-1-2008	291-013-0104	8-7-2008	Amend	9-1-2008
274-012-0120	2-22-2008	Amend	4-1-2008	291-013-0110	8-7-2008	Amend	9-1-2008
274-013-0000	10-1-2008	Adopt	11-1-2008	291-013-0205	8-7-2008	Amend	9-1-2008
274-013-0010	10-1-2008	Adopt	11-1-2008	291-013-0206	8-7-2008	Amend	9-1-2008
274-013-0020	10-1-2008	Adopt	11-1-2008	291-013-0215	8-7-2008	Amend	9-1-2008
274-013-0030	10-1-2008	Adopt	11-1-2008	291-026-0005	3-4-2008	Amend(T)	4-1-2008
274-013-0040	10-1-2008	Adopt	11-1-2008	291-026-0005	8-29-2008	Amend	10-1-2008
274-013-0050	10-1-2008	Adopt	11-1-2008	291-026-0010	3-4-2008	Amend(T)	4-1-2008
274-013-0060	10-1-2008	Adopt	11-1-2008	291-026-0010	8-29-2008	Amend	10-1-2008
274-013-0070	10-1-2008	Adopt	11-1-2008	291-026-0015	3-4-2008	Amend(T)	4-1-2008
274-015-0005	2-22-2008	Repeal	4-1-2008	291-026-0015	8-29-2008	Amend	10-1-2008
274-025-0030	2-22-2008	Amend	4-1-2008	291-026-0025	3-4-2008	Amend(T)	4-1-2008
274-030-0500	1-1-2008	Amend	2-1-2008	291-026-0025	8-29-2008	Amend	10-1-2008
274-030-0500	2-4-2008	Amend	3-1-2008	291-026-0030	3-4-2008	Suspend	4-1-2008
274-030-0500(T)	1-1-2008	Repeal	2-1-2008	291-026-0030	8-29-2008	Repeal	10-1-2008
274-030-0505	1-1-2008	Amend	2-1-2008	291-026-0050	3-4-2008	Adopt(T)	4-1-2008
274-030-0505(T)	1-1-2008	Repeal	2-1-2008	291-026-0050	8-29-2008	Adopt	10-1-2008
274-030-0506	1-1-2008	Amend	2-1-2008	291-026-0085	3-4-2008	Suspend	4-1-2008
274-030-0506(T)	1-1-2008	Repeal	2-1-2008	291-026-0085	8-29-2008	Repeal	10-1-2008
274-030-0510	1-1-2008	Amend	2-1-2008	291-026-0095	3-4-2008	Suspend	4-1-2008
274-030-0510(T)	1-1-2008	Repeal	2-1-2008	291-026-0095	8-29-2008	Repeal	10-1-2008

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-026-0105	3-4-2008	Amend(T)	4-1-2008	291-069-0090	12-1-2007	Suspend	1-1-2008
291-026-0105	8-29-2008	Amend	10-1-2008	291-069-0090	5-19-2008	Repeal	7-1-2008
291-026-0115	3-4-2008	Amend(T)	4-1-2008	291-069-0100	12-1-2007	Suspend	1-1-2008
291-026-0115	8-29-2008	Amend	10-1-2008	291-069-0100	5-19-2008	Repeal	7-1-2008
291-026-0125	3-4-2008	Amend(T)	4-1-2008	291-069-0200	12-1-2007	Adopt(T)	1-1-2008
291-026-0125	8-29-2008	Amend	10-1-2008	291-069-0200	5-19-2008	Adopt	7-1-2008
291-026-0135	8-29-2008	Repeal	10-1-2008	291-069-0210	12-1-2007	Adopt(T)	1-1-2008
291-026-0140	3-4-2008	Adopt(T)	4-1-2008	291-069-0210	5-19-2008	Adopt	7-1-2008
291-026-0140	8-29-2008	Adopt	10-1-2008	291-069-0220	12-1-2007	Adopt(T)	1-1-2008
291-041-0010	2-4-2008	Amend	3-1-2008	291-069-0220	5-19-2008	Adopt	7-1-2008
291-041-0015	2-4-2008	Amend	3-1-2008	291-069-0230	12-1-2007	Adopt(T)	1-1-2008
291-041-0016	2-4-2008	Amend	3-1-2008	291-069-0230	5-19-2008	Adopt	7-1-2008
291-041-0017	2-4-2008	Adopt	3-1-2008	291-069-0240	12-1-2007	Adopt(T)	1-1-2008
291-041-0020	2-4-2008	Amend	3-1-2008	291-069-0240	5-19-2008	Adopt	7-1-2008
291-041-0030	2-4-2008	Amend	3-1-2008	291-069-0250	12-1-2007	Adopt(T)	1-1-2008
291-041-0035	2-4-2008	Amend	3-1-2008	291-069-0250	5-19-2008	Adopt	7-1-2008
291-041-0040	2-4-2008	Repeal	3-1-2008	291-069-0260	12-1-2007	Adopt(T)	1-1-2008
291-042-0005	7-1-2008	Amend(T)	8-1-2008	291-069-0260	5-19-2008	Adopt	7-1-2008
291-042-0010	7-1-2008	Amend(T)	8-1-2008	291-069-0270	12-1-2007	Adopt(T)	1-1-2008
291-042-0011	7-1-2008	Amend(T)	8-1-2008	291-069-0270	5-19-2008	Adopt	7-1-2008
291-042-0015	7-1-2008	Amend(T)	8-1-2008	291-069-0280	12-1-2007	Adopt(T)	1-1-2008
291-042-0025	7-1-2008	Amend(T)	8-1-2008	291-069-0280	5-19-2008	Adopt	7-1-2008
291-042-0035	7-1-2008	Amend(T)	8-1-2008	291-070-0005	4-10-2008	Am. & Ren.	5-1-2008
291-042-0045	7-1-2008	Suspend	8-1-2008	291-070-0010	4-10-2008	Am. & Ren.	5-1-2008
291-046-0005	7-21-2008	Amend	9-1-2008	291-070-0015	4-10-2008	Repeal	5-1-2008
291-046-0010	7-21-2008	Amend	9-1-2008	291-070-0020	4-10-2008	Repeal	5-1-2008
291-046-0014	7-21-2008	Adopt	9-1-2008	291-070-0025	4-10-2008	Repeal	5-1-2008
291-046-0020	7-21-2008	Amend	9-1-2008	291-070-0026	4-10-2008	Repeal	5-1-2008
291-046-0025	7-21-2008	Amend	9-1-2008	291-070-0027	4-10-2008	Repeal	5-1-2008
291-046-0030	7-21-2008	Amend	9-1-2008	291-070-0028	4-10-2008	Repeal	5-1-2008
291-046-0035	7-21-2008	Amend	9-1-2008	291-070-0030	4-10-2008	Repeal	5-1-2008
291-046-0040	7-21-2008	Amend	9-1-2008	291-070-0035	4-10-2008	Repeal	5-1-2008
291-046-0045	7-21-2008	Amend	9-1-2008	291-070-0041	4-10-2008	Repeal	5-1-2008
291-046-0050	7-21-2008	Amend	9-1-2008	291-070-0043	4-10-2008	Repeal	5-1-2008
291-046-0055	7-21-2008	Amend	9-1-2008	291-070-0045	4-10-2008	Repeal	5-1-2008
291-046-0060	7-21-2008	Amend	9-1-2008	291-070-0050	4-10-2008	Repeal	5-1-2008
291-046-0065	7-21-2008	Amend	9-1-2008	291-070-0055	4-10-2008	Repeal	5-1-2008
291-046-0070	7-21-2008	Amend	9-1-2008	291-070-0056	4-10-2008	Repeal	5-1-2008
291-046-0075	7-21-2008	Amend	9-1-2008	291-070-0080	4-10-2008	Repeal	5-1-2008
291-046-0080	7-21-2008	Amend	9-1-2008	291-070-0115	4-10-2008	Adopt	5-1-2008
291-046-0085	7-21-2008	Amend	9-1-2008	291-070-0120	4-10-2008	Adopt	5-1-2008
291-046-0090	7-21-2008	Amend	9-1-2008	291-070-0125	4-10-2008	Adopt	5-1-2008
291-046-0100	7-21-2008	Adopt	9-1-2008	291-070-0130	4-10-2008	Adopt	5-1-2008
291-055-0010	4-1-2008	Amend(T)	5-1-2008	291-070-0135	4-10-2008	Adopt	5-1-2008
291-069-0010	12-1-2007	Suspend	1-1-2008	291-070-0140	4-10-2008	Adopt	5-1-2008
291-069-0010	5-19-2008	Repeal	7-1-2008	291-076-0020	8-14-2008	Amend	9-1-2008
291-069-0020	12-1-2007	Suspend	1-1-2008	291-076-0030	8-14-2008	Amend	9-1-2008
291-069-0020	5-19-2008	Repeal	7-1-2008	291-076-0040	8-14-2008	Adopt	9-1-2008
291-069-0031	12-1-2007	Suspend	1-1-2008	291-082-0010	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0031	5-19-2008	Repeal	7-1-2008	291-082-0010	11-7-2008	Am. & Ren.	12-1-2008
291-069-0040	12-1-2007	Suspend	1-1-2008	291-082-0020	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0040	5-19-2008	Repeal	7-1-2008	291-082-0020	11-7-2008	Am. & Ren.	12-1-2008
291-069-0050	12-1-2007	Suspend	1-1-2008	291-082-0021	5-13-2008	Am. & Ren.(T)	6-1-2008
291-069-0050	5-19-2008	Repeal	7-1-2008	291-082-0021	11-7-2008	Am. & Ren.	12-1-2008
291-069-0060	12-1-2007	Suspend	1-1-2008	291-082-0025	5-13-2008	Suspend	6-1-2008
291-069-0060	5-19-2008	Repeal	7-1-2008	291-082-0025	11-7-2008	Repeal	12-1-2008
291-069-0070	12-1-2007	Suspend	1-1-2008	291-082-0026	5-13-2008	Suspend	6-1-2008
291-069-0070	5-19-2008	Repeal	7-1-2008	291-082-0026	11-7-2008	Repeal	12-1-2008

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-082-0027	5-13-2008	Suspend	6-1-2008	291-127-0210	9-26-2008	Amend	11-1-2008
291-082-0027	11-7-2008	Repeal	12-1-2008	291-127-0220	9-26-2008	Amend	11-1-2008
291-082-0035	5-13-2008	Am. & Ren.(T)	6-1-2008	291-127-0230	9-26-2008	Amend	11-1-2008
291-082-0035	11-7-2008	Am. & Ren.	12-1-2008	291-127-0240	9-26-2008	Amend	11-1-2008
291-082-0045	5-13-2008	Am. & Ren.(T)	6-1-2008	291-127-0245	9-26-2008	Adopt	11-1-2008
291-082-0045	11-7-2008	Am. & Ren.	12-1-2008	291-127-0250	9-26-2008	Amend	11-1-2008
291-082-0110	5-13-2008	Adopt(T)	6-1-2008	291-127-0260	4-1-2008	Amend(T)	5-1-2008
291-082-0110	11-7-2008	Adopt	12-1-2008	291-127-0260	9-26-2008	Amend	11-1-2008
291-082-0115	5-13-2008	Adopt(T)	6-1-2008	291-127-0280	9-26-2008	Amend	11-1-2008
291-082-0115	11-7-2008	Adopt	12-1-2008	291-127-0285	9-26-2008	Amend	11-1-2008
291-082-0120	5-13-2008	Adopt(T)	6-1-2008	291-127-0290	9-26-2008	Amend	11-1-2008
291-082-0120	11-7-2008	Adopt	12-1-2008	291-127-0310	9-26-2008	Amend	11-1-2008
291-082-0125	5-13-2008	Adopt(T)	6-1-2008	291-127-0330	9-26-2008	Amend	11-1-2008
291-082-0125	11-7-2008	Adopt	12-1-2008	291-131-0010	1-25-2008	Amend	3-1-2008
291-082-0130	5-13-2008	Adopt(T)	6-1-2008	291-131-0015	1-25-2008	Amend	3-1-2008
291-082-0130	11-7-2008	Adopt	12-1-2008	291-131-0020	1-25-2008	Amend	3-1-2008
291-097-0005	9-12-2008	Amend(T)	10-1-2008	291-131-0025	1-25-2008	Amend	3-1-2008
291-097-0010	9-12-2008	Amend(T)	10-1-2008	291-131-0025	7-21-2008	Amend	9-1-2008
291-097-0015	9-12-2008	Amend(T)	10-1-2008	291-131-0030	1-25-2008	Amend	3-1-2008
291-097-0020	9-12-2008	Amend(T)	10-1-2008	291-131-0035	1-25-2008	Amend	3-1-2008
291-097-0025	9-12-2008	Amend(T)	10-1-2008	291-131-0037	1-25-2008	Amend	3-1-2008
291-097-0040	9-12-2008	Amend(T)	10-1-2008	291-133-0005	4-1-2008	Amend(T)	5-1-2008
291-097-0050	9-12-2008	Amend(T)	10-1-2008	291-133-0005	9-26-2008	Amend	11-1-2008
291-097-0060	9-12-2008	Amend(T)	10-1-2008	291-133-0010	4-1-2008	Amend(T)	5-1-2008
291-097-0070	9-12-2008	Amend(T)	10-1-2008	291-133-0010	9-26-2008	Amend	11-1-2008
291-097-0080	9-12-2008	Amend(T)	10-1-2008	291-133-0015	4-1-2008	Amend(T)	5-1-2008
291-097-0100	9-12-2008	Amend(T)	10-1-2008	291-133-0015	9-26-2008	Amend	11-1-2008
291-097-0110	9-12-2008	Amend(T)	10-1-2008	291-133-0025	4-1-2008	Amend(T)	5-1-2008
291-097-0120	9-12-2008	Amend(T)	10-1-2008	291-133-0025	9-26-2008	Amend	11-1-2008
291-104-0005	5-13-2008	Am. & Ren.	6-1-2008	291-133-0035	4-1-2008	Amend(T)	5-1-2008
291-104-0010	5-13-2008	Repeal	6-1-2008	291-133-0035	9-26-2008	Amend	11-1-2008
291-104-0015	5-13-2008	Repeal	6-1-2008	291-133-0045	4-1-2008	Suspend	5-1-2008
291-104-0025	5-13-2008	Repeal	6-1-2008	291-133-0045	9-26-2008	Repeal	11-1-2008
291-104-0030	5-13-2008	Repeal	6-1-2008	291-158-0005	7-1-2008	Amend(T)	8-1-2008
291-104-0033	5-13-2008	Repeal	6-1-2008	291-158-0015	7-1-2008	Amend(T)	8-1-2008
291-104-0035	5-13-2008	Repeal	6-1-2008	291-158-0055	7-1-2008	Amend(T)	8-1-2008
291-104-0111	5-13-2008	Amend	6-1-2008	291-164-0005	3-4-2008	Amend(T)	4-1-2008
291-104-0116	5-13-2008	Amend	6-1-2008	291-164-0005	8-29-2008	Amend	10-1-2008
291-104-0125	5-13-2008	Amend	6-1-2008	291-164-0010	3-4-2008	Amend(T)	4-1-2008
291-104-0130	5-13-2008	Repeal	6-1-2008	291-164-0010	8-29-2008	Amend	10-1-2008
291-104-0135	5-13-2008	Amend	6-1-2008	291-164-0015	3-4-2008	Amend(T)	4-1-2008
291-104-0140	5-13-2008	Adopt	6-1-2008	291-164-0015	8-29-2008	Amend	10-1-2008
291-105-0010	6-2-2008	Amend	7-1-2008	291-164-0020	3-4-2008	Amend(T)	4-1-2008
291-105-0021	6-2-2008	Amend	7-1-2008	291-164-0020	8-29-2008	Repeal	10-1-2008
291-105-0026	6-2-2008	Amend	7-1-2008	291-164-0025	3-4-2008	Amend(T)	4-1-2008
291-105-0028	6-2-2008	Amend	7-1-2008	291-164-0025	8-29-2008	Repeal	10-1-2008
291-105-0041	6-2-2008	Amend	7-1-2008	291-164-0030	3-4-2008	Amend(T)	4-1-2008
291-105-0046	6-2-2008	Amend	7-1-2008	291-164-0030	8-29-2008	Repeal	10-1-2008
291-105-0056	6-2-2008	Amend	7-1-2008	291-164-0045	3-4-2008	Suspend	4-1-2008
291-105-0064	6-2-2008	Amend	7-1-2008	291-164-0045	8-29-2008	Repeal	10-1-2008
291-105-0066	6-2-2008	Amend	7-1-2008	291-164-0050	3-4-2008	Adopt(T)	4-1-2008
291-105-0069	6-2-2008	Amend	7-1-2008	291-164-0100	8-29-2008	Adopt	10-1-2008
291-105-0071	6-2-2008	Amend	7-1-2008	291-164-0110	8-29-2008	Adopt	10-1-2008
291-105-0081	6-2-2008	Amend	7-1-2008	291-164-0120	8-29-2008	Adopt	10-1-2008
291-105-0085	6-2-2008	Amend	7-1-2008	291-164-0130	8-29-2008	Adopt	10-1-2008
291-105-0100	6-2-2008	Amend	7-1-2008	291-164-0140	8-29-2008	Adopt	10-1-2008
291-127-0200	9-26-2008	Amend	11-1-2008	291-205-0010	5-15-2008	Adopt(T)	6-1-2008
291-127-0210	4-1-2008	Amend(T)	5-1-2008	291-205-0010	10-6-2008	Adopt	11-1-2008

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291-205-0020	5-15-2008	Adopt(T)	6-1-2008	309-114-0010	4-7-2008	Amend(T)	5-1-2008
291-205-0020	10-6-2008	Adopt	11-1-2008	309-114-0010	7-25-2008	Amend	9-1-2008
291-205-0030	5-15-2008	Adopt(T)	6-1-2008	309-114-0010(T)	4-7-2008	Suspend	5-1-2008
291-205-0030	10-6-2008	Adopt	11-1-2008	309-114-0010(T)	7-25-2008	Repeal	9-1-2008
291-205-0040	5-15-2008	Adopt(T)	6-1-2008	309-114-0015	12-1-2007	Amend(T)	1-1-2008
291-205-0040	10-6-2008	Adopt	11-1-2008	309-114-0015	4-7-2008	Amend(T)	5-1-2008
291-205-0050	5-15-2008	Adopt(T)	6-1-2008	309-114-0015	7-25-2008	Amend	9-1-2008
291-205-0050	10-6-2008	Adopt	11-1-2008	309-114-0015(T)	4-7-2008	Suspend	5-1-2008
291-205-0060	5-15-2008	Adopt(T)	6-1-2008	309-114-0015(T)	7-25-2008	Repeal	9-1-2008
291-205-0060	10-6-2008	Adopt	11-1-2008	309-114-0020	12-1-2007	Amend(T)	1-1-2008
291-205-0070	5-15-2008	Adopt(T)	6-1-2008	309-114-0020	4-7-2008	Amend(T)	5-1-2008
291-205-0070	10-6-2008	Adopt	11-1-2008	309-114-0020	7-25-2008	Amend	9-1-2008
291-205-0080	5-15-2008	Adopt(T)	6-1-2008	309-114-0020(T)	4-7-2008	Suspend	5-1-2008
291-205-0080	10-6-2008	Adopt	11-1-2008	309-114-0020(T)	7-25-2008	Repeal	9-1-2008
291-205-0090	5-15-2008	Adopt(T)	6-1-2008	309-114-0025	12-1-2007	Amend(T)	1-1-2008
291-205-0090	10-6-2008	Adopt	11-1-2008	309-114-0025	4-7-2008	Amend(T)	5-1-2008
291-205-0100	5-15-2008	Adopt(T)	6-1-2008	309-114-0025	7-25-2008	Amend	9-1-2008
291-205-0100	10-6-2008	Adopt	11-1-2008	309-114-0025(T)	4-7-2008	Suspend	5-1-2008
291-205-0110	5-15-2008	Adopt(T)	6-1-2008	309-114-0025(T)	7-25-2008	Repeal	9-1-2008
291-205-0110	10-6-2008	Adopt	11-1-2008	309-114-0030	4-7-2008	Adopt(T)	5-1-2008
309-011-0100	12-5-2007	Adopt(T)	1-1-2008	309-114-0030	7-25-2008	Adopt	9-1-2008
309-011-0100	2-12-2008	Suspend	3-1-2008	309-114-0030(T)	7-25-2008	Repeal	9-1-2008
309-031-0215	12-1-2007	Amend(T)	1-1-2008	309-118-0015	12-1-2007	Amend(T)	1-1-2008
309-032-0455	12-11-2007	Amend	1-1-2008	325-001-0000	4-14-2008	Adopt	5-1-2008
309-032-1095	4-15-2008	Adopt	5-1-2008	325-001-0001	4-14-2008	Amend	5-1-2008
309-032-1190	1-1-2008	Amend(T)	2-1-2008	330-007-0200	12-13-2007	Adopt	1-1-2008
309-032-1190	6-27-2008	Amend	8-1-2008	330-007-0210	12-13-2007	Adopt	1-1-2008
309-032-1190(T)	6-27-2008	Repeal	8-1-2008	330-007-0220	12-13-2007	Adopt	1-1-2008
309-033-0710	6-27-2008	Amend	8-1-2008	330-007-0230	12-13-2007	Adopt	1-1-2008
309-033-0735	1-1-2008	Adopt(T)	2-1-2008	330-007-0240	12-13-2007	Adopt	1-1-2008
309-033-0735	6-27-2008	Adopt	8-1-2008	330-007-0250	12-13-2007	Adopt	1-1-2008
309-033-0735(T)	6-27-2008	Repeal	8-1-2008	330-007-0260	12-13-2007	Adopt	1-1-2008
309-035-0100	6-12-2008	Amend	7-1-2008	330-007-0270	12-13-2007	Adopt	1-1-2008
309-035-0105	6-12-2008	Amend	7-1-2008	330-007-0280	12-13-2007	Adopt	1-1-2008
309-035-0110	6-12-2008	Amend	7-1-2008	330-007-0290	12-13-2007	Adopt	1-1-2008
309-035-0113	6-12-2008	Amend	7-1-2008	330-007-0300	12-13-2007	Adopt	1-1-2008
309-035-0117	6-12-2008	Amend	7-1-2008	330-007-0310	12-13-2007	Adopt	1-1-2008
309-035-0120	6-12-2008	Amend	7-1-2008	330-007-0320	12-13-2007	Adopt	1-1-2008
309-035-0125	6-12-2008	Amend	7-1-2008	330-007-0330	12-13-2007	Adopt	1-1-2008
309-035-0145	6-12-2008	Amend	7-1-2008	330-070-0010	12-1-2007	Amend	1-1-2008
309-035-0150	6-12-2008	Amend	7-1-2008	330-070-0010	11-1-2008	Amend	12-1-2008
309-035-0157	6-12-2008	Amend	7-1-2008	330-070-0013	12-1-2007	Amend	1-1-2008
309-035-0165	6-12-2008	Amend	7-1-2008	330-070-0014	12-1-2007	Amend	1-1-2008
309-035-0167	6-12-2008	Amend	7-1-2008	330-070-0021	12-1-2007	Amend	1-1-2008
309-035-0170	6-12-2008	Amend	7-1-2008	330-070-0022	12-1-2007	Amend	1-1-2008
309-035-0185	6-12-2008	Amend	7-1-2008	330-070-0025	12-1-2007	Amend	1-1-2008
309-035-0190	6-12-2008	Amend	7-1-2008	330-070-0026	12-1-2007	Amend	1-1-2008
309-114-0000	12-1-2007	Amend(T)	1-1-2008	330-070-0026	11-1-2008	Amend	12-1-2008
309-114-0000	4-7-2008	Amend(T)	5-1-2008	330-070-0048	12-1-2007	Amend	1-1-2008
309-114-0000	7-25-2008	Amend	9-1-2008	330-070-0059	12-1-2007	Amend	1-1-2008
309-114-0000(T)	4-7-2008	Suspend	5-1-2008	330-070-0060	12-1-2007	Amend	1-1-2008
309-114-0000(T)	7-25-2008	Repeal	9-1-2008	330-070-0064	12-1-2007	Amend	1-1-2008
309-114-0005	12-1-2007	Amend(T)	1-1-2008	330-070-0070	11-1-2008	Amend	12-1-2008
309-114-0005	4-7-2008	Amend(T)	5-1-2008	330-070-0073	12-1-2007	Amend	1-1-2008
309-114-0005	7-25-2008	Amend	9-1-2008	330-070-0073	11-1-2008	Amend	12-1-2008
309-114-0005(T)	4-7-2008	Suspend	5-1-2008	330-070-0089	12-1-2007	Amend	1-1-2008
309-114-0005(T)	7-25-2008	Repeal	9-1-2008	330-070-0089	11-1-2008	Amend	12-1-2008
309-114-0010	12-1-2007	Amend(T)	1-1-2008	330-070-0091	12-1-2007	Amend	1-1-2008

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330-090-0105	12-1-2007	Amend	1-1-2008	330-160-0005	9-3-2008	Adopt	10-1-2008
330-090-0105	3-21-2008	Amend	5-1-2008	330-160-0015	9-3-2008	Adopt	10-1-2008
330-090-0105	6-20-2008	Amend	8-1-2008	330-160-0020	9-3-2008	Adopt	10-1-2008
330-090-0110	12-1-2007	Amend	1-1-2008	330-160-0025	9-3-2008	Adopt	10-1-2008
330-090-0110	3-21-2008	Amend	5-1-2008	330-160-0030	9-3-2008	Adopt	10-1-2008
330-090-0110	6-20-2008	Amend	8-1-2008	331-105-0030	10-1-2008	Amend	10-1-2008
330-090-0120	12-1-2007	Amend	1-1-2008	331-205-0020	10-1-2008	Amend	10-1-2008
330-090-0120	3-21-2008	Amend	5-1-2008	331-205-0030	10-1-2008	Amend	10-1-2008
330-090-0120	6-20-2008	Amend	8-1-2008	331-215-0000	10-1-2008	Amend	10-1-2008
330-090-0130	12-1-2007	Amend	1-1-2008	331-215-0010	10-1-2008	Amend	10-1-2008
330-090-0130	3-21-2008	Amend	5-1-2008	331-220-0020	10-1-2008	Amend	10-1-2008
330-090-0130	6-20-2008	Amend	8-1-2008	331-405-0030	10-1-2008	Amend	10-1-2008
330-090-0135	12-1-2007	Amend	1-1-2008	331-415-0000	10-1-2008	Amend	10-1-2008
330-090-0140	12-1-2007	Amend	1-1-2008	331-415-0010	10-1-2008	Amend	10-1-2008
330-090-0140	3-21-2008	Amend	5-1-2008	331-505-0000	10-1-2008	Amend	10-1-2008
330-090-0150	12-1-2007	Amend	1-1-2008	331-505-0010	10-1-2008	Amend	10-1-2008
330-090-0150	3-21-2008	Amend	5-1-2008	331-525-0000	10-1-2008	Amend	10-1-2008
330-090-0150	6-20-2008	Amend	8-1-2008	331-530-0000	10-1-2008	Amend	10-1-2008
330-092-0005	3-1-2008	Adopt	4-1-2008	331-565-0000	10-1-2008	Amend	10-1-2008
330-092-0010	3-1-2008	Adopt	4-1-2008	331-601-0000	10-1-2008	Amend	10-1-2008
330-092-0015	3-1-2008	Adopt	4-1-2008	331-601-0010	10-1-2008	Amend	10-1-2008
330-092-0020	3-1-2008	Adopt	4-1-2008	331-620-0020	10-1-2008	Amend	10-1-2008
330-092-0025	3-1-2008	Adopt	4-1-2008	331-630-0000	10-1-2008	Amend	10-1-2008
330-092-0030	3-1-2008	Adopt	4-1-2008	331-705-0060	10-1-2008	Amend	10-1-2008
330-092-0035	3-1-2008	Adopt	4-1-2008	331-800-0010	3-15-2008	Adopt(T)	4-1-2008
330-092-0040	3-1-2008	Adopt	4-1-2008	331-800-0010	6-1-2008	Adopt	7-1-2008
330-092-0045	3-1-2008	Adopt	4-1-2008	331-800-0010(T)	6-1-2008	Repeal	7-1-2008
330-092-0050	3-1-2008	Adopt	4-1-2008	331-800-0020	3-15-2008	Adopt(T)	4-1-2008
330-092-0055	3-1-2008	Adopt	4-1-2008	331-800-0020	6-1-2008	Adopt	7-1-2008
330-092-0060	3-1-2008	Adopt	4-1-2008	331-800-0020	10-1-2008	Amend	10-1-2008
330-092-0065	3-1-2008	Adopt	4-1-2008	331-800-0020(T)	6-1-2008	Repeal	7-1-2008
330-092-0070	3-1-2008	Adopt	4-1-2008	331-810-0020	3-15-2008	Adopt(T)	4-1-2008
330-130-0010	8-1-2008	Amend	9-1-2008	331-810-0020	6-1-2008	Adopt	7-1-2008
330-130-0020	8-1-2008	Amend	9-1-2008	331-810-0020(T)	6-1-2008	Repeal	7-1-2008
330-130-0030	8-1-2008	Amend	9-1-2008	331-810-0030	3-15-2008	Adopt(T)	4-1-2008
330-130-0040	8-1-2008	Amend	9-1-2008	331-810-0030	6-1-2008	Adopt	7-1-2008
330-130-0050	8-1-2008	Amend	9-1-2008	331-810-0030(T)	6-1-2008	Repeal	7-1-2008
330-130-0055	8-1-2008	Adopt	9-1-2008	331-810-0035	3-15-2008	Adopt(T)	4-1-2008
330-130-0060	8-1-2008	Amend	9-1-2008	331-810-0035	6-1-2008	Adopt	7-1-2008
330-130-0070	8-1-2008	Amend	9-1-2008	331-810-0035(T)	6-1-2008	Repeal	7-1-2008
330-130-0080	8-1-2008	Amend	9-1-2008	331-810-0038	9-15-2008	Adopt(T)	10-1-2008
330-130-0090	8-1-2008	Adopt	9-1-2008	331-810-0040	3-15-2008	Adopt(T)	4-1-2008
330-130-0100	8-1-2008	Adopt	9-1-2008	331-810-0040	6-1-2008	Adopt	7-1-2008
330-135-0010	1-2-2008	Adopt	2-1-2008	331-810-0040(T)	6-1-2008	Repeal	7-1-2008
330-135-0015	1-2-2008	Adopt	2-1-2008	331-810-0050	6-1-2008	Adopt	7-1-2008
330-135-0020	1-2-2008	Adopt	2-1-2008	331-810-0055	6-1-2008	Adopt	7-1-2008
330-135-0025	1-2-2008	Adopt	2-1-2008	331-820-0010	3-15-2008	Adopt(T)	4-1-2008
330-135-0030	1-2-2008	Adopt	2-1-2008	331-820-0010	6-1-2008	Adopt	7-1-2008
330-135-0035	1-2-2008	Adopt	2-1-2008	331-820-0010(T)	6-1-2008	Repeal	7-1-2008
330-135-0040	1-2-2008	Adopt	2-1-2008	331-820-0020	3-15-2008	Adopt(T)	4-1-2008
330-135-0045	1-2-2008	Adopt	2-1-2008	331-820-0020	6-1-2008	Adopt	7-1-2008
330-135-0050	1-2-2008	Adopt	2-1-2008	331-820-0020(T)	6-1-2008	Repeal	7-1-2008
330-135-0055	1-2-2008	Adopt	2-1-2008	331-830-0005	6-1-2008	Adopt	7-1-2008
330-150-0005	1-30-2008	Adopt	3-1-2008	331-830-0010	6-1-2008	Adopt	7-1-2008
330-150-0015	1-30-2008	Adopt	3-1-2008	331-830-0020	6-1-2008	Adopt	7-1-2008
330-150-0020	1-30-2008	Adopt	3-1-2008	331-840-0010	6-1-2008	Adopt	7-1-2008
330-150-0025	1-30-2008	Adopt	3-1-2008	331-840-0020	6-1-2008	Adopt	7-1-2008

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331-840-0040	6-1-2008	Adopt	7-1-2008	333-015-0025	1-1-2009	Amend	9-1-2008
331-840-0050	6-1-2008	Adopt	7-1-2008	333-015-0030	1-1-2009	Amend	9-1-2008
331-840-0060	6-1-2008	Adopt	7-1-2008	333-015-0030	1-1-2009	Amend	12-1-2008
331-850-0010	3-15-2008	Adopt(T)	4-1-2008	333-015-0034	1-1-2009	Repeal	9-1-2008
331-850-0010	6-1-2008	Adopt	7-1-2008	333-015-0035	1-1-2009	Amend	9-1-2008
331-850-0010(T)	6-1-2008	Repeal	7-1-2008	333-015-0040	1-1-2009	Amend	9-1-2008
332-015-0070	10-1-2008	Amend(T)	10-1-2008	333-015-0040	1-1-2009	Amend	12-1-2008
332-020-0000	10-1-2008	Amend	10-1-2008	333-015-0045	1-1-2009	Amend	9-1-2008
332-020-0010	10-1-2008	Amend(T)	10-1-2008	333-015-0050	1-1-2009	Repeal	9-1-2008
332-020-0020	10-1-2008	Amend	10-1-2008	333-015-0060	1-1-2009	Repeal	9-1-2008
333-003-0010	5-5-2008	Amend	6-1-2008	333-015-0062	1-1-2009	Adopt	9-1-2008
333-003-0020	5-5-2008	Amend	6-1-2008	333-015-0064	1-1-2009	Adopt	9-1-2008
333-003-0030	5-5-2008	Repeal	6-1-2008	333-015-0065	1-1-2009	Repeal	9-1-2008
333-003-0040	5-5-2008	Amend	6-1-2008	333-015-0066	1-1-2009	Adopt	9-1-2008
333-003-0050	5-5-2008	Amend	6-1-2008	333-015-0068	1-1-2009	Adopt	9-1-2008
333-003-0060	5-5-2008	Repeal	6-1-2008	333-015-0069	1-1-2009	Adopt	9-1-2008
333-003-0065	5-5-2008	Adopt	6-1-2008	333-015-0070	1-1-2009	Amend	9-1-2008
333-003-0070	5-5-2008	Amend	6-1-2008	333-015-0075	1-1-2009	Amend	9-1-2008
333-003-0080	5-5-2008	Amend	6-1-2008	333-015-0080	1-1-2009	Amend	9-1-2008
333-003-0105	5-5-2008	Amend	6-1-2008	333-015-0082	1-1-2009	Adopt	9-1-2008
333-003-0110	5-5-2008	Amend	6-1-2008	333-015-0085	1-1-2009	Amend	9-1-2008
333-003-0115	5-5-2008	Amend	6-1-2008	333-015-0090	1-1-2009	Amend	9-1-2008
333-003-0125	5-5-2008	Amend	6-1-2008	333-049-0010	3-17-2008	Amend	5-1-2008
333-003-0130	5-5-2008	Amend	6-1-2008	333-049-0020	3-17-2008	Amend	5-1-2008
333-003-0200	5-5-2008	Adopt	6-1-2008	333-049-0030	3-17-2008	Amend	5-1-2008
333-008-0000	1-1-2008	Amend	2-1-2008	333-049-0040	3-17-2008	Amend	5-1-2008
333-008-0010	1-1-2008	Amend	2-1-2008	333-049-0050	3-17-2008	Amend	5-1-2008
333-008-0020	1-1-2008	Amend	2-1-2008	333-049-0060	3-17-2008	Amend	5-1-2008
333-008-0025	1-1-2008	Amend	2-1-2008	333-049-0065	3-17-2008	Amend	5-1-2008
333-008-0030	1-1-2008	Amend	2-1-2008	333-049-0070	3-17-2008	Amend	5-1-2008
333-008-0040	1-1-2008	Amend	2-1-2008	333-049-0080	3-17-2008	Amend	5-1-2008
333-008-0050	1-1-2008	Amend	2-1-2008	333-049-0090	3-17-2008	Amend	5-1-2008
333-008-0060	1-1-2008	Amend	2-1-2008	333-049-0110	3-17-2008	Repeal	5-1-2008
333-008-0070	1-1-2008	Amend	2-1-2008	333-049-0120	3-17-2008	Amend	5-1-2008
333-008-0080	1-1-2008	Amend	2-1-2008	333-050-0010	3-17-2008	Amend	5-1-2008
333-008-0090	1-1-2008	Amend	2-1-2008	333-050-0020	1-8-2008	Amend(T)	2-1-2008
333-008-0110	1-1-2008	Amend	2-1-2008	333-050-0020	3-17-2008	Amend	5-1-2008
333-008-0120	1-1-2008	Amend	2-1-2008	333-050-0020	10-27-2008	Amend(T)	12-1-2008
333-010-0100	6-16-2008	Adopt	8-1-2008	333-050-0030	3-17-2008	Amend	5-1-2008
333-010-0105	6-16-2008	Adopt	8-1-2008	333-050-0040	3-17-2008	Amend	5-1-2008
333-010-0110	6-16-2008	Adopt	8-1-2008	333-050-0050	1-8-2008	Amend(T)	2-1-2008
333-010-0115	6-16-2008	Adopt	8-1-2008	333-050-0050	3-17-2008	Amend	5-1-2008
333-010-0120	6-16-2008	Adopt	8-1-2008	333-050-0050	10-27-2008	Amend(T)	12-1-2008
333-010-0125	6-16-2008	Adopt	8-1-2008	333-050-0060	3-17-2008	Amend	5-1-2008
333-010-0130	6-16-2008	Adopt	8-1-2008	333-050-0070	3-17-2008	Amend	5-1-2008
333-010-0135	6-16-2008	Adopt	8-1-2008	333-050-0080	3-17-2008	Amend	5-1-2008
333-010-0140	6-16-2008	Adopt	8-1-2008	333-050-0090	3-17-2008	Amend	5-1-2008
333-010-0145	6-16-2008	Adopt	8-1-2008	333-050-0095	3-17-2008	Amend	5-1-2008
333-010-0150	6-16-2008	Adopt	8-1-2008	333-050-0100	3-17-2008	Amend	5-1-2008
333-010-0155	6-16-2008	Adopt	8-1-2008	333-050-0110	3-17-2008	Amend	5-1-2008
333-010-0160	6-16-2008	Adopt	8-1-2008	333-050-0120	1-8-2008	Amend(T)	2-1-2008
333-010-0165	6-16-2008	Adopt	8-1-2008	333-050-0120	3-17-2008	Amend	5-1-2008
333-010-0170	6-16-2008	Adopt	8-1-2008	333-050-0120	10-27-2008	Amend(T)	12-1-2008
333-010-0175	6-16-2008	Adopt	8-1-2008	333-050-0130	3-17-2008	Amend	5-1-2008
333-010-0180	6-16-2008	Adopt	8-1-2008	333-050-0140	3-17-2008	Amend	5-1-2008
333-010-0185	6-16-2008	Adopt	8-1-2008	333-052-0030	4-3-2008	Amend	5-1-2008
333-010-0190	6-16-2008	Adopt	8-1-2008	333-052-0040	4-3-2008	Amend	5-1-2008

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333-052-0060	4-3-2008	Amend	5-1-2008	333-102-0335	9-15-2008	Amend	10-1-2008
333-052-0065	4-3-2008	Amend	5-1-2008	333-102-0340	9-15-2008	Amend	10-1-2008
333-052-0070	4-3-2008	Amend	5-1-2008	333-102-0345	9-15-2008	Amend	10-1-2008
333-052-0075	4-3-2008	Amend	5-1-2008	333-102-0350	9-15-2008	Amend	10-1-2008
333-052-0080	4-3-2008	Amend	5-1-2008	333-102-0355	9-15-2008	Amend	10-1-2008
333-052-0090	4-3-2008	Amend	5-1-2008	333-102-0900	9-15-2008	Amend	10-1-2008
333-052-0100	4-3-2008	Amend	5-1-2008	333-103-0003	9-15-2008	Amend	10-1-2008
333-052-0110	4-3-2008	Amend	5-1-2008	333-103-0005	9-15-2008	Amend	10-1-2008
333-052-0120	4-3-2008	Amend	5-1-2008	333-103-0010	9-15-2008	Amend	10-1-2008
333-052-0130	4-3-2008	Amend	5-1-2008	333-103-0015	9-15-2008	Amend	10-1-2008
333-053-0030	11-5-2008	Adopt	12-1-2008	333-103-0020	9-15-2008	Amend	10-1-2008
333-053-0040	11-5-2008	Adopt	12-1-2008	333-103-0025	9-15-2008	Amend	10-1-2008
333-053-0050	11-5-2008	Adopt	12-1-2008	333-103-0050	9-15-2008	Amend	10-1-2008
333-053-0060	11-5-2008	Adopt	12-1-2008	333-106-0005	9-15-2008	Amend	10-1-2008
333-053-0070	11-5-2008	Adopt	12-1-2008	333-106-0010	9-15-2008	Amend	10-1-2008
333-053-0080	11-5-2008	Adopt	12-1-2008	333-106-0035	9-15-2008	Amend	10-1-2008
333-053-0090	11-5-2008	Adopt	12-1-2008	333-106-0040	9-15-2008	Amend	10-1-2008
333-053-0100	11-5-2008	Adopt	12-1-2008	333-106-0045	9-15-2008	Amend	10-1-2008
333-053-0110	11-5-2008	Adopt	12-1-2008	333-106-0050	9-15-2008	Amend	10-1-2008
333-061-0030	2-15-2008	Amend	3-1-2008	333-106-0055	9-15-2008	Amend	10-1-2008
333-061-0032	2-15-2008	Amend	3-1-2008	333-106-0101	9-15-2008	Amend	10-1-2008
333-061-0034	2-15-2008	Amend	3-1-2008	333-106-0105	9-15-2008	Amend	10-1-2008
333-061-0036	2-15-2008	Amend	3-1-2008	333-106-0110	9-15-2008	Amend	10-1-2008
333-061-0040	2-15-2008	Amend	3-1-2008	333-106-0130	9-15-2008	Amend	10-1-2008
333-061-0043	2-15-2008	Amend	3-1-2008	333-106-0201	9-15-2008	Amend	10-1-2008
333-061-0045	2-15-2008	Amend	3-1-2008	333-106-0210	9-15-2008	Amend	10-1-2008
333-061-0050	2-15-2008	Amend	3-1-2008	333-106-0215	9-15-2008	Amend	10-1-2008
333-061-0061	2-15-2008	Amend	3-1-2008	333-106-0230	9-15-2008	Amend	10-1-2008
333-061-0070	2-15-2008	Amend	3-1-2008	333-106-0301	9-15-2008	Amend	10-1-2008
333-061-0072	2-15-2008	Amend	3-1-2008	333-106-0305	9-15-2008	Amend	10-1-2008
333-061-0076	2-15-2008	Amend	3-1-2008	333-106-0315	9-15-2008	Amend	10-1-2008
333-061-0215	2-15-2008	Amend	3-1-2008	333-106-0320	9-15-2008	Amend	10-1-2008
333-061-0245	2-15-2008	Amend	3-1-2008	333-106-0325	9-15-2008	Amend	10-1-2008
333-061-0250	2-15-2008	Amend	3-1-2008	333-106-0350	9-15-2008	Amend	10-1-2008
333-061-0260	2-15-2008	Amend	3-1-2008	333-106-0355	9-15-2008	Amend	10-1-2008
333-061-0265	2-15-2008	Amend	3-1-2008	333-106-0365	9-15-2008	Amend	10-1-2008
333-071-0125	8-15-2008	Amend	9-1-2008	333-106-0370	9-15-2008	Amend	10-1-2008
333-076-0190	8-15-2008	Adopt	9-1-2008	333-106-0601	9-15-2008	Amend	10-1-2008
333-076-0710	8-15-2008	Amend	9-1-2008	333-106-0700	9-15-2008	Amend	10-1-2008
333-080-0040	7-1-2008	Adopt	4-1-2008	333-106-0720	9-15-2008	Amend	10-1-2008
333-080-0050	7-1-2008	Adopt	4-1-2008	333-106-0730	9-15-2008	Amend	10-1-2008
333-100-0005	9-15-2008	Amend	10-1-2008	333-106-0750	9-15-2008	Amend	10-1-2008
333-100-0020	9-15-2008	Amend	10-1-2008	333-111-0001	9-15-2008	Amend	10-1-2008
333-100-0080	9-15-2008	Amend	10-1-2008	333-111-0005	9-15-2008	Amend	10-1-2008
333-102-0010	9-15-2008	Amend	10-1-2008	333-111-0010	9-15-2008	Amend	10-1-2008
333-102-0103	9-15-2008	Amend	10-1-2008	333-111-0015	9-15-2008	Amend	10-1-2008
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333-102-0130	9-15-2008	Amend	10-1-2008	333-111-0030	9-15-2008	Amend	10-1-2008
333-102-0190	9-15-2008	Amend	10-1-2008	333-111-0035	9-15-2008	Amend	10-1-2008
333-102-0203	9-15-2008	Amend	10-1-2008	333-116-0020	9-15-2008	Amend	10-1-2008
333-102-0235	9-15-2008	Amend	10-1-2008	333-116-0027	9-15-2008	Amend	10-1-2008
333-102-0245	9-15-2008	Amend	10-1-2008	333-116-0035	9-15-2008	Amend	10-1-2008
333-102-0247	9-15-2008	Amend	10-1-2008	333-116-0040	9-15-2008	Amend	10-1-2008
333-102-0285	9-15-2008	Amend	10-1-2008	333-116-0050	9-15-2008	Amend	10-1-2008
333-102-0293	9-15-2008	Amend	10-1-2008	333-116-0055	9-15-2008	Amend	10-1-2008
333-102-0310	9-15-2008	Amend	10-1-2008	333-116-0057	9-15-2008	Amend	10-1-2008

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333-120-0740	9-15-2008	Amend	10-1-2008	335-060-0010	4-10-2008	Amend	5-1-2008
333-120-0800	9-15-2008	Adopt	10-1-2008	335-070-0040	4-10-2008	Amend	5-1-2008
333-150-0000	3-5-2008	Amend	4-1-2008	335-095-0010	4-10-2008	Amend	5-1-2008
333-265-0000	6-16-2008	Amend	8-1-2008	335-095-0030	4-10-2008	Amend	5-1-2008
333-265-0010	6-16-2008	Amend	8-1-2008	335-095-0040	4-10-2008	Amend	5-1-2008
333-265-0012	6-16-2008	Adopt	8-1-2008	335-095-0050	4-10-2008	Amend	5-1-2008
333-265-0014	6-16-2008	Adopt	8-1-2008	335-095-0050	8-13-2008	Amend(T)	9-1-2008
333-265-0016	6-16-2008	Adopt	8-1-2008	335-095-0055	4-10-2008	Amend	5-1-2008
333-265-0018	6-16-2008	Adopt	8-1-2008	335-095-0060	4-10-2008	Amend	5-1-2008
333-265-0020	6-16-2008	Amend	8-1-2008	335-095-0065	4-10-2008	Amend	5-1-2008
333-265-0022	6-16-2008	Adopt	8-1-2008	338-005-0030	10-1-2008	Amend	10-1-2008
333-265-0023	6-16-2008	Adopt	8-1-2008	338-010-0038	10-1-2008	Amend	10-1-2008
333-265-0025	6-16-2008	Amend	8-1-2008	338-010-0050	10-1-2008	Amend	10-1-2008
333-265-0025	6-20-2008	Amend(T)	8-1-2008	340-011-0005	3-20-2008	Amend	5-1-2008
333-265-0030	6-16-2008	Amend	8-1-2008	340-011-0009	3-20-2008	Adopt	5-1-2008
333-265-0040	6-16-2008	Amend	8-1-2008	340-011-0010	2-25-2008	Amend	4-1-2008
333-265-0040	6-20-2008	Amend(T)	8-1-2008	340-011-0029	2-25-2008	Amend	4-1-2008
333-265-0050	6-16-2008	Amend	8-1-2008	340-011-0510	3-20-2008	Amend	5-1-2008
333-265-0060	6-16-2008	Amend	8-1-2008	340-011-0515	3-20-2008	Amend	5-1-2008
333-265-0070	6-16-2008	Amend	8-1-2008	340-011-0573	3-20-2008	Adopt	5-1-2008
333-265-0080	6-16-2008	Amend	8-1-2008	340-011-0575	3-20-2008	Amend	5-1-2008
333-265-0090	6-16-2008	Amend	8-1-2008	340-012-0030	11-10-2008	Amend	12-1-2008
333-265-0100	6-16-2008	Amend	8-1-2008	340-012-0038	11-10-2008	Amend	12-1-2008
333-265-0110	6-16-2008	Amend	8-1-2008	340-012-0155	11-10-2008	Amend	12-1-2008
333-265-0120	6-16-2008	Repeal	8-1-2008	340-012-0170	11-10-2008	Amend	12-1-2008
333-265-0130	6-16-2008	Repeal	8-1-2008	340-016-0210	7-11-2008	Amend	8-1-2008
333-265-0140	6-16-2008	Amend	8-1-2008	340-016-0220	7-11-2008	Amend	8-1-2008
333-265-0150	6-16-2008	Amend	8-1-2008	340-016-0230	7-11-2008	Amend	8-1-2008
333-265-0160	6-16-2008	Amend	8-1-2008	340-016-0250	7-11-2008	Amend	8-1-2008
333-265-0170	6-16-2008	Amend	8-1-2008	340-016-0270	7-11-2008	Adopt	8-1-2008
333-265-0180	6-16-2008	Adopt	8-1-2008	340-016-0280	7-11-2008	Adopt	8-1-2008
333-265-0190	6-16-2008	Adopt	8-1-2008	340-016-0290	7-11-2008	Adopt	8-1-2008
333-515-0030	8-15-2008	Amend	9-1-2008	340-016-0300	7-11-2008	Adopt	8-1-2008
333-520-0073	3-7-2008	Adopt	4-1-2008	340-016-0310	7-11-2008	Adopt	8-1-2008
333-520-0110	7-1-2008	Amend	4-1-2008	340-016-0320	7-11-2008	Adopt	8-1-2008
333-536-0005	1-1-2008	Amend	2-1-2008	340-016-0330	7-11-2008	Adopt	8-1-2008
333-536-0010	1-1-2008	Amend	2-1-2008	340-016-0340	7-11-2008	Adopt	8-1-2008
333-536-0015	1-1-2008	Amend	2-1-2008	340-041-0009	5-5-2008	Amend	6-1-2008
333-536-0020	1-1-2008	Amend	2-1-2008	340-045-0075	7-1-2008	Amend	8-1-2008
333-536-0030	1-1-2008	Amend	2-1-2008	340-054-0035	2-27-2008	Amend	4-1-2008
333-536-0040	1-1-2008	Amend	2-1-2008	340-054-0060	2-27-2008	Amend	4-1-2008
333-536-0050	1-1-2008	Amend	2-1-2008	340-055-0005	5-5-2008	Amend	6-1-2008
333-536-0070	1-1-2008	Amend	2-1-2008	340-055-0007	5-5-2008	Amend	6-1-2008
333-536-0075	1-1-2008	Amend	2-1-2008	340-055-0010	5-5-2008	Amend	6-1-2008
333-536-0080	1-1-2008	Amend	2-1-2008	340-055-0013	5-5-2008	Amend	6-1-2008
333-536-0085	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0090	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0095	1-1-2008	Amend	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0100	1-1-2008	Repeal	2-1-2008	340-055-0015	5-5-2008	Am. & Ren.	6-1-2008
333-536-0105	1-1-2008	Adopt	2-1-2008	340-055-0020	5-5-2008	Amend	6-1-2008
333-536-0115	1-1-2008	Adopt	2-1-2008	340-055-0025	5-5-2008	Amend	6-1-2008
333-560-0010	10-7-2008	Amend	11-1-2008	340-055-0030	5-5-2008	Amend	6-1-2008
333-700-0120	8-15-2008	Amend	9-1-2008	340-071-0140	7-1-2008	Amend	8-1-2008
335-001-0005	4-10-2008	Amend	5-1-2008	340-071-0220	7-1-2008	Amend	8-1-2008
335-001-0008	4-10-2008	Adopt	5-1-2008	340-122-0210	3-10-2008	Amend	4-1-2008
335-001-0011	4-10-2008	Amend	5-1-2008	340-122-0330	3-10-2008	Amend	4-1-2008
335-005-0010	4-10-2008	Amend	5-1-2008	340-150-0006	3-10-2008	Amend	4-1-2008

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340-150-0010	3-10-2008	Amend	4-1-2008	340-220-0050	8-25-2008	Amend	10-1-2008
340-150-0020	3-10-2008	Amend	4-1-2008	340-220-0060	8-25-2008	Amend	10-1-2008
340-150-0021	3-10-2008	Amend	4-1-2008	340-220-0070	8-25-2008	Amend	10-1-2008
340-150-0052	3-10-2008	Amend	4-1-2008	340-220-0090	8-25-2008	Amend	10-1-2008
340-150-0102	3-10-2008	Amend	4-1-2008	340-220-0100	8-25-2008	Amend	10-1-2008
340-150-0110	3-10-2008	Amend	4-1-2008	340-220-0110	8-25-2008	Amend	10-1-2008
340-150-0135	3-10-2008	Amend	4-1-2008	340-220-0120	8-25-2008	Amend	10-1-2008
340-150-0150	3-10-2008	Amend	4-1-2008	340-220-0150	8-25-2008	Amend	10-1-2008
340-150-0152	3-10-2008	Amend	4-1-2008	340-220-0170	8-25-2008	Amend	10-1-2008
340-150-0160	3-10-2008	Amend	4-1-2008	340-222-0020	3-6-2008	Amend(T)	4-1-2008
340-150-0163	3-10-2008	Amend	4-1-2008	340-222-0020	8-29-2008	Amend	10-1-2008
340-150-0166	3-10-2008	Amend	4-1-2008	340-248-0260	11-30-2007	Amend	1-1-2008
340-150-0167	3-10-2008	Amend	4-1-2008	340-259-0005	7-11-2008	Adopt	8-1-2008
340-150-0168	3-10-2008	Amend	4-1-2008	340-259-0010	7-11-2008	Adopt	8-1-2008
340-150-0180	3-10-2008	Amend	4-1-2008	340-259-0015	7-11-2008	Adopt	8-1-2008
340-150-0200	3-10-2008	Amend	4-1-2008	340-259-0020	7-11-2008	Adopt	8-1-2008
340-150-0210	3-10-2008	Adopt	4-1-2008	340-259-0025	7-11-2008	Adopt	8-1-2008
340-150-0250	3-10-2008	Amend	4-1-2008	340-259-0030	7-11-2008	Adopt	8-1-2008
340-150-0300	3-10-2008	Amend	4-1-2008	340-259-0035	7-11-2008	Adopt	8-1-2008
340-150-0310	3-10-2008	Amend	4-1-2008	340-259-0040	7-11-2008	Adopt	8-1-2008
340-150-0350	3-10-2008	Amend	4-1-2008	340-259-0045	7-11-2008	Adopt	8-1-2008
340-150-0352	3-10-2008	Amend	4-1-2008	340-259-0050	7-11-2008	Adopt	8-1-2008
340-150-0354	3-10-2008	Amend	4-1-2008	340-259-0055	7-11-2008	Adopt	8-1-2008
340-150-0360	3-10-2008	Amend	4-1-2008	340-259-0060	7-11-2008	Adopt	8-1-2008
340-150-0410	3-10-2008	Amend	4-1-2008	340-259-0065	7-11-2008	Adopt	8-1-2008
340-150-0430	3-10-2008	Amend	4-1-2008	340-264-0040	9-17-2008	Amend	11-1-2008
340-150-0450	3-10-2008	Amend	4-1-2008	350-011-0003	4-1-2008	Amend	4-1-2008
340-150-0455	3-10-2008	Amend	4-1-2008	350-011-0011	4-1-2008	Adopt	4-1-2008
340-150-0460	3-10-2008	Amend	4-1-2008	350-012-0007	4-1-2008	Amend	4-1-2008
340-150-0465	3-10-2008	Amend	4-1-2008	350-012-0008	4-1-2008	Amend	4-1-2008
340-150-0470	3-10-2008	Amend	4-1-2008	350-015-0001	12-15-2008	Repeal	12-1-2008
340-150-0510	3-10-2008	Amend	4-1-2008	350-015-0002	12-15-2008	Repeal	12-1-2008
340-150-0555	3-10-2008	Amend	4-1-2008	350-015-0003	12-15-2008	Repeal	12-1-2008
340-150-0560	3-10-2008	Amend	4-1-2008	350-015-0004	12-15-2008	Repeal	12-1-2008
340-160-0030	3-10-2008	Amend	4-1-2008	350-015-0005	12-15-2008	Repeal	12-1-2008
340-160-0150	3-10-2008	Amend	4-1-2008	350-015-0006	12-15-2008	Repeal	12-1-2008
340-162-0005	3-10-2008	Amend	4-1-2008	350-015-0007	12-15-2008	Repeal	12-1-2008
340-162-0010	3-10-2008	Amend	4-1-2008	350-015-0008	12-15-2008	Repeal	12-1-2008
340-162-0020	3-10-2008	Amend	4-1-2008	350-015-0009	12-15-2008	Repeal	12-1-2008
340-162-0040	3-10-2008	Amend	4-1-2008	350-015-0010	12-15-2008	Repeal	12-1-2008
340-162-0054	3-10-2008	Repeal	4-1-2008	350-015-0011	12-15-2008	Repeal	12-1-2008
340-162-0150	3-10-2008	Amend	4-1-2008	350-015-0012	12-15-2008	Repeal	12-1-2008
340-200-0020	8-25-2008	Amend	10-1-2008	350-015-0013	12-15-2008	Repeal	12-1-2008
340-200-0030	9-17-2008	Amend	11-1-2008	350-015-0014	12-15-2008	Repeal	12-1-2008
340-200-0040	3-20-2008	Amend	5-1-2008	350-015-0015	12-15-2008	Repeal	12-1-2008
340-200-0040	8-29-2008	Amend	10-1-2008	350-015-0016	12-15-2008	Repeal	12-1-2008
340-200-0040	9-17-2008	Amend	11-1-2008	350-015-0017	12-15-2008	Repeal	12-1-2008
340-200-0040	11-10-2008	Amend	12-1-2008	350-015-0018	12-15-2008	Repeal	12-1-2008
340-210-0205	9-17-2008	Amend	11-1-2008	350-015-0019	12-15-2008	Repeal	12-1-2008
340-215-0010	10-31-2008	Adopt	12-1-2008	350-015-0020	12-15-2008	Repeal	12-1-2008
340-215-0020	10-31-2008	Adopt	12-1-2008	350-015-0025	12-15-2008	Repeal	12-1-2008
340-215-0030	10-31-2008	Adopt	12-1-2008	350-015-0026	12-15-2008	Repeal	12-1-2008
340-215-0040	10-31-2008	Adopt	12-1-2008	350-015-0027	12-15-2008	Repeal	12-1-2008
340-218-0050	8-25-2008	Amend	10-1-2008	350-015-0028	12-15-2008	Repeal	12-1-2008
340-220-0010	8-25-2008	Amend	10-1-2008	350-015-0100	12-15-2008	Adopt	12-1-2008
340-220-0020	8-25-2008	Amend	10-1-2008	350-016-0009	4-1-2008	Amend	4-1-2008
340-220-0030	8-25-2008	Amend	10-1-2008	350-020-0001	12-15-2008	Repeal	12-1-2008

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407-007-0100	5-22-2008	Adopt(T)	7-1-2008	407-045-0910	12-3-2007	Adopt(T)	1-1-2008
407-007-0100	9-1-2008	Adopt	10-1-2008	407-045-0910	5-30-2008	Adopt	7-1-2008
407-007-0100(T)	9-1-2008	Repeal	10-1-2008	407-045-0910(T)	5-30-2008	Repeal	7-1-2008
407-007-0210	3-31-2008	Amend(T)	5-1-2008	407-045-0920	12-3-2007	Adopt(T)	1-1-2008
407-007-0210	9-1-2008	Amend	10-1-2008	407-045-0920	5-30-2008	Adopt	7-1-2008
407-007-0210(T)	9-1-2008	Repeal	10-1-2008	407-045-0920(T)	5-30-2008	Repeal	7-1-2008
407-007-0270	3-31-2008	Amend(T)	5-1-2008	407-045-0930	12-3-2007	Adopt(T)	1-1-2008
407-007-0270	9-1-2008	Amend	10-1-2008	407-045-0930	5-30-2008	Adopt	7-1-2008
407-007-0270(T)	9-1-2008	Repeal	10-1-2008	407-045-0930(T)	5-30-2008	Repeal	7-1-2008
407-007-0330	3-31-2008	Amend(T)	5-1-2008	407-045-0940	12-3-2007	Adopt(T)	1-1-2008
407-007-0330	9-1-2008	Amend	10-1-2008	407-045-0940	5-30-2008	Adopt	7-1-2008
407-007-0330(T)	9-1-2008	Repeal	10-1-2008	407-045-0940(T)	5-30-2008	Repeal	7-1-2008
407-012-0005	12-1-2007	Adopt	1-1-2008	407-045-0950	12-3-2007	Adopt(T)	1-1-2008
407-012-0010	12-1-2007	Adopt	1-1-2008	407-045-0950	5-30-2008	Adopt	7-1-2008
407-012-0015	12-1-2007	Adopt	1-1-2008	407-045-0950(T)	5-30-2008	Repeal	7-1-2008
407-012-0020	12-1-2007	Adopt	1-1-2008	407-045-0960	12-3-2007	Adopt(T)	1-1-2008
407-012-0025	12-1-2007	Adopt	1-1-2008	407-045-0960	5-30-2008	Adopt	7-1-2008
407-014-0300	1-1-2008	Adopt	2-1-2008	407-045-0960(T)	5-30-2008	Repeal	7-1-2008
407-014-0305	1-1-2008	Adopt	2-1-2008	407-045-0970	12-3-2007	Adopt(T)	1-1-2008
407-014-0310	1-1-2008	Adopt	2-1-2008	407-045-0970	5-30-2008	Adopt	7-1-2008
407-014-0315	1-1-2008	Adopt	2-1-2008	407-045-0970	9-1-2008	Amend	10-1-2008
407-014-0320	1-1-2008	Adopt	2-1-2008	407-045-0970(T)	5-30-2008	Repeal	7-1-2008
407-035-0000	7-1-2008	Adopt	8-1-2008	407-045-0980	12-3-2007	Adopt(T)	1-1-2008
407-035-0005	7-1-2008	Adopt	8-1-2008	407-045-0980	5-30-2008	Adopt	7-1-2008
407-035-0010	7-1-2008	Adopt	8-1-2008	407-045-0980(T)	5-30-2008	Repeal	7-1-2008
407-035-0015	7-1-2008	Adopt	8-1-2008	407-120-0112	1-1-2008	Adopt(T)	2-1-2008
407-045-0800	12-3-2007	Adopt(T)	1-1-2008	407-120-0112	2-1-2008	Adopt	3-1-2008
407-045-0800	5-30-2008	Adopt	7-1-2008	407-120-0112(T)	2-1-2008	Repeal	3-1-2008
407-045-0800(T)	5-30-2008	Repeal	7-1-2008	407-120-0114	1-1-2008	Adopt(T)	2-1-2008
407-045-0810	12-3-2007	Adopt(T)	1-1-2008	407-120-0114	2-1-2008	Adopt	3-1-2008
407-045-0810	5-30-2008	Adopt	7-1-2008	407-120-0114(T)	2-1-2008	Repeal	3-1-2008
407-045-0810(T)	5-30-2008	Repeal	7-1-2008	407-120-0116	1-1-2008	Adopt(T)	2-1-2008
407-045-0820	12-3-2007	Adopt(T)	1-1-2008	407-120-0116	2-1-2008	Adopt	3-1-2008
407-045-0820	5-30-2008	Adopt	7-1-2008	407-120-0116(T)	2-1-2008	Repeal	3-1-2008
407-045-0820(T)	5-30-2008	Repeal	7-1-2008	407-120-0118	1-1-2008	Adopt(T)	2-1-2008
407-045-0830	12-3-2007	Adopt(T)	1-1-2008	407-120-0118	2-1-2008	Adopt	3-1-2008
407-045-0830	5-30-2008	Adopt	7-1-2008	407-120-0118(T)	2-1-2008	Repeal	3-1-2008
407-045-0830(T)	5-30-2008	Repeal	7-1-2008	407-120-0165	1-1-2008	Adopt(T)	2-1-2008
407-045-0840	12-3-2007	Adopt(T)	1-1-2008	407-120-0165	2-1-2008	Adopt	3-1-2008
407-045-0840(T)	5-30-2008	Repeal	7-1-2008	407-120-0165(T)	2-1-2008	Repeal	3-1-2008
407-045-0850	12-3-2007	Adopt(T)	1-1-2008	407-120-0300	1-1-2008	Adopt	2-1-2008
407-045-0850	5-30-2008	Adopt	7-1-2008	407-120-0300	7-1-2008	Amend(T)	8-1-2008
407-045-0850(T)	5-30-2008	Repeal	7-1-2008	407-120-0310	1-1-2008	Adopt	2-1-2008
407-045-0860	12-3-2007	Adopt(T)	1-1-2008	407-120-0310	7-1-2008	Amend(T)	8-1-2008
407-045-0860	5-30-2008	Adopt	7-1-2008	407-120-0320	1-1-2008	Adopt	2-1-2008
407-045-0860(T)	5-30-2008	Repeal	7-1-2008	407-120-0320	7-1-2008	Amend(T)	8-1-2008
407-045-0870	12-3-2007	Adopt(T)	1-1-2008	407-120-0325	7-1-2008	Adopt(T)	8-1-2008
407-045-0870	5-30-2008	Adopt	7-1-2008	407-120-0330	1-1-2008	Adopt	2-1-2008
407-045-0870(T)	5-30-2008	Repeal	7-1-2008	407-120-0330	7-1-2008	Amend(T)	8-1-2008
407-045-0880	12-3-2007	Adopt(T)	1-1-2008	407-120-0340	1-1-2008	Adopt	2-1-2008
407-045-0880	5-30-2008	Adopt	7-1-2008	407-120-0340	7-1-2008	Amend(T)	8-1-2008
407-045-0880(T)	5-30-2008	Repeal	7-1-2008	407-120-0350	1-1-2008	Adopt	2-1-2008
407-045-0890	12-3-2007	Adopt(T)	1-1-2008	407-120-0350	7-1-2008	Amend(T)	8-1-2008
407-045-0890	5-30-2008	Adopt	7-1-2008	407-120-0360	1-1-2008	Adopt	2-1-2008
407-045-0890(T)	5-30-2008	Repeal	7-1-2008	407-120-0360	7-1-2008	Amend(T)	8-1-2008
407-045-0900	12-3-2007	Adopt(T)	1-1-2008	407-120-0370	1-1-2008	Adopt	2-1-2008
407-045-0900	5-30-2008	Adopt	7-1-2008	407-120-0370	7-1-2008	Amend(T)	8-1-2008

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407-120-0380	7-1-2008	Amend(T)	8-1-2008	410-050-0230	1-25-2008	Amend	3-1-2008
409-023-0000	7-1-2008	Adopt	8-1-2008	410-050-0240	1-25-2008	Amend	3-1-2008
409-023-0005	7-1-2008	Adopt	8-1-2008	410-050-0250	1-25-2008	Amend	3-1-2008
409-023-0010	7-1-2008	Adopt	8-1-2008	410-050-0401	1-25-2008	Amend	3-1-2008
409-023-0015	7-1-2008	Adopt	8-1-2008	410-050-0411	1-25-2008	Amend	3-1-2008
409-023-0020	7-1-2008	Adopt	8-1-2008	410-050-0421	1-25-2008	Amend	3-1-2008
409-023-0025	7-1-2008	Adopt	8-1-2008	410-050-0431	1-25-2008	Amend	3-1-2008
409-023-0030	7-1-2008	Adopt	8-1-2008	410-050-0441	1-25-2008	Repeal	3-1-2008
409-023-0035	7-1-2008	Adopt	8-1-2008	410-050-0451	1-25-2008	Amend	3-1-2008
409-023-0100	7-1-2008	Adopt	8-1-2008	410-050-0461	1-25-2008	Amend	3-1-2008
409-023-0105	7-1-2008	Adopt	8-1-2008	410-050-0471	1-25-2008	Amend	3-1-2008
410-001-0100	1-1-2008	Amend(T)	2-1-2008	410-050-0481	1-25-2008	Amend	3-1-2008
410-001-0100	2-1-2008	Am. & Ren.	3-1-2008	410-050-0491	1-25-2008	Amend	3-1-2008
410-001-0100(T)	2-1-2008	Repeal	3-1-2008	410-050-0491	9-1-2008	Amend	10-1-2008
410-001-0110	1-1-2008	Amend(T)	2-1-2008	410-050-0501	1-25-2008	Amend	3-1-2008
410-001-0110	2-1-2008	Am. & Ren.	3-1-2008	410-050-0511	1-25-2008	Amend	3-1-2008
410-001-0110(T)	2-1-2008	Repeal	3-1-2008	410-050-0511	9-1-2008	Amend	10-1-2008
410-001-0120	1-1-2008	Amend(T)	2-1-2008	410-050-0521	1-25-2008	Amend	3-1-2008
410-001-0120	2-1-2008	Am. & Ren.	3-1-2008	410-050-0531	1-25-2008	Amend	3-1-2008
410-001-0120(T)	2-1-2008	Repeal	3-1-2008	410-050-0541	1-25-2008	Amend	3-1-2008
410-001-0130	1-1-2008	Amend(T)	2-1-2008	410-050-0551	1-25-2008	Amend	3-1-2008
410-001-0130	2-1-2008	Am. & Ren.	3-1-2008	410-050-0561	1-25-2008	Amend	3-1-2008
410-001-0130(T)	2-1-2008	Repeal	3-1-2008	410-050-0571	1-25-2008	Repeal	3-1-2008
410-001-0140	1-1-2008	Amend(T)	2-1-2008	410-050-0581	1-25-2008	Repeal	3-1-2008
410-001-0140	2-1-2008	Am. & Ren.	3-1-2008	410-050-0591	1-25-2008	Amend	3-1-2008
410-001-0140(T)	2-1-2008	Repeal	3-1-2008	410-050-0601	1-25-2008	Adopt	3-1-2008
410-001-0150	1-1-2008	Amend(T)	2-1-2008	410-050-0700	1-25-2008	Amend	3-1-2008
410-001-0150	2-1-2008	Am. & Ren.	3-1-2008	410-050-0710	1-25-2008	Amend	3-1-2008
410-001-0150(T)	2-1-2008	Repeal	3-1-2008	410-050-0720	1-25-2008	Amend	3-1-2008
410-001-0160	1-1-2008	Amend(T)	2-1-2008	410-050-0730	1-25-2008	Amend	3-1-2008
410-001-0160	2-1-2008	Am. & Ren.	3-1-2008	410-050-0740	1-25-2008	Amend	3-1-2008
410-001-0160(T)	2-1-2008	Repeal	3-1-2008	410-050-0750	1-25-2008	Amend	3-1-2008
410-001-0170	1-1-2008	Amend(T)	2-1-2008	410-050-0750	6-12-2008	Amend(T)	7-1-2008
410-001-0170	2-1-2008	Am. & Ren.	3-1-2008	410-050-0750	9-1-2008	Amend	10-1-2008
410-001-0170(T)	2-1-2008	Repeal	3-1-2008	410-050-0750(T)	9-1-2008	Repeal	10-1-2008
410-001-0180	1-1-2008	Amend(T)	2-1-2008	410-050-0760	1-25-2008	Amend	3-1-2008
410-001-0180	2-1-2008	Am. & Ren.	3-1-2008	410-050-0770	1-25-2008	Amend	3-1-2008
410-001-0180(T)	2-1-2008	Repeal	3-1-2008	410-050-0780	1-25-2008	Amend	3-1-2008
410-001-0190	1-1-2008	Amend(T)	2-1-2008	410-050-0790	1-25-2008	Amend	3-1-2008
410-001-0190	2-1-2008	Am. & Ren.	3-1-2008	410-050-0800	1-25-2008	Amend	3-1-2008
410-001-0190(T)	2-1-2008	Repeal	3-1-2008	410-050-0810	1-25-2008	Amend	3-1-2008
410-001-0200	1-1-2008	Amend(T)	2-1-2008	410-050-0810	9-1-2008	Amend	10-1-2008
410-001-0200	2-1-2008	Am. & Ren.	3-1-2008	410-050-0820	1-25-2008	Amend	3-1-2008
410-001-0200(T)	2-1-2008	Repeal	3-1-2008	410-050-0830	1-25-2008	Amend	3-1-2008
410-050-0100	1-25-2008	Amend	3-1-2008	410-050-0840	1-25-2008	Amend	3-1-2008
410-050-0110	1-25-2008	Amend	3-1-2008	410-050-0850	1-25-2008	Amend	3-1-2008
410-050-0120	1-25-2008	Amend	3-1-2008	410-050-0860	1-25-2008	Amend	3-1-2008
410-050-0130	1-25-2008	Amend	3-1-2008	410-050-0861	1-1-2008	Amend	2-1-2008
410-050-0140	1-25-2008	Amend	3-1-2008	410-050-0861	1-25-2008	Amend	3-1-2008
410-050-0150	1-25-2008	Amend	3-1-2008	410-050-0870	1-25-2008	Amend	3-1-2008
410-050-0160	1-25-2008	Amend	3-1-2008	410-120-0000	1-1-2008	Amend	1-1-2008
410-050-0170	1-25-2008	Amend	3-1-2008	410-120-0010	12-5-2007	Adopt(T)	1-1-2008
410-050-0180	1-25-2008	Amend	3-1-2008	410-120-0025	3-14-2008	Amend(T)	4-1-2008
410-050-0190	1-25-2008	Amend	3-1-2008	410-120-0025	5-1-2008	Amend	6-1-2008
410-050-0190	9-1-2008	Amend	10-1-2008	410-120-0025(T)	5-1-2008	Repeal	6-1-2008
410-050-0200	1-25-2008	Amend	3-1-2008	410-120-0030	4-1-2008	Adopt(T)	5-1-2008
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410-120-0035	7-1-2008	Adopt(T)	7-1-2008	410-123-1000	7-1-2008	Amend	7-1-2008
410-120-0035	9-15-2008	Adopt	10-1-2008	410-123-1040	1-1-2008	Repeal	1-1-2008
410-120-0035(T)	9-15-2008	Repeal	10-1-2008	410-123-1060	1-1-2008	Amend	1-1-2008
410-120-1200	1-1-2008	Amend	1-1-2008	410-123-1100	1-1-2008	Amend	1-1-2008
410-120-1200	7-1-2008	Amend	7-1-2008	410-123-1160	1-1-2008	Amend	1-1-2008
410-120-1230	3-1-2008	Amend	4-1-2008	410-123-1200	1-1-2008	Amend	1-1-2008
410-120-1295	1-1-2008	Amend	1-1-2008	410-123-1220	1-1-2008	Amend	1-1-2008
410-120-1320	1-1-2008	Amend	1-1-2008	410-123-1240	1-1-2008	Amend	1-1-2008
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410-120-1397	1-1-2008	Amend	1-1-2008	410-123-1260	7-1-2008	Amend	7-1-2008
410-120-1560	1-1-2008	Amend	1-1-2008	410-123-1490	1-1-2008	Amend	1-1-2008
410-120-1570	1-1-2008	Amend	1-1-2008	410-123-1540	7-1-2008	Amend	7-1-2008
410-121-0021	7-1-2008	Amend	7-1-2008	410-123-1620	1-1-2008	Amend	1-1-2008
410-121-0030	7-1-2008	Amend	7-1-2008	410-123-1670	1-1-2008	Amend	1-1-2008
410-121-0032	7-1-2008	Amend	7-1-2008	410-123-1670	7-1-2008	Amend	7-1-2008
410-121-0040	1-1-2008	Amend	1-1-2008	410-125-0000	7-1-2008	Amend	7-1-2008
410-121-0040	4-1-2008	Amend	5-1-2008	410-125-0047	7-1-2008	Amend	7-1-2008
410-121-0040	7-1-2008	Amend	7-1-2008	410-125-0080	12-20-2007	Amend(T)	2-1-2008
410-121-0135	1-1-2008	Amend	1-1-2008	410-125-0080	5-1-2008	Amend	6-1-2008
410-121-0140	1-1-2008	Amend	1-1-2008	410-125-0080	7-1-2008	Amend	7-1-2008
410-121-0145	4-1-2008	Amend	5-1-2008	410-125-0141	7-1-2008	Amend	7-1-2008
410-121-0146	1-1-2008	Amend	1-1-2008	410-125-0220	7-1-2008	Amend	7-1-2008
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410-121-0148	1-1-2008	Amend	1-1-2008	410-125-0400	7-1-2008	Amend	7-1-2008
410-121-0150	1-1-2008	Amend	1-1-2008	410-125-0600	7-1-2008	Amend	7-1-2008
410-121-0151	11-14-2008	Adopt(T)	11-1-2008	410-125-0720	7-1-2008	Amend	7-1-2008
410-121-0155	1-1-2008	Amend	1-1-2008	410-127-0060	1-1-2008	Amend	1-1-2008
410-121-0157	7-1-2008	Amend	7-1-2008	410-129-0070	1-1-2008	Amend	1-1-2008
410-121-0160	1-1-2008	Amend	1-1-2008	410-129-0200	1-1-2008	Amend	1-1-2008
410-121-0300	1-1-2008	Amend	1-1-2008	410-130-0000	7-1-2008	Amend	7-1-2008
410-122-0020	7-1-2008	Amend	7-1-2008	410-130-0180	7-1-2008	Amend	7-1-2008
410-122-0080	7-1-2008	Amend	7-1-2008	410-130-0190	7-1-2008	Amend	7-1-2008
410-122-0184	7-1-2008	Amend	7-1-2008	410-130-0200	12-20-2007	Amend(T)	2-1-2008
410-122-0186	7-1-2008	Amend	7-1-2008	410-130-0200	5-1-2008	Amend	6-1-2008
410-122-0202	1-1-2008	Amend	1-1-2008	410-130-0200	7-1-2008	Amend	7-1-2008
410-122-0202	7-1-2008	Amend	7-1-2008	410-130-0220	7-1-2008	Amend	7-1-2008
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410-122-0250	7-1-2008	Amend	7-1-2008	410-130-0580	12-20-2007	Amend(T)	2-1-2008
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410-122-0320	1-1-2008	Amend	1-1-2008	410-130-0610	4-1-2008	Amend(T)	5-1-2008
410-122-0320	7-1-2008	Amend	7-1-2008	410-130-0610	7-1-2008	Amend	7-1-2008
410-122-0325	1-1-2008	Amend	1-1-2008	410-130-0680	7-1-2008	Amend	7-1-2008
410-122-0325	7-1-2008	Amend	7-1-2008	410-133-0090	7-1-2008	Amend(T)	8-1-2008
410-122-0330	1-1-2008	Amend	1-1-2008	410-133-0090	10-2-2008	Amend(T)	11-1-2008
410-122-0365	7-1-2008	Amend	7-1-2008	410-133-0090(T)	10-2-2008	Suspend	11-1-2008
410-122-0380	1-1-2008	Amend	1-1-2008	410-133-0100	7-1-2008	Amend(T)	8-1-2008
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410-122-0475	7-1-2008	Amend	7-1-2008	410-133-0220	10-2-2008	Amend(T)	11-1-2008
410-122-0500	7-1-2008	Amend	7-1-2008	410-133-0220(T)	10-2-2008	Suspend	11-1-2008
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410-122-0540	7-1-2008	Amend	7-1-2008	410-138-0005	10-2-2008	Adopt(T)	11-1-2008
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410-122-0662	1-1-2008	Adopt	1-1-2008	410-138-0020	10-2-2008	Amend(T)	11-1-2008
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410-138-0380	7-1-2008	Amend(T)	8-1-2008	410-146-0200	1-1-2008	Amend	1-1-2008
410-138-0380	10-2-2008	Amend(T)	11-1-2008	410-146-0200	7-1-2008	Amend	7-1-2008
410-138-0380(T)	10-2-2008	Suspend	11-1-2008	410-146-0220	1-1-2008	Amend	1-1-2008
410-138-0500	10-2-2008	Amend(T)	11-1-2008	410-146-0240	1-1-2008	Amend	1-1-2008
410-138-0520	10-2-2008	Amend(T)	11-1-2008	410-146-0340	1-1-2008	Amend	1-1-2008
410-138-0560	7-1-2008	Amend(T)	8-1-2008	410-146-0380	1-1-2008	Amend	1-1-2008
410-138-0560	10-2-2008	Amend(T)	11-1-2008	410-146-0380	7-1-2008	Amend	7-1-2008
410-138-0560(T)	10-2-2008	Suspend	11-1-2008	410-146-0400	1-1-2008	Repeal	1-1-2008
410-138-0600	10-2-2008	Amend(T)	11-1-2008	410-146-0420	1-1-2008	Repeal	1-1-2008
410-138-0620	10-2-2008	Amend(T)	11-1-2008	410-146-0440	1-1-2008	Amend	1-1-2008
410-138-0680	7-1-2008	Amend(T)	8-1-2008	410-146-0440	7-1-2008	Amend	7-1-2008
410-138-0680	10-2-2008	Amend(T)	11-1-2008	410-146-0460	1-1-2008	Amend	1-1-2008
410-138-0680(T)	10-2-2008	Suspend	11-1-2008	410-147-0040	7-1-2008	Amend	7-1-2008
410-138-0700	10-2-2008	Amend(T)	11-1-2008	410-147-0080	7-1-2008	Amend	7-1-2008
410-138-0720	10-2-2008	Amend(T)	11-1-2008	410-147-0125	7-1-2008	Amend	7-1-2008
410-138-0740	7-1-2008	Amend(T)	8-1-2008	410-147-0280	7-1-2008	Amend	7-1-2008
410-138-0740	10-2-2008	Amend(T)	11-1-2008	410-147-0320	7-1-2008	Amend	7-1-2008
410-138-0740(T)	10-2-2008	Suspend	11-1-2008	410-147-0340	7-1-2008	Amend	7-1-2008
410-138-0780	7-1-2008	Amend(T)	8-1-2008	410-147-0360	7-1-2008	Amend	7-1-2008
410-138-0780	10-2-2008	Amend(T)	11-1-2008	410-147-0365	1-1-2008	Amend	1-1-2008
410-138-0780(T)	10-2-2008	Suspend	11-1-2008	410-147-0460	7-1-2008	Amend	7-1-2008
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410-140-0050	7-1-2008	Amend	7-1-2008	410-148-0140	7-1-2008	Amend	7-1-2008
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410-140-0400	7-1-2008	Amend	7-1-2008	411-027-0050	6-1-2008	Amend	7-1-2008
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410-141-0264	7-1-2008	Amend	7-1-2008	411-030-0020(T)	9-24-2008	Repeal	11-1-2008
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410-141-0520	3-27-2008	Amend	5-1-2008	411-030-0050	4-1-2008	Amend(T)	5-1-2008
410-141-0520	4-1-2008	Amend(T)	5-1-2008	411-030-0050	9-24-2008	Amend	11-1-2008
410-141-0520	7-1-2008	Amend	7-1-2008	411-030-0050(T)	9-24-2008	Repeal	11-1-2008
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410-146-0040	1-1-2008	Amend	1-1-2008	411-031-0040(T)	4-29-2008	Repeal	6-1-2008
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410-146-0075	1-1-2008	Amend	1-1-2008	411-036-0000	9-24-2008	Repeal	11-1-2008
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410-146-0120	1-1-2008	Amend	1-1-2008	411-036-0030	4-1-2008	Suspend	5-1-2008
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410-146-0140	1-1-2008	Amend	1-1-2008	411-036-0040	4-1-2008	Suspend	5-1-2008

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-036-0040	9-24-2008	Repeal	11-1-2008	411-070-0465(T)	3-1-2008	Repeal	4-1-2008
411-036-0045	4-1-2008	Suspend	5-1-2008	411-085-0005	3-1-2008	Amend(T)	3-1-2008
411-036-0045	9-24-2008	Repeal	11-1-2008	411-085-0005	8-28-2008	Amend	10-1-2008
411-036-0050	4-1-2008	Suspend	5-1-2008	411-085-0005(T)	8-28-2008	Repeal	10-1-2008
411-036-0050	9-24-2008	Repeal	11-1-2008	411-085-0200	3-6-2008	Amend	4-1-2008
411-036-0060	4-1-2008	Suspend	5-1-2008	411-085-0310	3-6-2008	Amend	4-1-2008
411-036-0060	9-24-2008	Repeal	11-1-2008	411-086-0100	3-1-2008	Amend(T)	3-1-2008
411-036-0070	4-1-2008	Suspend	5-1-2008	411-086-0100	8-28-2008	Amend	10-1-2008
411-036-0070	9-24-2008	Repeal	11-1-2008	411-086-0100(T)	8-28-2008	Repeal	10-1-2008
411-036-0080	4-1-2008	Suspend	5-1-2008	411-086-0200	3-6-2008	Amend	4-1-2008
411-036-0080	9-24-2008	Repeal	11-1-2008	411-088-0070	3-6-2008	Amend	4-1-2008
411-036-0090	4-1-2008	Suspend	5-1-2008	411-325-0185	9-11-2008	Adopt	10-1-2008
411-036-0090	9-24-2008	Repeal	11-1-2008	411-325-0230	9-11-2008	Amend	10-1-2008
411-036-0100	4-1-2008	Suspend	5-1-2008	411-325-0270	9-11-2008	Amend	10-1-2008
411-036-0100	9-24-2008	Repeal	11-1-2008	411-325-0280	9-11-2008	Amend	10-1-2008
411-036-0110	4-1-2008	Suspend	5-1-2008	411-330-0020	12-28-2007	Amend	2-1-2008
411-036-0110	9-24-2008	Repeal	11-1-2008	411-330-0020(T)	12-28-2007	Repeal	2-1-2008
411-036-0120	4-1-2008	Suspend	5-1-2008	411-330-0030	12-28-2007	Amend	2-1-2008
411-036-0120	9-24-2008	Repeal	11-1-2008	411-330-0030(T)	12-28-2007	Repeal	2-1-2008
411-036-0130	4-1-2008	Suspend	5-1-2008	411-340-0010	6-29-2008	Amend	8-1-2008
411-036-0130	9-24-2008	Repeal	11-1-2008	411-340-0020	1-1-2008	Amend(T)	2-1-2008
411-036-0140	4-1-2008	Suspend	5-1-2008	411-340-0020	6-29-2008	Amend	8-1-2008
411-036-0140	9-24-2008	Repeal	11-1-2008	411-340-0020(T)	6-29-2008	Repeal	8-1-2008
411-048-0000	7-1-2008	Amend(T)	8-1-2008	411-340-0030	6-29-2008	Amend	8-1-2008
411-048-0010	7-1-2008	Amend(T)	8-1-2008	411-340-0040	6-29-2008	Amend	8-1-2008
411-048-0020	7-1-2008	Amend(T)	8-1-2008	411-340-0050	6-29-2008	Amend	8-1-2008
411-048-0030	7-1-2008	Amend(T)	8-1-2008	411-340-0060	1-1-2008	Amend(T)	2-1-2008
411-048-0040	7-1-2008	Amend(T)	8-1-2008	411-340-0060	6-29-2008	Amend	8-1-2008
411-048-0050	7-1-2008	Amend(T)	8-1-2008	411-340-0060(T)	6-29-2008	Repeal	8-1-2008
411-048-0060	7-1-2008	Amend(T)	8-1-2008	411-340-0070	1-1-2008	Amend(T)	2-1-2008
411-048-0070	7-1-2008	Amend(T)	8-1-2008	411-340-0070	6-29-2008	Amend	8-1-2008
411-048-0080	7-1-2008	Amend(T)	8-1-2008	411-340-0070(T)	6-29-2008	Repeal	8-1-2008
411-048-0100	7-1-2008	Amend(T)	8-1-2008	411-340-0080	6-29-2008	Amend	8-1-2008
411-048-0120	7-1-2008	Amend(T)	8-1-2008	411-340-0090	6-29-2008	Amend	8-1-2008
411-048-0130	7-1-2008	Amend(T)	8-1-2008	411-340-0100	6-29-2008	Amend	8-1-2008
411-054-0125	9-18-2008	Adopt(T)	11-1-2008	411-340-0110	6-29-2008	Amend	8-1-2008
411-070-0005	3-1-2008	Amend	4-1-2008	411-340-0120	6-29-2008	Amend	8-1-2008
411-070-0005(T)	3-1-2008	Repeal	4-1-2008	411-340-0130	1-1-2008	Amend(T)	2-1-2008
411-070-0027	3-1-2008	Amend	4-1-2008	411-340-0130	6-29-2008	Amend	8-1-2008
411-070-0027(T)	3-1-2008	Repeal	4-1-2008	411-340-0130(T)	6-29-2008	Repeal	8-1-2008
411-070-0035	3-1-2008	Amend	4-1-2008	411-340-0140	6-29-2008	Amend	8-1-2008
411-070-0035(T)	3-1-2008	Repeal	4-1-2008	411-340-0150	1-1-2008	Amend(T)	2-1-2008
411-070-0045	3-1-2008	Amend	4-1-2008	411-340-0150	6-29-2008	Amend	8-1-2008
411-070-0085	3-1-2008	Amend	4-1-2008	411-340-0150(T)	6-29-2008	Repeal	8-1-2008
411-070-0085(T)	3-1-2008	Repeal	4-1-2008	411-340-0160	6-29-2008	Amend	8-1-2008
411-070-0091	3-1-2008	Amend	4-1-2008	411-340-0170	1-1-2008	Amend(T)	2-1-2008
411-070-0091(T)	3-1-2008	Repeal	4-1-2008	411-340-0170	6-29-2008	Amend	8-1-2008
411-070-0095	3-1-2008	Amend	4-1-2008	411-340-0170(T)	6-29-2008	Repeal	8-1-2008
411-070-0095(T)	3-1-2008	Repeal	4-1-2008	411-340-0180	6-29-2008	Amend	8-1-2008
411-070-0359	3-1-2008	Amend	4-1-2008	411-355-0000	4-15-2008	Adopt(T)	5-1-2008
411-070-0359(T)	3-1-2008	Repeal	4-1-2008	411-355-0000	10-9-2008	Adopt	11-1-2008
411-070-0428	3-1-2008	Repeal	4-1-2008	411-355-0000(T)	10-9-2008	Repeal	11-1-2008
411-070-0442	3-1-2008	Amend	4-1-2008	411-355-0010	4-15-2008	Adopt(T)	5-1-2008
411-070-0442(T)	3-1-2008	Repeal	4-1-2008	411-355-0010	10-9-2008	Adopt	11-1-2008
411-070-0452	3-1-2008	Amend	4-1-2008	411-355-0010(T)	10-9-2008	Repeal	11-1-2008
411-070-0452(T)	3-1-2008	Repeal	4-1-2008	411-355-0020	4-15-2008	Adopt(T)	5-1-2008
411-070-0462	3-1-2008	Repeal	4-1-2008	411-355-0020	10-9-2008	Adopt	11-1-2008
411-070-0465	3-1-2008	Amend	4-1-2008	411-355-0020(T)	10-9-2008	Repeal	11-1-2008

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-355-0030	4-15-2008	Adopt(T)	5-1-2008	413-015-0211	6-28-2008	Amend	8-1-2008
411-355-0030	10-9-2008	Adopt	11-1-2008	413-015-0212	1-1-2008	Amend(T)	2-1-2008
411-355-0030(T)	10-9-2008	Repeal	11-1-2008	413-015-0212	6-28-2008	Amend	8-1-2008
411-355-0040	4-15-2008	Adopt(T)	5-1-2008	413-015-0215	1-1-2008	Amend(T)	2-1-2008
411-355-0040	10-9-2008	Adopt	11-1-2008	413-015-0215	6-28-2008	Amend	8-1-2008
411-355-0040(T)	10-9-2008	Repeal	11-1-2008	413-015-0220	1-1-2008	Amend(T)	2-1-2008
411-355-0050	4-15-2008	Adopt(T)	5-1-2008	413-015-0220	6-28-2008	Amend	8-1-2008
411-355-0050	10-9-2008	Adopt	11-1-2008	413-015-0405	1-1-2008	Amend(T)	2-1-2008
411-355-0050(T)	10-9-2008	Repeal	11-1-2008	413-015-0405	6-28-2008	Amend	8-1-2008
411-355-0060	4-15-2008	Adopt(T)	5-1-2008	413-015-0409	6-28-2008	Amend(T)	8-1-2008
411-355-0060	10-9-2008	Adopt	11-1-2008	413-015-0409	9-2-2008	Amend	10-1-2008
411-355-0060(T)	10-9-2008	Repeal	11-1-2008	413-015-0409(T)	9-2-2008	Repeal	10-1-2008
411-355-0070	4-15-2008	Adopt(T)	5-1-2008	413-015-0415	1-1-2008	Amend(T)	2-1-2008
411-355-0070	10-9-2008	Adopt	11-1-2008	413-015-0415	4-1-2008	Amend	5-1-2008
411-355-0070(T)	10-9-2008	Repeal	11-1-2008	413-015-0415	6-28-2008	Amend(T)	8-1-2008
411-355-0080	4-15-2008	Adopt(T)	5-1-2008	413-015-0415	9-2-2008	Amend	10-1-2008
411-355-0080	10-9-2008	Adopt	11-1-2008	413-015-0415(T)	1-1-2008	Suspend	2-1-2008
411-355-0080(T)	10-9-2008	Repeal	11-1-2008	413-015-0415(T)	9-2-2008	Repeal	10-1-2008
411-355-0090	4-15-2008	Adopt(T)	5-1-2008	413-015-0420	4-1-2008	Amend	5-1-2008
411-355-0090	10-9-2008	Adopt	11-1-2008	413-015-0520	1-1-2008	Adopt(T)	2-1-2008
411-355-0090(T)	10-9-2008	Repeal	11-1-2008	413-015-0520	6-28-2008	Adopt	8-1-2008
411-355-0100	4-15-2008	Adopt(T)	5-1-2008	413-015-0525	1-1-2008	Adopt(T)	2-1-2008
411-355-0100	10-9-2008	Adopt	11-1-2008	413-015-0525	6-28-2008	Adopt	8-1-2008
411-355-0100(T)	10-9-2008	Repeal	11-1-2008	413-015-0530	1-1-2008	Adopt(T)	2-1-2008
411-355-0110	4-15-2008	Adopt(T)	5-1-2008	413-015-0530	6-28-2008	Adopt	8-1-2008
411-355-0110	10-9-2008	Adopt	11-1-2008	413-015-0535	1-1-2008	Adopt(T)	2-1-2008
411-355-0110(T)	10-9-2008	Repeal	11-1-2008	413-015-0535	6-28-2008	Adopt	8-1-2008
411-355-0120	4-15-2008	Adopt(T)	5-1-2008	413-015-0540	1-1-2008	Adopt(T)	2-1-2008
411-355-0120	10-9-2008	Adopt	11-1-2008	413-015-0540	6-28-2008	Adopt	8-1-2008
411-355-0120(T)	10-9-2008	Repeal	11-1-2008	413-015-0545	1-1-2008	Adopt(T)	2-1-2008
413-010-0400	12-1-2007	Amend	1-1-2008	413-015-0545	6-28-2008	Adopt	8-1-2008
413-010-0410	12-1-2007	Amend	1-1-2008	413-015-0550	1-1-2008	Adopt(T)	2-1-2008
413-010-0420	12-1-2007	Amend	1-1-2008	413-015-0550	6-28-2008	Adopt	8-1-2008
413-010-0430	12-1-2007	Amend	1-1-2008	413-015-0555	1-1-2008	Adopt(T)	2-1-2008
413-010-0440	12-1-2007	Amend	1-1-2008	413-015-0555	6-28-2008	Adopt	8-1-2008
413-010-0450	12-1-2007	Repeal	1-1-2008	413-015-0560	1-1-2008	Adopt(T)	2-1-2008
413-010-0460	12-1-2007	Repeal	1-1-2008	413-015-0560	6-28-2008	Adopt	8-1-2008
413-010-0470	12-1-2007	Repeal	1-1-2008	413-015-0565	1-1-2008	Adopt(T)	2-1-2008
413-010-0480	12-1-2007	Amend	1-1-2008	413-015-0565	6-28-2008	Adopt	8-1-2008
413-010-0490	12-1-2007	Repeal	1-1-2008	413-015-1000	1-1-2008	Amend(T)	2-1-2008
413-015-0100	12-3-2007	Amend(T)	1-1-2008	413-015-1000	6-28-2008	Amend	8-1-2008
413-015-0100	4-1-2008	Amend	5-1-2008	413-015-1110	10-3-2008	Amend	11-1-2008
413-015-0110	4-1-2008	Amend	5-1-2008	413-015-1120	10-3-2008	Amend	11-1-2008
413-015-0115	12-3-2007	Amend(T)	1-1-2008	413-040-0005	8-1-2008	Amend	9-1-2008
413-015-0115	1-1-2008	Amend(T)	2-1-2008	413-040-0006	8-1-2008	Amend	9-1-2008
413-015-0115	4-1-2008	Amend	5-1-2008	413-040-0009	8-1-2008	Amend	9-1-2008
413-015-0115(T)	12-3-2007	Suspend	1-1-2008	413-040-0010	8-1-2008	Amend	9-1-2008
413-015-0115(T)	1-1-2008	Suspend	2-1-2008	413-040-0017	8-1-2008	Amend	9-1-2008
413-015-0205	12-3-2007	Amend(T)	1-1-2008	413-040-0024	8-1-2008	Amend	9-1-2008
413-015-0205	1-1-2008	Amend(T)	2-1-2008	413-050-0200	4-1-2008	Amend	5-1-2008
413-015-0205	4-1-2008	Amend	5-1-2008	413-050-0200(T)	4-1-2008	Repeal	5-1-2008
413-015-0205	6-28-2008	Amend(T)	8-1-2008	413-050-0210	4-1-2008	Amend	5-1-2008
413-015-0205	9-2-2008	Amend	10-1-2008	413-050-0210(T)	4-1-2008	Repeal	5-1-2008
413-015-0205(T)	1-1-2008	Suspend	2-1-2008	413-050-0220	4-1-2008	Amend	5-1-2008
413-015-0205(T)	9-2-2008	Repeal	10-1-2008	413-050-0220(T)	4-1-2008	Repeal	5-1-2008
413-015-0210	1-1-2008	Amend(T)	2-1-2008	413-050-0230	4-1-2008	Amend	5-1-2008
413-015-0210	6-28-2008	Amend	8-1-2008	413-050-0230(T)	4-1-2008	Repeal	5-1-2008
413-015-0211	1-1-2008	Amend(T)	2-1-2008	413-050-0235	4-1-2008	Adopt	5-1-2008

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413-050-0235(T)	4-1-2008	Repeal	5-1-2008	413-120-0200	11-3-2008	Amend	12-1-2008
413-050-0240	4-1-2008	Repeal	5-1-2008	413-120-0210	11-3-2008	Amend	12-1-2008
413-050-0250	4-1-2008	Repeal	5-1-2008	413-120-0220	11-3-2008	Amend	12-1-2008
413-050-0260	4-1-2008	Repeal	5-1-2008	413-120-0230	11-3-2008	Amend	12-1-2008
413-050-0270	4-1-2008	Repeal	5-1-2008	413-120-0240	11-3-2008	Amend	12-1-2008
413-050-0280	4-1-2008	Amend	5-1-2008	413-120-0400	1-1-2008	Amend(T)	2-1-2008
413-050-0280(T)	4-1-2008	Repeal	5-1-2008	413-120-0400	5-15-2008	Amend	6-1-2008
413-050-0290	4-1-2008	Repeal	5-1-2008	413-120-0400	10-1-2008	Amend(T)	11-1-2008
413-050-0300	4-1-2008	Repeal	5-1-2008	413-120-0400(T)	5-15-2008	Repeal	6-1-2008
413-070-0600	1-1-2008	Amend(T)	2-1-2008	413-120-0410	1-1-2008	Amend(T)	2-1-2008
413-070-0600	6-28-2008	Amend	8-1-2008	413-120-0410	5-15-2008	Amend	6-1-2008
413-070-0620	1-1-2008	Amend(T)	2-1-2008	413-120-0410	10-1-2008	Amend(T)	11-1-2008
413-070-0620	6-28-2008	Amend	8-1-2008	413-120-0410(T)	5-15-2008	Repeal	6-1-2008
413-070-0625	1-1-2008	Amend(T)	2-1-2008	413-120-0420	1-1-2008	Amend(T)	2-1-2008
413-070-0625	6-28-2008	Amend	8-1-2008	413-120-0420	5-15-2008	Amend	6-1-2008
413-070-0640	1-1-2008	Amend(T)	2-1-2008	413-120-0420	10-1-2008	Amend(T)	11-1-2008
413-070-0640	6-28-2008	Amend	8-1-2008	413-120-0420(T)	5-15-2008	Repeal	6-1-2008
413-070-0800	6-28-2008	Amend	8-1-2008	413-120-0430	1-1-2008	Suspend	2-1-2008
413-070-0810	1-1-2008	Amend(T)	2-1-2008	413-120-0430	5-15-2008	Repeal	6-1-2008
413-070-0810	6-28-2008	Amend	8-1-2008	413-120-0440	1-1-2008	Amend(T)	2-1-2008
413-070-0830	6-28-2008	Amend	8-1-2008	413-120-0440	5-15-2008	Amend	6-1-2008
413-070-0855	6-28-2008	Amend	8-1-2008	413-120-0440	10-1-2008	Amend(T)	11-1-2008
413-070-0860	1-1-2008	Amend(T)	2-1-2008	413-120-0440(T)	5-15-2008	Repeal	6-1-2008
413-070-0860	6-28-2008	Amend	8-1-2008	413-120-0450	1-1-2008	Amend(T)	2-1-2008
413-070-0870	6-28-2008	Amend	8-1-2008	413-120-0450	5-15-2008	Amend	6-1-2008
413-070-0880	1-1-2008	Amend(T)	2-1-2008	413-120-0450	10-1-2008	Amend(T)	11-1-2008
413-070-0880	6-28-2008	Amend	8-1-2008	413-120-0450(T)	5-15-2008	Repeal	6-1-2008
413-080-0067	8-1-2008	Amend	9-1-2008	413-120-0455	1-1-2008	Amend(T)	2-1-2008
413-090-0010	1-1-2008	Amend(T)	2-1-2008	413-120-0455	5-15-2008	Amend	6-1-2008
413-090-0010	6-28-2008	Amend	8-1-2008	413-120-0455	10-1-2008	Amend(T)	11-1-2008
413-100-0020	6-28-2008	Amend(T)	8-1-2008	413-120-0455(T)	5-15-2008	Repeal	6-1-2008
413-100-0020	9-2-2008	Amend	10-1-2008	413-120-0460	1-1-2008	Amend(T)	2-1-2008
413-100-0020(T)	9-2-2008	Repeal	10-1-2008	413-120-0460	5-15-2008	Amend	6-1-2008
413-100-0040	1-1-2008	Suspend	2-1-2008	413-120-0460	10-1-2008	Amend(T)	11-1-2008
413-100-0040	6-28-2008	Repeal	8-1-2008	413-120-0460(T)	5-15-2008	Repeal	6-1-2008
413-100-0900	1-1-2008	Adopt(T)	2-1-2008	413-120-0470	1-1-2008	Amend(T)	2-1-2008
413-100-0900	6-28-2008	Adopt	8-1-2008	413-120-0470	5-15-2008	Amend	6-1-2008
413-100-0905	1-1-2008	Adopt(T)	2-1-2008	413-120-0470	10-1-2008	Amend(T)	11-1-2008
413-100-0905	6-28-2008	Adopt	8-1-2008	413-120-0470(T)	5-15-2008	Repeal	6-1-2008
413-100-0910	1-1-2008	Adopt(T)	2-1-2008	413-130-0000	7-1-2008	Amend	8-1-2008
413-100-0910	6-28-2008	Adopt	8-1-2008	413-130-0005	7-1-2008	Amend	8-1-2008
413-100-0915	1-1-2008	Adopt(T)	2-1-2008	413-130-0005	10-1-2008	Repeal	11-1-2008
413-100-0915	6-28-2008	Adopt	8-1-2008	413-130-0010	7-1-2008	Amend	8-1-2008
413-100-0920	1-1-2008	Adopt(T)	2-1-2008	413-130-0020	7-1-2008	Amend	8-1-2008
413-100-0920	6-28-2008	Adopt	8-1-2008	413-130-0030	7-1-2008	Amend	8-1-2008
413-100-0925	1-1-2008	Adopt(T)	2-1-2008	413-130-0040	7-1-2008	Amend	8-1-2008
413-100-0925	6-28-2008	Adopt	8-1-2008	413-130-0050	7-1-2008	Amend	8-1-2008
413-100-0930	1-1-2008	Adopt(T)	2-1-2008	413-130-0060	7-1-2008	Amend	8-1-2008
413-100-0930	6-28-2008	Adopt	8-1-2008	413-130-0070	7-1-2008	Amend	8-1-2008
413-100-0935	1-1-2008	Adopt(T)	2-1-2008	413-130-0070	10-1-2008	Amend	11-1-2008
413-100-0935	6-28-2008	Adopt	8-1-2008	413-130-0075	7-1-2008	Amend	8-1-2008
413-100-0940	1-1-2008	Adopt(T)	2-1-2008	413-130-0080	7-1-2008	Amend	8-1-2008
413-100-0940	6-28-2008	Adopt	8-1-2008	413-130-0090	7-1-2008	Amend	8-1-2008
413-120-0060	12-12-2007	Amend(T)	1-1-2008	413-130-0100	7-1-2008	Amend	8-1-2008
413-120-0060	6-1-2008	Amend	7-1-2008	413-130-0110	7-1-2008	Amend	8-1-2008
413-120-0060(T)	6-1-2008	Repeal	7-1-2008	413-130-0115	7-1-2008	Amend	8-1-2008
413-120-0190	11-3-2008	Amend	12-1-2008	413-130-0120	7-1-2008	Amend	8-1-2008
413-120-0195	11-3-2008	Amend	12-1-2008	413-130-0125	7-1-2008	Amend	8-1-2008

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413-130-0130	7-1-2008	Amend	8-1-2008	413-210-0430	10-17-2008	Am. & Ren.	12-1-2008
413-200-0210	1-1-2008	Amend(T)	2-1-2008	413-210-0440	10-17-2008	Am. & Ren.	12-1-2008
413-200-0210	6-28-2008	Amend	8-1-2008	413-210-0450	10-17-2008	Am. & Ren.	12-1-2008
413-200-0220	1-1-2008	Amend(T)	2-1-2008	413-210-0460	10-17-2008	Am. & Ren.	12-1-2008
413-200-0220	6-28-2008	Amend	8-1-2008	413-210-0470	10-17-2008	Am. & Ren.	12-1-2008
413-200-0272	10-1-2008	Amend(T)	11-1-2008	413-210-0480	10-17-2008	Am. & Ren.	12-1-2008
413-200-0274	10-1-2008	Amend(T)	11-1-2008	413-210-0500	10-17-2008	Repeal	12-1-2008
413-200-0278	10-1-2008	Amend(T)	11-1-2008	413-210-0510	10-17-2008	Repeal	12-1-2008
413-200-0281	10-1-2008	Amend(T)	11-1-2008	413-210-0520	10-17-2008	Repeal	12-1-2008
413-200-0283	10-1-2008	Amend(T)	11-1-2008	413-210-0530	10-17-2008	Repeal	12-1-2008
413-200-0287	10-1-2008	Amend(T)	11-1-2008	413-210-0540	10-17-2008	Am. & Ren.	12-1-2008
413-200-0292	10-1-2008	Amend(T)	11-1-2008	413-210-0550	10-17-2008	Am. & Ren.	12-1-2008
413-200-0306	10-1-2008	Amend(T)	11-1-2008	413-210-0560	10-17-2008	Am. & Ren.	12-1-2008
413-200-0314	10-1-2008	Amend(T)	11-1-2008	413-210-0570	10-17-2008	Am. & Ren.	12-1-2008
413-200-0371	10-1-2008	Amend(T)	11-1-2008	413-210-0580	10-17-2008	Am. & Ren.	12-1-2008
413-200-0383	10-1-2008	Amend(T)	11-1-2008	413-210-0590	10-17-2008	Repeal	12-1-2008
413-200-0404	1-1-2008	Adopt(T)	2-1-2008	413-210-0600	10-17-2008	Am. & Ren.	12-1-2008
413-200-0404	6-28-2008	Adopt	8-1-2008	413-210-0610	10-17-2008	Am. & Ren.	12-1-2008
413-200-0409	1-1-2008	Adopt(T)	2-1-2008	413-210-0620	10-17-2008	Repeal	12-1-2008
413-200-0409	6-28-2008	Adopt	8-1-2008	413-210-0800	10-17-2008	Am. & Ren.	12-1-2008
413-200-0414	1-1-2008	Adopt(T)	2-1-2008	413-210-0803	10-17-2008	Am. & Ren.	12-1-2008
413-200-0414	6-28-2008	Adopt	8-1-2008	413-210-0806	10-17-2008	Am. & Ren.	12-1-2008
413-200-0419	1-1-2008	Adopt(T)	2-1-2008	413-210-0809	10-17-2008	Am. & Ren.	12-1-2008
413-200-0419	6-28-2008	Adopt	8-1-2008	413-210-0812	10-17-2008	Am. & Ren.	12-1-2008
413-200-0424	1-1-2008	Adopt(T)	2-1-2008	413-210-0815	10-17-2008	Am. & Ren.	12-1-2008
413-200-0424	6-28-2008	Adopt	8-1-2008	413-210-0818	10-17-2008	Am. & Ren.	12-1-2008
413-200-0424	7-17-2008	Amend(T)	9-1-2008	413-210-0821	10-17-2008	Am. & Ren.	12-1-2008
413-200-0424	10-1-2008	Amend	11-1-2008	413-210-0824	10-17-2008	Am. & Ren.	12-1-2008
413-200-0424(T)	10-1-2008	Repeal	11-1-2008	413-210-0827	10-17-2008	Am. & Ren.	12-1-2008
413-210-0000	10-17-2008	Am. & Ren.	12-1-2008	413-210-0830	10-17-2008	Am. & Ren.	12-1-2008
413-210-0010	10-17-2008	Am. & Ren.	12-1-2008	413-210-0833	10-17-2008	Am. & Ren.	12-1-2008
413-210-0020	10-17-2008	Am. & Ren.	12-1-2008	413-210-0836	10-17-2008	Am. & Ren.	12-1-2008
413-210-0030	10-17-2008	Am. & Ren.	12-1-2008	413-210-0839	10-17-2008	Am. & Ren.	12-1-2008
413-210-0040	10-17-2008	Am. & Ren.	12-1-2008	413-210-0841	10-17-2008	Am. & Ren.	12-1-2008
413-210-0050	10-17-2008	Am. & Ren.	12-1-2008	413-210-0843	10-17-2008	Am. & Ren.	12-1-2008
413-210-0060	10-17-2008	Am. & Ren.	12-1-2008	413-210-0846	10-17-2008	Am. & Ren.	12-1-2008
413-210-0070	10-17-2008	Am. & Ren.	12-1-2008	413-210-0849	10-17-2008	Am. & Ren.	12-1-2008
413-210-0080	10-17-2008	Am. & Ren.	12-1-2008	413-210-0852	10-17-2008	Am. & Ren.	12-1-2008
413-210-0090	10-17-2008	Am. & Ren.	12-1-2008	413-210-0855	10-17-2008	Am. & Ren.	12-1-2008
413-210-0100	10-17-2008	Am. & Ren.	12-1-2008	413-210-0858	10-17-2008	Am. & Ren.	12-1-2008
413-210-0110	10-17-2008	Am. & Ren.	12-1-2008	413-210-0860	10-17-2008	Am. & Ren.	12-1-2008
413-210-0120	10-17-2008	Am. & Ren.	12-1-2008	413-210-0862	10-17-2008	Am. & Ren.	12-1-2008
413-210-0130	10-17-2008	Am. & Ren.	12-1-2008	413-210-0864	10-17-2008	Am. & Ren.	12-1-2008
413-210-0140	10-17-2008	Am. & Ren.	12-1-2008	413-210-0866	10-17-2008	Am. & Ren.	12-1-2008
413-210-0150	10-17-2008	Am. & Ren.	12-1-2008	413-210-0868	10-17-2008	Am. & Ren.	12-1-2008
413-210-0160	10-17-2008	Am. & Ren.	12-1-2008	413-210-0870	10-17-2008	Am. & Ren.	12-1-2008
413-210-0170	10-17-2008	Am. & Ren.	12-1-2008	413-210-0872	10-17-2008	Am. & Ren.	12-1-2008
413-210-0180	10-17-2008	Am. & Ren.	12-1-2008	413-210-0880	10-17-2008	Am. & Ren.	12-1-2008
413-210-0190	10-17-2008	Am. & Ren.	12-1-2008	413-210-0883	10-17-2008	Am. & Ren.	12-1-2008
413-210-0200	10-17-2008	Repeal	12-1-2008	413-215-0001	10-17-2008	Adopt	12-1-2008
413-210-0210	10-17-2008	Am. & Ren.	12-1-2008	413-215-0006	10-17-2008	Adopt	12-1-2008
413-210-0220	10-17-2008	Am. & Ren.	12-1-2008	413-215-0011	10-17-2008	Adopt	12-1-2008
413-210-0230	10-17-2008	Am. & Ren.	12-1-2008	413-215-0026	10-17-2008	Adopt	12-1-2008
413-210-0240	10-17-2008	Am. & Ren.	12-1-2008	413-215-0031	10-17-2008	Adopt	12-1-2008
413-210-0250	10-17-2008	Am. & Ren.	12-1-2008	413-215-0036	10-17-2008	Adopt	12-1-2008
413-210-0400	10-17-2008	Am. & Ren.	12-1-2008	413-215-0041	10-17-2008	Adopt	12-1-2008
413-210-0410	10-17-2008	Am. & Ren.	12-1-2008	413-215-0051	10-17-2008	Adopt	12-1-2008

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413-215-0066	10-17-2008	Adopt	12-1-2008	413-215-0666	10-17-2008	Adopt	12-1-2008
413-215-0086	10-17-2008	Adopt	12-1-2008	413-215-0671	10-17-2008	Adopt	12-1-2008
413-215-0091	10-17-2008	Adopt	12-1-2008	413-215-0676	10-17-2008	Adopt	12-1-2008
413-215-0111	10-17-2008	Adopt	12-1-2008	413-215-0681	10-17-2008	Adopt	12-1-2008
413-215-0126	10-17-2008	Adopt	12-1-2008	413-215-0701	10-17-2008	Adopt	12-1-2008
413-215-0201	10-17-2008	Adopt	12-1-2008	413-215-0706	10-17-2008	Adopt	12-1-2008
413-215-0206	10-17-2008	Adopt	12-1-2008	413-215-0711	10-17-2008	Adopt	12-1-2008
413-215-0221	10-17-2008	Adopt	12-1-2008	413-215-0716	10-17-2008	Adopt	12-1-2008
413-215-0246	10-17-2008	Adopt	12-1-2008	413-215-0721	10-17-2008	Adopt	12-1-2008
413-215-0251	10-17-2008	Adopt	12-1-2008	413-215-0726	10-17-2008	Adopt	12-1-2008
413-215-0256	10-17-2008	Adopt	12-1-2008	413-215-0731	10-17-2008	Adopt	12-1-2008
413-215-0266	10-17-2008	Adopt	12-1-2008	413-215-0736	10-17-2008	Adopt	12-1-2008
413-215-0271	10-17-2008	Adopt	12-1-2008	413-215-0741	10-17-2008	Adopt	12-1-2008
413-215-0276	10-17-2008	Adopt	12-1-2008	413-215-0746	10-17-2008	Adopt	12-1-2008
413-215-0313	10-17-2008	Adopt	12-1-2008	413-215-0751	10-17-2008	Adopt	12-1-2008
413-215-0316	10-17-2008	Adopt	12-1-2008	413-215-0756	10-17-2008	Adopt	12-1-2008
413-215-0321	10-17-2008	Adopt	12-1-2008	413-215-0761	10-17-2008	Adopt	12-1-2008
413-215-0336	10-17-2008	Adopt	12-1-2008	413-215-0766	10-17-2008	Adopt	12-1-2008
413-215-0341	10-17-2008	Adopt	12-1-2008	413-215-0801	10-17-2008	Adopt	12-1-2008
413-215-0346	10-17-2008	Adopt	12-1-2008	413-215-0806	10-17-2008	Adopt	12-1-2008
413-215-0349	10-17-2008	Adopt	12-1-2008	413-215-0811	10-17-2008	Adopt	12-1-2008
413-215-0356	10-17-2008	Adopt	12-1-2008	413-215-0816	10-17-2008	Adopt	12-1-2008
413-215-0361	10-17-2008	Adopt	12-1-2008	413-215-0821	10-17-2008	Adopt	12-1-2008
413-215-0366	10-17-2008	Adopt	12-1-2008	413-215-0826	10-17-2008	Adopt	12-1-2008
413-215-0376	10-17-2008	Adopt	12-1-2008	413-215-0831	10-17-2008	Adopt	12-1-2008
413-215-0381	10-17-2008	Adopt	12-1-2008	413-215-0836	10-17-2008	Adopt	12-1-2008
413-215-0386	10-17-2008	Adopt	12-1-2008	413-215-0841	10-17-2008	Adopt	12-1-2008
413-215-0391	10-17-2008	Adopt	12-1-2008	413-215-0846	10-17-2008	Adopt	12-1-2008
413-215-0406	10-17-2008	Adopt	12-1-2008	413-215-0851	10-17-2008	Adopt	12-1-2008
413-215-0411	10-17-2008	Adopt	12-1-2008	413-215-0856	10-17-2008	Adopt	12-1-2008
413-215-0421	10-17-2008	Adopt	12-1-2008	413-220-0000	10-17-2008	Repeal	12-1-2008
413-215-0426	10-17-2008	Adopt	12-1-2008	413-220-0010	10-17-2008	Repeal	12-1-2008
413-215-0431	10-17-2008	Adopt	12-1-2008	413-220-0020	10-17-2008	Repeal	12-1-2008
413-215-0436	10-17-2008	Adopt	12-1-2008	413-220-0030	10-17-2008	Repeal	12-1-2008
413-215-0446	10-17-2008	Adopt	12-1-2008	413-220-0040	10-17-2008	Am. & Ren.	12-1-2008
413-215-0451	10-17-2008	Adopt	12-1-2008	413-220-0050	10-17-2008	Am. & Ren.	12-1-2008
413-215-0461	10-17-2008	Adopt	12-1-2008	413-220-0060	10-17-2008	Repeal	12-1-2008
413-215-0466	10-17-2008	Adopt	12-1-2008	413-220-0070	10-17-2008	Am. & Ren.	12-1-2008
413-215-0481	10-17-2008	Adopt	12-1-2008	413-220-0080	10-17-2008	Am. & Ren.	12-1-2008
413-215-0511	10-17-2008	Adopt	12-1-2008	413-220-0090	10-17-2008	Am. & Ren.	12-1-2008
413-215-0526	10-17-2008	Adopt	12-1-2008	413-220-0100	10-17-2008	Am. & Ren.	12-1-2008
413-215-0551	10-17-2008	Adopt	12-1-2008	413-220-0110	10-17-2008	Repeal	12-1-2008
413-215-0556	10-17-2008	Adopt	12-1-2008	413-220-0120	10-17-2008	Repeal	12-1-2008
413-215-0576	10-17-2008	Adopt	12-1-2008	413-220-0130	10-17-2008	Repeal	12-1-2008
413-215-0586	10-17-2008	Adopt	12-1-2008	413-220-0140	10-17-2008	Repeal	12-1-2008
413-215-0601	10-17-2008	Adopt	12-1-2008	413-220-0150	10-17-2008	Repeal	12-1-2008
413-215-0606	10-17-2008	Adopt	12-1-2008	413-220-0160	10-17-2008	Repeal	12-1-2008
413-215-0611	10-17-2008	Adopt	12-1-2008	414-205-0100	8-6-2008	Amend(T)	9-1-2008
413-215-0616	10-17-2008	Adopt	12-1-2008	414-205-0100	10-2-2008	Amend	11-1-2008
413-215-0621	10-17-2008	Adopt	12-1-2008	414-350-0190	8-6-2008	Amend(T)	9-1-2008
413-215-0626	10-17-2008	Adopt	12-1-2008	414-350-0190	10-2-2008	Amend	11-1-2008
413-215-0631	10-17-2008	Adopt	12-1-2008	415-010-0005	12-5-2007	Adopt(T)	1-1-2008
413-215-0636	10-17-2008	Adopt	12-1-2008	415-010-0005	2-12-2008	Suspend	3-1-2008
413-215-0641	10-17-2008	Adopt	12-1-2008	415-012-0000	11-13-2008	Amend	12-1-2008
413-215-0646	10-17-2008	Adopt	12-1-2008	415-012-0010	11-13-2008	Amend	12-1-2008
413-215-0651	10-17-2008	Adopt	12-1-2008	415-012-0020	11-13-2008	Amend	12-1-2008
413-215-0656	10-17-2008	Adopt	12-1-2008	415-012-0030	11-13-2008	Amend	12-1-2008

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415-056-0010	11-13-2008	Amend	12-1-2008	436-015-0110	7-1-2008	Amend	7-1-2008
415-056-0015	11-13-2008	Amend	12-1-2008	436-030-0003	7-1-2008	Amend	7-1-2008
415-056-0020	11-13-2008	Amend	12-1-2008	436-035-0500	12-28-2007	Amend(T)	2-1-2008
415-056-0025	11-13-2008	Amend	12-1-2008	436-040-0003	7-1-2008	Amend	7-1-2008
415-060-0010	11-13-2008	Amend	12-1-2008	436-040-0100	7-1-2008	Repeal	7-1-2008
415-060-0020	11-13-2008	Amend	12-1-2008	436-045-0003	7-1-2008	Amend	7-1-2008
415-060-0030	11-13-2008	Amend	12-1-2008	436-050-0002	7-1-2008	Amend	7-1-2008
415-060-0040	11-13-2008	Amend	12-1-2008	436-050-0003	7-1-2008	Amend	7-1-2008
415-060-0050	11-13-2008	Amend	12-1-2008	436-050-0003	7-1-2009	Amend	11-1-2008
416-001-0005	6-9-2008	Amend	7-1-2008	436-050-0005	7-1-2008	Amend	7-1-2008
423-010-0023	5-30-2008	Amend(T)	7-1-2008	436-050-0005	7-1-2009	Amend	11-1-2008
423-010-0024	4-16-2008	Amend	6-1-2008	436-050-0008	7-1-2008	Amend	7-1-2008
436-001-0003	7-1-2008	Amend	7-1-2008	436-050-0015	7-1-2009	Amend	11-1-2008
436-001-0004	7-1-2008	Amend	7-1-2008	436-050-0025	7-1-2008	Adopt	7-1-2008
436-001-0005	7-1-2008	Amend	7-1-2008	436-050-0045	7-1-2008	Amend	7-1-2008
436-001-0009	7-1-2008	Amend	7-1-2008	436-050-0050	7-1-2008	Amend	7-1-2008
436-001-0019	7-1-2008	Amend	7-1-2008	436-050-0060	7-1-2009	Amend	11-1-2008
436-001-0023	7-1-2008	Amend	7-1-2008	436-050-0070	7-1-2009	Repeal	11-1-2008
436-001-0027	7-1-2008	Amend	7-1-2008	436-050-0080	7-1-2009	Repeal	11-1-2008
436-001-0030	7-1-2008	Amend	7-1-2008	436-050-0090	7-1-2009	Repeal	11-1-2008
436-001-0170	7-1-2008	Amend	7-1-2008	436-050-0100	7-1-2008	Amend	7-1-2008
436-001-0240	7-1-2008	Amend	7-1-2008	436-050-0100	7-1-2009	Repeal	11-1-2008
436-001-0246	7-1-2008	Amend	7-1-2008	436-050-0110	7-1-2008	Amend	7-1-2008
436-001-0252	7-1-2008	Amend	7-1-2008	436-050-0110	7-1-2009	Amend	11-1-2008
436-001-0265	7-1-2008	Amend	7-1-2008	436-050-0120	7-1-2008	Amend	7-1-2008
436-001-0296	7-1-2008	Amend	7-1-2008	436-050-0120	7-1-2009	Amend	11-1-2008
436-001-0300	7-1-2008	Amend	7-1-2008	436-050-0170	7-1-2008	Amend	7-1-2008
436-009-0003	7-7-2008	Amend(T)	8-1-2008	436-050-0175	7-1-2008	Amend	7-1-2008
436-009-0004	7-1-2008	Amend	7-1-2008	436-050-0190	7-1-2008	Amend	7-1-2008
436-009-0008	7-1-2008	Amend	7-1-2008	436-050-0200	7-1-2008	Amend	7-1-2008
436-009-0010	7-1-2008	Amend	7-1-2008	436-050-0200	7-1-2009	Amend	11-1-2008
436-009-0015	7-1-2008	Amend	7-1-2008	436-050-0210	7-1-2008	Amend	7-1-2008
436-009-0020	7-1-2008	Amend	7-1-2008	436-050-0220	7-1-2008	Amend	7-1-2008
436-009-0020	7-7-2008	Amend(T)	8-1-2008	436-050-0400	7-1-2009	Amend	11-1-2008
436-009-0022	7-7-2008	Amend(T)	8-1-2008	436-050-0480	7-1-2009	Amend	11-1-2008
436-009-0030	7-1-2008	Amend	7-1-2008	436-110-0240	7-1-2008	Amend	7-1-2008
436-009-0030	7-7-2008	Amend(T)	8-1-2008	436-110-0320	7-1-2008	Amend	7-1-2008
436-009-0040	7-1-2008	Amend	7-1-2008	436-110-0330	7-1-2008	Amend	7-1-2008
436-009-0040	7-7-2008	Amend(T)	8-1-2008	436-160-0004	7-1-2009	Amend	11-1-2008
436-009-0070	7-1-2008	Amend	7-1-2008	436-160-0005	7-1-2009	Amend	11-1-2008
436-009-0090	7-1-2008	Amend	7-1-2008	436-160-0020	7-1-2008	Amend	7-1-2008
436-009-0090	7-7-2008	Amend(T)	8-1-2008	436-160-0020	7-1-2009	Amend	11-1-2008
436-010-0008	6-30-2008	Amend	7-1-2008	436-160-0030	7-1-2009	Amend	11-1-2008
436-010-0210	1-2-2008	Amend(T)	1-1-2008	436-160-0040	7-1-2009	Amend	11-1-2008
436-010-0210	6-30-2008	Amend	7-1-2008	436-160-0060	7-1-2009	Amend	11-1-2008
436-010-0220	1-2-2008	Amend(T)	1-1-2008	436-160-0070	7-1-2008	Amend	7-1-2008
436-010-0220	6-30-2008	Amend	7-1-2008	436-160-0080	7-1-2009	Amend	11-1-2008
436-010-0230	6-30-2008	Amend	7-1-2008	436-160-0090	7-1-2008	Amend	7-1-2008
436-010-0240	6-30-2008	Amend	7-1-2008	436-160-0300	7-1-2009	Amend	11-1-2008
436-010-0280	1-2-2008	Amend(T)	1-1-2008	436-160-0310	7-1-2009	Amend	11-1-2008
436-010-0280	6-30-2008	Amend	7-1-2008	436-160-0320	7-1-2009	Amend	11-1-2008
436-010-0330	6-30-2008	Amend	7-1-2008	436-160-0330	7-1-2008	Amend	7-1-2008
436-015-0005	7-1-2008	Amend	7-1-2008	436-160-0330	7-1-2009	Amend	11-1-2008
436-015-0009	7-1-2008	Amend	7-1-2008	436-160-0340	7-1-2008	Amend	7-1-2008
436-015-0010	7-1-2008	Amend	7-1-2008	436-160-0340	7-1-2009	Amend	11-1-2008
436-015-0020	7-1-2008	Amend	7-1-2008	436-160-0350	7-1-2008	Amend	7-1-2008
436-015-0030	7-1-2008	Amend	7-1-2008	436-160-0350	7-1-2009	Amend	11-1-2008

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436-160-0360	7-1-2008	Amend	7-1-2008	438-006-0020	1-1-2008	Amend	1-1-2008
436-160-0360	7-1-2009	Amend	11-1-2008	438-006-0100	1-1-2008	Amend	1-1-2008
436-160-0370	7-1-2009	Adopt	11-1-2008	438-009-0005	1-1-2008	Amend	1-1-2008
436-160-0410	7-1-2008	Amend	7-1-2008	438-009-0010	1-1-2008	Amend	1-1-2008
436-160-0410	7-1-2009	Amend	11-1-2008	438-009-0020	1-1-2008	Amend	1-1-2008
436-160-0430	7-1-2008	Amend	7-1-2008	438-009-0022	1-1-2008	Amend	1-1-2008
437-001-0001	7-14-2008	Amend	8-1-2008	438-009-0025	1-1-2008	Amend	1-1-2008
437-001-0005	7-14-2008	Amend	8-1-2008	438-009-0028	1-1-2008	Amend	1-1-2008
437-001-0015	3-1-2008	Amend	4-1-2008	438-009-0030	1-1-2008	Amend	1-1-2008
437-001-0203	1-1-2009	Amend	11-1-2008	438-009-0035	1-1-2008	Amend	1-1-2008
437-001-0205	1-1-2008	Amend	1-1-2008	438-011-0020	1-1-2008	Amend	1-1-2008
437-001-0215	1-1-2008	Amend	1-1-2008	438-012-0035	1-1-2008	Amend	1-1-2008
437-001-0220	1-1-2008	Amend	1-1-2008	438-015-0005	1-1-2008	Amend	1-1-2008
437-001-0240	1-1-2008	Amend	1-1-2008	438-015-0019	1-1-2008	Adopt	1-1-2008
437-001-0255	1-1-2008	Amend	1-1-2008	438-015-0022	1-1-2008	Adopt	1-1-2008
437-001-0295	12-3-2007	Amend	1-1-2008	438-015-0080	1-1-2008	Amend	1-1-2008
437-001-0700	1-1-2008	Amend	2-1-2008	438-019-0030	1-1-2008	Amend	1-1-2008
437-001-0700	7-14-2008	Amend	8-1-2008	440-007-0200	9-2-2008	Adopt	9-1-2008
437-001-0706	1-1-2008	Adopt	2-1-2008	440-007-0210	9-2-2008	Adopt	9-1-2008
437-001-0706	7-14-2008	Amend	8-1-2008	440-007-0230	9-2-2008	Adopt	9-1-2008
437-001-0740	1-1-2008	Amend	2-1-2008	440-007-0240	9-2-2008	Adopt	9-1-2008
437-001-0765	1-1-2009	Amend	11-1-2008	440-007-0250	9-2-2008	Adopt	9-1-2008
437-002-0005	5-30-2008	Amend	7-1-2008	440-007-0260	9-2-2008	Adopt	9-1-2008
437-002-0060	5-30-2008	Amend	7-1-2008	440-007-0270	9-2-2008	Adopt	9-1-2008
437-002-0080	5-30-2008	Amend	7-1-2008	440-007-0272	9-2-2008	Adopt	9-1-2008
437-002-0100	12-3-2007	Amend	1-1-2008	440-007-0275	9-2-2008	Adopt	9-1-2008
437-002-0100	5-30-2008	Amend	7-1-2008	440-007-0280	9-2-2008	Adopt	9-1-2008
437-002-0120	5-15-2008	Amend	6-1-2008	440-007-0285	9-2-2008	Adopt	9-1-2008
437-002-0122	12-3-2007	Adopt	1-1-2008	440-007-0290	9-2-2008	Adopt	9-1-2008
437-002-0140	5-30-2008	Amend	7-1-2008	440-007-0300	9-2-2008	Adopt	9-1-2008
437-002-0142	5-1-2008	Amend	5-1-2008	440-045-0020	1-1-2009	Amend	11-1-2008
437-002-0182	1-1-2009	Amend	11-1-2008	440-045-0025	1-1-2009	Amend	11-1-2008
437-002-0260	5-30-2008	Amend	7-1-2008	441-325-0010	6-26-2008	Amend	8-1-2008
437-002-0280	5-30-2008	Amend	7-1-2008	441-325-0020	6-26-2008	Amend	8-1-2008
437-002-0382	7-1-2008	Amend	6-1-2008	441-325-0030	6-26-2008	Amend	8-1-2008
437-003-0001	5-15-2008	Amend	6-1-2008	441-325-0040	6-26-2008	Amend	8-1-2008
437-003-1000	7-1-2008	Amend	6-1-2008	441-325-0050	6-26-2008	Amend	8-1-2008
437-004-1005	5-15-2008	Amend	6-1-2008	441-500-0020	1-28-2008	Amend	3-1-2008
437-004-1120	5-1-2008	Amend	5-1-2008	441-500-0030	1-28-2008	Amend	3-1-2008
437-004-2230	5-30-2008	Amend	7-1-2008	441-505-3045	4-18-2008	Adopt(T)	6-1-2008
437-005-0001	5-15-2008	Amend	6-1-2008	441-505-3046	10-16-2008	Adopt	11-1-2008
437-005-0002	5-15-2008	Amend	6-1-2008	441-646-0010	11-5-2008	Adopt	12-1-2008
437-005-0003	5-15-2008	Amend	6-1-2008	441-646-0020	11-5-2008	Adopt	12-1-2008
437-007-0010	7-1-2008	Amend	4-1-2008	441-646-0030	11-5-2008	Adopt	12-1-2008
437-007-0025	7-1-2008	Amend	4-1-2008	441-646-0040	11-5-2008	Adopt	12-1-2008
437-007-0685	7-1-2008	Repeal	4-1-2008	441-710-0500	1-28-2008	Amend	3-1-2008
437-007-0775	3-5-2008	Amend	4-1-2008	441-710-0540	10-16-2008	Adopt	11-1-2008
437-007-0780	3-5-2008	Amend	4-1-2008	441-720-0385	4-18-2008	Adopt(T)	6-1-2008
437-007-1500	7-1-2008	Adopt	4-1-2008	441-730-0000	12-27-2007	Amend	1-1-2008
437-007-1505	7-1-2008	Adopt	4-1-2008	441-730-0010	12-27-2007	Amend	1-1-2008
437-007-1510	7-1-2008	Adopt	4-1-2008	441-730-0015	12-27-2007	Amend	1-1-2008
437-007-1520	7-1-2008	Adopt	4-1-2008	441-730-0030	1-28-2008	Amend	3-1-2008
437-007-1525	7-1-2008	Adopt	4-1-2008	441-730-0245	4-18-2008	Adopt(T)	6-1-2008
437-007-1530	7-1-2008	Adopt	4-1-2008	441-730-0246	10-16-2008	Adopt	11-1-2008
437-007-1535	7-1-2008	Adopt	4-1-2008	441-730-0270	12-27-2007	Amend	1-1-2008
438-005-0046	1-1-2008	Amend	1-1-2008	441-730-0275	12-27-2007	Amend	1-1-2008
438-005-0050	1-1-2008	Amend	1-1-2008	441-730-0310	12-27-2007	Amend	1-1-2008

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441-740-0010	8-28-2008	Amend	10-1-2008	459-001-0005	4-4-2008	Amend	5-1-2008
441-740-0015	11-13-2008	Adopt	12-1-2008	459-001-0030	4-2-2008	Amend	5-1-2008
441-740-0016	11-13-2008	Adopt	12-1-2008	459-001-0032	4-2-2008	Adopt	5-1-2008
441-740-0020	11-13-2008	Amend	12-1-2008	459-001-0035	4-2-2008	Amend	5-1-2008
441-740-0025	11-13-2008	Adopt	12-1-2008	459-001-0040	4-2-2008	Amend	5-1-2008
441-740-0030	11-13-2008	Repeal	12-1-2008	459-005-0310	7-31-2008	Amend	9-1-2008
441-740-0035	11-13-2008	Adopt	12-1-2008	459-005-0591	5-21-2008	Amend(T)	7-1-2008
441-740-0040	11-13-2008	Adopt	12-1-2008	459-005-0591	7-31-2008	Amend	9-1-2008
441-740-0045	11-13-2008	Adopt	12-1-2008	459-005-0595	5-21-2008	Amend(T)	7-1-2008
441-740-0050	11-13-2008	Adopt	12-1-2008	459-005-0595	7-31-2008	Amend	9-1-2008
441-740-0055	11-13-2008	Adopt	12-1-2008	459-007-0110	11-23-2007	Amend	1-1-2008
441-745-0340	8-28-2008	Amend	10-1-2008	459-007-0160	11-23-2007	Adopt	1-1-2008
441-755-0000	11-30-2007	Adopt	1-1-2008	459-007-0290	11-23-2007	Amend	1-1-2008
441-755-0010	11-30-2007	Adopt	1-1-2008	459-007-0530	11-23-2007	Amend	1-1-2008
441-755-0100	11-30-2007	Adopt	1-1-2008	459-009-0084	11-23-2007	Amend	1-1-2008
441-755-0110	11-30-2007	Adopt	1-1-2008	459-009-0085	11-23-2007	Amend	1-1-2008
441-755-0120	11-30-2007	Adopt	1-1-2008	459-009-0090	11-23-2007	Amend	1-1-2008
441-755-0130	11-30-2007	Adopt	1-1-2008	459-009-0130	4-2-2008	Amend	5-1-2008
441-755-0140	11-30-2007	Adopt	1-1-2008	459-010-0003	11-23-2007	Amend	1-1-2008
441-755-0150	11-30-2007	Adopt	1-1-2008	459-010-0014	11-23-2007	Amend	1-1-2008
441-755-0160	11-30-2007	Adopt	1-1-2008	459-010-0014	4-2-2008	Amend(T)	5-1-2008
441-755-0170	11-30-2007	Adopt	1-1-2008	459-010-0014	5-21-2008	Amend	7-1-2008
441-755-0200	11-30-2007	Adopt	1-1-2008	459-010-0035	11-23-2007	Amend	1-1-2008
441-755-0210	11-30-2007	Adopt	1-1-2008	459-010-0042	4-2-2008	Amend(T)	5-1-2008
441-755-0220	11-30-2007	Adopt	1-1-2008	459-010-0042	5-21-2008	Amend	7-1-2008
441-755-0300	11-30-2007	Adopt	1-1-2008	459-010-0055	11-23-2007	Amend	1-1-2008
441-755-0310	11-30-2007	Adopt	1-1-2008	459-011-0050	11-23-2007	Amend	1-1-2008
441-810-0110	8-28-2008	Amend	10-1-2008	459-013-0110	11-23-2007	Amend	1-1-2008
441-830-0020	8-28-2008	Amend	10-1-2008	459-015-0055	4-2-2008	Amend	5-1-2008
441-850-0040	4-18-2008	Adopt(T)	6-1-2008	459-017-0060	11-23-2007	Amend	1-1-2008
441-850-0042	10-16-2008	Adopt	11-1-2008	459-045-0030	11-23-2007	Amend	1-1-2008
441-860-0010	5-7-2008	Amend	6-1-2008	459-050-0040	4-2-2008	Amend	5-1-2008
441-860-0110	8-28-2008	Amend	10-1-2008	459-050-0080	11-23-2007	Amend	1-1-2008
441-865-0022	5-7-2008	Adopt(T)	6-1-2008	459-050-0090	5-21-2008	Amend(T)	7-1-2008
441-865-0022	6-26-2008	Suspend	8-1-2008	459-050-0090	7-31-2008	Amend	9-1-2008
441-865-0024	6-26-2008	Adopt(T)	8-1-2008	459-050-0220	11-23-2007	Amend	1-1-2008
441-870-0030	5-7-2008	Amend	6-1-2008	459-060-0000	7-31-2008	Repeal	9-1-2008
441-870-0080	5-7-2008	Adopt	6-1-2008	459-060-0001	7-31-2008	Amend	9-1-2008
441-910-0055	8-28-2008	Amend	10-1-2008	459-060-0010	7-31-2008	Amend	9-1-2008
441-930-0270	8-28-2008	Amend	10-1-2008	459-070-0001	11-23-2007	Amend	1-1-2008
442-005-0250	5-19-2008	Amend(T)	7-1-2008	459-070-0050	7-31-2008	Amend	9-1-2008
442-005-0250	11-11-2008	Amend	12-1-2008	459-075-0010	11-23-2007	Amend	1-1-2008
442-005-0270	3-31-2008	Amend(T)	5-1-2008	459-075-0010	7-31-2008	Amend	9-1-2008
442-005-0270	11-11-2008	Amend	12-1-2008	459-075-0020	11-23-2007	Adopt	1-1-2008
443-002-0010	1-2-2008	Amend	2-1-2008	459-075-0150	11-23-2007	Amend	1-1-2008
443-002-0010	7-1-2008	Amend(T)	8-1-2008	459-080-0020	11-23-2007	Adopt	1-1-2008
443-002-0010	11-15-2008	Amend	12-1-2008	459-080-0250	11-23-2007	Amend	1-1-2008
443-002-0030	1-2-2008	Amend(T)	2-1-2008	461-001-0000	1-1-2008	Amend	2-1-2008
443-002-0030	4-15-2008	Amend	5-1-2008	461-001-0000	1-1-2008	Amend(T)	2-1-2008
443-002-0030	6-10-2008	Amend(T)	7-1-2008	461-001-0000	3-1-2008	Amend	4-1-2008
443-002-0030	11-15-2008	Amend	12-1-2008	461-001-0000	4-1-2008	Amend	5-1-2008
443-002-0060	1-2-2008	Amend	2-1-2008	461-001-0000	7-1-2008	Amend	8-1-2008
443-002-0060	7-1-2008	Amend(T)	8-1-2008	461-001-0000	10-1-2008	Amend	11-1-2008
443-002-0060	11-15-2008	Amend	12-1-2008	461-001-0000(T)	1-1-2008	Repeal	2-1-2008
443-002-0070	1-2-2008	Amend	2-1-2008	461-001-0000(T)	3-1-2008	Repeal	4-1-2008
443-002-0095	1-2-2008	Repeal	2-1-2008	461-001-0025	3-1-2008	Amend	4-1-2008
443-002-0100	1-2-2008	Amend	2-1-2008	461-001-0025(T)	3-1-2008	Repeal	4-1-2008

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461-001-0035	10-1-2008	Amend	11-1-2008	461-120-0510	10-1-2008	Amend	11-1-2008
461-006-0452	4-1-2008	Am. & Ren.	5-1-2008	461-125-0130	3-1-2008	Amend	4-1-2008
461-025-0310	3-1-2008	Amend	4-1-2008	461-125-0130(T)	3-1-2008	Repeal	4-1-2008
461-025-0310	4-1-2008	Amend	5-1-2008	461-125-0260	3-1-2008	Adopt	4-1-2008
461-025-0310	7-1-2008	Amend	8-1-2008	461-125-0260(T)	3-1-2008	Repeal	4-1-2008
461-025-0310(T)	3-1-2008	Repeal	4-1-2008	461-125-0310	4-1-2008	Amend	5-1-2008
461-025-0311	7-1-2008	Amend	8-1-2008	461-125-0810	3-1-2008	Amend	4-1-2008
461-025-0350	1-1-2008	Amend(T)	2-1-2008	461-125-0810(T)	3-1-2008	Repeal	4-1-2008
461-025-0350	4-1-2008	Amend	5-1-2008	461-130-0305	3-1-2008	Amend	4-1-2008
461-025-0350(T)	4-1-2008	Repeal	5-1-2008	461-130-0305(T)	3-1-2008	Repeal	4-1-2008
461-025-0375	7-1-2008	Amend	8-1-2008	461-130-0310	3-1-2008	Amend	4-1-2008
461-101-0010	3-1-2008	Amend	4-1-2008	461-130-0310	10-1-2008	Amend	11-1-2008
461-101-0010	10-1-2008	Amend	11-1-2008	461-130-0310(T)	3-1-2008	Repeal	4-1-2008
461-101-0010(T)	3-1-2008	Repeal	4-1-2008	461-130-0315	3-1-2008	Amend	4-1-2008
461-105-0010	3-1-2008	Amend	4-1-2008	461-130-0315(T)	3-1-2008	Repeal	4-1-2008
461-105-0010(T)	3-1-2008	Repeal	4-1-2008	461-130-0323	3-1-2008	Adopt	4-1-2008
461-110-0370	10-1-2008	Amend	11-1-2008	461-130-0323(T)	3-1-2008	Repeal	4-1-2008
461-110-0410	7-1-2008	Amend	8-1-2008	461-130-0325	3-1-2008	Amend	4-1-2008
461-110-0530	7-1-2008	Amend	8-1-2008	461-130-0325	7-1-2008	Amend	8-1-2008
461-110-0630	3-1-2008	Amend	4-1-2008	461-130-0325(T)	3-1-2008	Repeal	4-1-2008
461-110-0630	7-1-2008	Amend	8-1-2008	461-130-0327	3-1-2008	Amend	4-1-2008
461-110-0630(T)	3-1-2008	Repeal	4-1-2008	461-130-0327(T)	3-1-2008	Repeal	4-1-2008
461-115-0015	10-1-2008	Repeal	11-1-2008	461-130-0330	3-1-2008	Amend	4-1-2008
461-115-0030	3-1-2008	Amend	4-1-2008	461-130-0330(T)	3-1-2008	Repeal	4-1-2008
461-115-0030	4-17-2008	Amend(T)	6-1-2008	461-130-0335	3-1-2008	Amend	4-1-2008
461-115-0030	7-1-2008	Amend	8-1-2008	461-130-0335(T)	3-1-2008	Repeal	4-1-2008
461-115-0030	10-1-2008	Amend	11-1-2008	461-135-0010	3-1-2008	Amend	4-1-2008
461-115-0030(T)	3-1-2008	Repeal	4-1-2008	461-135-0010	7-1-2008	Amend	8-1-2008
461-115-0050	1-28-2008	Amend(T)	3-1-2008	461-135-0010	10-1-2008	Amend	11-1-2008
461-115-0050	7-1-2008	Amend	8-1-2008	461-135-0010(T)	3-1-2008	Repeal	4-1-2008
461-115-0190	3-1-2008	Amend	4-1-2008	461-135-0070	3-1-2008	Amend	4-1-2008
461-115-0190(T)	3-1-2008	Repeal	4-1-2008	461-135-0070(T)	3-1-2008	Repeal	4-1-2008
461-115-0430	3-1-2008	Amend	4-1-2008	461-135-0075	3-1-2008	Amend	4-1-2008
461-115-0430(T)	3-1-2008	Repeal	4-1-2008	461-135-0075	10-1-2008	Amend(T)	11-1-2008
461-115-0610	4-1-2008	Amend	5-1-2008	461-135-0075(T)	3-1-2008	Repeal	4-1-2008
461-115-0651	7-1-2008	Amend	8-1-2008	461-135-0082	1-30-2008	Amend(T)	3-1-2008
461-115-0700	1-1-2008	Amend	2-1-2008	461-135-0082	2-22-2008	Amend(T)	4-1-2008
461-115-0705	4-1-2008	Amend	5-1-2008	461-135-0082	7-1-2008	Amend	8-1-2008
461-115-0715	3-1-2008	Adopt	4-1-2008	461-135-0082	10-1-2008	Amend	11-1-2008
461-115-0715(T)	3-1-2008	Repeal	4-1-2008	461-135-0082(T)	7-1-2008	Repeal	8-1-2008
461-120-0120	1-30-2008	Amend(T)	3-1-2008	461-135-0085	3-1-2008	Amend	4-1-2008
461-120-0120	7-1-2008	Amend	8-1-2008	461-135-0085(T)	3-1-2008	Repeal	4-1-2008
461-120-0120(T)	7-1-2008	Repeal	8-1-2008	461-135-0089	3-1-2008	Amend	4-1-2008
461-120-0125	1-30-2008	Amend(T)	3-1-2008	461-135-0089(T)	3-1-2008	Repeal	4-1-2008
461-120-0125	2-22-2008	Amend(T)	4-1-2008	461-135-0200	3-1-2008	Amend	4-1-2008
461-120-0125	7-1-2008	Amend	8-1-2008	461-135-0200(T)	3-1-2008	Repeal	4-1-2008
461-120-0125(T)	7-1-2008	Repeal	8-1-2008	461-135-0400	7-1-2008	Amend	8-1-2008
461-120-0130	10-1-2008	Amend	11-1-2008	461-135-0400	10-1-2008	Amend	11-1-2008
461-120-0310	12-1-2007	Amend(T)	1-1-2008	461-135-0401	10-1-2008	Repeal	11-1-2008
461-120-0310	3-1-2008	Amend	4-1-2008	461-135-0475	3-1-2008	Amend	4-1-2008
461-120-0310(T)	12-1-2007	Suspend	1-1-2008	461-135-0475(T)	3-1-2008	Repeal	4-1-2008
461-120-0310(T)	3-1-2008	Repeal	4-1-2008	461-135-0493	12-17-2007	Amend(T)	2-1-2008
461-120-0330	7-1-2008	Amend	8-1-2008	461-135-0493	10-1-2008	Amend	11-1-2008
461-120-0340	3-1-2008	Amend	4-1-2008	461-135-0494	10-1-2008	Amend	11-1-2008
461-120-0340(T)	3-1-2008	Repeal	4-1-2008	461-135-0505	3-1-2008	Amend	4-1-2008
461-120-0345	3-1-2008	Amend	4-1-2008	461-135-0505(T)	3-1-2008	Repeal	4-1-2008
461-120-0345(T)	3-1-2008	Repeal	4-1-2008	461-135-0506	3-1-2008	Amend	4-1-2008

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461-135-0506(T)	3-1-2008	Repeal	4-1-2008	461-145-0090	7-1-2008	Amend	8-1-2008
461-135-0507	7-1-2008	Adopt(T)	8-1-2008	461-145-0108	1-1-2008	Amend	2-1-2008
461-135-0570	7-1-2008	Amend	8-1-2008	461-145-0120	4-1-2008	Amend	5-1-2008
461-135-0725	1-1-2008	Amend	2-1-2008	461-145-0130	10-1-2008	Amend	11-1-2008
461-135-0730	7-1-2008	Amend(T)	8-1-2008	461-145-0150	10-1-2008	Amend	11-1-2008
461-135-0730	8-8-2008	Amend(T)	9-1-2008	461-145-0180	1-1-2008	Repeal	2-1-2008
461-135-0730(T)	8-8-2008	Suspend	9-1-2008	461-145-0220	1-1-2008	Amend	2-1-2008
461-135-0750	4-7-2008	Amend(T)	5-1-2008	461-145-0261	7-1-2008	Adopt	8-1-2008
461-135-0750	7-1-2008	Amend	8-1-2008	461-145-0265	10-1-2008	Am. & Ren.	11-1-2008
461-135-0750(T)	7-1-2008	Repeal	8-1-2008	461-145-0310	7-1-2008	Amend	8-1-2008
461-135-0780	1-1-2008	Amend	2-1-2008	461-145-0330	10-1-2008	Amend	11-1-2008
461-135-0780	7-1-2008	Amend	8-1-2008	461-145-0370	4-1-2008	Amend	5-1-2008
461-135-0811	7-1-2008	Repeal	8-1-2008	461-145-0380	10-1-2008	Amend	11-1-2008
461-135-0832	10-1-2008	Amend	8-1-2008	461-145-0410	3-1-2008	Amend	4-1-2008
461-135-0835	1-1-2008	Amend	2-1-2008	461-145-0410	10-1-2008	Amend	11-1-2008
461-135-0835	10-1-2008	Amend	8-1-2008	461-145-0410(T)	3-1-2008	Repeal	4-1-2008
461-135-0875	7-1-2008	Amend	8-1-2008	461-145-0450(T)	4-1-2008	Repeal	5-1-2008
461-135-0900	1-30-2008	Amend(T)	3-1-2008	461-145-0470	4-1-2008	Amend	5-1-2008
461-135-0900	2-22-2008	Amend(T)	4-1-2008	461-145-0470	10-1-2008	Amend	11-1-2008
461-135-0900	7-1-2008	Amend	8-1-2008	461-145-0490	4-1-2008	Amend	5-1-2008
461-135-0900(T)	7-1-2008	Repeal	8-1-2008	461-145-0490	7-1-2008	Amend	8-1-2008
461-135-0910	4-1-2008	Amend	5-1-2008	461-145-0490	10-1-2008	Amend	11-1-2008
461-135-0930	10-1-2008	Amend	11-1-2008	461-145-0500	4-1-2008	Amend	5-1-2008
461-135-0990	10-1-2008	Amend	11-1-2008	461-145-0505	4-1-2008	Amend	5-1-2008
461-135-1100	6-1-2008	Amend(T)	7-1-2008	461-145-0510	7-1-2008	Amend	8-1-2008
461-135-1100	7-1-2008	Amend	8-1-2008	461-145-0520	4-1-2008	Amend	5-1-2008
461-135-1102	1-28-2008	Amend(T)	3-1-2008	461-145-0530	4-1-2008	Amend	5-1-2008
461-135-1102	6-1-2008	Amend(T)	7-1-2008	461-145-0530	4-1-2008	Amend(T)	5-1-2008
461-135-1102	7-1-2008	Amend	8-1-2008	461-145-0550	4-1-2008	Amend	5-1-2008
461-135-1102(T)	6-1-2008	Suspend	7-1-2008	461-145-0560	7-1-2008	Amend	8-1-2008
461-135-1110	7-1-2008	Amend	8-1-2008	461-145-0580	1-1-2008	Amend	2-1-2008
461-135-1125	1-28-2008	Adopt(T)	3-1-2008	461-145-0582	7-1-2008	Amend	8-1-2008
461-135-1125	4-17-2008	Amend(T)	6-1-2008	461-145-0585	4-1-2008	Amend	5-1-2008
461-135-1125	7-1-2008	Adopt	8-1-2008	461-145-0600	10-1-2008	Amend	11-1-2008
461-135-1125(T)	4-17-2008	Suspend	6-1-2008	461-145-0910	4-1-2008	Amend	5-1-2008
461-135-1175	4-1-2008	Amend	5-1-2008	461-150-0047	1-1-2008	Amend	2-1-2008
461-135-1175	7-1-2008	Amend	8-1-2008	461-155-0020	10-1-2008	Amend	11-1-2008
461-135-1185(T)	3-1-2008	Repeal	4-1-2008	461-155-0150	3-1-2008	Amend	4-1-2008
461-135-1195	3-1-2008	Adopt	4-1-2008	461-155-0150	10-1-2008	Amend	11-1-2008
461-135-1235	10-1-2008	Amend	11-1-2008	461-155-0150(T)	3-1-2008	Repeal	4-1-2008
461-135-1250	3-1-2008	Adopt	4-1-2008	461-155-0180	1-24-2008	Amend(T)	3-1-2008
461-135-1250(T)	3-1-2008	Repeal	4-1-2008	461-155-0180	7-1-2008	Amend	8-1-2008
461-140-0010	7-1-2008	Amend	8-1-2008	461-155-0190	10-1-2008	Amend	11-1-2008
461-140-0040	4-1-2008	Amend	5-1-2008	461-155-0235	1-24-2008	Amend(T)	3-1-2008
461-140-0040	7-1-2008	Amend	8-1-2008	461-155-0235	7-1-2008	Amend	8-1-2008
461-140-0220	1-1-2008	Amend	2-1-2008	461-155-0250	1-1-2008	Amend	2-1-2008
461-140-0220	7-1-2008	Amend	8-1-2008	461-155-0250	3-1-2008	Amend(T)	4-1-2008
461-140-0242	7-1-2008	Amend	8-1-2008	461-155-0250	7-1-2008	Amend	8-1-2008
461-140-0296	10-1-2008	Amend	11-1-2008	461-155-0250	10-1-2008	Amend	11-1-2008
461-145-0020	7-1-2008	Amend	8-1-2008	461-155-0250(T)	7-1-2008	Repeal	8-1-2008
461-145-0022	7-1-2008	Amend	8-1-2008	461-155-0270	1-1-2008	Amend	2-1-2008
461-145-0030	1-1-2008	Amend	2-1-2008	461-155-0270	7-1-2008	Amend	8-1-2008
461-145-0080	3-1-2008	Amend	4-1-2008	461-155-0290	3-1-2008	Amend(T)	4-1-2008
461-145-0080	3-21-2008	Amend(T)	5-1-2008	461-155-0290	4-1-2008	Amend	5-1-2008
461-145-0080	7-1-2008	Amend	8-1-2008	461-155-0290(T)	4-1-2008	Repeal	5-1-2008
461-145-0080	10-1-2008	Amend	11-1-2008	461-155-0291	3-1-2008	Amend(T)	4-1-2008
461-145-0080(T)	3-1-2008	Repeal	4-1-2008	461-155-0291	4-1-2008	Amend	5-1-2008

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461-155-0295	3-1-2008	Amend(T)	4-1-2008	461-165-0190	7-1-2008	Amend	8-1-2008
461-155-0295	4-1-2008	Amend	5-1-2008	461-170-0015	10-1-2008	Amend	11-1-2008
461-155-0295(T)	4-1-2008	Repeal	5-1-2008	461-170-0020	3-1-2008	Amend	4-1-2008
461-155-0300	1-1-2008	Amend	2-1-2008	461-170-0020	10-1-2008	Amend	11-1-2008
461-155-0320	1-1-2008	Amend(T)	2-1-2008	461-170-0020(T)	3-1-2008	Repeal	4-1-2008
461-155-0320	3-1-2008	Adopt	4-1-2008	461-170-0030	3-1-2008	Amend	4-1-2008
461-155-0320(T)	3-1-2008	Repeal	4-1-2008	461-170-0030(T)	3-1-2008	Repeal	4-1-2008
461-155-0360	10-1-2008	Amend	11-1-2008	461-170-0100	10-1-2008	Amend	11-1-2008
461-155-0500	7-1-2008	Amend	8-1-2008	461-170-0101	10-1-2008	Amend	11-1-2008
461-155-0500	8-1-2008	Amend(T)	9-1-2008	461-170-0130	1-1-2008	Amend	2-1-2008
461-155-0500	10-1-2008	Amend(T)	11-1-2008	461-170-0150	10-1-2008	Amend	11-1-2008
461-155-0500(T)	10-1-2008	Suspend	11-1-2008	461-175-0050	4-1-2008	Amend	5-1-2008
461-155-0526	8-1-2008	Amend(T)	9-1-2008	461-175-0200	1-1-2008	Amend(T)	2-1-2008
461-155-0600	8-1-2008	Amend(T)	9-1-2008	461-175-0200	4-1-2008	Amend	5-1-2008
461-155-0610	8-1-2008	Amend(T)	9-1-2008	461-175-0200	4-7-2008	Amend(T)	5-1-2008
461-155-0650	7-1-2008	Repeal	8-1-2008	461-175-0200	7-1-2008	Amend	8-1-2008
461-155-0660	10-1-2008	Amend	11-1-2008	461-175-0200(T)	4-1-2008	Repeal	5-1-2008
461-155-0670	3-1-2008	Amend	4-1-2008	461-175-0200(T)	7-1-2008	Repeal	8-1-2008
461-155-0670(T)	3-1-2008	Repeal	4-1-2008	461-175-0270	1-1-2008	Amend	2-1-2008
461-155-0690	7-1-2008	Repeal	8-1-2008	461-175-0340	1-1-2008	Amend(T)	2-1-2008
461-155-0700	8-1-2008	Adopt(T)	9-1-2008	461-175-0340	4-1-2008	Amend	5-1-2008
461-155-0710	10-1-2008	Adopt(T)	11-1-2008	461-175-0340	10-1-2008	Amend	11-1-2008
461-160-0010	7-1-2008	Amend	8-1-2008	461-175-0340(T)	4-1-2008	Repeal	5-1-2008
461-160-0030	4-1-2008	Amend	5-1-2008	461-180-0010	3-1-2008	Amend	4-1-2008
461-160-0040	1-1-2008	Amend	2-1-2008	461-180-0010(T)	3-1-2008	Repeal	4-1-2008
461-160-0040	10-1-2008	Amend	11-1-2008	461-180-0020	3-1-2008	Amend	4-1-2008
461-160-0055	1-1-2008	Amend	2-1-2008	461-180-0020(T)	3-1-2008	Repeal	4-1-2008
461-160-0200	10-1-2008	Amend	11-1-2008	461-180-0040	7-1-2008	Amend	8-1-2008
461-160-0410	1-1-2008	Amend	2-1-2008	461-180-0070	3-1-2008	Amend	4-1-2008
461-160-0415	1-1-2008	Amend	2-1-2008	461-180-0070	10-1-2008	Amend	11-1-2008
461-160-0420	10-1-2008	Amend	11-1-2008	461-180-0070(T)	3-1-2008	Repeal	4-1-2008
461-160-0430	3-1-2008	Amend	4-1-2008	461-180-0081	3-1-2008	Amend	4-1-2008
461-160-0430	10-1-2008	Amend	11-1-2008	461-180-0081(T)	3-1-2008	Repeal	4-1-2008
461-160-0430(T)	3-1-2008	Repeal	4-1-2008	461-180-0085	1-1-2008	Amend	2-1-2008
461-160-0550	1-1-2008	Amend	2-1-2008	461-190-0051	3-1-2008	Amend	4-1-2008
461-160-0550	7-1-2008	Amend	8-1-2008	461-190-0151(T)	3-1-2008	Repeal	4-1-2008
461-160-0550	10-1-2008	Amend	11-1-2008	461-190-0163	3-1-2008	Amend	4-1-2008
461-160-0551	7-1-2008	Adopt	8-1-2008	461-190-0163(T)	3-1-2008	Repeal	4-1-2008
461-160-0551	10-1-2008	Amend	11-1-2008	461-190-0171	3-1-2008	Amend	4-1-2008
461-160-0552	10-1-2008	Adopt	11-1-2008	461-190-0171(T)	3-1-2008	Repeal	4-1-2008
461-160-0580	1-1-2008	Amend	2-1-2008	461-190-0195	10-1-2008	Repeal	11-1-2008
461-160-0610	10-1-2008	Amend	11-1-2008	461-190-0199	9-5-2008	Adopt(T)	10-1-2008
461-160-0620	1-1-2008	Amend	2-1-2008	461-190-0199	10-1-2008	Adopt	11-1-2008
461-160-0620	7-1-2008	Amend	8-1-2008	461-190-0199(T)	10-1-2008	Repeal	11-1-2008
461-160-0800	3-1-2008	Amend(T)	4-1-2008	461-190-0201	10-1-2007	Suspend	2-1-2008
461-160-0800	7-1-2008	Amend	8-1-2008	461-190-0201	3-1-2008	Repeal	4-1-2008
461-160-0800(T)	7-1-2008	Repeal	8-1-2008	461-190-0211	3-1-2008	Amend	4-1-2008
461-160-0810	3-1-2008	Suspend	4-1-2008	461-190-0211	10-1-2008	Amend	11-1-2008
461-160-0810	7-1-2008	Repeal	8-1-2008	461-190-0211(T)	3-1-2008	Repeal	4-1-2008
461-160-0820	3-1-2008	Suspend	4-1-2008	461-190-0231	3-1-2008	Amend	4-1-2008
461-160-0820	7-1-2008	Repeal	8-1-2008	461-190-0231	10-1-2008	Amend	11-1-2008
461-160-0850	3-1-2008	Suspend	4-1-2008	461-190-0231(T)	3-1-2008	Repeal	4-1-2008
461-160-0850	7-1-2008	Repeal	8-1-2008	461-190-0241	3-1-2008	Amend	4-1-2008
461-160-0855	1-1-2008	Adopt	2-1-2008	461-190-0241(T)	3-1-2008	Repeal	4-1-2008
461-165-0030	3-1-2008	Amend	4-1-2008	461-190-0426	4-1-2008	Amend	5-1-2008
461-165-0030(T)	3-1-2008	Repeal	4-1-2008	461-195-0501	1-1-2008	Amend	2-1-2008
461-165-0060	10-1-2008	Amend	11-1-2008	461-195-0501	1-1-2008	Amend(T)	2-1-2008

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461-195-0501(T)	1-1-2008	Repeal	2-1-2008	462-150-0030	9-30-2008	Amend	11-1-2008
461-195-0501(T)	3-1-2008	Repeal	4-1-2008	462-150-0040	9-30-2008	Amend	11-1-2008
461-195-0511	1-1-2008	Amend	2-1-2008	462-150-0050	9-30-2008	Amend	11-1-2008
461-195-0521	1-1-2008	Amend	2-1-2008	462-150-0060	9-30-2008	Amend	11-1-2008
461-195-0521	4-1-2008	Amend	5-1-2008	462-150-0070	9-30-2008	Amend	11-1-2008
461-195-0551	1-1-2008	Amend	2-1-2008	462-150-0080	9-30-2008	Amend	11-1-2008
461-195-0551	1-1-2008	Amend(T)	2-1-2008	462-150-0090	9-30-2008	Amend	11-1-2008
461-195-0551	3-1-2008	Amend	4-1-2008	462-150-0100	9-30-2008	Amend	11-1-2008
461-195-0551(T)	1-1-2008	Repeal	2-1-2008	462-150-0110	9-30-2008	Amend	11-1-2008
461-195-0551(T)	3-1-2008	Repeal	4-1-2008	462-160-0110	11-28-2007	Amend(T)	1-1-2008
461-195-0561	3-1-2008	Amend	4-1-2008	462-160-0110	4-7-2008	Amend	5-1-2008
461-195-0561(T)	3-1-2008	Repeal	4-1-2008	462-160-0110	9-30-2008	Amend	11-1-2008
461-195-0601	3-1-2008	Amend	4-1-2008	462-160-0120	11-28-2007	Amend(T)	1-1-2008
461-195-0601(T)	3-1-2008	Repeal	4-1-2008	462-160-0120	4-7-2008	Amend	5-1-2008
462-001-0000	9-30-2008	Amend	11-1-2008	462-160-0120	9-30-2008	Amend	11-1-2008
462-001-0005	9-30-2008	Amend	11-1-2008	462-160-0130	11-28-2007	Amend(T)	1-1-2008
462-001-0006	9-30-2008	Adopt	11-1-2008	462-160-0130	4-7-2008	Amend	5-1-2008
462-001-0008	9-30-2008	Adopt	11-1-2008	462-160-0130	9-30-2008	Amend	11-1-2008
462-110-0010	9-30-2008	Amend	11-1-2008	462-160-0140	9-30-2008	Amend	11-1-2008
462-110-0020	9-30-2008	Amend	11-1-2008	462-200-0630	12-6-2007	Repeal	1-1-2008
462-120-0040	9-30-2008	Amend	11-1-2008	462-220-0060	9-30-2008	Amend	11-1-2008
462-120-0050	9-30-2008	Amend	11-1-2008	471-010-0020	4-29-2008	Amend	6-1-2008
462-120-0055	9-30-2008	Adopt	11-1-2008	471-010-0050	1-7-2008	Suspend	2-1-2008
462-120-0060	9-30-2008	Amend	11-1-2008	471-010-0050	7-1-2008	Repeal	7-1-2008
462-120-0070	9-30-2008	Amend	11-1-2008	471-010-0051	1-7-2008	Suspend	2-1-2008
462-120-0090	9-30-2008	Amend	11-1-2008	471-010-0051	7-1-2008	Repeal	7-1-2008
462-120-0100	9-30-2008	Amend	11-1-2008	471-010-0052	1-7-2008	Suspend	2-1-2008
462-120-0110	9-30-2008	Amend	11-1-2008	471-010-0052	7-1-2008	Repeal	7-1-2008
462-120-0120	9-30-2008	Amend	11-1-2008	471-010-0054	1-7-2008	Suspend	2-1-2008
462-130-0010	9-30-2008	Amend	11-1-2008	471-010-0054	7-1-2008	Repeal	7-1-2008
462-130-0020	9-30-2008	Amend	11-1-2008	471-010-0055	1-7-2008	Suspend	2-1-2008
462-130-0040	9-30-2008	Amend	11-1-2008	471-010-0055	7-1-2008	Repeal	7-1-2008
462-130-0050	9-30-2008	Amend	11-1-2008	471-010-0057	1-7-2008	Suspend	2-1-2008
462-130-0060	9-30-2008	Amend	11-1-2008	471-010-0057	7-1-2008	Repeal	7-1-2008
462-140-0010	9-30-2008	Amend	11-1-2008	471-010-0080	2-26-2008	Adopt(T)	4-1-2008
462-140-0025	9-30-2008	Adopt	11-1-2008	471-010-0080	7-1-2008	Adopt	7-1-2008
462-140-0030	9-30-2008	Amend	11-1-2008	471-010-0085	2-26-2008	Adopt(T)	4-1-2008
462-140-0040	9-30-2008	Amend	11-1-2008	471-010-0085	7-1-2008	Adopt	7-1-2008
462-140-0060	9-30-2008	Amend	11-1-2008	471-010-0090	2-26-2008	Adopt(T)	4-1-2008
462-140-0070	9-30-2008	Amend	11-1-2008	471-010-0090	7-1-2008	Adopt	7-1-2008
462-140-0100	9-30-2008	Amend	11-1-2008	471-010-0100	2-26-2008	Adopt(T)	4-1-2008
462-140-0110	9-30-2008	Repeal	11-1-2008	471-010-0100	7-1-2008	Adopt	7-1-2008
462-140-0120	9-30-2008	Repeal	11-1-2008	471-010-0105	2-26-2008	Adopt(T)	4-1-2008
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462-140-0130	9-30-2008	Amend	11-1-2008	471-010-0110	2-26-2008	Adopt(T)	4-1-2008
462-140-0140	9-30-2008	Amend	11-1-2008	471-010-0110	7-1-2008	Adopt	7-1-2008
462-140-0150	9-30-2008	Amend	11-1-2008	471-010-0115	2-26-2008	Adopt(T)	4-1-2008
462-140-0170	9-30-2008	Amend	11-1-2008	471-010-0115	7-1-2008	Adopt	7-1-2008
462-140-0180	9-30-2008	Amend	11-1-2008	471-010-0120	2-26-2008	Adopt(T)	4-1-2008
462-140-0190	9-30-2008	Amend	11-1-2008	471-010-0120	7-1-2008	Adopt	7-1-2008
462-140-0230	9-30-2008	Amend	11-1-2008	471-010-0125	2-26-2008	Adopt(T)	4-1-2008
462-140-0290	9-30-2008	Amend	11-1-2008	471-010-0125	7-1-2008	Adopt	7-1-2008
462-140-0310	9-30-2008	Amend	11-1-2008	471-030-0050	12-3-2007	Amend	1-1-2008
462-140-0320	9-30-2008	Amend	11-1-2008	471-030-0052	2-15-2008	Amend(T)	3-1-2008
462-140-0340	9-30-2008	Amend	11-1-2008	471-030-0052	7-1-2008	Amend	7-1-2008
462-140-0360	9-30-2008	Amend	11-1-2008	471-030-0080	9-16-2008	Amend	11-1-2008
462-140-0370	9-30-2008	Amend	11-1-2008	471-030-0215	4-24-2008	Adopt(T)	6-1-2008

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471-030-0215	8-1-2008	Adopt	8-1-2008	574-035-0005	9-3-2008	Amend	10-1-2008
471-041-0060	1-8-2008	Amend	2-1-2008	574-050-0005	2-1-2008	Amend	3-1-2008
543-001-0005	1-17-2008	Amend	3-1-2008	574-050-0005	9-3-2008	Amend	10-1-2008
571-040-0010	2-19-2008	Suspend	4-1-2008	575-031-0022	8-21-2008	Amend	10-1-2008
571-040-0010	7-21-2008	Repeal	9-1-2008	575-055-0005	8-22-2008	Adopt(T)	10-1-2008
571-040-0015	2-19-2008	Suspend	4-1-2008	575-063-0005	10-15-2008	Amend	11-1-2008
571-040-0015	7-21-2008	Repeal	9-1-2008	575-063-0010	10-15-2008	Amend	11-1-2008
571-040-0020	2-19-2008	Suspend	4-1-2008	575-063-0020	10-15-2008	Amend	11-1-2008
571-040-0020	7-21-2008	Repeal	9-1-2008	575-063-0030	10-15-2008	Amend	11-1-2008
571-040-0030	2-19-2008	Suspend	4-1-2008	575-063-0040	10-15-2008	Repeal	11-1-2008
571-040-0030	7-21-2008	Repeal	9-1-2008	575-063-0050	10-15-2008	Repeal	11-1-2008
571-040-0040	2-19-2008	Suspend	4-1-2008	575-063-0060	10-15-2008	Repeal	11-1-2008
571-040-0040	7-21-2008	Repeal	9-1-2008	575-063-0080	10-15-2008	Repeal	11-1-2008
571-040-0050	2-19-2008	Suspend	4-1-2008	575-063-0090	10-15-2008	Repeal	11-1-2008
571-040-0050	7-21-2008	Repeal	9-1-2008	575-078-0005	10-27-2008	Adopt(T)	12-1-2008
571-040-0060	2-19-2008	Suspend	4-1-2008	575-078-0010	10-27-2008	Adopt(T)	12-1-2008
571-040-0060	7-21-2008	Repeal	9-1-2008	575-078-0015	10-27-2008	Adopt(T)	12-1-2008
571-040-0070	2-19-2008	Suspend	4-1-2008	575-078-0020	10-27-2008	Adopt(T)	12-1-2008
571-040-0070	7-21-2008	Repeal	9-1-2008	575-078-0025	10-27-2008	Adopt(T)	12-1-2008
571-040-0080	2-19-2008	Suspend	4-1-2008	575-078-0030	10-27-2008	Adopt(T)	12-1-2008
571-040-0080	7-21-2008	Repeal	9-1-2008	575-078-0035	10-27-2008	Adopt(T)	12-1-2008
571-040-0100	2-19-2008	Suspend	4-1-2008	575-078-0040	10-27-2008	Adopt(T)	12-1-2008
571-040-0100	7-21-2008	Repeal	9-1-2008	575-095-0005	1-9-2008	Adopt	2-1-2008
571-040-0201	2-19-2008	Suspend	4-1-2008	575-095-0010	1-9-2008	Adopt	2-1-2008
571-040-0201	7-21-2008	Repeal	9-1-2008	575-095-0015	1-9-2008	Adopt	2-1-2008
571-040-0251	2-19-2008	Suspend	4-1-2008	575-095-0020	1-9-2008	Adopt	2-1-2008
571-040-0251	7-21-2008	Repeal	9-1-2008	575-095-0025	1-9-2008	Adopt	2-1-2008
571-040-0261	2-19-2008	Suspend	4-1-2008	575-095-0030	1-9-2008	Adopt	2-1-2008
571-040-0261	7-21-2008	Repeal	9-1-2008	575-095-0035	1-9-2008	Adopt	2-1-2008
571-040-0380	2-19-2008	Suspend	4-1-2008	575-095-0040	1-9-2008	Adopt	2-1-2008
571-040-0380	7-21-2008	Repeal	9-1-2008	575-095-0045	1-9-2008	Adopt	2-1-2008
571-040-0382	2-19-2008	Suspend	4-1-2008	576-004-0000	7-1-2008	Amend	8-1-2008
571-040-0382	7-21-2008	Repeal	9-1-2008	576-004-0005	7-1-2008	Amend	8-1-2008
571-040-0390	2-19-2008	Suspend	4-1-2008	576-004-0015	7-1-2008	Amend	8-1-2008
571-040-0390	7-21-2008	Repeal	9-1-2008	576-004-0020	7-1-2008	Amend	8-1-2008
571-040-0400	2-19-2008	Suspend	4-1-2008	576-008-0200	2-19-2008	Suspend	4-1-2008
571-040-0400	7-21-2008	Repeal	9-1-2008	576-008-0200	7-21-2008	Repeal	9-1-2008
571-040-0410	2-19-2008	Suspend	4-1-2008	576-008-0205	2-19-2008	Suspend	4-1-2008
571-040-0410	7-21-2008	Repeal	9-1-2008	576-008-0205	7-21-2008	Repeal	9-1-2008
571-040-0420	2-19-2008	Suspend	4-1-2008	576-008-0210	2-19-2008	Suspend	4-1-2008
571-040-0420	7-21-2008	Repeal	9-1-2008	576-008-0210	7-21-2008	Repeal	9-1-2008
571-040-0430	2-19-2008	Suspend	4-1-2008	576-008-0215	2-19-2008	Suspend	4-1-2008
571-040-0430	7-21-2008	Repeal	9-1-2008	576-008-0215	7-21-2008	Repeal	9-1-2008
571-040-0440	2-19-2008	Suspend	4-1-2008	576-008-0220	2-19-2008	Suspend	4-1-2008
571-040-0440	7-21-2008	Repeal	9-1-2008	576-008-0220	7-21-2008	Repeal	9-1-2008
571-040-0450	2-19-2008	Suspend	4-1-2008	576-008-0223	2-19-2008	Suspend	4-1-2008
571-040-0450	7-21-2008	Repeal	9-1-2008	576-008-0223	7-21-2008	Repeal	9-1-2008
571-040-0460	2-19-2008	Suspend	4-1-2008	576-008-0225	2-19-2008	Suspend	4-1-2008
571-040-0460	7-21-2008	Repeal	9-1-2008	576-008-0225	7-21-2008	Repeal	9-1-2008
571-050-0011	6-18-2008	Amend(T)	8-1-2008	576-008-0228	2-19-2008	Suspend	4-1-2008
571-050-0011	8-18-2008	Amend	9-1-2008	576-008-0228	7-21-2008	Repeal	9-1-2008
571-060-0005	7-1-2008	Amend	6-1-2008	576-008-0230	2-19-2008	Suspend	4-1-2008
571-060-0005	7-1-2008	Amend	8-1-2008	576-008-0230	7-21-2008	Repeal	9-1-2008
573-035-0040	3-14-2008	Amend	4-1-2008	576-008-0235	2-19-2008	Suspend	4-1-2008
573-040-0005	4-15-2008	Amend	5-1-2008	576-008-0235	7-21-2008	Repeal	9-1-2008
573-050-0045	6-5-2008	Amend	7-1-2008	576-008-0240	2-19-2008	Suspend	4-1-2008
573-075-0100	3-14-2008	Amend	4-1-2008	576-008-0240	7-21-2008	Repeal	9-1-2008
573-095-0010	3-14-2008	Amend	4-1-2008	576-008-0245	2-19-2008	Suspend	4-1-2008

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576-008-0255	2-19-2008	Suspend	4-1-2008	577-001-0045	4-21-2008	Amend(T)	5-1-2008
576-008-0255	7-21-2008	Repeal	9-1-2008	577-001-0045	9-15-2008	Amend	10-1-2008
576-008-0260	2-19-2008	Suspend	4-1-2008	577-001-0050	4-21-2008	Amend(T)	5-1-2008
576-008-0260	7-21-2008	Repeal	9-1-2008	577-001-0050	9-15-2008	Amend	10-1-2008
576-008-0275	2-19-2008	Suspend	4-1-2008	577-030-0005	5-1-2008	Amend(T)	5-1-2008
576-008-0275	7-21-2008	Repeal	9-1-2008	577-030-0005	10-27-2008	Amend	12-1-2008
576-008-0277	2-19-2008	Suspend	4-1-2008	577-030-0010	5-1-2008	Amend(T)	5-1-2008
576-008-0277	7-21-2008	Repeal	9-1-2008	577-030-0010	10-27-2008	Amend	12-1-2008
576-008-0280	2-19-2008	Suspend	4-1-2008	577-030-0015	5-1-2008	Amend(T)	5-1-2008
576-008-0280	7-21-2008	Repeal	9-1-2008	577-030-0015	10-27-2008	Amend	12-1-2008
576-008-0282	2-19-2008	Suspend	4-1-2008	577-030-0016	5-1-2008	Adopt(T)	5-1-2008
576-008-0282	7-21-2008	Repeal	9-1-2008	577-030-0017	10-27-2008	Adopt	12-1-2008
576-008-0285	2-19-2008	Suspend	4-1-2008	577-030-0020	5-1-2008	Amend(T)	5-1-2008
576-008-0285	7-21-2008	Repeal	9-1-2008	577-030-0020	10-27-2008	Amend	12-1-2008
576-008-0287	2-19-2008	Suspend	4-1-2008	577-030-0021	5-1-2008	Adopt(T)	5-1-2008
576-008-0287	7-21-2008	Repeal	9-1-2008	577-030-0022	10-27-2008	Adopt	12-1-2008
576-008-0290	2-19-2008	Suspend	4-1-2008	577-030-0025	5-1-2008	Amend(T)	5-1-2008
576-008-0290	7-21-2008	Repeal	9-1-2008	577-030-0025	10-27-2008	Amend	12-1-2008
576-008-0292	2-19-2008	Suspend	4-1-2008	577-030-0030	5-1-2008	Amend(T)	5-1-2008
576-008-0292	7-21-2008	Repeal	9-1-2008	577-030-0030	10-27-2008	Amend	12-1-2008
576-008-0295	2-19-2008	Suspend	4-1-2008	577-030-0035	1-1-2008	Amend(T)	2-1-2008
576-008-0295	7-21-2008	Repeal	9-1-2008	577-030-0040	5-1-2008	Amend(T)	5-1-2008
576-010-0000	7-1-2008	Amend	8-1-2008	577-030-0040	10-27-2008	Amend	12-1-2008
576-010-0011	7-1-2008	Adopt	8-1-2008	577-030-0045	5-1-2008	Amend(T)	5-1-2008
576-010-0021	7-1-2008	Adopt	8-1-2008	577-030-0045	10-27-2008	Amend	12-1-2008
576-024-0000	7-1-2008	Amend	8-1-2008	577-030-0050	5-1-2008	Amend(T)	5-1-2008
576-060-0010	7-1-2008	Amend	8-1-2008	577-030-0050	10-27-2008	Amend	12-1-2008
576-060-0015	7-1-2008	Amend	8-1-2008	577-030-0060	5-1-2008	Amend(T)	5-1-2008
576-060-0020	7-1-2008	Amend	8-1-2008	577-030-0060	10-27-2008	Amend	12-1-2008
576-060-0025	7-1-2008	Amend	8-1-2008	577-030-0065	5-1-2008	Amend(T)	5-1-2008
576-060-0031	7-1-2008	Adopt	8-1-2008	577-030-0065	10-27-2008	Amend	12-1-2008
576-060-0035	7-1-2008	Amend	8-1-2008	577-030-0070	5-1-2008	Amend(T)	5-1-2008
576-060-0037	7-1-2008	Amend	8-1-2008	577-030-0070	10-27-2008	Amend	12-1-2008
576-060-0038	7-1-2008	Amend	8-1-2008	577-030-0075	5-1-2008	Suspend	5-1-2008
576-060-0039	7-1-2008	Amend	8-1-2008	577-030-0075	10-27-2008	Repeal	12-1-2008
576-060-0040	7-1-2008	Amend	8-1-2008	577-030-0080	5-1-2008	Am. & Ren.(T)	5-1-2008
577-001-0001	4-21-2008	Suspend	5-1-2008	577-030-0080	9-15-2008	Am. & Ren.	10-1-2008
577-001-0001	9-15-2008	Repeal	10-1-2008	577-060-0020	7-1-2008	Amend(T)	7-1-2008
577-001-0005	4-21-2008	Amend(T)	5-1-2008	577-577-030-0035	5-16-2008	Amend	6-1-2008
577-001-0005	9-15-2008	Amend	10-1-2008	578-041-0030	6-10-2008	Amend	7-1-2008
577-001-0010	4-21-2008	Amend(T)	5-1-2008	578-072-0010	6-10-2008	Amend	7-1-2008
577-001-0010	9-15-2008	Amend	10-1-2008	578-072-0030	6-10-2008	Amend	7-1-2008
577-001-0014	4-21-2008	Suspend	5-1-2008	578-072-0050	6-10-2008	Amend	7-1-2008
577-001-0014	9-15-2008	Repeal	10-1-2008	578-072-0070	6-10-2008	Amend	7-1-2008
577-001-0015	4-21-2008	Suspend	5-1-2008	579-015-0000	8-15-2008	Amend(T)	9-1-2008
577-001-0015	9-15-2008	Repeal	10-1-2008	579-015-0005	8-15-2008	Amend(T)	9-1-2008
577-001-0020	4-21-2008	Amend(T)	5-1-2008	579-020-0006	3-14-2008	Amend	4-1-2008
577-001-0020	9-15-2008	Amend	10-1-2008	579-020-0006	8-15-2008	Amend	9-1-2008
577-001-0025	4-21-2008	Amend(T)	5-1-2008	579-020-0008	4-15-2008	Suspend	5-1-2008
577-001-0025	9-15-2008	Amend	10-1-2008	579-020-0008	10-15-2008	Repeal	11-1-2008
577-001-0030	4-21-2008	Suspend	5-1-2008	579-020-0012	4-15-2008	Suspend	5-1-2008
577-001-0030	9-15-2008	Repeal	10-1-2008	579-020-0012	10-15-2008	Repeal	11-1-2008
577-001-0035	4-21-2008	Amend(T)	5-1-2008	579-020-0017	4-15-2008	Suspend	5-1-2008
577-001-0035	9-15-2008	Amend	10-1-2008	579-020-0017	10-15-2008	Repeal	11-1-2008
577-001-0040	4-21-2008	Amend(T)	5-1-2008	579-030-0005	3-14-2008	Amend	4-1-2008
577-001-0040	9-15-2008	Amend	10-1-2008	579-030-0010	3-14-2008	Amend	4-1-2008
577-001-0041	4-21-2008	Amend(T)	5-1-2008	579-030-0015	3-14-2008	Amend	4-1-2008

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579-045-0005	9-15-2008	Amend	10-1-2008	580-040-0277	7-21-2008	Repeal	9-1-2008
580-023-0005	2-19-2008	Suspend	4-1-2008	580-040-0280	2-19-2008	Suspend	4-1-2008
580-023-0010	2-19-2008	Suspend	4-1-2008	580-040-0280	7-21-2008	Repeal	9-1-2008
580-023-0015	2-19-2008	Suspend	4-1-2008	580-040-0285	2-19-2008	Suspend	4-1-2008
580-023-0020	2-19-2008	Suspend	4-1-2008	580-040-0285	7-21-2008	Repeal	9-1-2008
580-023-0025	2-19-2008	Suspend	4-1-2008	580-040-0290	2-19-2008	Suspend	4-1-2008
580-023-0030	2-19-2008	Suspend	4-1-2008	580-040-0290	7-21-2008	Repeal	9-1-2008
580-023-0035	2-19-2008	Suspend	4-1-2008	580-040-0292	2-19-2008	Suspend	4-1-2008
580-023-0040	2-19-2008	Suspend	4-1-2008	580-040-0292	7-21-2008	Repeal	9-1-2008
580-023-0045	2-19-2008	Suspend	4-1-2008	580-040-0295	2-19-2008	Suspend	4-1-2008
580-023-0050	2-19-2008	Suspend	4-1-2008	580-040-0295	7-21-2008	Repeal	9-1-2008
580-023-0055	2-19-2008	Suspend	4-1-2008	580-042-0010	2-19-2008	Amend(T)	4-1-2008
580-023-0060	2-19-2008	Suspend	4-1-2008	580-042-0010	7-21-2008	Amend	9-1-2008
580-023-0065	2-19-2008	Suspend	4-1-2008	580-043-0060	1-14-2008	Amend	2-1-2008
580-023-0105	2-19-2008	Adopt(T)	4-1-2008	580-043-0065	1-14-2008	Amend	2-1-2008
580-023-0110	2-19-2008	Adopt(T)	4-1-2008	580-043-0070	1-14-2008	Amend	2-1-2008
580-023-0115	2-19-2008	Adopt(T)	4-1-2008	580-043-0075	1-14-2008	Amend	2-1-2008
580-023-0120	2-19-2008	Adopt(T)	4-1-2008	580-043-0085	1-14-2008	Amend	2-1-2008
580-023-0125	2-19-2008	Adopt(T)	4-1-2008	580-043-0090	1-14-2008	Amend	2-1-2008
580-023-0130	2-19-2008	Adopt(T)	4-1-2008	580-043-0095	1-14-2008	Amend	2-1-2008
580-023-0135	2-19-2008	Adopt(T)	4-1-2008	580-043-0100	1-14-2008	Adopt	2-1-2008
580-023-0140	2-19-2008	Adopt(T)	4-1-2008	580-050-0001	2-19-2008	Suspend	4-1-2008
580-023-0145	2-19-2008	Adopt(T)	4-1-2008	580-050-0001	7-21-2008	Repeal	9-1-2008
580-023-0150	2-19-2008	Adopt(T)	4-1-2008	580-050-0005	2-19-2008	Suspend	4-1-2008
580-040-0035	1-14-2008	Amend	2-1-2008	580-050-0005	7-21-2008	Repeal	9-1-2008
580-040-0040	3-20-2008	Amend(T)	5-1-2008	580-050-0010	2-19-2008	Suspend	4-1-2008
580-040-0040	6-17-2008	Amend	8-1-2008	580-050-0010	7-21-2008	Repeal	9-1-2008
580-040-0100	2-19-2008	Suspend	4-1-2008	580-050-0015	2-19-2008	Suspend	4-1-2008
580-040-0100	7-21-2008	Repeal	9-1-2008	580-050-0015	7-21-2008	Repeal	9-1-2008
580-040-0200	2-19-2008	Suspend	4-1-2008	580-050-0020	2-19-2008	Suspend	4-1-2008
580-040-0200	7-21-2008	Repeal	9-1-2008	580-050-0020	7-21-2008	Repeal	9-1-2008
580-040-0205	2-19-2008	Suspend	4-1-2008	580-050-0025	2-19-2008	Suspend	4-1-2008
580-040-0205	7-21-2008	Repeal	9-1-2008	580-050-0025	7-21-2008	Repeal	9-1-2008
580-040-0210	2-19-2008	Suspend	4-1-2008	580-050-0032	2-19-2008	Suspend	4-1-2008
580-040-0210	7-21-2008	Repeal	9-1-2008	580-050-0032	7-21-2008	Repeal	9-1-2008
580-040-0215	2-19-2008	Suspend	4-1-2008	580-050-0033	2-19-2008	Suspend	4-1-2008
580-040-0215	7-21-2008	Repeal	9-1-2008	580-050-0033	7-21-2008	Repeal	9-1-2008
580-040-0220	2-19-2008	Suspend	4-1-2008	580-050-0040	2-19-2008	Suspend	4-1-2008
580-040-0220	7-21-2008	Repeal	9-1-2008	580-050-0040	7-21-2008	Repeal	9-1-2008
580-040-0223	2-19-2008	Suspend	4-1-2008	580-050-0041	2-19-2008	Suspend	4-1-2008
580-040-0223	7-21-2008	Repeal	9-1-2008	580-050-0041	7-21-2008	Repeal	9-1-2008
580-040-0225	2-19-2008	Suspend	4-1-2008	580-050-0042	2-19-2008	Suspend	4-1-2008
580-040-0225	7-21-2008	Repeal	9-1-2008	580-050-0042	7-21-2008	Repeal	9-1-2008
580-040-0230	2-19-2008	Suspend	4-1-2008	580-050-0100	2-19-2008	Suspend	4-1-2008
580-040-0230	7-21-2008	Repeal	9-1-2008	580-050-0100	7-21-2008	Repeal	9-1-2008
580-040-0235	2-19-2008	Suspend	4-1-2008	580-050-0105	2-19-2008	Suspend	4-1-2008
580-040-0235	7-21-2008	Repeal	9-1-2008	580-050-0105	7-21-2008	Repeal	9-1-2008
580-040-0240	2-19-2008	Suspend	4-1-2008	580-060-0000	2-19-2008	Adopt(T)	4-1-2008
580-040-0240	7-21-2008	Repeal	9-1-2008	580-060-0000	7-21-2008	Adopt	9-1-2008
580-040-0245	2-19-2008	Suspend	4-1-2008	580-060-0005	2-19-2008	Adopt(T)	4-1-2008
580-040-0245	7-21-2008	Repeal	9-1-2008	580-060-0005	7-21-2008	Adopt	9-1-2008
580-040-0255	2-19-2008	Suspend	4-1-2008	580-060-0010	2-19-2008	Adopt(T)	4-1-2008
580-040-0255	7-21-2008	Repeal	9-1-2008	580-060-0010	7-21-2008	Adopt	9-1-2008
580-040-0260	2-19-2008	Suspend	4-1-2008	580-060-0015	2-19-2008	Adopt(T)	4-1-2008
580-040-0260	7-21-2008	Repeal	9-1-2008	580-060-0015	7-21-2008	Adopt	9-1-2008
580-040-0275	2-19-2008	Suspend	4-1-2008	580-060-0020	2-19-2008	Adopt(T)	4-1-2008
580-040-0275	7-21-2008	Repeal	9-1-2008	580-060-0020	7-21-2008	Adopt	9-1-2008

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580-060-0025	2-19-2008	Adopt(T)	4-1-2008	580-061-0105	2-19-2008	Adopt(T)	4-1-2008
580-060-0025	7-21-2008	Adopt	9-1-2008	580-061-0105	7-21-2008	Adopt	9-1-2008
580-060-0030	2-19-2008	Adopt(T)	4-1-2008	580-061-0110	2-19-2008	Adopt(T)	4-1-2008
580-060-0030	7-21-2008	Adopt	9-1-2008	580-061-0110	7-21-2008	Adopt	9-1-2008
580-060-0035	2-19-2008	Adopt(T)	4-1-2008	580-061-0115	2-19-2008	Adopt(T)	4-1-2008
580-060-0035	7-21-2008	Adopt	9-1-2008	580-061-0115	7-21-2008	Adopt	9-1-2008
580-060-0040	2-19-2008	Adopt(T)	4-1-2008	580-061-0120	2-19-2008	Adopt(T)	4-1-2008
580-060-0040	7-21-2008	Adopt	9-1-2008	580-061-0120	7-21-2008	Adopt	9-1-2008
580-060-0045	2-19-2008	Adopt(T)	4-1-2008	580-061-0125	2-19-2008	Adopt(T)	4-1-2008
580-060-0045	7-21-2008	Adopt	9-1-2008	580-061-0125	7-21-2008	Adopt	9-1-2008
580-060-0050	2-19-2008	Adopt(T)	4-1-2008	580-061-0130	2-19-2008	Adopt(T)	4-1-2008
580-060-0050	7-21-2008	Adopt	9-1-2008	580-061-0130	7-21-2008	Adopt	9-1-2008
580-060-0055	2-19-2008	Adopt(T)	4-1-2008	580-061-0135	2-19-2008	Adopt(T)	4-1-2008
580-060-0055	7-21-2008	Adopt	9-1-2008	580-061-0135	7-21-2008	Adopt	9-1-2008
580-060-0060	2-19-2008	Adopt(T)	4-1-2008	580-061-0140	2-19-2008	Adopt(T)	4-1-2008
580-060-0060	7-21-2008	Adopt	9-1-2008	580-061-0140	7-21-2008	Adopt	9-1-2008
580-061-0000	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	2-19-2008	Adopt(T)	4-1-2008
580-061-0000	7-21-2008	Adopt	9-1-2008	580-061-0145	6-5-2008	Amend(T)	7-1-2008
580-061-0005	2-19-2008	Adopt(T)	4-1-2008	580-061-0145	7-21-2008	Adopt	9-1-2008
580-061-0005	7-21-2008	Adopt	9-1-2008	580-061-0145(T)	6-5-2008	Suspend	7-1-2008
580-061-0010	2-19-2008	Adopt(T)	4-1-2008	580-061-0150	2-19-2008	Adopt(T)	4-1-2008
580-061-0010	7-21-2008	Adopt	9-1-2008	580-061-0150	7-21-2008	Adopt	9-1-2008
580-061-0015	2-19-2008	Adopt(T)	4-1-2008	580-061-0155	2-19-2008	Adopt(T)	4-1-2008
580-061-0015	7-21-2008	Adopt	9-1-2008	580-061-0155	7-21-2008	Adopt	9-1-2008
580-061-0020	2-19-2008	Adopt(T)	4-1-2008	580-061-0160	2-19-2008	Adopt(T)	4-1-2008
580-061-0020	7-21-2008	Adopt	9-1-2008	580-061-0160	7-21-2008	Adopt	9-1-2008
580-061-0025	2-19-2008	Adopt(T)	4-1-2008	580-062-0000	2-19-2008	Adopt(T)	4-1-2008
580-061-0025	7-21-2008	Adopt	9-1-2008	580-062-0000	7-21-2008	Adopt	9-1-2008
580-061-0030	2-19-2008	Adopt(T)	4-1-2008	580-062-0005	2-19-2008	Adopt(T)	4-1-2008
580-061-0030	7-21-2008	Adopt	9-1-2008	580-062-0005	7-21-2008	Adopt	9-1-2008
580-061-0035	2-19-2008	Adopt(T)	4-1-2008	580-062-0010	2-19-2008	Adopt(T)	4-1-2008
580-061-0035	7-21-2008	Adopt	9-1-2008	580-062-0010	7-21-2008	Adopt	9-1-2008
580-061-0040	2-19-2008	Adopt(T)	4-1-2008	580-062-0015	2-19-2008	Adopt(T)	4-1-2008
580-061-0040	7-21-2008	Adopt	9-1-2008	580-062-0015	7-21-2008	Adopt	9-1-2008
580-061-0045	2-19-2008	Adopt(T)	4-1-2008	580-062-0020	2-19-2008	Adopt(T)	4-1-2008
580-061-0045	7-21-2008	Adopt	9-1-2008	580-062-0020	7-21-2008	Adopt	9-1-2008
580-061-0050	2-19-2008	Adopt(T)	4-1-2008	580-063-0000	2-19-2008	Adopt(T)	4-1-2008
580-061-0050	7-21-2008	Adopt	9-1-2008	580-063-0000	7-21-2008	Adopt	9-1-2008
580-061-0055	2-19-2008	Adopt(T)	4-1-2008	580-063-0005	2-19-2008	Adopt(T)	4-1-2008
580-061-0055	7-21-2008	Adopt	9-1-2008	580-063-0005	7-21-2008	Adopt	9-1-2008
580-061-0060	2-19-2008	Adopt(T)	4-1-2008	580-063-0010	2-19-2008	Adopt(T)	4-1-2008
580-061-0060	7-21-2008	Adopt	9-1-2008	580-063-0010	6-5-2008	Amend(T)	7-1-2008
580-061-0065	2-19-2008	Adopt(T)	4-1-2008	580-063-0010	7-21-2008	Adopt	9-1-2008
580-061-0065	7-21-2008	Adopt	9-1-2008	580-063-0010(T)	6-5-2008	Suspend	7-1-2008
580-061-0070	2-19-2008	Adopt(T)	4-1-2008	580-063-0015	2-19-2008	Adopt(T)	4-1-2008
580-061-0070	7-21-2008	Adopt	9-1-2008	580-063-0015	7-21-2008	Adopt	9-1-2008
580-061-0075	2-19-2008	Adopt(T)	4-1-2008	580-063-0020	2-19-2008	Adopt(T)	4-1-2008
580-061-0075	7-21-2008	Adopt	9-1-2008	580-063-0020	6-5-2008	Amend(T)	7-1-2008
580-061-0080	2-19-2008	Adopt(T)	4-1-2008	580-063-0020	7-21-2008	Adopt	9-1-2008
580-061-0080	7-21-2008	Adopt	9-1-2008	580-063-0020(T)	6-5-2008	Suspend	7-1-2008
580-061-0085	2-19-2008	Adopt(T)	4-1-2008	580-063-0025	2-19-2008	Adopt(T)	4-1-2008
580-061-0085	7-21-2008	Adopt	9-1-2008	580-063-0025	7-21-2008	Adopt	9-1-2008
580-061-0090	2-19-2008	Adopt(T)	4-1-2008	580-063-0030	2-19-2008	Adopt(T)	4-1-2008
580-061-0090	7-21-2008	Adopt	9-1-2008	580-063-0030	7-21-2008	Adopt	9-1-2008
580-061-0095	2-19-2008	Adopt(T)	4-1-2008	580-063-0035	2-19-2008	Adopt(T)	4-1-2008
580-061-0095	7-21-2008	Adopt	9-1-2008	580-063-0035	7-21-2008	Adopt	9-1-2008
580-061-0100	2-19-2008	Adopt(T)	4-1-2008	580-063-0040	2-19-2008	Adopt(T)	4-1-2008
580-061-0100	7-21-2008	Adopt	9-1-2008	580-063-0040	7-21-2008	Adopt	9-1-2008

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580-063-0045	7-21-2008	Adopt	9-1-2008	581-022-1115	9-26-2008	Repeal	11-1-2008
581-010-0200	10-24-2008	Amend	12-1-2008	581-022-1120	9-26-2008	Repeal	11-1-2008
581-011-0085	9-26-2008	Am. & Ren.	11-1-2008	581-022-1130	6-27-2008	Amend	8-1-2008
581-011-0140	1-25-2008	Amend	3-1-2008	581-022-1134	5-23-2008	Adopt	7-1-2008
581-011-0141	10-24-2008	Adopt(T)	12-1-2008	581-022-1135	5-23-2008	Adopt	7-1-2008
581-015-0055	2-22-2008	Repeal	4-1-2008	581-022-1140	9-26-2008	Amend	11-1-2008
581-015-0065	2-22-2008	Repeal	4-1-2008	581-022-1210	9-26-2008	Amend	11-1-2008
581-015-2000	10-24-2008	Amend	12-1-2008	581-022-1340	9-26-2008	Amend	11-1-2008
581-015-2035	4-21-2008	Adopt	6-1-2008	581-022-1350	9-26-2008	Amend	11-1-2008
581-015-2200	10-24-2008	Amend	12-1-2008	581-022-1510	6-27-2008	Amend	8-1-2008
581-015-2240	10-24-2008	Amend	12-1-2008	581-022-1620	9-26-2008	Amend	11-1-2008
581-015-2255	10-24-2008	Amend	12-1-2008	581-022-1630	9-26-2008	Amend	11-1-2008
581-015-2390	10-24-2008	Amend	12-1-2008	581-022-1661	12-12-2007	Adopt	1-1-2008
581-015-2400	10-24-2008	Amend	12-1-2008	581-022-1710	9-26-2008	Amend	11-1-2008
581-015-2555	10-24-2008	Amend	12-1-2008	581-022-1720	9-26-2008	Amend	11-1-2008
581-015-2570	12-12-2007	Amend	1-1-2008	581-022-1730	9-26-2008	Amend	11-1-2008
581-015-2575	10-24-2008	Amend	12-1-2008	581-022-1732	9-26-2008	Am. & Ren.	11-1-2008
581-015-2580	10-24-2008	Amend	12-1-2008	581-022-1735	9-26-2008	Renumber	11-1-2008
581-015-2595	12-12-2007	Amend	1-1-2008	581-022-1920	9-26-2008	Amend	11-1-2008
581-015-2815	10-24-2008	Amend	12-1-2008	581-022-1930	9-26-2008	Repeal	11-1-2008
581-016-0920	10-24-2008	Amend	12-1-2008	581-022-1940	12-12-2007	Amend	1-1-2008
581-019-0005	10-24-2008	Amend	12-1-2008	581-022-1941	12-12-2007	Adopt	1-1-2008
581-019-0030	10-24-2008	Amend	12-1-2008	581-023-0006	8-29-2008	Amend	10-1-2008
581-019-0033	2-22-2008	Adopt(T)	4-1-2008	581-023-0008	8-29-2008	Amend	10-1-2008
581-019-0075	10-24-2008	Amend	12-1-2008	581-023-0012	8-29-2008	Adopt	10-1-2008
581-020-0060	1-25-2008	Amend	3-1-2008	581-023-0035	2-22-2008	Amend	4-1-2008
581-020-0065	1-25-2008	Amend	3-1-2008	581-023-0040	3-21-2008	Amend	5-1-2008
581-020-0070	1-25-2008	Amend	3-1-2008	581-023-0041	2-22-2008	Amend	4-1-2008
581-020-0075	1-25-2008	Amend	3-1-2008	581-023-0050	6-27-2008	Am. & Ren.	8-1-2008
581-020-0080	1-25-2008	Amend	3-1-2008	581-023-0100	6-27-2008	Amend	8-1-2008
581-020-0085	1-25-2008	Amend	3-1-2008	581-023-0104	12-12-2007	Amend	1-1-2008
581-020-0090	1-25-2008	Amend	3-1-2008	581-023-0112	4-21-2008	Amend	6-1-2008
581-020-0250	12-12-2007	Adopt	1-1-2008	581-024-0191	10-24-2008	Amend	12-1-2008
581-020-0339	6-27-2008	Adopt	8-1-2008	581-024-0205	5-23-2008	Amend	7-1-2008
581-020-0359	3-21-2008	Adopt	5-1-2008	581-024-0205	10-24-2008	Amend	12-1-2008
581-020-0361	3-21-2008	Adopt	5-1-2008	581-024-0206	10-24-2008	Amend	12-1-2008
581-021-0019	8-29-2008	Adopt	10-1-2008	581-024-0208	10-24-2008	Amend	12-1-2008
581-021-0045	5-23-2008	Amend	7-1-2008	581-024-0210	10-24-2008	Amend	12-1-2008
581-021-0046	5-23-2008	Amend	7-1-2008	581-024-0212	10-24-2008	Repeal	12-1-2008
581-021-0200	10-24-2008	Amend	12-1-2008	581-024-0215	10-24-2008	Amend	12-1-2008
581-021-0211	9-26-2008	Repeal	11-1-2008	581-024-0225	10-24-2008	Repeal	12-1-2008
581-021-0260	10-24-2008	Amend	12-1-2008	581-024-0226	10-24-2008	Amend	12-1-2008
581-021-0500	9-26-2008	Adopt	11-1-2008	581-024-0228	10-24-2008	Amend	12-1-2008
581-022-0102	9-26-2008	Amend	11-1-2008	581-024-0231	10-24-2008	Amend	12-1-2008
581-022-01670	9-26-2008	Amend	11-1-2008	581-024-0235	10-24-2008	Amend	12-1-2008
581-022-0405	6-27-2008	Amend	8-1-2008	581-024-0240	10-24-2008	Amend	12-1-2008
581-022-0413	5-23-2008	Amend	7-1-2008	581-024-0245	5-23-2008	Amend	7-1-2008
581-022-0416	8-29-2008	Adopt	10-1-2008	581-024-0245	10-24-2008	Amend	12-1-2008
581-022-0606	9-26-2008	Amend	11-1-2008	581-024-0250	10-24-2008	Amend	12-1-2008
581-022-0612	9-26-2008	Amend	11-1-2008	581-024-0252	10-24-2008	Amend	12-1-2008
581-022-0615	6-27-2008	Adopt	8-1-2008	581-024-0255	10-24-2008	Amend	12-1-2008
581-022-0803	9-26-2008	Repeal	11-1-2008	581-024-0257	10-24-2008	Amend	12-1-2008
581-022-0807	9-26-2008	Amend	11-1-2008	581-024-0260	10-24-2008	Amend	12-1-2008
581-022-1020	9-26-2008	Amend	11-1-2008	581-024-0262	10-24-2008	Amend	12-1-2008
581-022-1060	9-26-2008	Amend	11-1-2008	581-024-0265	10-24-2008	Amend	12-1-2008
581-022-1065	1-25-2008	Amend	3-1-2008	581-024-0270	10-24-2008	Amend	12-1-2008
581-022-1110	9-26-2008	Repeal	11-1-2008	581-024-0275	10-24-2008	Amend	12-1-2008

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581-024-0285	12-12-2007	Amend	1-1-2008	584-017-0261	8-20-2008	Amend	10-1-2008
581-024-0285	10-24-2008	Amend	12-1-2008	584-017-0350	4-15-2008	Repeal	5-1-2008
581-024-0288	10-24-2008	Repeal	12-1-2008	584-017-0351	12-14-2007	Adopt	1-1-2008
581-024-0290	10-24-2008	Amend	12-1-2008	584-017-0355	4-15-2008	Amend	5-1-2008
581-024-0300	10-24-2008	Amend	12-1-2008	584-017-0442	4-15-2008	Repeal	5-1-2008
581-045-0001	5-23-2008	Amend	7-1-2008	584-017-0452	4-15-2008	Repeal	5-1-2008
581-049-0010	10-24-2008	Amend	12-1-2008	584-019-0002	12-14-2007	Amend	1-1-2008
581-049-0020	5-23-2008	Amend	7-1-2008	584-019-0003	12-14-2007	Amend	1-1-2008
581-053-0545	10-24-2008	Amend	12-1-2008	584-019-0020	12-14-2007	Repeal	1-1-2008
581-053-5556	4-18-2008	Amend	6-1-2008	584-019-0025	12-14-2007	Amend	1-1-2008
581-060-0005	10-24-2008	Amend	12-1-2008	584-019-0035	12-14-2007	Amend	1-1-2008
581-070-0220	10-24-2008	Amend	12-1-2008	584-019-0040	12-14-2007	Amend	1-1-2008
582-001-0010	2-4-2008	Amend	3-1-2008	584-020-0000	12-14-2007	Amend	1-1-2008
582-001-0010	3-3-2008	Amend	4-1-2008	584-020-0005	12-14-2007	Amend	1-1-2008
582-001-0010	4-10-2008	Amend	5-1-2008	584-020-0010	12-14-2007	Amend	1-1-2008
582-030-0005	2-4-2008	Amend	3-1-2008	584-020-0015	12-14-2007	Amend	1-1-2008
582-030-0008	2-4-2008	Amend	3-1-2008	584-020-0020	12-14-2007	Amend	1-1-2008
582-070-0020	2-4-2008	Amend	3-1-2008	584-020-0025	12-14-2007	Amend	1-1-2008
582-070-0020	3-3-2008	Amend	4-1-2008	584-020-0030	12-14-2007	Amend	1-1-2008
582-070-0020	4-10-2008	Amend	5-1-2008	584-020-0035	12-14-2007	Amend	1-1-2008
582-070-0025	2-4-2008	Amend	3-1-2008	584-020-0040	12-14-2007	Amend	1-1-2008
582-070-0030	2-4-2008	Amend	3-1-2008	584-020-0040	11-13-2008	Amend	12-1-2008
582-080-0020	3-3-2008	Amend	4-1-2008	584-020-0041	12-14-2007	Amend	1-1-2008
583-050-0011	2-7-2008	Amend	3-1-2008	584-021-0105	6-13-2008	Amend	7-1-2008
583-070-0002	4-14-2008	Adopt	5-1-2008	584-021-0175	6-13-2008	Repeal	7-1-2008
583-070-0011	4-14-2008	Adopt	5-1-2008	584-023-0005	12-14-2007	Amend	1-1-2008
583-070-0015	4-14-2008	Adopt	5-1-2008	584-023-0015	12-14-2007	Amend	1-1-2008
583-070-0020	4-14-2008	Adopt	5-1-2008	584-023-0025	12-14-2007	Amend	1-1-2008
584-005-0005	4-15-2008	Amend	5-1-2008	584-036-0010	8-20-2008	Amend	10-1-2008
584-005-0005	5-30-2008	Amend(T)	7-1-2008	584-036-0055	6-13-2008	Amend	7-1-2008
584-005-0005	8-20-2008	Amend	10-1-2008	584-036-0055	8-20-2008	Amend	10-1-2008
584-010-0006	4-15-2008	Adopt	5-1-2008	584-036-0060	6-13-2008	Repeal	7-1-2008
584-010-0010	4-15-2008	Amend	5-1-2008	584-036-0067	4-15-2008	Amend	5-1-2008
584-010-0015	4-15-2008	Amend	5-1-2008	584-038-0004	4-15-2008	Amend	5-1-2008
584-010-0020	4-15-2008	Amend	5-1-2008	584-038-0080	12-14-2007	Amend	1-1-2008
584-010-0025	4-15-2008	Amend	5-1-2008	584-038-0335	12-14-2007	Amend	1-1-2008
584-010-0030	4-15-2008	Amend	5-1-2008	584-038-0336	12-14-2007	Amend	1-1-2008
584-010-0035	4-15-2008	Amend	5-1-2008	584-040-0080	12-14-2007	Amend	1-1-2008
584-010-0040	4-15-2008	Repeal	5-1-2008	584-040-0310	12-14-2007	Amend	1-1-2008
584-010-0045	4-15-2008	Amend	5-1-2008	584-040-0315	12-14-2007	Amend	1-1-2008
584-010-0050	4-15-2008	Amend	5-1-2008	584-044-0011	4-15-2008	Amend	5-1-2008
584-010-0055	4-15-2008	Amend	5-1-2008	584-044-0015	4-15-2008	Amend	5-1-2008
584-010-0060	4-15-2008	Amend	5-1-2008	584-044-0023	4-15-2008	Amend	5-1-2008
584-010-0065	4-15-2008	Repeal	5-1-2008	584-046-0003	6-13-2008	Amend	7-1-2008
584-010-0070	4-15-2008	Repeal	5-1-2008	584-046-0016	6-13-2008	Amend	7-1-2008
584-010-0080	4-15-2008	Amend	5-1-2008	584-046-0019	6-13-2008	Amend	7-1-2008
584-010-0090	4-15-2008	Amend	5-1-2008	584-046-0020	4-15-2008	Amend	5-1-2008
584-010-0100	4-15-2008	Amend	5-1-2008	584-046-0020	6-13-2008	Amend	7-1-2008
584-010-0120	4-15-2008	Repeal	5-1-2008	584-046-0021	6-13-2008	Amend	7-1-2008
584-010-0140	4-15-2008	Amend	5-1-2008	584-046-0024	4-15-2008	Amend	5-1-2008
584-017-0001	4-15-2008	Am. & Ren.	5-1-2008	584-048-0045	6-13-2008	Repeal	7-1-2008
584-017-0115	6-13-2008	Amend	7-1-2008	584-048-0105	4-15-2008	Amend	5-1-2008
584-017-0120	8-20-2008	Amend	10-1-2008	584-048-0115	11-13-2008	Amend	12-1-2008
584-017-0130	8-20-2008	Amend	10-1-2008	584-050-0002	12-14-2007	Amend	1-1-2008
584-017-0175	4-15-2008	Amend	5-1-2008	584-050-0005	12-14-2007	Amend	1-1-2008
584-017-0185	2-15-2008	Amend(T)	3-1-2008	584-050-0006	12-14-2007	Amend	1-1-2008
584-017-0185	6-13-2008	Amend	7-1-2008	584-050-0009	12-14-2007	Amend	1-1-2008

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584-050-0015	12-14-2007	Amend	1-1-2008	584-080-0153	8-20-2008	Amend	10-1-2008
584-050-0015	8-20-2008	Amend	10-1-2008	584-080-0161	8-20-2008	Amend	10-1-2008
584-050-0016	12-14-2007	Amend	1-1-2008	584-100-0006	6-5-2008	Amend(T)	7-1-2008
584-050-0018	12-14-2007	Amend	1-1-2008	584-100-0006	8-20-2008	Amend	10-1-2008
584-050-0018	11-13-2008	Amend	12-1-2008	584-100-0011	8-20-2008	Amend	10-1-2008
584-050-0019	12-14-2007	Amend	1-1-2008	584-100-0051	8-20-2008	Amend	10-1-2008
584-050-0020	12-14-2007	Amend	1-1-2008	589-020-0225	9-18-2008	Amend(T)	11-1-2008
584-050-0022	8-20-2008	Repeal	10-1-2008	603-009-0300	7-30-2008	Adopt(T)	9-1-2008
584-050-0035	12-14-2007	Amend	1-1-2008	603-009-0310	7-30-2008	Adopt(T)	9-1-2008
584-050-0040	12-14-2007	Amend	1-1-2008	603-009-0320	7-30-2008	Adopt(T)	9-1-2008
584-050-0042	12-14-2007	Amend	1-1-2008	603-009-0330	7-30-2008	Adopt(T)	9-1-2008
584-050-0065	12-14-2007	Amend	1-1-2008	603-009-0340	7-30-2008	Adopt(T)	9-1-2008
584-050-0066	12-14-2007	Amend	1-1-2008	603-009-0350	7-30-2008	Adopt(T)	9-1-2008
584-050-0067	12-14-2007	Amend	1-1-2008	603-009-0360	7-30-2008	Adopt(T)	9-1-2008
584-050-0070	12-14-2007	Amend	1-1-2008	603-011-0255	7-15-2008	Amend	8-1-2008
584-052-0015	4-15-2008	Amend	5-1-2008	603-011-0265	9-15-2008	Amend(T)	10-1-2008
584-052-0032	12-14-2007	Amend	1-1-2008	603-011-0610	11-28-2007	Amend	1-1-2008
584-060-0002	4-15-2008	Amend	5-1-2008	603-011-0610	9-1-2008	Amend	7-1-2008
584-060-0012	12-14-2007	Amend	1-1-2008	603-011-0615	9-1-2008	Adopt	7-1-2008
584-060-0012	4-15-2008	Amend	5-1-2008	603-011-0620	11-28-2007	Amend	1-1-2008
584-060-0012	8-20-2008	Amend	10-1-2008	603-011-0620	9-1-2008	Amend	7-1-2008
584-060-0014	4-15-2008	Amend	5-1-2008	603-014-0016	2-6-2008	Amend	3-1-2008
584-060-0014	8-20-2008	Amend	10-1-2008	603-014-0055	2-6-2008	Amend	3-1-2008
584-060-0041	11-13-2008	Repeal	12-1-2008	603-014-0065	2-6-2008	Amend	3-1-2008
584-060-0051	2-15-2008	Amend(T)	3-1-2008	603-014-0095	2-6-2008	Amend	3-1-2008
584-060-0051	8-12-2008	Amend	9-1-2008	603-014-0095	9-12-2008	Amend	10-1-2008
584-060-0052	4-15-2008	Amend	5-1-2008	603-014-0100	2-6-2008	Repeal	3-1-2008
584-060-0062	8-20-2008	Amend	10-1-2008	603-014-0135	2-6-2008	Amend	3-1-2008
584-060-0162	8-20-2008	Amend	10-1-2008	603-027-0410	2-15-2008	Amend	3-1-2008
584-060-0162	11-13-2008	Amend	12-1-2008	603-027-0410	3-17-2008	Amend(T)	4-1-2008
584-060-0171	8-20-2008	Amend	10-1-2008	603-027-0410	9-11-2008	Amend	10-1-2008
584-060-0181	8-20-2008	Amend	10-1-2008	603-027-0420	11-29-2007	Amend(T)	1-1-2008
584-060-0210	4-15-2008	Amend	5-1-2008	603-027-0420	2-15-2008	Amend	3-1-2008
584-065-0070	4-15-2008	Amend	5-1-2008	603-027-0420	3-17-2008	Amend(T)	4-1-2008
584-065-0080	4-15-2008	Amend	5-1-2008	603-027-0420	9-11-2008	Amend	10-1-2008
584-065-0120	6-13-2008	Adopt	7-1-2008	603-027-0420(T)	11-29-2007	Suspend	1-1-2008
584-070-0011	12-14-2007	Repeal	1-1-2008	603-027-0430	11-29-2007	Amend(T)	1-1-2008
584-070-0012	6-13-2008	Amend	7-1-2008	603-027-0430	2-15-2008	Amend	3-1-2008
584-070-0014	12-14-2007	Amend	1-1-2008	603-027-0430	3-17-2008	Amend(T)	4-1-2008
584-070-0021	12-14-2007	Repeal	1-1-2008	603-027-0430	9-11-2008	Amend	10-1-2008
584-070-0050	11-13-2008	Repeal	12-1-2008	603-027-0430(T)	11-29-2007	Suspend	1-1-2008
584-070-0051	11-13-2008	Repeal	12-1-2008	603-027-0440	2-15-2008	Amend	3-1-2008
584-070-0111	8-20-2008	Amend	10-1-2008	603-027-0440	3-17-2008	Amend(T)	4-1-2008
584-070-0112	8-20-2008	Amend	10-1-2008	603-027-0440	9-11-2008	Amend	10-1-2008
584-070-0132	4-15-2008	Amend	5-1-2008	603-027-0450	9-11-2008	Amend	10-1-2008
584-070-0211	11-13-2008	Amend	12-1-2008	603-027-0460	9-11-2008	Amend	10-1-2008
584-070-0221	11-13-2008	Amend	12-1-2008	603-027-0470	2-15-2008	Amend	3-1-2008
584-070-0239	11-13-2008	Repeal	12-1-2008	603-027-0490	2-15-2008	Amend	3-1-2008
584-070-0240	11-13-2008	Repeal	12-1-2008	603-027-0490	3-17-2008	Amend(T)	4-1-2008
584-070-0271	8-20-2008	Amend	10-1-2008	603-027-0490	9-11-2008	Amend	10-1-2008
584-070-0310	8-20-2008	Amend	10-1-2008	603-052-0127	2-8-2008	Amend	3-1-2008
584-070-0320	4-15-2008	Repeal	5-1-2008	603-052-0129	2-8-2008	Amend	3-1-2008
584-080-0002	8-20-2008	Amend	10-1-2008	603-052-0130	2-8-2008	Repeal	3-1-2008
584-080-0012	8-20-2008	Amend	10-1-2008	603-052-0132	2-8-2008	Repeal	3-1-2008
584-080-0022	8-20-2008	Amend	10-1-2008	603-052-0134	2-8-2008	Repeal	3-1-2008
584-080-0031	11-13-2008	Amend	12-1-2008	603-052-0136	2-8-2008	Repeal	3-1-2008
584-080-0151	8-20-2008	Amend	10-1-2008	603-052-0138	2-8-2008	Repeal	3-1-2008

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603-052-0142	2-8-2008	Repeal	3-1-2008	629-048-0220	1-1-2008	Adopt	2-1-2008
603-052-0145	2-8-2008	Repeal	3-1-2008	629-048-0230	1-1-2008	Adopt	2-1-2008
603-052-0265	7-11-2008	Amend	8-1-2008	629-048-0300	1-1-2008	Adopt	2-1-2008
603-052-0347	1-11-2008	Amend	2-1-2008	629-048-0310	1-1-2008	Adopt	2-1-2008
603-052-0360	2-8-2008	Amend	3-1-2008	629-048-0320	1-1-2008	Adopt	2-1-2008
603-052-0395	2-28-2008	Adopt	4-1-2008	629-048-0330	1-1-2008	Adopt	2-1-2008
603-052-0825	10-16-2008	Adopt	12-1-2008	629-048-0400	1-1-2008	Adopt	2-1-2008
603-052-0880	1-7-2008	Amend	2-1-2008	629-048-0450	1-1-2008	Adopt	2-1-2008
603-052-1200	3-7-2008	Amend	4-1-2008	629-048-0500	1-1-2008	Adopt	2-1-2008
603-052-1205	10-31-2008	Adopt	12-1-2008	629-623-0400	7-18-2008	Amend(T)	8-1-2008
603-052-1221	2-8-2008	Amend	3-1-2008	629-623-0500	7-18-2008	Suspend	8-1-2008
603-052-1230	1-16-2008	Amend	3-1-2008	635-001-0210	1-1-2008	Amend	2-1-2008
603-052-1240	1-7-2008	Amend	2-1-2008	635-003-0003	5-1-2008	Amend	6-1-2008
603-052-1250	1-16-2008	Amend	3-1-2008	635-003-0004	3-15-2008	Amend(T)	4-1-2008
603-054-0016	1-7-2008	Amend	2-1-2008	635-003-0004	6-21-2008	Amend(T)	8-1-2008
603-054-0016	4-15-2008	Amend	5-1-2008	635-003-0004(T)	6-21-2008	Suspend	8-1-2008
603-054-0017	1-7-2008	Amend	2-1-2008	635-003-0077	6-21-2008	Amend(T)	8-1-2008
603-054-0017	4-15-2008	Amend	5-1-2008	635-003-0085	9-1-2008	Amend(T)	8-1-2008
603-054-0018	1-7-2008	Amend	2-1-2008	635-003-0085	10-12-2008	Amend(T)	11-1-2008
603-054-0018	4-15-2008	Amend	5-1-2008	635-003-0085(T)	10-12-2008	Suspend	11-1-2008
603-054-0024	1-7-2008	Amend	2-1-2008	635-004-0016	6-24-2008	Amend(T)	8-1-2008
603-054-0035	2-15-2008	Amend	3-1-2008	635-004-0016	8-6-2008	Amend(T)	9-1-2008
603-058-0032	1-1-2009	Adopt	6-1-2008	635-004-0016	9-22-2008	Amend(T)	11-1-2008
617-010-0045	7-1-2008	Amend	7-1-2008	635-004-0016(T)	8-6-2008	Suspend	9-1-2008
620-010-0020	10-6-2008	Amend(T)	11-1-2008	635-004-0016(T)	9-22-2008	Suspend	11-1-2008
620-020-0010	1-25-2008	Adopt	3-1-2008	635-004-0018	1-1-2008	Amend	1-1-2008
620-020-0020	1-25-2008	Adopt	3-1-2008	635-004-0019	11-28-2007	Amend(T)	1-1-2008
620-020-0030	1-25-2008	Adopt	3-1-2008	635-004-0019	12-11-2007	Amend(T)	1-1-2008
623-040-0005	12-3-2007	Adopt	1-1-2008	635-004-0019	5-1-2008	Amend(T)	6-1-2008
623-040-0010	12-3-2007	Adopt	1-1-2008	635-004-0019	8-1-2008	Amend(T)	9-1-2008
623-040-0015	12-3-2007	Adopt	1-1-2008	635-004-0019(T)	11-28-2007	Suspend	1-1-2008
624-030-0010	7-15-2008	Amend	8-1-2008	635-004-0019(T)	8-1-2008	Suspend	9-1-2008
624-040-0010	7-15-2008	Adopt	8-1-2008	635-004-0027	1-1-2008	Amend(T)	2-1-2008
624-040-0020	7-15-2008	Adopt	8-1-2008	635-004-0033	11-28-2007	Amend(T)	1-1-2008
624-040-0030	7-15-2008	Adopt	8-1-2008	635-004-0033	1-1-2008	Amend	1-1-2008
629-001-0005	3-7-2008	Amend	4-1-2008	635-004-0033	7-1-2008	Amend(T)	8-1-2008
629-023-0420	9-1-2008	Amend	9-1-2008	635-004-0033	10-2-2008	Amend(T)	11-1-2008
629-023-0430	9-1-2008	Amend	9-1-2008	635-004-0033(T)	11-28-2007	Suspend	1-1-2008
629-023-0440	9-1-2008	Amend	9-1-2008	635-004-0033(T)	10-2-2008	Suspend	11-1-2008
629-023-0450	9-1-2008	Amend	9-1-2008	635-004-0038	8-11-2008	Amend(T)	9-1-2008
629-041-0555	5-12-2008	Amend	6-1-2008	635-004-0170	11-28-2007	Amend(T)	1-1-2008
629-041-0557	5-12-2008	Amend	6-1-2008	635-004-0170	1-1-2008	Amend	1-1-2008
629-043-0040	1-1-2008	Amend	2-1-2008	635-005-0005	1-23-2008	Amend	3-1-2008
629-043-0041	1-1-2008	Repeal	2-1-2008	635-005-0020	10-18-2008	Amend(T)	12-1-2008
629-043-0043	1-1-2008	Repeal	2-1-2008	635-005-0055	12-11-2007	Amend(T)	1-1-2008
629-048-0001	1-1-2008	Adopt	2-1-2008	635-005-0055	12-14-2007	Amend(T)	1-1-2008
629-048-0005	1-1-2008	Adopt	2-1-2008	635-005-0055	12-14-2007	Suspend	1-1-2008
629-048-0010	1-1-2008	Adopt	2-1-2008	635-005-0055	3-25-2008	Amend(T)	5-1-2008
629-048-0020	1-1-2008	Adopt	2-1-2008	635-005-0055	6-11-2008	Amend(T)	7-1-2008
629-048-0100	1-1-2008	Adopt	2-1-2008	635-005-0055	8-29-2008	Amend(T)	10-1-2008
629-048-0110	1-1-2008	Adopt	2-1-2008	635-005-0055(T)	3-25-2008	Suspend	5-1-2008
629-048-0120	1-1-2008	Adopt	2-1-2008	635-005-0055(T)	6-11-2008	Suspend	7-1-2008
629-048-0130	1-1-2008	Adopt	2-1-2008	635-005-0064	1-23-2008	Amend	3-1-2008
629-048-0140	1-1-2008	Adopt	2-1-2008	635-005-0065	1-23-2008	Amend	3-1-2008
629-048-0150	1-1-2008	Adopt	2-1-2008	635-005-0066	1-23-2008	Amend	3-1-2008
629-048-0160	1-1-2008	Adopt	2-1-2008	635-006-0212	7-10-2008	Amend(T)	8-1-2008
629-048-0200	1-1-2008	Adopt	2-1-2008	635-006-0215	7-10-2008	Amend(T)	8-1-2008

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635-006-0225	7-10-2008	Amend(T)	8-1-2008	635-017-0090	7-29-2008	Amend(T)	9-1-2008
635-006-0225(T)	7-10-2008	Suspend	8-1-2008	635-017-0090	9-17-2008	Amend(T)	10-1-2008
635-006-0230	4-1-2008	Amend(T)	5-1-2008	635-017-0090	10-2-2008	Amend(T)	11-1-2008
635-006-0232	1-15-2008	Amend	2-1-2008	635-017-0090(T)	2-1-2008	Suspend	3-1-2008
635-006-0850	1-1-2008	Amend(T)	2-1-2008	635-017-0090(T)	5-12-2008	Suspend	6-1-2008
635-006-0850	1-23-2008	Amend	3-1-2008	635-017-0090(T)	6-2-2008	Suspend	7-1-2008
635-006-0850(T)	1-23-2008	Repeal	3-1-2008	635-017-0090(T)	7-29-2008	Suspend	9-1-2008
635-006-0910	1-23-2008	Amend	3-1-2008	635-017-0090(T)	9-17-2008	Suspend	10-1-2008
635-006-0930	1-23-2008	Amend	3-1-2008	635-017-0090(T)	10-2-2008	Suspend	11-1-2008
635-006-1015	1-15-2008	Amend	2-1-2008	635-017-0095	1-1-2008	Amend	2-1-2008
635-006-1065	1-15-2008	Amend	2-1-2008	635-017-0095	1-1-2008	Amend(T)	2-1-2008
635-006-1075	1-15-2008	Amend	2-1-2008	635-017-0095	2-11-2008	Amend	3-1-2008
635-008-0070	10-27-2008	Amend	12-1-2008	635-017-0095	7-25-2008	Amend(T)	9-1-2008
635-008-0105	10-27-2008	Amend	12-1-2008	635-017-0095(T)	1-1-2008	Suspend	2-1-2008
635-008-0115	4-24-2008	Amend	6-1-2008	635-017-0095(T)	2-11-2008	Repeal	3-1-2008
635-008-0120	4-24-2008	Amend	6-1-2008	635-018-0080	1-1-2008	Amend	2-1-2008
635-008-0130	10-27-2008	Amend	12-1-2008	635-018-0090	1-1-2008	Amend	2-1-2008
635-008-0185	10-27-2008	Amend	12-1-2008	635-018-0090	4-15-2008	Amend(T)	5-1-2008
635-008-0190	10-27-2008	Amend	12-1-2008	635-018-0090	5-1-2008	Amend(T)	5-1-2008
635-010-0015	10-14-2008	Amend	11-1-2008	635-019-0080	1-1-2008	Amend	2-1-2008
635-010-0170	10-14-2008	Adopt	11-1-2008	635-019-0090	1-1-2008	Amend	2-1-2008
635-011-0100	1-1-2008	Amend	2-1-2008	635-019-0090	5-31-2008	Amend(T)	7-1-2008
635-013-0003	1-1-2008	Amend	2-1-2008	635-019-0090	7-9-2008	Amend(T)	8-1-2008
635-013-0003	5-1-2008	Amend	6-1-2008	635-021-0080	1-1-2008	Amend	2-1-2008
635-013-0004	1-1-2008	Amend	2-1-2008	635-021-0090	1-1-2008	Amend	2-1-2008
635-013-0004	3-15-2008	Amend(T)	4-1-2008	635-021-0090	5-31-2008	Amend(T)	7-1-2008
635-013-0004	6-21-2008	Amend(T)	8-1-2008	635-021-0090	7-4-2008	Amend(T)	8-1-2008
635-013-0004	8-15-2008	Amend(T)	9-1-2008	635-021-0090	7-9-2008	Amend(T)	8-1-2008
635-013-0004(T)	6-21-2008	Suspend	8-1-2008	635-021-0090(T)	7-4-2008	Suspend	8-1-2008
635-013-0004(T)	8-1-2008	Suspend	8-1-2008	635-021-0090(T)	7-9-2008	Suspend	8-1-2008
635-013-0004(T)	8-15-2008	Suspend	9-1-2008	635-023-0080	1-1-2008	Amend	2-1-2008
635-013-0007	8-1-2008	Amend(T)	8-1-2008	635-023-0090	1-1-2008	Amend	2-1-2008
635-013-0007	10-2-2008	Amend(T)	11-1-2008	635-023-0095	1-1-2008	Amend	2-1-2008
635-013-0009	3-15-2008	Amend(T)	4-1-2008	635-023-0095	1-1-2008	Amend(T)	2-1-2008
635-013-0009	8-1-2008	Amend(T)	8-1-2008	635-023-0095	2-11-2008	Amend	3-1-2008
635-013-0009(T)	8-1-2008	Suspend	8-1-2008	635-023-0095	3-15-2008	Amend(T)	4-1-2008
635-014-0080	1-1-2008	Amend	2-1-2008	635-023-0095	3-26-2008	Amend(T)	5-1-2008
635-014-0090	1-1-2008	Amend	2-1-2008	635-023-0095	7-10-2008	Amend(T)	8-1-2008
635-014-0090	3-15-2008	Amend(T)	4-1-2008	635-023-0095	7-12-2008	Amend(T)	8-1-2008
635-014-0090	8-1-2008	Amend(T)	8-1-2008	635-023-0095	7-25-2008	Amend(T)	9-1-2008
635-014-0090(T)	8-1-2008	Suspend	8-1-2008	635-023-0095(T)	1-1-2008	Suspend	2-1-2008
635-016-0080	1-1-2008	Amend	2-1-2008	635-023-0095(T)	2-11-2008	Repeal	3-1-2008
635-016-0090	1-1-2008	Amend	2-1-2008	635-023-0095(T)	7-10-2008	Suspend	8-1-2008
635-016-0090	1-1-2008	Amend	2-1-2008	635-023-0095(T)	7-12-2008	Suspend	8-1-2008
635-016-0090	6-1-2008	Amend(T)	7-1-2008	635-023-0095(T)	7-25-2008	Suspend	9-1-2008
635-016-0090	8-1-2008	Amend(T)	8-1-2008	635-023-0125	1-1-2008	Amend	2-1-2008
635-016-0090	11-1-2008	Amend(T)	12-1-2008	635-023-0125	2-25-2008	Amend(T)	4-1-2008
635-016-0090	11-5-2008	Amend(T)	12-1-2008	635-023-0125	2-27-2008	Amend(T)	4-1-2008
635-016-0090(T)	11-1-2008	Suspend	12-1-2008	635-023-0125	4-21-2008	Amend(T)	6-1-2008
635-016-0090(T)	11-5-2008	Suspend	12-1-2008	635-023-0125	5-13-2008	Amend(T)	6-1-2008
635-017-0080	1-1-2008	Amend	2-1-2008	635-023-0125(T)	4-21-2008	Suspend	6-1-2008
635-017-0090	1-1-2008	Amend	2-1-2008	635-023-0125(T)	5-13-2008	Suspend	6-1-2008
635-017-0090	1-1-2008	Amend	2-1-2008	635-023-0128	1-1-2008	Amend	2-1-2008
635-017-0090	1-9-2008	Amend(T)	2-1-2008	635-023-0128	5-1-2008	Amend	6-1-2008
635-017-0090	2-1-2008	Amend(T)	3-1-2008	635-023-0128	6-16-2008	Amend(T)	7-1-2008
635-017-0090	3-1-2008	Amend(T)	4-1-2008	635-023-0128	6-21-2008	Amend(T)	8-1-2008
635-017-0090	5-12-2008	Amend(T)	6-1-2008	635-023-0128	6-28-2008	Amend(T)	8-1-2008

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635-023-0128(T)	6-21-2008	Suspend	8-1-2008	635-041-0076	6-28-2008	Amend(T)	8-1-2008
635-023-0128(T)	6-28-2008	Suspend	8-1-2008	635-041-0076	7-10-2008	Amend(T)	8-1-2008
635-023-0130	1-1-2008	Amend	2-1-2008	635-041-0076	7-25-2008	Amend(T)	9-1-2008
635-023-0130	5-1-2008	Amend	6-1-2008	635-041-0076	8-14-2008	Amend(T)	9-1-2008
635-023-0130	8-25-2008	Amend(T)	10-1-2008	635-041-0076(T)	5-11-2008	Suspend	6-1-2008
635-023-0130	8-31-2008	Amend(T)	10-1-2008	635-041-0076(T)	6-16-2008	Suspend	7-1-2008
635-023-0130	9-18-2008	Amend(T)	11-1-2008	635-041-0076(T)	6-21-2008	Suspend	8-1-2008
635-023-0130	9-25-2008	Amend(T)	11-1-2008	635-041-0076(T)	6-28-2008	Suspend	8-1-2008
635-023-0130(T)	8-31-2008	Suspend	10-1-2008	635-041-0076(T)	7-10-2008	Suspend	8-1-2008
635-023-0130(T)	9-18-2008	Suspend	11-1-2008	635-041-0076(T)	7-25-2008	Suspend	9-1-2008
635-023-0130(T)	9-25-2008	Suspend	11-1-2008	635-041-0076(T)	8-14-2008	Suspend	9-1-2008
635-023-0134	4-26-2008	Amend(T)	6-1-2008	635-042-0010	2-11-2008	Amend	3-1-2008
635-023-0134	6-21-2008	Amend(T)	8-1-2008	635-042-0022	4-1-2008	Amend(T)	5-1-2008
635-023-0134(T)	6-21-2008	Suspend	8-1-2008	635-042-0022	4-8-2008	Amend(T)	5-1-2008
635-039-0080	1-1-2008	Amend	2-1-2008	635-042-0022	4-15-2008	Amend(T)	5-1-2008
635-039-0085	6-1-2008	Amend(T)	7-1-2008	635-042-0022(T)	4-15-2008	Suspend	5-1-2008
635-039-0085	8-2-2008	Amend(T)	8-1-2008	635-042-0022(T)	6-28-2008	Suspend	8-1-2008
635-039-0085	8-11-2008	Amend(T)	9-1-2008	635-042-0025	6-28-2008	Amend(T)	8-1-2008
635-039-0085	8-29-2008	Amend(T)	10-1-2008	635-042-0027	6-21-2008	Amend(T)	8-1-2008
635-039-0085	9-7-2008	Amend(T)	10-1-2008	635-042-0027	6-24-2008	Amend(T)	7-1-2008
635-039-0085	9-16-2008	Amend(T)	11-1-2008	635-042-0027	7-7-2008	Amend(T)	8-1-2008
635-039-0085	9-27-2008	Amend(T)	11-1-2008	635-042-0027(T)	6-21-2008	Suspend	8-1-2008
635-039-0085(T)	8-11-2008	Suspend	9-1-2008	635-042-0027(T)	7-7-2008	Suspend	8-1-2008
635-039-0085(T)	8-29-2008	Suspend	10-1-2008	635-042-0031	8-1-2008	Amend(T)	9-1-2008
635-039-0085(T)	9-7-2008	Suspend	10-1-2008	635-042-0031	8-12-2008	Amend(T)	9-1-2008
635-039-0085(T)	9-16-2008	Suspend	11-1-2008	635-042-0031	8-14-2008	Amend(T)	9-1-2008
635-039-0085(T)	9-27-2008	Suspend	11-1-2008	635-042-0031	8-25-2008	Amend(T)	10-1-2008
635-039-0090	1-1-2008	Amend	2-1-2008	635-042-0031	8-26-2008	Amend(T)	10-1-2008
635-039-0090	7-7-2008	Amend(T)	8-1-2008	635-042-0031(T)	8-12-2008	Suspend	9-1-2008
635-039-0090	8-21-2008	Amend(T)	10-1-2008	635-042-0031(T)	8-14-2008	Suspend	9-1-2008
635-039-0090	9-7-2008	Amend(T)	10-1-2008	635-042-0031(T)	8-25-2008	Suspend	10-1-2008
635-039-0090(T)	8-21-2008	Suspend	10-1-2008	635-042-0031(T)	8-26-2008	Suspend	10-1-2008
635-039-0090(T)	9-7-2008	Suspend	10-1-2008	635-042-0060	9-18-2008	Amend(T)	11-1-2008
635-041-0050	2-11-2008	Amend	3-1-2008	635-042-0060	9-24-2008	Amend(T)	11-1-2008
635-041-0065	1-31-2008	Amend(T)	3-1-2008	635-042-0060	10-8-2008	Amend(T)	11-1-2008
635-041-0065	2-29-2008	Amend(T)	4-1-2008	635-042-0060	10-15-2008	Amend(T)	11-1-2008
635-041-0065	3-5-2008	Amend(T)	4-1-2008	635-042-0060	10-21-2008	Amend(T)	12-1-2008
635-041-0065	3-10-2008	Amend(T)	4-1-2008	635-042-0060(T)	9-24-2008	Suspend	11-1-2008
635-041-0065(T)	3-10-2008	Suspend	4-1-2008	635-042-0060(T)	10-8-2008	Suspend	11-1-2008
635-041-0075	9-6-2008	Amend(T)	10-1-2008	635-042-0060(T)	10-15-2008	Suspend	11-1-2008
635-041-0075	9-15-2008	Amend(T)	10-1-2008	635-042-0060(T)	10-21-2008	Suspend	12-1-2008
635-041-0075	9-18-2008	Amend(T)	11-1-2008	635-042-0110	5-12-2008	Amend(T)	4-1-2008
635-041-0075	9-22-2008	Amend(T)	11-1-2008	635-042-0110	6-21-2008	Amend(T)	8-1-2008
635-041-0075	9-29-2008	Amend(T)	11-1-2008	635-042-0110(T)	6-21-2008	Suspend	8-1-2008
635-041-0075	10-7-2008	Amend(T)	11-1-2008	635-042-0130	12-1-2007	Amend(T)	1-1-2008
635-041-0075	10-17-2008	Amend(T)	12-1-2008	635-042-0130	1-1-2008	Amend(T)	2-1-2008
635-041-0075	11-12-2008	Amend(T)	12-1-2008	635-042-0130	2-11-2008	Amend	3-1-2008
635-041-0075(T)	9-15-2008	Suspend	10-1-2008	635-042-0130(T)	1-1-2008	Suspend	2-1-2008
635-041-0075(T)	9-18-2008	Suspend	11-1-2008	635-042-0130(T)	2-11-2008	Repeal	3-1-2008
635-041-0075(T)	9-22-2008	Suspend	11-1-2008	635-042-0135	1-1-2008	Amend(T)	2-1-2008
635-041-0075(T)	9-29-2008	Suspend	11-1-2008	635-042-0135	1-31-2008	Amend(T)	3-1-2008
635-041-0075(T)	10-7-2008	Suspend	11-1-2008	635-042-0135	2-11-2008	Amend	3-1-2008
635-041-0075(T)	10-17-2008	Suspend	12-1-2008	635-042-0135	2-21-2008	Amend(T)	4-1-2008
635-041-0075(T)	11-12-2008	Suspend	12-1-2008	635-042-0135(T)	1-31-2008	Suspend	3-1-2008
635-041-0076	5-5-2008	Amend(T)	6-1-2008	635-042-0135(T)	2-11-2008	Repeal	3-1-2008
635-041-0076	5-11-2008	Amend(T)	6-1-2008	635-042-0145	1-31-2008	Amend(T)	3-1-2008
635-041-0076	6-16-2008	Amend(T)	7-1-2008	635-042-0145	3-2-2008	Amend(T)	4-1-2008
635-041-0076	6-21-2008	Amend(T)	8-1-2008	635-042-0145	3-30-2008	Amend(T)	5-1-2008

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-042-0145	5-12-2008	Amend(T)	6-1-2008	635-049-0040	5-28-2008	Repeal	7-1-2008
635-042-0145	6-4-2008	Amend(T)	7-1-2008	635-049-0045	5-28-2008	Adopt	7-1-2008
635-042-0145	8-1-2008	Amend(T)	9-1-2008	635-049-0050	5-28-2008	Repeal	7-1-2008
635-042-0145	9-9-2008	Amend(T)	10-1-2008	635-049-0055	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	3-2-2008	Suspend	4-1-2008	635-049-0060	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	3-30-2008	Suspend	5-1-2008	635-049-0070	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	5-12-2008	Suspend	6-1-2008	635-049-0075	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	6-4-2008	Suspend	7-1-2008	635-049-0080	5-28-2008	Repeal	7-1-2008
635-042-0145(T)	8-1-2008	Suspend	9-1-2008	635-049-0085	5-28-2008	Adopt	7-1-2008
635-042-0145(T)	9-9-2008	Suspend	10-1-2008	635-049-0090	5-28-2008	Amend	7-1-2008
635-042-0160	1-31-2008	Amend(T)	3-1-2008	635-049-0095	5-28-2008	Adopt	7-1-2008
635-042-0160	3-2-2008	Amend(T)	4-1-2008	635-049-0100	5-28-2008	Repeal	7-1-2008
635-042-0160	5-12-2008	Amend(T)	6-1-2008	635-049-0105	5-28-2008	Adopt	7-1-2008
635-042-0160	6-4-2008	Amend(T)	7-1-2008	635-049-0110	5-28-2008	Repeal	7-1-2008
635-042-0160	8-1-2008	Amend(T)	9-1-2008	635-049-0115	5-28-2008	Adopt	7-1-2008
635-042-0160	9-2-2008	Amend(T)	10-1-2008	635-049-0120	5-28-2008	Repeal	7-1-2008
635-042-0160	9-9-2008	Amend(T)	10-1-2008	635-049-0125	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	3-2-2008	Suspend	4-1-2008	635-049-0130	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	5-12-2008	Suspend	6-1-2008	635-049-0135	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	6-4-2008	Suspend	7-1-2008	635-049-0140	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	8-1-2008	Suspend	9-1-2008	635-049-0145	5-28-2008	Adopt	7-1-2008
635-042-0160(T)	9-2-2008	Suspend	10-1-2008	635-049-0160	5-28-2008	Repeal	7-1-2008
635-042-0160(T)	9-9-2008	Suspend	10-1-2008	635-049-0165	5-28-2008	Adopt	7-1-2008
635-042-0170	4-28-2008	Amend(T)	6-1-2008	635-049-0170	5-28-2008	Repeal	7-1-2008
635-042-0170	5-12-2008	Amend(T)	6-1-2008	635-049-0171	5-28-2008	Repeal	7-1-2008
635-042-0170	6-4-2008	Amend(T)	7-1-2008	635-049-0175	5-28-2008	Adopt	7-1-2008
635-042-0170	8-1-2008	Amend(T)	9-1-2008	635-049-0180	5-28-2008	Repeal	7-1-2008
635-042-0170	9-9-2008	Amend(T)	10-1-2008	635-049-0185	5-28-2008	Adopt	7-1-2008
635-042-0170(T)	5-12-2008	Suspend	6-1-2008	635-049-0190	5-28-2008	Repeal	7-1-2008
635-042-0170(T)	6-4-2008	Suspend	7-1-2008	635-049-0195	5-28-2008	Adopt	7-1-2008
635-042-0170(T)	8-1-2008	Suspend	9-1-2008	635-049-0200	5-28-2008	Amend	7-1-2008
635-042-0170(T)	9-9-2008	Suspend	10-1-2008	635-049-0205	5-28-2008	Amend	7-1-2008
635-042-0180	1-31-2008	Amend(T)	3-1-2008	635-049-0210	5-28-2008	Amend	7-1-2008
635-042-0180	3-2-2008	Amend(T)	4-1-2008	635-049-0220	5-28-2008	Repeal	7-1-2008
635-042-0180	5-12-2008	Amend(T)	6-1-2008	635-049-0225	5-28-2008	Adopt	7-1-2008
635-042-0180	6-4-2008	Amend(T)	7-1-2008	635-049-0230	5-28-2008	Repeal	7-1-2008
635-042-0180	8-1-2008	Amend(T)	9-1-2008	635-049-0240	5-28-2008	Repeal	7-1-2008
635-042-0180	9-9-2008	Amend(T)	10-1-2008	635-049-0245	5-28-2008	Adopt	7-1-2008
635-042-0180(T)	3-2-2008	Suspend	4-1-2008	635-049-0250	5-28-2008	Repeal	7-1-2008
635-042-0180(T)	5-12-2008	Suspend	6-1-2008	635-049-0265	5-28-2008	Adopt	7-1-2008
635-042-0180(T)	6-4-2008	Suspend	7-1-2008	635-049-0275	5-28-2008	Adopt	7-1-2008
635-042-0180(T)	8-1-2008	Suspend	9-1-2008	635-049-0285	5-28-2008	Adopt	7-1-2008
635-042-0180(T)	9-9-2008	Suspend	10-1-2008	635-049-0330	5-28-2008	Repeal	7-1-2008
635-043-0120	4-24-2008	Adopt	6-1-2008	635-049-0340	5-28-2008	Repeal	7-1-2008
635-045-0000	8-13-2008	Amend	9-1-2008	635-050-0045	7-25-2008	Amend	9-1-2008
635-045-0002	5-28-2008	Amend	7-1-2008	635-050-0070	7-25-2008	Amend	9-1-2008
635-048-0005	1-1-2008	Amend	2-1-2008	635-050-0080	7-25-2008	Amend	9-1-2008
635-048-0010	1-1-2008	Amend	2-1-2008	635-050-0090	7-25-2008	Amend	9-1-2008
635-048-0030	1-1-2008	Amend	2-1-2008	635-050-0100	7-25-2008	Amend	9-1-2008
635-049-0000	5-28-2008	Repeal	7-1-2008	635-050-0110	7-25-2008	Amend	9-1-2008
635-049-0001	5-28-2008	Adopt	7-1-2008	635-050-0120	7-25-2008	Amend	9-1-2008
635-049-0005	5-28-2008	Adopt	7-1-2008	635-050-0130	7-25-2008	Amend	9-1-2008
635-049-0010	5-28-2008	Repeal	7-1-2008	635-050-0140	7-25-2008	Amend	9-1-2008
635-049-0015	5-28-2008	Adopt	7-1-2008	635-050-0150	7-25-2008	Amend	9-1-2008
635-049-0020	5-28-2008	Repeal	7-1-2008	635-050-0170	7-25-2008	Amend	9-1-2008
635-049-0025	5-28-2008	Adopt	7-1-2008	635-050-0183	7-25-2008	Amend	9-1-2008
635-049-0030	5-28-2008	Repeal	7-1-2008	635-050-0189	7-25-2008	Amend	9-1-2008
635-049-0035	5-28-2008	Adopt	7-1-2008	635-050-0210	7-25-2008	Amend	9-1-2008

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635-051-0000	8-13-2008	Amend	9-1-2008	635-600-0040	4-24-2008	Adopt	6-1-2008
635-051-0048	4-21-2008	Amend(T)	6-1-2008	635-600-0050	4-24-2008	Adopt	6-1-2008
635-051-0048	8-13-2008	Amend	9-1-2008	635-600-0055	4-24-2008	Adopt	6-1-2008
635-052-0000	8-13-2008	Amend	9-1-2008	635-600-0065	4-24-2008	Adopt	6-1-2008
635-053-0000	8-13-2008	Amend	9-1-2008	641-020-0010	3-22-2008	Adopt	3-1-2008
635-054-0000	8-13-2008	Amend	9-1-2008	641-020-0020	3-22-2008	Adopt	3-1-2008
635-055-0000	2-21-2008	Amend	4-1-2008	641-020-0030	3-22-2008	Adopt	3-1-2008
635-055-0000	2-29-2008	Amend	4-1-2008	642-020-0010	3-22-2008	Adopt	3-1-2008
635-055-0020	2-21-2008	Amend	4-1-2008	642-020-0020	3-22-2008	Adopt	3-1-2008
635-055-0020	2-29-2008	Amend	4-1-2008	642-020-0030	3-22-2008	Adopt	3-1-2008
635-055-0030	2-21-2008	Amend	4-1-2008	644-040-0010	2-15-2008	Adopt	3-1-2008
635-055-0030	2-29-2008	Amend	4-1-2008	644-040-0020	2-15-2008	Adopt	3-1-2008
635-055-0035	2-21-2008	Amend	4-1-2008	644-040-0030	2-15-2008	Adopt	3-1-2008
635-055-0035	2-29-2008	Amend	4-1-2008	646-040-0000	1-23-2008	Adopt	3-1-2008
635-055-0075	2-21-2008	Amend	4-1-2008	646-040-0010	1-23-2008	Adopt	3-1-2008
635-055-0075	2-29-2008	Amend	4-1-2008	646-040-0020	1-23-2008	Adopt	3-1-2008
635-056-0000	9-19-2008	Amend	11-1-2008	647-010-0010	6-1-2008	Amend	6-1-2008
635-056-0010	11-19-2007	Amend	1-1-2008	647-040-0000	4-1-2008	Adopt	4-1-2008
635-056-0020	11-19-2007	Amend	1-1-2008	647-040-0010	4-1-2008	Adopt	4-1-2008
635-056-0050	9-19-2008	Amend	11-1-2008	647-040-0020	4-1-2008	Adopt	4-1-2008
635-056-0070	5-28-2008	Amend(T)	7-1-2008	655-040-0000	4-1-2008	Adopt	3-1-2008
635-056-0070	9-19-2008	Amend	11-1-2008	655-040-0010	4-1-2008	Adopt	3-1-2008
635-056-0075	5-28-2008	Amend(T)	7-1-2008	655-040-0020	4-1-2008	Adopt	3-1-2008
635-056-0075	9-19-2008	Amend	11-1-2008	657-010-0015	7-1-2008	Amend	7-1-2008
635-057-0000	11-19-2007	Adopt	1-1-2008	657-020-0010	3-22-2008	Adopt	3-1-2008
635-060-0000	6-12-2008	Amend	7-1-2008	657-020-0020	3-22-2008	Adopt	3-1-2008
635-060-0000	8-13-2008	Amend	9-1-2008	657-020-0030	3-22-2008	Adopt	3-1-2008
635-060-0008	5-14-2008	Amend(T)	6-1-2008	660-002-0010	12-10-2007	Amend(T)	1-1-2008
635-060-0023	12-1-2007	Amend	1-1-2008	660-002-0010	2-21-2008	Amend(T)	4-1-2008
635-060-0046	10-6-2008	Amend(T)	11-1-2008	660-002-0010	5-23-2008	Amend	7-1-2008
635-065-0765	10-17-2008	Amend	12-1-2008	660-002-0015	12-10-2007	Amend(T)	1-1-2008
635-067-0000	6-12-2008	Amend	7-1-2008	660-002-0015	2-21-2008	Amend(T)	4-1-2008
635-068-0000	6-12-2008	Amend	7-1-2008	660-002-0015	5-23-2008	Amend	7-1-2008
635-069-0000	6-12-2008	Amend	7-1-2008	660-004-0010	4-18-2008	Amend	6-1-2008
635-070-0000	6-12-2008	Amend	7-1-2008	660-004-0040	2-13-2008	Amend	3-1-2008
635-071-0000	6-12-2008	Amend	7-1-2008	660-006-0005	4-18-2008	Amend	6-1-2008
635-073-0000	6-12-2008	Amend	7-1-2008	660-006-0010	4-18-2008	Amend	6-1-2008
635-075-0003	10-14-2008	Adopt	11-1-2008	660-006-0026	4-18-2008	Amend	6-1-2008
635-075-0003	10-30-2008	Amend	12-1-2008	660-006-0055	4-18-2008	Amend	6-1-2008
635-075-0005	10-14-2008	Amend	11-1-2008	660-007-0005	4-18-2008	Amend	6-1-2008
635-079-0000	2-21-2008	Adopt	4-1-2008	660-008-0005	4-18-2008	Amend	6-1-2008
635-079-0005	2-21-2008	Adopt	4-1-2008	660-011-0060	2-13-2008	Amend	3-1-2008
635-079-0010	2-21-2008	Adopt	4-1-2008	660-011-0060	4-18-2008	Amend	6-1-2008
635-200-0090	12-31-2007	Amend(T)	2-1-2008	660-015-0000	4-18-2008	Amend	6-1-2008
635-200-0090	4-24-2008	Amend	6-1-2008	660-015-0005	4-18-2008	Amend	6-1-2008
635-500-3890	7-28-2008	Adopt	9-1-2008	660-015-0010	4-18-2008	Amend	6-1-2008
635-500-3895	7-28-2008	Adopt	9-1-2008	660-018-0005	4-18-2008	Amend	6-1-2008
635-500-3900	7-28-2008	Adopt	9-1-2008	660-018-0010	4-18-2008	Amend	6-1-2008
635-500-3905	7-28-2008	Adopt	9-1-2008	660-018-0020	4-18-2008	Amend	6-1-2008
635-500-3910	7-28-2008	Adopt	9-1-2008	660-018-0021	4-18-2008	Amend	6-1-2008
635-600-0000	4-24-2008	Adopt	6-1-2008	660-018-0022	4-18-2008	Amend	6-1-2008
635-600-0005	4-24-2008	Adopt	6-1-2008	660-018-0025	4-18-2008	Amend	6-1-2008
635-600-0010	4-24-2008	Adopt	6-1-2008	660-018-0030	4-18-2008	Amend	6-1-2008
635-600-0015	4-24-2008	Adopt	6-1-2008	660-018-0035	4-18-2008	Amend	6-1-2008
635-600-0020	4-24-2008	Adopt	6-1-2008	660-018-0040	4-18-2008	Amend	6-1-2008
635-600-0025	4-24-2008	Adopt	6-1-2008	660-018-0045	4-18-2008	Amend	6-1-2008
635-600-0030	4-24-2008	Adopt	6-1-2008	660-018-0050	4-18-2008	Amend	6-1-2008
635-600-0035	4-24-2008	Adopt	6-1-2008	660-018-0055	4-18-2008	Amend	6-1-2008

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660-018-0085	4-18-2008	Amend	6-1-2008	660-041-0100	2-21-2008	Adopt(T)	4-1-2008
660-018-0140	4-18-2008	Amend	6-1-2008	660-041-0100	5-23-2008	Adopt	7-1-2008
660-018-0150	4-18-2008	Amend	6-1-2008	660-041-0110	5-23-2008	Adopt	7-1-2008
660-021-0010	2-13-2008	Amend	3-1-2008	660-041-0120	5-23-2008	Adopt	7-1-2008
660-021-0020	2-13-2008	Amend	3-1-2008	660-041-0130	5-23-2008	Adopt	7-1-2008
660-021-0030	2-13-2008	Amend	3-1-2008	660-041-0140	5-23-2008	Adopt	7-1-2008
660-021-0040	2-13-2008	Amend	3-1-2008	660-041-0150	5-23-2008	Adopt	7-1-2008
660-021-0050	2-13-2008	Amend	3-1-2008	660-041-0160	5-23-2008	Adopt	7-1-2008
660-021-0060	2-13-2008	Amend	3-1-2008	660-041-0500	12-10-2007	Adopt(T)	1-1-2008
660-021-0070	2-13-2008	Amend	3-1-2008	660-041-0500	2-21-2008	Adopt(T)	4-1-2008
660-021-0080	2-13-2008	Amend	3-1-2008	660-041-0500	5-23-2008	Adopt	7-1-2008
660-024-0030	4-18-2008	Amend	6-1-2008	660-041-0510	12-10-2007	Adopt(T)	1-1-2008
660-025-0040	2-13-2008	Amend	3-1-2008	660-041-0510	2-21-2008	Adopt(T)	4-1-2008
660-026-0000	4-18-2008	Repeal	6-1-2008	660-041-0510	5-23-2008	Adopt	7-1-2008
660-026-0010	4-18-2008	Repeal	6-1-2008	660-041-0520	12-10-2007	Adopt(T)	1-1-2008
660-026-0020	4-18-2008	Repeal	6-1-2008	660-041-0520	2-21-2008	Adopt(T)	4-1-2008
660-026-0030	4-18-2008	Repeal	6-1-2008	660-041-0520	5-23-2008	Adopt	7-1-2008
660-026-0040	4-18-2008	Repeal	6-1-2008	660-041-0530	12-10-2007	Adopt(T)	1-1-2008
660-027-0005	2-13-2008	Adopt	3-1-2008	660-041-0530	2-21-2008	Adopt(T)	4-1-2008
660-027-0010	2-13-2008	Adopt	3-1-2008	660-041-0530	5-23-2008	Adopt	7-1-2008
660-027-0020	2-13-2008	Adopt	3-1-2008	664-020-0010	4-1-2008	Adopt	3-1-2008
660-027-0030	2-13-2008	Adopt	3-1-2008	664-020-0020	4-1-2008	Adopt	3-1-2008
660-027-0040	2-13-2008	Adopt	3-1-2008	664-020-0030	4-1-2008	Adopt	3-1-2008
660-027-0050	2-13-2008	Adopt	3-1-2008	670-020-0010	3-22-2008	Adopt	3-1-2008
660-027-0060	2-13-2008	Adopt	3-1-2008	670-020-0020	3-22-2008	Adopt	3-1-2008
660-027-0070	2-13-2008	Adopt	3-1-2008	670-020-0030	3-22-2008	Adopt	3-1-2008
660-027-0080	2-13-2008	Adopt	3-1-2008	678-010-0030	7-16-2008	Amend	9-1-2008
660-033-0020	4-18-2008	Amend	6-1-2008	678-030-0000	1-11-2008	Adopt	2-1-2008
660-033-0030	4-18-2008	Amend	6-1-2008	678-030-0010	1-11-2008	Adopt	2-1-2008
660-033-0120	4-18-2008	Amend	6-1-2008	678-030-0020	1-11-2008	Adopt	2-1-2008
660-033-0130	4-18-2008	Amend	6-1-2008	678-030-0030	1-11-2008	Adopt	2-1-2008
660-041-0000	12-10-2007	Amend(T)	1-1-2008	679-030-0050	8-1-2008	Adopt	8-1-2008
660-041-0000	2-21-2008	Amend(T)	4-1-2008	690-200-0028	7-1-2008	Amend	8-1-2008
660-041-0000	5-23-2008	Amend	7-1-2008	690-200-0050	7-1-2008	Amend	8-1-2008
660-041-0010	12-10-2007	Amend(T)	1-1-2008	690-210-0280	7-1-2008	Amend	8-1-2008
660-041-0010	2-21-2008	Amend(T)	4-1-2008	690-215-0060	7-1-2008	Amend	8-1-2008
660-041-0010	5-23-2008	Amend	7-1-2008	690-215-0080	7-1-2008	Amend	8-1-2008
660-041-0020	2-21-2008	Amend(T)	4-1-2008	690-215-0200	7-1-2008	Adopt	8-1-2008
660-041-0020	5-23-2008	Amend	7-1-2008	690-600-0000	6-6-2008	Adopt	7-1-2008
660-041-0030	12-10-2007	Amend(T)	1-1-2008	690-600-0010	6-6-2008	Adopt	7-1-2008
660-041-0030	2-21-2008	Amend(T)	4-1-2008	690-600-0020	6-6-2008	Adopt	7-1-2008
660-041-0030	5-23-2008	Amend	7-1-2008	690-600-0030	6-6-2008	Adopt	7-1-2008
660-041-0040	12-10-2007	Amend(T)	1-1-2008	690-600-0040	6-6-2008	Adopt	7-1-2008
660-041-0040	2-21-2008	Amend(T)	4-1-2008	690-600-0050	6-6-2008	Adopt	7-1-2008
660-041-0040	5-23-2008	Amend	7-1-2008	690-600-0060	6-6-2008	Adopt	7-1-2008
660-041-0050	12-10-2007	Suspend	1-1-2008	690-600-0070	6-6-2008	Adopt	7-1-2008
660-041-0050	2-21-2008	Suspend	4-1-2008	695-003-0010	3-25-2008	Adopt	5-1-2008
660-041-0050	5-23-2008	Repeal	7-1-2008	695-003-0020	3-25-2008	Adopt	5-1-2008
660-041-0060	12-10-2007	Adopt(T)	1-1-2008	695-003-0030	3-25-2008	Adopt	5-1-2008
660-041-0060	2-21-2008	Adopt(T)	4-1-2008	695-003-0040	3-25-2008	Adopt	5-1-2008
660-041-0060	5-23-2008	Adopt	7-1-2008	695-004-0010	1-1-2009	Adopt	12-1-2008
660-041-0070	12-10-2007	Adopt(T)	1-1-2008	695-004-0020	1-1-2009	Adopt	12-1-2008
660-041-0070	2-21-2008	Adopt(T)	4-1-2008	695-004-0030	1-1-2009	Adopt	12-1-2008
660-041-0070	5-23-2008	Adopt	7-1-2008	695-005-0020	1-1-2009	Amend	12-1-2008
660-041-0080	2-21-2008	Adopt(T)	4-1-2008	695-005-0030	1-1-2009	Amend	12-1-2008
660-041-0080	5-23-2008	Adopt	7-1-2008	695-005-0050	1-1-2009	Amend	12-1-2008
660-041-0090	2-21-2008	Adopt(T)	4-1-2008	695-005-0060	1-1-2009	Amend	12-1-2008

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695-007-0010	5-27-2008	Amend(T)	7-1-2008	735-010-0130	9-15-2008	Amend(T)	10-1-2008
695-007-0010	12-4-2008	Amend	12-1-2008	735-016-0030	2-4-2008	Amend	3-1-2008
695-007-0020	5-27-2008	Amend(T)	7-1-2008	735-016-0040	2-4-2008	Amend	3-1-2008
695-007-0020	12-4-2008	Amend	12-1-2008	735-016-0070	7-1-2008	Amend	8-1-2008
695-007-0030	5-27-2008	Amend(T)	7-1-2008	735-020-0075	11-30-2007	Adopt	1-1-2008
695-007-0030	12-4-2008	Amend	12-1-2008	735-024-0070	1-1-2008	Amend(T)	2-1-2008
695-007-0040	5-27-2008	Amend(T)	7-1-2008	735-024-0070	6-23-2008	Amend	8-1-2008
695-007-0040	12-4-2008	Amend	12-1-2008	735-024-0070(T)	6-23-2008	Repeal	8-1-2008
695-010-0100	1-1-2009	Amend	12-1-2008	735-024-0080	1-1-2008	Amend(T)	2-1-2008
695-010-0110	1-1-2009	Adopt	12-1-2008	735-024-0080	6-23-2008	Amend	8-1-2008
695-035-0080	1-1-2009	Adopt	12-1-2008	735-024-0080(T)	6-23-2008	Repeal	8-1-2008
695-040-0080	1-1-2009	Adopt	12-1-2008	735-028-0100	3-21-2008	Amend	5-1-2008
731-001-0025	12-24-2007	Amend	2-1-2008	735-030-0300	1-1-2008	Adopt	2-1-2008
731-005-0450	1-24-2008	Amend(T)	3-1-2008	735-030-0310	1-1-2008	Adopt	2-1-2008
731-005-0450	5-19-2008	Amend	7-1-2008	735-030-0320	1-1-2008	Adopt	2-1-2008
731-005-0450(T)	5-19-2008	Repeal	7-1-2008	735-030-0330	1-1-2008	Adopt	2-1-2008
731-005-0550	12-24-2007	Amend(T)	2-1-2008	735-032-0020	1-1-2008	Amend(T)	2-1-2008
731-005-0550	5-19-2008	Amend	7-1-2008	735-032-0020	6-23-2008	Amend	8-1-2008
731-005-0550(T)	5-19-2008	Repeal	7-1-2008	735-032-0020(T)	6-23-2008	Repeal	8-1-2008
732-035-0010	4-24-2008	Adopt	6-1-2008	735-032-0030	8-26-2008	Amend	10-1-2008
732-035-0020	4-24-2008	Adopt	6-1-2008	735-032-0050	1-1-2008	Amend	2-1-2008
732-035-0030	4-24-2008	Adopt	6-1-2008	735-040-0040	1-1-2008	Amend(T)	2-1-2008
732-035-0040	4-24-2008	Adopt	6-1-2008	735-040-0040	6-23-2008	Amend	8-1-2008
732-035-0050	4-24-2008	Adopt	6-1-2008	735-040-0040(T)	6-23-2008	Repeal	8-1-2008
732-035-0060	4-24-2008	Adopt	6-1-2008	735-040-0050	1-1-2008	Amend(T)	2-1-2008
732-035-0070	4-24-2008	Adopt	6-1-2008	735-040-0050	6-23-2008	Repeal	8-1-2008
732-035-0080	4-24-2008	Adopt	6-1-2008	735-040-0080	1-1-2008	Amend(T)	2-1-2008
734-001-0025	4-24-2008	Amend	6-1-2008	735-040-0080	6-23-2008	Amend	8-1-2008
734-010-0230	1-24-2008	Amend(T)	3-1-2008	735-040-0080(T)	6-23-2008	Repeal	8-1-2008
734-010-0230	5-19-2008	Amend	7-1-2008	735-040-0090	1-1-2008	Amend(T)	2-1-2008
734-010-0230(T)	5-19-2008	Repeal	7-1-2008	735-040-0090	6-23-2008	Amend	8-1-2008
734-010-0260	1-24-2008	Amend(T)	3-1-2008	735-040-0090(T)	6-23-2008	Repeal	8-1-2008
734-010-0260	5-19-2008	Amend	7-1-2008	735-040-0100	1-1-2008	Amend(T)	2-1-2008
734-010-0260(T)	5-19-2008	Repeal	7-1-2008	735-040-0100	6-23-2008	Amend	8-1-2008
734-017-0005	7-28-2008	Amend	9-1-2008	735-040-0100(T)	6-23-2008	Repeal	8-1-2008
734-020-0147	8-26-2008	Amend	10-1-2008	735-046-0000	6-23-2008	Amend	8-1-2008
734-058-0010	8-26-2008	Adopt	10-1-2008	735-046-0000	9-11-2008	Amend	10-1-2008
734-058-0020	8-26-2008	Adopt	10-1-2008	735-046-0000(T)	6-23-2008	Repeal	8-1-2008
734-058-0030	8-26-2008	Adopt	10-1-2008	735-046-0010	1-1-2008	Amend(T)	2-1-2008
734-058-0040	8-26-2008	Adopt	10-1-2008	735-046-0010	6-23-2008	Amend	8-1-2008
734-058-0050	8-26-2008	Adopt	10-1-2008	735-046-0010	9-11-2008	Amend	10-1-2008
734-058-0060	8-26-2008	Adopt	10-1-2008	735-046-0010(T)	6-23-2008	Repeal	8-1-2008
734-058-0070	8-26-2008	Adopt	10-1-2008	735-046-0050	1-1-2008	Amend(T)	2-1-2008
734-058-0080	8-26-2008	Adopt	10-1-2008	735-046-0050	6-23-2008	Amend	8-1-2008
734-059-0020	12-24-2007	Adopt	2-1-2008	735-046-0050	9-11-2008	Amend	10-1-2008
734-059-0025	12-24-2007	Adopt	2-1-2008	735-046-0050(T)	6-23-2008	Repeal	8-1-2008
734-059-0030	12-24-2007	Adopt	2-1-2008	735-050-0000	2-4-2008	Amend	3-1-2008
734-059-0050	12-24-2007	Adopt	2-1-2008	735-050-0060	2-4-2008	Amend	3-1-2008
734-074-0010	5-19-2008	Amend	7-1-2008	735-050-0062	2-4-2008	Amend	3-1-2008
734-075-0010	4-24-2008	Amend(T)	6-1-2008	735-050-0064	2-4-2008	Amend	3-1-2008
734-075-0010	9-11-2008	Amend	10-1-2008	735-060-0120	1-1-2008	Amend	2-1-2008
734-082-0015	5-19-2008	Amend	7-1-2008	735-062-0000	1-1-2008	Amend	2-1-2008
734-082-0040	5-19-2008	Amend	7-1-2008	735-062-0000	2-4-2008	Amend(T)	3-1-2008
735-010-0008	7-1-2008	Amend	8-1-2008	735-062-0000	7-1-2008	Am. & Ren.	8-1-2008
735-010-0045	12-24-2007	Amend	2-1-2008	735-062-0002	7-1-2008	Adopt	8-1-2008
735-010-0100	7-1-2008	Amend	8-1-2008	735-062-0005	2-4-2008	Amend(T)	3-1-2008
735-010-0130	2-4-2008	Amend(T)	3-1-2008	735-062-0005	7-1-2008	Amend	8-1-2008

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735-062-0010	7-1-2008	Amend	8-1-2008	735-074-0140	1-1-2008	Amend	2-1-2008
735-062-0014	9-15-2008	Adopt(T)	10-1-2008	735-074-0180	1-1-2008	Amend	2-1-2008
735-062-0015	7-1-2008	Adopt	8-1-2008	735-074-0260	1-1-2008	Am. & Ren.	2-1-2008
735-062-0015	9-15-2008	Amend(T)	10-1-2008	735-074-0270	1-1-2008	Am. & Ren.	2-1-2008
735-062-0016	7-1-2008	Adopt	8-1-2008	735-074-0280	1-1-2008	Am. & Ren.	2-1-2008
735-062-0020	2-4-2008	Amend(T)	3-1-2008	735-074-0290	1-1-2008	Am. & Ren.	2-1-2008
735-062-0020	7-1-2008	Amend	8-1-2008	735-075-0005	5-19-2008	Amend	7-1-2008
735-062-0020	9-15-2008	Amend(T)	10-1-2008	735-076-0002	1-1-2008	Amend	2-1-2008
735-062-0021	2-4-2008	Adopt(T)	3-1-2008	735-076-0005	2-22-2008	Amend(T)	4-1-2008
735-062-0021	7-1-2008	Repeal	8-1-2008	735-076-0005(T)	5-19-2008	Repeal	7-1-2008
735-062-0030	2-4-2008	Amend	3-1-2008	735-076-0007	1-1-2008	Amend	2-1-2008
735-062-0030	2-4-2008	Amend(T)	3-1-2008	735-076-0018	1-1-2008	Amend	2-1-2008
735-062-0030	7-1-2008	Amend	8-1-2008	735-076-0020	1-1-2008	Amend	2-1-2008
735-062-0032	7-1-2008	Adopt	8-1-2008	735-076-0035	1-1-2008	Amend	2-1-2008
735-062-0033	7-1-2008	Adopt	8-1-2008	735-080-0000	9-11-2008	Amend	10-1-2008
735-062-0050	1-1-2008	Amend	2-1-2008	735-080-0010	1-1-2008	Repeal	2-1-2008
735-062-0050	8-26-2008	Amend	10-1-2008	735-080-0020	1-1-2008	Amend	2-1-2008
735-062-0073	1-1-2008	Amend	2-1-2008	735-080-0030	1-1-2008	Repeal	2-1-2008
735-062-0090	1-1-2008	Amend	2-1-2008	735-080-0040	1-1-2008	Amend	2-1-2008
735-062-0090	2-4-2008	Amend(T)	3-1-2008	735-080-0060	7-1-2008	Amend	8-1-2008
735-062-0090	2-22-2008	Amend(T)	4-1-2008	735-080-0070	7-1-2008	Amend	8-1-2008
735-062-0090	4-24-2008	Amend	6-1-2008	735-080-0080	1-1-2008	Amend	2-1-2008
735-062-0090	7-1-2008	Amend	8-1-2008	735-090-0000	12-24-2007	Amend	2-1-2008
735-062-0090(T)	4-24-2008	Repeal	6-1-2008	735-090-0020	12-24-2007	Amend	2-1-2008
735-062-0092	10-1-2008	Amend	10-1-2008	735-090-0051	12-24-2007	Amend	2-1-2008
735-062-0095	10-1-2008	Repeal	10-1-2008	735-090-0120	12-24-2007	Amend	2-1-2008
735-062-0110	2-4-2008	Amend(T)	3-1-2008	735-090-0130	12-24-2007	Amend	2-1-2008
735-062-0110	7-1-2008	Amend	8-1-2008	735-152-0000	1-1-2008	Amend(T)	2-1-2008
735-062-0110	10-1-2008	Amend	10-1-2008	735-152-0000	6-23-2008	Amend	8-1-2008
735-062-0120	7-1-2008	Amend	8-1-2008	735-152-0000(T)	6-23-2008	Repeal	8-1-2008
735-062-0125	7-1-2008	Adopt	8-1-2008	735-152-0040	1-1-2008	Amend(T)	2-1-2008
735-062-0200	1-1-2008	Amend	2-1-2008	735-152-0040	6-23-2008	Amend	8-1-2008
735-062-0200	10-1-2008	Amend	10-1-2008	735-152-0040(T)	6-23-2008	Repeal	8-1-2008
735-062-0220	7-1-2008	Adopt	8-1-2008	735-152-0050	1-1-2008	Amend(T)	2-1-2008
735-062-0320	1-1-2008	Amend	2-1-2008	735-152-0050	6-23-2008	Amend	8-1-2008
735-062-0320	7-1-2008	Amend	8-1-2008	735-152-0050(T)	6-23-2008	Repeal	8-1-2008
735-062-0330	1-1-2008	Amend	2-1-2008	735-152-0060	1-1-2008	Amend(T)	2-1-2008
735-062-0380	1-1-2008	Amend	2-1-2008	735-152-0060	6-23-2008	Amend	8-1-2008
735-062-0390	1-1-2008	Adopt	2-1-2008	735-152-0060(T)	6-23-2008	Repeal	8-1-2008
735-064-0005	2-4-2008	Amend	3-1-2008	735-158-0000	11-30-2007	Amend	1-1-2008
735-064-0020	7-1-2008	Amend	8-1-2008	735-160-0003	7-23-2008	Amend	9-1-2008
735-064-0040	1-1-2008	Amend	2-1-2008	735-160-0115	12-24-2007	Amend	2-1-2008
735-064-0070	1-1-2008	Amend	1-1-2008	736-002-0010	2-15-2008	Amend	3-1-2008
735-064-0100	1-25-2008	Amend	3-1-2008	736-002-0020	2-15-2008	Amend	3-1-2008
735-064-0220	1-1-2008	Amend	2-1-2008	736-002-0030	2-15-2008	Amend	3-1-2008
735-064-0230	1-25-2008	Amend	3-1-2008	736-002-0032	2-15-2008	Adopt	3-1-2008
735-070-0000	7-1-2008	Amend	8-1-2008	736-002-0038	2-15-2008	Adopt	3-1-2008
735-070-0004	7-1-2008	Amend	8-1-2008	736-002-0040	2-15-2008	Repeal	3-1-2008
735-070-0010	2-4-2008	Amend(T)	3-1-2008	736-002-0042	2-15-2008	Adopt	3-1-2008
735-070-0010	7-1-2008	Amend	8-1-2008	736-002-0050	2-15-2008	Adopt	3-1-2008
735-070-0020	7-1-2008	Amend	8-1-2008	736-002-0052	2-15-2008	Adopt	3-1-2008
735-070-0030	10-23-2008	Amend	12-1-2008	736-002-0058	2-15-2008	Adopt	3-1-2008
735-070-0043	8-26-2008	Adopt(T)	10-1-2008	736-002-0060	2-15-2008	Repeal	3-1-2008
735-070-0080	1-1-2008	Amend	1-1-2008	736-002-0070	2-15-2008	Amend	3-1-2008
735-070-0170	7-23-2008	Amend	9-1-2008	736-002-0080	2-15-2008	Repeal	3-1-2008
735-070-0190	12-24-2007	Amend	2-1-2008	736-002-0082	2-15-2008	Adopt	3-1-2008
735-072-0035	1-1-2008	Amend	2-1-2008	736-002-0090	2-15-2008	Repeal	3-1-2008

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736-002-0100	2-15-2008	Repeal	3-1-2008	736-054-0015	2-15-2008	Amend	3-1-2008
736-002-0102	2-15-2008	Adopt	3-1-2008	736-054-0025	2-15-2008	Amend	3-1-2008
736-002-0150	2-15-2008	Adopt	3-1-2008	740-100-0010	4-1-2008	Amend	5-1-2008
736-002-0160	2-15-2008	Adopt	3-1-2008	740-100-0030	7-23-2008	Amend	9-1-2008
736-004-0005	10-15-2008	Amend	11-1-2008	740-100-0060	4-1-2008	Amend	5-1-2008
736-004-0010	10-15-2008	Amend	11-1-2008	740-100-0070	4-1-2008	Amend	5-1-2008
736-004-0015	10-15-2008	Amend	11-1-2008	740-100-0080	4-1-2008	Amend	5-1-2008
736-004-0020	10-15-2008	Amend	11-1-2008	740-100-0090	4-1-2008	Amend	5-1-2008
736-004-0025	10-15-2008	Amend	11-1-2008	740-100-0140	3-21-2008	Am. & Ren.	5-1-2008
736-004-0030	10-15-2008	Amend	11-1-2008	740-110-0010	4-1-2008	Amend	5-1-2008
736-004-0045	10-15-2008	Amend	11-1-2008	740-200-0010	7-1-2008	Amend	8-1-2008
736-004-0055	10-15-2008	Repeal	11-1-2008	740-200-0020	7-1-2008	Amend	8-1-2008
736-004-0060	10-15-2008	Amend	11-1-2008	740-200-0040	7-1-2008	Amend	8-1-2008
736-004-0062	10-15-2008	Amend	11-1-2008	740-300-0140	3-21-2008	Am. & Ren.	5-1-2008
736-004-0065	10-15-2008	Amend	11-1-2008	800-010-0015	2-1-2008	Amend	2-1-2008
736-004-0070	10-15-2008	Amend	11-1-2008	800-010-0017	2-1-2008	Amend	2-1-2008
736-004-0075	10-15-2008	Repeal	11-1-2008	800-010-0025	2-1-2008	Amend	2-1-2008
736-004-0080	10-15-2008	Amend	11-1-2008	800-010-0030	2-1-2008	Amend	2-1-2008
736-004-0085	10-15-2008	Amend	11-1-2008	800-010-0041	2-1-2008	Amend	2-1-2008
736-004-0090	10-15-2008	Adopt	11-1-2008	800-015-0005	2-1-2008	Amend	2-1-2008
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736-004-0105	10-15-2008	Adopt	11-1-2008	800-015-0030	2-1-2008	Amend	2-1-2008
736-004-0110	10-15-2008	Adopt	11-1-2008	800-020-0015	2-1-2008	Amend	2-1-2008
736-004-0115	10-15-2008	Adopt	11-1-2008	800-020-0020	2-1-2008	Amend	2-1-2008
736-006-0100	3-1-2008	Amend	3-1-2008	800-020-0022	2-1-2008	Amend	2-1-2008
736-006-0110	3-1-2008	Amend(T)	3-1-2008	800-020-0025	2-1-2008	Amend	2-1-2008
736-006-0110	5-15-2008	Amend	6-1-2008	800-020-0026	2-1-2008	Amend	2-1-2008
736-006-0115	3-1-2008	Amend	3-1-2008	800-020-0030	2-1-2008	Amend	2-1-2008
736-006-0125	3-1-2008	Amend	3-1-2008	800-020-0031	2-1-2008	Amend	2-1-2008
736-006-0140	3-1-2008	Amend	3-1-2008	800-020-0035	2-1-2008	Amend	2-1-2008
736-006-0150	3-1-2008	Amend	3-1-2008	800-025-0020	2-1-2008	Amend	2-1-2008
736-009-0005	9-15-2008	Amend	10-1-2008	800-025-0023	2-1-2008	Amend	2-1-2008
736-009-0010	9-15-2008	Amend	10-1-2008	800-025-0025	2-1-2008	Amend	2-1-2008
736-009-0015	9-15-2008	Adopt	10-1-2008	800-025-0030	2-1-2008	Amend	2-1-2008
736-009-0020	9-15-2008	Adopt	10-1-2008	800-025-0060	2-1-2008	Amend	2-1-2008
736-009-0025	9-15-2008	Adopt	10-1-2008	800-025-0070	2-1-2008	Amend	2-1-2008
736-009-0030	9-15-2008	Adopt	10-1-2008	800-030-0025	2-1-2008	Amend	2-1-2008
736-040-0005	5-15-2008	Amend	6-1-2008	800-030-0050	2-1-2008	Amend	2-1-2008
736-040-0015	5-15-2008	Amend	6-1-2008	801-001-0035	1-1-2008	Amend	2-1-2008
736-040-0020	5-15-2008	Amend	6-1-2008	801-010-0340	1-1-2008	Amend	2-1-2008
736-040-0035	5-15-2008	Amend	6-1-2008	801-030-0010	1-1-2008	Amend	2-1-2008
736-040-0041	5-15-2008	Amend	6-1-2008	801-030-0015	1-1-2008	Amend	2-1-2008
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736-040-0043	5-15-2008	Amend	6-1-2008	801-040-0030	1-1-2008	Amend	2-1-2008
736-040-0044	5-15-2008	Amend	6-1-2008	804-001-0005	11-7-2008	Amend	12-1-2008
736-040-0046	5-15-2008	Amend	6-1-2008	804-020-0001	11-7-2008	Amend	12-1-2008
736-040-0056	5-15-2008	Amend	6-1-2008	804-022-0000	7-7-2008	Amend	8-1-2008
736-040-0070	5-15-2008	Amend	6-1-2008	804-022-0010	2-4-2008	Amend	3-1-2008
736-040-0071	5-15-2008	Amend	6-1-2008	804-025-0010	11-7-2008	Amend	12-1-2008
736-040-0072	5-15-2008	Amend	6-1-2008	804-025-0015	11-7-2008	Adopt	12-1-2008
736-040-0073	5-15-2008	Amend	6-1-2008	804-025-0020	2-4-2008	Amend	3-1-2008
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736-040-0085	5-15-2008	Amend	6-1-2008	804-030-0005	7-7-2008	Am. & Ren.	8-1-2008
736-040-0090	5-15-2008	Amend	6-1-2008	804-030-0010	7-7-2008	Am. & Ren.	8-1-2008
736-050-0002	10-15-2008	Amend	11-1-2008	804-030-0015	2-4-2008	Am. & Ren.	3-1-2008
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804-040-0000	3-20-2008	Amend	5-1-2008	808-003-0035	1-1-2008	Amend	2-1-2008
804-050-0001	7-7-2008	Am. & Ren.	8-1-2008	808-003-0035	4-11-2008	Amend	5-1-2008
804-050-0001	7-7-2008	Am. & Ren.	8-1-2008	808-003-0040	1-1-2008	Amend	2-1-2008
804-050-0001	7-7-2008	Am. & Ren.	8-1-2008	808-003-0040	1-1-2008	Amend	2-1-2008
806-010-0010	2-28-2008	Amend	4-1-2008	808-003-0040	4-11-2008	Amend	5-1-2008
806-010-0015	2-28-2008	Repeal	4-1-2008	808-003-0040	11-6-2008	Amend	12-1-2008
806-010-0020	2-28-2008	Amend	4-1-2008	808-003-0045	1-1-2008	Amend	2-1-2008
806-010-0033	2-28-2008	Amend	4-1-2008	808-003-0045	1-1-2008	Amend	2-1-2008
806-010-0035	2-28-2008	Amend	4-1-2008	808-003-0045	9-5-2008	Amend	10-1-2008
806-010-0090	7-1-2008	Amend	4-1-2008	808-003-0045	10-1-2008	Amend	11-1-2008
806-010-0105	7-1-2008	Amend	4-1-2008	808-003-0045	11-6-2008	Amend	12-1-2008
806-010-0145	7-1-2008	Amend	4-1-2008	808-003-0060	1-1-2008	Amend	2-1-2008
808-001-0005	4-25-2008	Amend	6-1-2008	808-003-0090	1-1-2008	Amend	2-1-2008
808-001-0020	1-1-2008	Amend	2-1-2008	808-003-0095	1-1-2008	Amend	2-1-2008
808-001-0020	1-1-2008	Amend	2-1-2008	808-003-0100	1-1-2008	Amend	2-1-2008
808-001-0020	4-11-2008	Amend	5-1-2008	808-003-0105	1-1-2008	Amend	2-1-2008
808-001-0020	4-23-2008	Amend(T)	6-1-2008	808-003-0110	1-1-2008	Amend	2-1-2008
808-001-0020	10-1-2008	Amend	11-1-2008	808-003-0110	10-1-2008	Amend	11-1-2008
808-002-0020	1-1-2008	Amend	2-1-2008	808-003-0112	1-1-2008	Amend	2-1-2008
808-002-0200	10-1-2008	Amend	11-1-2008	808-003-0125	1-1-2008	Amend	2-1-2008
808-002-0210	1-1-2008	Amend	2-1-2008	808-003-0125	6-2-2008	Amend	7-1-2008
808-002-0210	11-6-2008	Amend	12-1-2008	808-003-0130	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-003-0130	1-1-2008	Amend	2-1-2008
808-002-0220	1-1-2008	Amend	2-1-2008	808-003-0130	4-11-2008	Amend	5-1-2008
808-002-0220	4-11-2008	Amend	5-1-2008	808-003-0130	10-1-2008	Amend	11-1-2008
808-002-0280	1-1-2008	Amend	2-1-2008	808-003-0130	11-6-2008	Amend	12-1-2008
808-002-0325	1-1-2008	Amend	2-1-2008	808-003-0135	1-1-2008	Amend	2-1-2008
808-002-0328	1-1-2008	Amend	2-1-2008	808-003-018	1-1-2008	Amend	2-1-2008
808-002-0328	10-1-2008	Amend	11-1-2008	808-003-0200	1-1-2008	Amend	2-1-2008
808-002-0330	1-1-2008	Amend	2-1-2008	808-003-0200	11-6-2008	Amend	12-1-2008
808-002-0340	11-6-2008	Amend	12-1-2008	808-003-0210	11-6-2008	Amend	12-1-2008
808-002-0420	11-6-2008	Amend	12-1-2008	808-003-0220	1-1-2008	Amend	2-1-2008
808-002-0500	1-1-2008	Amend	2-1-2008	808-003-0220	11-6-2008	Amend	12-1-2008
808-002-0540	1-1-2008	Amend	2-1-2008	808-003-0225	1-1-2008	Amend	2-1-2008
808-002-0590	1-1-2008	Adopt	2-1-2008	808-003-0230	1-1-2008	Amend	2-1-2008
808-002-0623	6-2-2008	Adopt	7-1-2008	808-003-0230	1-1-2008	Amend	2-1-2008
808-002-0625	1-1-2008	Adopt	2-1-2008	808-003-0230	4-11-2008	Amend	5-1-2008
808-002-0665	1-1-2008	Amend	2-1-2008	808-003-0235	1-1-2008	Amend	2-1-2008
808-002-0734	6-2-2008	Amend	7-1-2008	808-003-0255	1-1-2008	Amend	2-1-2008
808-002-0810	10-1-2008	Amend	11-1-2008	808-003-0440	1-1-2008	Amend	2-1-2008
808-002-0820	11-6-2008	Amend	12-1-2008	808-003-0450	11-6-2008	Amend	12-1-2008
808-002-0840	11-6-2008	Amend	12-1-2008	808-004-0120	1-1-2008	Amend	2-1-2008
808-002-0870	1-1-2008	Amend	2-1-2008	808-004-0120	4-11-2008	Amend	5-1-2008
808-002-0900	1-1-2008	Amend	2-1-2008	808-004-0250	1-1-2008	Amend	2-1-2008
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808-002-0920	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-003-0010	1-1-2008	Amend	2-1-2008	808-004-0340	1-1-2008	Amend	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-004-0400	1-1-2008	Amend	2-1-2008
808-003-0015	1-1-2008	Amend	2-1-2008	808-004-0450	1-1-2008	Amend	2-1-2008
808-003-0015	4-11-2008	Amend	5-1-2008	808-004-0530	1-1-2008	Adopt	2-1-2008
808-003-0015	11-6-2008	Amend	12-1-2008	808-004-0540	1-1-2008	Amend	2-1-2008
808-003-0018	4-11-2008	Amend	5-1-2008	808-004-0600	1-1-2008	Amend	2-1-2008
808-003-0018	10-1-2008	Amend	11-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-003-0018	11-6-2008	Amend	12-1-2008	808-005-0020	1-1-2008	Amend	2-1-2008
808-003-0020	1-1-2008	Amend	2-1-2008	808-005-0020	4-11-2008	Amend	5-1-2008
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808-009-0360	1-14-2008	Suspend	2-1-2008	812-002-0170	1-1-2008	Adopt	1-1-2008
808-009-0360	3-7-2008	Repeal	4-1-2008	812-002-0180	7-1-2008	Amend	7-1-2008
808-030-0010	1-1-2008	Adopt	2-1-2008	812-002-0190	7-1-2008	Amend	7-1-2008
808-030-0010	6-2-2008	Amend	7-1-2008	812-002-0200	7-1-2008	Amend	7-1-2008
808-030-0020	1-1-2008	Adopt	2-1-2008	812-002-0260	7-1-2008	Amend	7-1-2008
808-030-0030	1-1-2008	Adopt	2-1-2008	812-002-0265	1-1-2008	Adopt	1-1-2008
808-030-0040	1-1-2008	Adopt	2-1-2008	812-002-0280	7-1-2008	Amend	7-1-2008
808-030-0050	1-1-2008	Adopt	2-1-2008	812-002-0320	7-1-2008	Amend	4-1-2008
808-030-0050	11-6-2008	Amend	12-1-2008	812-002-0345	7-1-2008	Amend	7-1-2008
808-030-0060	1-1-2008	Adopt	2-1-2008	812-002-0380	7-1-2008	Amend	4-1-2008
808-030-0060	11-6-2008	Amend	12-1-2008	812-002-0420	1-1-2008	Amend	1-1-2008
808-030-0070	1-1-2008	Adopt	2-1-2008	812-002-0420	7-1-2008	Amend	7-1-2008
808-040-0010	1-1-2008	Adopt	2-1-2008	812-002-0440	7-1-2008	Amend	7-1-2008
808-040-0010	11-6-2008	Amend	12-1-2008	812-002-0443	7-1-2008	Amend	7-1-2008
808-040-0020	1-1-2008	Adopt	2-1-2008	812-002-0460	7-1-2008	Amend	7-1-2008
808-040-0025	1-1-2008	Adopt	2-1-2008	812-002-0530	7-1-2008	Amend	7-1-2008
808-040-0030	1-1-2008	Adopt	2-1-2008	812-002-0533	7-1-2008	Amend	7-1-2008
808-040-0040	1-1-2008	Adopt	2-1-2008	812-002-0537	7-1-2008	Amend	7-1-2008
808-040-0050	1-1-2008	Adopt	2-1-2008	812-002-0580	1-1-2008	Amend	1-1-2008
808-040-0060	1-1-2008	Adopt	2-1-2008	812-002-0630	1-1-2008	Adopt	1-1-2008
808-040-0070	1-1-2008	Adopt	2-1-2008	812-002-0630	7-1-2008	Amend	7-1-2008
808-040-0080	1-1-2008	Adopt	2-1-2008	812-002-0635	1-1-2008	Adopt	1-1-2008
809-030-0025	3-20-2008	Amend	5-1-2008	812-002-0635	7-1-2008	Amend	7-1-2008
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811-010-0085	11-30-2007	Amend	1-1-2008	812-002-0640	7-1-2008	Amend	7-1-2008
811-010-0086	11-30-2007	Amend	1-1-2008	812-002-0670	7-1-2008	Amend	7-1-2008
811-010-0090	11-30-2007	Amend	1-1-2008	812-002-0673	7-1-2008	Amend	7-1-2008
811-010-0093	11-30-2007	Amend	1-1-2008	812-002-0675	7-1-2008	Amend	7-1-2008
811-010-0110	10-9-2008	Amend	11-1-2008	812-002-0760	1-1-2008	Amend	1-1-2008
811-015-0010	11-30-2007	Amend	1-1-2008	812-002-0760	7-1-2008	Amend	7-1-2008
811-015-0025	11-30-2007	Amend	1-1-2008	812-002-0780	7-1-2008	Amend	7-1-2008
811-021-0005	11-30-2007	Amend	1-1-2008	812-002-0840	1-1-2008	Repeal	1-1-2008
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812-001-0100	7-1-2008	Amend	7-1-2008	812-003-0120	7-1-2008	Amend	7-1-2008
812-001-0120	5-1-2008	Amend	6-1-2008	812-003-0130	7-1-2008	Amend	4-1-2008
812-001-0140	7-1-2008	Amend	7-1-2008	812-003-0131	7-1-2008	Adopt	4-1-2008
812-001-0160	5-1-2008	Amend	6-1-2008	812-003-0140	1-10-2008	Amend(T)	2-1-2008
812-001-0160	8-1-2008	Amend(T)	9-1-2008	812-003-0140	7-1-2008	Amend	4-1-2008
812-001-0160	10-1-2008	Amend	11-1-2008	812-003-0150	1-1-2008	Amend	1-1-2008
812-001-0160(T)	10-1-2008	Repeal	11-1-2008	812-003-0150	7-1-2008	Amend	8-1-2008
812-001-0200	1-1-2008	Amend	1-1-2008	812-003-0152	7-1-2008	Adopt	4-1-2008
812-001-0200	1-2-2008	Amend(T)	2-1-2008	812-003-0152	7-1-2008	Amend	8-1-2008
812-001-0200	5-1-2008	Amend	6-1-2008	812-003-0153	7-1-2008	Adopt	4-1-2008
812-001-0200	10-1-2008	Amend	11-1-2008	812-003-0153	7-1-2008	Amend	8-1-2008
812-001-0200(T)	5-1-2008	Repeal	6-1-2008	812-003-0155	1-1-2008	Adopt	1-1-2008
812-001-0240	7-1-2008	Adopt	8-1-2008	812-003-0155	7-1-2008	Amend	4-1-2008
812-001-0240	10-1-2008	Am. & Ren.	11-1-2008	812-003-0160	1-1-2008	Amend	1-1-2008
812-001-0300	10-1-2008	Re-number	11-1-2008	812-003-0160	7-1-2008	Amend	7-1-2008
812-001-0305	10-1-2008	Am. & Ren.	11-1-2008	812-003-0170	1-1-2008	Amend	1-1-2008
812-001-0310	10-1-2008	Re-number	11-1-2008	812-003-0170	7-1-2008	Amend	4-1-2008
812-001-0500	7-1-2008	Amend	7-1-2008	812-003-0171	7-1-2008	Adopt	4-1-2008
812-002-0011	7-1-2008	Amend	7-1-2008	812-003-0175	1-1-2008	Amend	1-1-2008
812-002-0040	7-1-2008	Amend	7-1-2008	812-003-0175	7-1-2008	Amend	4-1-2008
812-002-0140	1-1-2008	Amend	1-1-2008	812-003-0175	7-1-2008	Amend	8-1-2008
812-002-0140	7-1-2008	Amend	7-1-2008	812-003-0180	1-1-2008	Amend	1-1-2008
812-002-0143	1-1-2008	Amend	1-1-2008	812-003-0180	7-1-2008	Amend	7-1-2008

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812-003-0190	7-1-2008	Amend	7-1-2008	812-004-0470	7-1-2008	Amend	7-1-2008
812-003-0200	1-1-2008	Amend	1-1-2008	812-004-0520	7-1-2008	Amend	7-1-2008
812-003-0200	7-1-2008	Amend	4-1-2008	812-004-0535	7-1-2008	Amend	7-1-2008
812-003-0210	7-1-2008	Amend	7-1-2008	812-004-0540	7-1-2008	Amend	7-1-2008
812-003-0220	7-1-2008	Amend	4-1-2008	812-004-0550	7-1-2008	Amend	7-1-2008
812-003-0221	7-1-2008	Adopt	4-1-2008	812-004-0550	7-1-2008	Amend	8-1-2008
812-003-0230	7-1-2008	Amend	4-1-2008	812-004-0560	1-1-2008	Amend	1-1-2008
812-003-0240	1-1-2008	Amend	1-1-2008	812-004-0560	7-1-2008	Amend	7-1-2008
812-003-0240	7-1-2008	Amend	7-1-2008	812-004-0590	1-1-2008	Amend	1-1-2008
812-003-0250	1-1-2008	Amend	1-1-2008	812-004-0590	7-1-2008	Amend	7-1-2008
812-003-0250	7-1-2008	Amend	7-1-2008	812-004-0600	1-1-2008	Amend	1-1-2008
812-003-0260	1-1-2008	Amend	1-1-2008	812-004-0600	7-1-2008	Amend	4-1-2008
812-003-0260	3-24-2008	Amend	5-1-2008	812-004-0600	7-1-2008	Amend	8-1-2008
812-003-0260	7-1-2008	Amend	4-1-2008	812-005-0100	7-1-2008	Amend	7-1-2008
812-003-0260	7-1-2008	Amend	6-1-2008	812-005-0130	7-1-2008	Amend	8-1-2008
812-003-0260	7-1-2008	Amend	8-1-2008	812-005-0140	7-1-2008	Amend	7-1-2008
812-003-0260	10-1-2008	Amend	11-1-2008	812-005-0160	7-1-2008	Amend	7-1-2008
812-003-0270	1-10-2008	Amend(T)	2-1-2008	812-005-0170	7-1-2008	Amend	7-1-2008
812-003-0270	7-1-2008	Amend	4-1-2008	812-005-0200	1-1-2008	Amend	1-1-2008
812-003-0280	1-1-2008	Amend	1-1-2008	812-005-0200	7-1-2008	Amend	7-1-2008
812-003-0280	7-1-2008	Amend	4-1-2008	812-005-0210	1-1-2008	Amend	1-1-2008
812-003-0290	1-1-2008	Amend	1-1-2008	812-005-0210	7-1-2008	Amend	7-1-2008
812-003-0290	7-1-2008	Amend	4-1-2008	812-005-0210	10-1-2008	Amend	11-1-2008
812-003-0300	1-1-2008	Amend	1-1-2008	812-005-0250	1-1-2008	Amend	1-1-2008
812-003-0300	7-1-2008	Amend	4-1-2008	812-005-0250	7-1-2008	Amend	7-1-2008
812-003-0310	1-1-2008	Amend	1-1-2008	812-005-0270	1-1-2008	Adopt	1-1-2008
812-003-0310	7-1-2008	Amend	7-1-2008	812-005-0270	7-1-2008	Amend	4-1-2008
812-003-0320	7-1-2008	Amend	7-1-2008	812-005-0280	7-1-2008	Adopt	8-1-2008
812-003-0330	7-1-2008	Amend	7-1-2008	812-005-0500	7-1-2008	Amend	8-1-2008
812-003-0340	7-1-2008	Amend	4-1-2008	812-005-0800	1-2-2008	Amend(T)	2-1-2008
812-003-0350	7-1-2008	Amend	7-1-2008	812-005-0800	7-1-2008	Amend	4-1-2008
812-003-0360	7-1-2008	Amend	4-1-2008	812-005-0800	7-1-2008	Amend	8-1-2008
812-003-0370	7-1-2008	Amend	7-1-2008	812-005-0800	10-1-2008	Amend	11-1-2008
812-003-0380	1-1-2008	Amend	1-1-2008	812-006-0100	7-1-2008	Amend	7-1-2008
812-003-0380	7-1-2008	Amend	7-1-2008	812-006-0150	7-1-2008	Amend	7-1-2008
812-003-0390	7-1-2008	Amend	7-1-2008	812-006-0200	7-1-2008	Amend	7-1-2008
812-003-0400	1-1-2008	Amend	1-1-2008	812-006-0250	7-1-2008	Amend	7-1-2008
812-003-0400	7-1-2008	Amend	7-1-2008	812-006-0300	7-1-2008	Amend	7-1-2008
812-003-0410	7-1-2008	Amend	7-1-2008	812-006-0350	7-1-2008	Amend	7-1-2008
812-003-0420	7-1-2008	Amend	4-1-2008	812-006-0400	7-1-2008	Amend	7-1-2008
812-003-0430	7-1-2008	Amend	7-1-2008	812-006-0450	7-1-2008	Amend	8-1-2008
812-003-0440	7-1-2008	Amend	4-1-2008	812-007-0040	7-1-2008	Amend	4-1-2008
812-003-0450	7-1-2008	Amend	4-1-2008	812-008-0030	7-1-2008	Amend	4-1-2008
812-004-0110	7-1-2008	Amend	7-1-2008	812-008-0040	1-1-2008	Amend	1-1-2008
812-004-0110	7-1-2008	Amend	8-1-2008	812-008-0040	7-1-2008	Amend	4-1-2008
812-004-0120	7-1-2008	Amend	7-1-2008	812-008-0060	1-1-2008	Amend	1-1-2008
812-004-0210	7-1-2008	Amend	7-1-2008	812-008-0070	1-1-2008	Amend	1-1-2008
812-004-0240	1-1-2008	Amend	1-1-2008	812-008-0110	1-1-2008	Amend	1-1-2008
812-004-0240	7-1-2008	Amend	7-1-2008	812-008-0201	7-1-2008	Amend	8-1-2008
812-004-0250	1-1-2008	Amend	1-1-2008	812-009-0020	7-1-2008	Amend	7-1-2008
812-004-0250	7-1-2008	Amend	7-1-2008	812-009-0050	7-1-2008	Amend	7-1-2008
812-004-0260	1-1-2008	Amend	1-1-2008	812-009-0070	7-1-2008	Amend	7-1-2008
812-004-0260	7-1-2008	Amend	8-1-2008	812-009-0090	7-1-2008	Amend	7-1-2008
812-004-0300	7-1-2008	Amend	7-1-2008	812-009-0140	1-1-2008	Amend	1-1-2008
812-004-0320	7-1-2008	Amend	8-1-2008	812-009-0140	7-1-2008	Amend	7-1-2008
812-004-0340	7-1-2008	Amend	7-1-2008	812-009-0160	7-1-2008	Amend	7-1-2008
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812-009-0340	7-1-2008	Amend	7-1-2008	813-120-0140	1-28-2008	Amend	3-1-2008
812-009-0400	5-1-2008	Amend	6-1-2008	813-140-0010	12-18-2007	Amend(T)	2-1-2008
812-009-0420	5-1-2008	Amend	6-1-2008	813-140-0010	6-23-2008	Amend	8-1-2008
812-009-0430	7-1-2008	Amend	7-1-2008	813-140-0050	12-18-2007	Amend(T)	2-1-2008
812-009-0435	5-1-2008	Adopt	6-1-2008	813-140-0050	6-23-2008	Amend	8-1-2008
812-010-0020	7-1-2008	Amend	7-1-2008	813-140-0090	12-18-2007	Amend(T)	2-1-2008
812-010-0060	7-1-2008	Amend	7-1-2008	813-140-0090	6-23-2008	Amend	8-1-2008
812-010-0080	7-1-2008	Amend	7-1-2008	813-140-0095	12-18-2007	Adopt(T)	2-1-2008
812-010-0090	7-1-2008	Amend	7-1-2008	813-140-0096	6-23-2008	Adopt	8-1-2008
812-010-0100	7-1-2008	Amend	7-1-2008	813-220-0001	3-31-2008	Amend	5-1-2008
812-010-0120	7-1-2008	Amend	7-1-2008	813-220-0005	3-31-2008	Amend	5-1-2008
812-010-0160	7-1-2008	Amend	7-1-2008	813-220-0010	3-31-2008	Amend	5-1-2008
812-010-0400	7-1-2008	Amend	7-1-2008	813-220-0015	3-31-2008	Amend	5-1-2008
812-010-0420	1-1-2008	Amend	1-1-2008	813-220-0020	3-31-2008	Amend	5-1-2008
812-010-0420	7-1-2008	Amend	7-1-2008	813-220-0030	3-31-2008	Amend	5-1-2008
812-010-0425	7-1-2008	Amend	7-1-2008	813-220-0050	3-31-2008	Amend	5-1-2008
812-010-0470	1-1-2008	Amend	1-1-2008	813-220-0060	3-31-2008	Amend	5-1-2008
812-010-0470	7-1-2008	Amend	7-1-2008	813-250-0000	4-11-2008	Amend	5-1-2008
812-012-0110	1-1-2008	Adopt	1-1-2008	813-250-0010	4-11-2008	Amend	5-1-2008
812-012-0110	7-1-2008	Amend	7-1-2008	813-250-0020	4-11-2008	Amend	5-1-2008
812-012-0130	1-1-2008	Adopt	1-1-2008	813-250-0030	4-11-2008	Amend	5-1-2008
812-012-0130	1-18-2008	Amend(T)	3-1-2008	813-250-0040	4-11-2008	Amend	5-1-2008
812-012-0130	5-1-2008	Amend	6-1-2008	813-300-0010	3-18-2008	Amend	5-1-2008
812-012-0130(T)	5-1-2008	Repeal	6-1-2008	813-300-0010(T)	3-18-2008	Repeal	5-1-2008
813-110-0005	4-11-2008	Amend	5-1-2008	813-300-0020	3-18-2008	Amend	5-1-2008
813-110-0005(T)	4-11-2008	Repeal	5-1-2008	813-300-0020(T)	3-18-2008	Repeal	5-1-2008
813-110-0010	4-11-2008	Amend	5-1-2008	813-300-0030	3-18-2008	Amend	5-1-2008
813-110-0010(T)	4-11-2008	Repeal	5-1-2008	813-300-0030(T)	3-18-2008	Repeal	5-1-2008
813-110-0013	4-11-2008	Adopt	5-1-2008	813-300-0060	3-18-2008	Amend	5-1-2008
813-110-0013(T)	4-11-2008	Repeal	5-1-2008	813-300-0060(T)	3-18-2008	Repeal	5-1-2008
813-110-0015	4-11-2008	Amend	5-1-2008	813-300-0080	3-18-2008	Amend	5-1-2008
813-110-0015(T)	4-11-2008	Repeal	5-1-2008	813-300-0080(T)	3-18-2008	Repeal	5-1-2008
813-110-0020	4-11-2008	Amend	5-1-2008	813-300-0100	3-18-2008	Amend	5-1-2008
813-110-0020(T)	4-11-2008	Repeal	5-1-2008	813-300-0100(T)	3-18-2008	Repeal	5-1-2008
813-110-0021	4-11-2008	Amend	5-1-2008	813-300-0120	3-18-2008	Amend	5-1-2008
813-110-0021(T)	4-11-2008	Repeal	5-1-2008	813-300-0120(T)	3-18-2008	Repeal	5-1-2008
813-110-0022	4-11-2008	Amend	5-1-2008	817-010-0065	6-1-2008	Amend	7-1-2008
813-110-0022(T)	4-11-2008	Repeal	5-1-2008	817-015-0050	6-1-2008	Amend	7-1-2008
813-110-0025	4-11-2008	Amend	5-1-2008	817-015-0065	6-1-2008	Amend	7-1-2008
813-110-0025(T)	4-11-2008	Repeal	5-1-2008	817-015-0070	6-1-2008	Adopt	7-1-2008
813-110-0030	4-11-2008	Amend	5-1-2008	817-030-0020	10-1-2008	Amend	10-1-2008
813-110-0030(T)	4-11-2008	Repeal	5-1-2008	817-035-0010	10-1-2008	Amend	10-1-2008
813-110-0035	4-11-2008	Amend	5-1-2008	817-035-0050	10-1-2008	Amend	10-1-2008
813-110-0035(T)	4-11-2008	Repeal	5-1-2008	817-040-0003	10-1-2008	Amend	10-1-2008
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813-120-0010	1-28-2008	Amend	3-1-2008	818-001-0087	11-30-2007	Amend	1-1-2008
813-120-0020	1-28-2008	Amend	3-1-2008	818-012-0030	11-30-2007	Amend	1-1-2008
813-120-0030	1-28-2008	Am. & Ren.	3-1-2008	818-012-0030	12-1-2008	Amend	12-1-2008
813-120-0040	1-28-2008	Amend	3-1-2008	818-012-0040	12-1-2008	Amend	12-1-2008
813-120-0050	1-28-2008	Amend	3-1-2008	818-012-0050	12-1-2008	Repeal	12-1-2008
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813-120-0070	1-28-2008	Amend	3-1-2008	818-015-0005	12-1-2008	Amend	12-1-2008
813-120-0080	1-28-2008	Amend	3-1-2008	818-015-0007	12-1-2008	Amend	12-1-2008
813-120-0090	1-28-2008	Amend	3-1-2008	818-015-0015	12-1-2008	Amend	12-1-2008
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818-035-0020	12-1-2008	Amend	12-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0025	12-1-2008	Amend	12-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0030	11-30-2007	Amend	1-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0030	12-1-2008	Amend	12-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0040	11-30-2007	Amend	1-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0040	12-1-2008	Amend	12-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
818-035-0065	11-30-2007	Amend	1-1-2008	833-060-0001	6-1-2008	Am. & Ren.(T)	7-1-2008
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818-042-0040	11-30-2007	Amend	1-1-2008	836-009-0007	12-11-2007	Amend(T)	1-1-2008
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818-042-0095	11-30-2007	Adopt	1-1-2008	836-011-0100	7-1-2008	Amend	8-1-2008
818-042-0095	12-1-2008	Amend	12-1-2008	836-011-0100	7-29-2008	Amend	9-1-2008
820-010-0010	7-9-2008	Amend	8-1-2008	836-011-0110	7-1-2008	Amend	8-1-2008
820-010-0010	11-14-2008	Amend	12-1-2008	836-011-0110	7-29-2008	Amend	9-1-2008
820-010-0200	11-14-2008	Amend	12-1-2008	836-011-0120	7-1-2008	Amend	8-1-2008
820-010-0204	11-14-2008	Amend	12-1-2008	836-011-0120	7-29-2008	Amend	9-1-2008
820-010-0205	11-14-2008	Amend	12-1-2008	836-011-0130	7-1-2008	Amend	8-1-2008
820-010-0206	11-14-2008	Amend	12-1-2008	836-011-0130	7-29-2008	Amend	9-1-2008
820-010-0207	11-14-2008	Amend	12-1-2008	836-011-0140	7-1-2008	Amend	8-1-2008
820-010-0208	11-14-2008	Amend	12-1-2008	836-011-0140	7-29-2008	Amend	9-1-2008
820-010-0209	11-14-2008	Adopt	12-1-2008	836-011-0150	7-1-2008	Amend	8-1-2008
820-010-0212	11-14-2008	Adopt	12-1-2008	836-011-0150	7-29-2008	Amend	9-1-2008
820-010-0213	11-14-2008	Adopt	12-1-2008	836-011-0160	7-1-2008	Amend	8-1-2008
820-010-0214	11-14-2008	Adopt	12-1-2008	836-011-0160	7-29-2008	Amend	9-1-2008
820-010-0215	11-14-2008	Amend	12-1-2008	836-011-0180	7-1-2008	Amend	8-1-2008
820-010-0225	7-9-2008	Amend	8-1-2008	836-011-0180	7-29-2008	Amend	9-1-2008
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820-010-0227	11-14-2008	Amend	12-1-2008	836-011-0190	7-29-2008	Amend	9-1-2008
820-010-0228	11-14-2008	Amend	12-1-2008	836-011-0200	7-1-2008	Amend	8-1-2008
820-010-0235	11-14-2008	Amend	12-1-2008	836-011-0200	7-29-2008	Amend	9-1-2008
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820-010-0415	3-12-2008	Amend	4-1-2008	836-011-0223	7-29-2008	Adopt	9-1-2008
820-010-0425	3-12-2008	Amend	4-1-2008	836-011-0225	7-1-2008	Adopt	8-1-2008
820-010-0427	3-12-2008	Amend	4-1-2008	836-011-0225	7-29-2008	Adopt	9-1-2008
820-010-0440	7-9-2008	Amend	8-1-2008	836-011-0227	7-1-2008	Adopt	8-1-2008
820-010-0440	11-14-2008	Amend	12-1-2008	836-011-0227	7-29-2008	Adopt	9-1-2008
820-010-0442	11-14-2008	Adopt	12-1-2008	836-011-0235	7-1-2008	Adopt	8-1-2008
820-010-0443	11-14-2008	Adopt	12-1-2008	836-011-0235	7-29-2008	Adopt	9-1-2008
820-010-0444	11-14-2008	Adopt	12-1-2008	836-024-0056	7-1-2008	Repeal	8-1-2008
820-010-0450	3-12-2008	Amend	4-1-2008	836-024-0056	7-29-2008	Repeal	9-1-2008
820-010-0450	7-9-2008	Amend	8-1-2008	836-024-0061	7-1-2008	Repeal	8-1-2008
820-010-0455	11-14-2008	Amend	12-1-2008	836-024-0061	7-29-2008	Repeal	9-1-2008
820-010-0465	7-9-2008	Amend	8-1-2008	836-042-0045	4-7-2008	Amend	5-1-2008
820-010-0470	11-14-2008	Amend	12-1-2008	836-042-0045	9-1-2008	Amend(T)	9-1-2008
820-010-0505	11-14-2008	Adopt	12-1-2008	836-043-0068	4-7-2008	Amend	5-1-2008
820-010-0520	7-9-2008	Amend	8-1-2008	836-050-0300	6-30-2008	Adopt	8-1-2008
820-010-0600	11-14-2008	Amend	12-1-2008	836-050-0300	7-29-2008	Adopt	9-1-2008
820-010-0605	3-12-2008	Amend	4-1-2008	836-050-0305	6-30-2008	Adopt	8-1-2008
820-010-0620	7-9-2008	Amend	8-1-2008	836-050-0305	7-29-2008	Adopt	9-1-2008
820-015-0010	7-9-2008	Amend	8-1-2008	836-051-0900	8-15-2008	Adopt	9-1-2008
820-020-0040	11-14-2008	Amend	12-1-2008	836-051-0905	8-15-2008	Adopt	9-1-2008
833-020-0050	6-1-2008	Amend(T)	7-1-2008	836-051-0910	8-15-2008	Adopt	9-1-2008

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836-051-0915	8-15-2008	Adopt	9-1-2008	836-071-0145	12-11-2007	Amend(T)	1-1-2008
836-051-0920	8-15-2008	Adopt	9-1-2008	836-071-0145	6-2-2008	Amend	7-1-2008
836-051-0925	8-15-2008	Adopt	9-1-2008	836-080-0001	8-15-2008	Amend	9-1-2008
836-052-0500	1-1-2008	Amend	1-1-2008	836-080-0095	8-15-2008	Adopt	9-1-2008
836-052-0508	1-1-2008	Adopt	1-1-2008	836-080-0165	8-15-2008	Adopt	9-1-2008
836-052-0516	1-1-2008	Amend	1-1-2008	836-080-0166	9-3-2008	Adopt(T)	10-1-2008
836-052-0526	1-1-2008	Amend	1-1-2008	836-200-0105	4-7-2008	Adopt	5-1-2008
836-052-0531	1-1-2008	Adopt	1-1-2008	836-200-0110	4-7-2008	Adopt	5-1-2008
836-052-0546	1-1-2008	Amend	1-1-2008	836-200-0120	4-7-2008	Adopt	5-1-2008
836-052-0556	1-1-2008	Amend	1-1-2008	836-200-0130	4-7-2008	Adopt	5-1-2008
836-052-0566	1-1-2008	Amend	1-1-2008	836-200-0140	4-7-2008	Adopt	5-1-2008
836-052-0576	1-1-2008	Amend	1-1-2008	836-200-0200	4-14-2008	Adopt	5-1-2008
836-052-0616	1-1-2008	Amend	1-1-2008	836-200-0210	4-14-2008	Adopt	5-1-2008
836-052-0626	1-1-2008	Amend	1-1-2008	836-200-0215	4-14-2008	Adopt	5-1-2008
836-052-0636	1-1-2008	Amend	1-1-2008	836-200-0220	4-14-2008	Adopt	5-1-2008
836-052-0639	1-1-2008	Adopt	1-1-2008	837-012-0520	1-25-2008	Amend(T)	3-1-2008
836-052-0656	1-1-2008	Amend	1-1-2008	837-012-0520	5-1-2008	Amend	5-1-2008
836-052-0666	1-1-2008	Amend	1-1-2008	837-012-0530	11-17-2008	Amend(T)	12-1-2008
836-052-0676	1-1-2008	Amend	1-1-2008	837-012-0625	11-17-2008	Amend(T)	12-1-2008
836-052-0696	1-1-2008	Amend	1-1-2008	837-012-0750	11-17-2008	Amend(T)	12-1-2008
836-052-0700	1-1-2008	Am. & Ren.	1-1-2008	837-020-0035	11-30-2007	Amend(T)	1-1-2008
836-052-0706	1-1-2008	Amend	1-1-2008	837-020-0035	5-1-2008	Amend	5-1-2008
836-052-0726	1-1-2008	Amend	1-1-2008	837-020-0040	10-1-2008	Amend	11-1-2008
836-052-0736	1-1-2008	Amend	1-1-2008	837-020-0115	11-30-2007	Amend(T)	1-1-2008
836-052-0738	1-1-2008	Adopt	1-1-2008	837-020-0115	5-1-2008	Amend	5-1-2008
836-052-0740	1-1-2008	Adopt	1-1-2008	837-030-0120	10-1-2008	Amend	11-1-2008
836-052-0746	1-1-2008	Amend	1-1-2008	837-030-0130	10-1-2008	Amend	11-1-2008
836-052-0756	1-1-2008	Amend	1-1-2008	837-030-0140	10-1-2008	Amend	11-1-2008
836-052-0766	1-1-2008	Amend	1-1-2008	837-030-0150	10-1-2008	Amend	11-1-2008
836-052-0776	1-1-2008	Amend	1-1-2008	837-030-0160	10-1-2008	Amend	11-1-2008
836-052-0786	1-1-2008	Amend	1-1-2008	837-030-0170	10-1-2008	Amend	11-1-2008
836-052-1000	1-1-2008	Adopt	2-1-2008	837-030-0180	10-1-2008	Amend	11-1-2008
836-053-0007	4-18-2008	Adopt	6-1-2008	837-030-0190	10-1-2008	Amend	11-1-2008
836-053-0016	2-11-2008	Repeal	3-1-2008	837-030-0200	10-1-2008	Amend	11-1-2008
836-053-0021	2-11-2008	Amend	3-1-2008	837-030-0210	10-1-2008	Amend	11-1-2008
836-053-0026	2-11-2008	Repeal	3-1-2008	837-030-0220	10-1-2008	Amend	11-1-2008
836-053-0030	2-11-2008	Amend	3-1-2008	837-030-0230	10-1-2008	Amend	11-1-2008
836-053-0040	2-11-2008	Amend	3-1-2008	837-030-0235	10-1-2008	Amend	11-1-2008
836-053-0050	2-11-2008	Amend	3-1-2008	837-030-0240	10-1-2008	Amend	11-1-2008
836-053-0060	2-11-2008	Amend	3-1-2008	837-030-0250	10-1-2008	Amend	11-1-2008
836-053-0065	2-11-2008	Amend	3-1-2008	837-030-0260	10-1-2008	Amend	11-1-2008
836-053-0065(T)	2-11-2008	Repeal	3-1-2008	837-030-0270	10-1-2008	Amend	11-1-2008
836-053-0081	4-18-2008	Adopt	6-1-2008	837-030-0280	10-1-2008	Amend	11-1-2008
836-053-0910	12-21-2007	Amend(T)	2-1-2008	837-035-0000	11-16-2007	Adopt	1-1-2008
836-053-0910	6-18-2008	Amend	8-1-2008	837-035-0020	11-16-2007	Adopt	1-1-2008
836-053-1400	4-18-2008	Amend	6-1-2008	837-035-0040	11-16-2007	Adopt	1-1-2008
836-053-1401	9-24-2008	Adopt	11-1-2008	837-035-0060	11-16-2007	Adopt	1-1-2008
836-053-1406	9-24-2008	Adopt	11-1-2008	837-035-0080	11-16-2007	Adopt	1-1-2008
836-053-1410	9-24-2008	Adopt	11-1-2008	837-035-0100	11-16-2007	Adopt	1-1-2008
836-053-1415	9-24-2008	Adopt	11-1-2008	837-035-0120	11-16-2007	Adopt	1-1-2008
836-054-0050	1-16-2008	Repeal	3-1-2008	837-035-0140	11-16-2007	Adopt	1-1-2008
836-054-0055	1-16-2008	Repeal	3-1-2008	837-035-0160	11-16-2007	Adopt	1-1-2008
836-054-0060	1-16-2008	Repeal	3-1-2008	837-035-0180	11-16-2007	Adopt	1-1-2008
836-054-0065	1-16-2008	Repeal	3-1-2008	837-035-0200	11-16-2007	Adopt	1-1-2008
836-071-0130	12-11-2007	Amend(T)	1-1-2008	837-035-0220	11-16-2007	Adopt	1-1-2008
836-071-0130	6-2-2008	Amend	7-1-2008	837-035-0240	11-16-2007	Adopt	1-1-2008
836-071-0135	12-11-2007	Amend(T)	1-1-2008	837-035-0260	11-16-2007	Adopt	1-1-2008
836-071-0135	6-2-2008	Amend	7-1-2008	837-035-0280	11-16-2007	Adopt	1-1-2008

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837-035-0300	11-16-2007	Adopt	1-1-2008	839-003-0010	3-25-2008	Amend(T)	5-1-2008
837-035-0320	11-16-2007	Adopt	1-1-2008	839-003-0010	11-12-2008	Amend(T)	12-1-2008
837-035-0340	11-16-2007	Adopt	1-1-2008	839-003-0020	1-1-2008	Amend	2-1-2008
837-039-0001	7-2-2008	Amend	8-1-2008	839-003-0020	3-25-2008	Amend(T)	5-1-2008
837-039-0003	7-2-2008	Amend	8-1-2008	839-003-0020	11-12-2008	Amend(T)	12-1-2008
837-039-0010	7-2-2008	Amend	8-1-2008	839-003-0025	3-25-2008	Amend(T)	5-1-2008
837-039-0015	7-2-2008	Amend	8-1-2008	839-003-0025	11-12-2008	Amend(T)	12-1-2008
837-039-0040	7-2-2008	Amend	8-1-2008	839-003-0040	3-25-2008	Amend(T)	5-1-2008
837-039-0050	7-2-2008	Amend	8-1-2008	839-003-0040	11-12-2008	Amend(T)	12-1-2008
837-039-0055	7-2-2008	Amend	8-1-2008	839-003-0045	3-25-2008	Amend(T)	5-1-2008
837-039-0060	7-2-2008	Amend	8-1-2008	839-003-0045	11-12-2008	Amend(T)	12-1-2008
837-039-0070	7-2-2008	Amend	8-1-2008	839-003-0050	3-25-2008	Amend(T)	5-1-2008
837-039-0080	7-2-2008	Amend	8-1-2008	839-003-0050	11-12-2008	Amend(T)	12-1-2008
837-039-0110	7-2-2008	Amend	8-1-2008	839-003-0055	1-1-2008	Amend	2-1-2008
837-039-0120	7-2-2008	Adopt	8-1-2008	839-003-0055	3-25-2008	Amend(T)	5-1-2008
837-040-0020	10-1-2008	Amend	10-1-2008	839-003-0055	11-12-2008	Amend(T)	12-1-2008
837-041-0050	9-1-2008	Amend	10-1-2008	839-003-0060	1-1-2008	Amend	2-1-2008
839-001-0150	1-1-2008	Amend	2-1-2008	839-003-0060	3-25-2008	Amend(T)	5-1-2008
839-001-0153	1-1-2008	Amend	2-1-2008	839-003-0060	11-12-2008	Amend(T)	12-1-2008
839-001-0157	1-1-2008	Repeal	2-1-2008	839-003-0065	3-25-2008	Amend(T)	5-1-2008
839-001-0160	1-1-2008	Amend	2-1-2008	839-003-0065	11-12-2008	Amend(T)	12-1-2008
839-001-0495	1-1-2008	Adopt	2-1-2008	839-003-0070	3-25-2008	Amend(T)	5-1-2008
839-001-0496	1-1-2008	Adopt	2-1-2008	839-003-0070	11-12-2008	Amend(T)	12-1-2008
839-001-0740	1-1-2008	Amend	2-1-2008	839-003-0080	1-1-2008	Amend	2-1-2008
839-001-0760	1-1-2008	Amend	2-1-2008	839-003-0080	3-25-2008	Amend(T)	5-1-2008
839-002-0001	10-25-2008	Amend	12-1-2008	839-003-0080	11-12-2008	Amend(T)	12-1-2008
839-002-0002	10-25-2008	Amend	12-1-2008	839-003-0085	3-25-2008	Amend(T)	5-1-2008
839-002-0005	10-25-2008	Amend	12-1-2008	839-003-0085	11-12-2008	Amend(T)	12-1-2008
839-002-0015	1-1-2008	Adopt	2-1-2008	839-003-0090	1-1-2008	Amend	2-1-2008
839-002-0015	10-25-2008	Amend	12-1-2008	839-003-0090	3-25-2008	Amend(T)	5-1-2008
839-002-0020	1-1-2008	Adopt	2-1-2008	839-003-0090	11-12-2008	Amend(T)	12-1-2008
839-002-0020	10-25-2008	Amend	12-1-2008	839-003-0095	3-25-2008	Amend(T)	5-1-2008
839-002-0025	1-1-2008	Adopt	2-1-2008	839-003-0095	11-12-2008	Amend(T)	12-1-2008
839-002-0025	10-25-2008	Amend	12-1-2008	839-003-0100	3-25-2008	Amend(T)	5-1-2008
839-002-0030	1-1-2008	Adopt	2-1-2008	839-003-0100	11-12-2008	Amend(T)	12-1-2008
839-002-0030	10-25-2008	Amend	12-1-2008	839-003-0200	1-1-2008	Adopt	2-1-2008
839-002-0035	1-1-2008	Adopt	2-1-2008	839-003-0200	3-25-2008	Amend(T)	5-1-2008
839-002-0035	10-25-2008	Amend	12-1-2008	839-003-0200	11-12-2008	Amend(T)	12-1-2008
839-002-0040	1-1-2008	Adopt	2-1-2008	839-003-0205	1-1-2008	Adopt	2-1-2008
839-002-0040	10-25-2008	Amend	12-1-2008	839-003-0205	3-25-2008	Amend(T)	5-1-2008
839-002-0045	1-1-2008	Adopt	2-1-2008	839-003-0205	11-12-2008	Amend(T)	12-1-2008
839-002-0045	10-25-2008	Amend	12-1-2008	839-003-0210	1-1-2008	Adopt	2-1-2008
839-002-0050	1-1-2008	Adopt	2-1-2008	839-003-0210	3-25-2008	Amend(T)	5-1-2008
839-002-0050	10-25-2008	Amend	12-1-2008	839-003-0210	11-12-2008	Amend(T)	12-1-2008
839-002-0055	1-1-2008	Adopt	2-1-2008	839-003-0215	1-1-2008	Adopt	2-1-2008
839-002-0055	10-25-2008	Amend	12-1-2008	839-003-0215	3-25-2008	Amend(T)	5-1-2008
839-002-0060	1-1-2008	Adopt	2-1-2008	839-003-0215	11-12-2008	Amend(T)	12-1-2008
839-002-0060	10-25-2008	Amend	12-1-2008	839-003-0220	1-1-2008	Adopt	2-1-2008
839-002-0065	1-1-2008	Adopt	2-1-2008	839-003-0220	3-25-2008	Amend(T)	5-1-2008
839-002-0065	10-25-2008	Amend	12-1-2008	839-003-0220	11-12-2008	Amend(T)	12-1-2008
839-002-0070	1-1-2008	Adopt	2-1-2008	839-003-0225	1-1-2008	Adopt	2-1-2008
839-002-0070	10-25-2008	Amend	12-1-2008	839-003-0225	3-25-2008	Amend(T)	5-1-2008
839-002-0075	10-25-2008	Amend	12-1-2008	839-003-0225	11-12-2008	Amend(T)	12-1-2008
839-002-0080	1-1-2008	Adopt	2-1-2008	839-003-0230	1-1-2008	Adopt	2-1-2008
839-002-0080	10-25-2008	Amend	12-1-2008	839-003-0230	3-25-2008	Amend(T)	5-1-2008
839-003-0005	1-1-2008	Amend	2-1-2008	839-003-0230	11-12-2008	Amend(T)	12-1-2008
839-003-0005	3-25-2008	Amend(T)	5-1-2008	839-003-0235	1-1-2008	Adopt	2-1-2008
839-003-0005	11-12-2008	Amend(T)	12-1-2008	839-003-0235	3-25-2008	Amend(T)	5-1-2008

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839-003-0235	11-12-2008	Amend(T)	12-1-2008	839-006-0425	1-1-2008	Repeal	2-1-2008
839-003-0240	1-1-2008	Adopt	2-1-2008	839-006-0435	11-10-2008	Adopt	12-1-2008
839-003-0240	3-25-2008	Amend(T)	5-1-2008	839-006-0440	11-10-2008	Adopt	12-1-2008
839-003-0240	11-12-2008	Amend(T)	12-1-2008	839-006-0445	11-10-2008	Adopt	12-1-2008
839-003-0245	1-1-2008	Adopt	2-1-2008	839-006-0450	11-10-2008	Adopt	12-1-2008
839-003-0245	3-25-2008	Amend(T)	5-1-2008	839-006-0455	11-10-2008	Adopt	12-1-2008
839-003-0245	11-12-2008	Amend(T)	12-1-2008	839-006-0460	11-10-2008	Adopt	12-1-2008
839-005-0000	1-1-2008	Amend	2-1-2008	839-006-0465	11-10-2008	Adopt	12-1-2008
839-005-0000	3-25-2008	Amend(T)	5-1-2008	839-006-0470	11-10-2008	Adopt	12-1-2008
839-005-0000	11-12-2008	Amend(T)	12-1-2008	839-007-0075	1-1-2008	Adopt	2-1-2008
839-005-0003	1-1-2008	Amend	2-1-2008	839-009-0210	1-1-2008	Amend	2-1-2008
839-005-0003	3-25-2008	Amend(T)	5-1-2008	839-009-0240	1-1-2008	Amend	2-1-2008
839-005-0003	11-12-2008	Amend(T)	12-1-2008	839-009-0250	1-1-2008	Amend	2-1-2008
839-005-0010	1-1-2008	Amend	2-1-2008	839-009-0260	1-1-2008	Amend	2-1-2008
839-005-0010	3-25-2008	Amend(T)	5-1-2008	839-009-0280	1-1-2008	Amend	2-1-2008
839-005-0010	11-12-2008	Amend(T)	12-1-2008	839-009-0320	1-1-2008	Amend	2-1-2008
839-005-0016	1-1-2008	Adopt	2-1-2008	839-009-0325	1-1-2008	Adopt	2-1-2008
839-005-0016	3-25-2008	Amend(T)	5-1-2008	839-009-0330	1-1-2008	Adopt	2-1-2008
839-005-0016	11-12-2008	Amend(T)	12-1-2008	839-009-0335	1-1-2008	Adopt	2-1-2008
839-005-0021	1-1-2008	Amend	2-1-2008	839-009-0340	1-1-2008	Adopt	2-1-2008
839-005-0026	1-1-2008	Amend	2-1-2008	839-009-0345	1-1-2008	Adopt	2-1-2008
839-005-0026	3-25-2008	Amend(T)	5-1-2008	839-009-0350	1-1-2008	Adopt	2-1-2008
839-005-0026	11-12-2008	Amend(T)	12-1-2008	839-009-0355	1-1-2008	Adopt	2-1-2008
839-005-0030	1-1-2008	Amend	2-1-2008	839-009-0360	1-1-2008	Adopt	2-1-2008
839-005-0033	8-6-2008	Adopt	9-1-2008	839-009-0362	1-1-2008	Adopt	2-1-2008
839-005-0195	1-1-2008	Adopt	2-1-2008	839-009-0363	1-1-2008	Adopt	2-1-2008
839-005-0195	3-25-2008	Amend(T)	5-1-2008	839-009-0365	1-1-2008	Adopt	2-1-2008
839-005-0195	11-12-2008	Amend(T)	12-1-2008	839-010-0000	1-1-2008	Amend	2-1-2008
839-005-0200	1-1-2008	Adopt	2-1-2008	839-010-0010	1-1-2008	Amend	2-1-2008
839-005-0200	3-25-2008	Amend(T)	5-1-2008	839-010-0020	1-1-2008	Amend	2-1-2008
839-005-0200	11-12-2008	Amend(T)	12-1-2008	839-010-0040	1-1-2008	Amend	2-1-2008
839-005-0205	1-1-2008	Adopt	2-1-2008	839-010-0100	1-1-2008	Amend	2-1-2008
839-005-0205	3-25-2008	Amend(T)	5-1-2008	839-010-0110	1-1-2008	Repeal	2-1-2008
839-005-0205	11-12-2008	Amend(T)	12-1-2008	839-015-0140	1-1-2008	Amend	2-1-2008
839-005-0210	1-1-2008	Adopt	2-1-2008	839-015-0141	5-5-2008	Amend(T)	6-1-2008
839-005-0215	1-1-2008	Adopt	2-1-2008	839-015-0141	6-23-2008	Amend	8-1-2008
839-005-0220	1-1-2008	Adopt	2-1-2008	839-015-0508	1-1-2008	Amend	2-1-2008
839-005-0220	3-25-2008	Amend(T)	5-1-2008	839-015-0509	1-1-2008	Adopt	2-1-2008
839-005-0220	11-12-2008	Amend(T)	12-1-2008	839-015-0605	3-10-2008	Amend	4-1-2008
839-006-0105	1-1-2008	Amend	2-1-2008	839-020-0012	1-1-2008	Amend	2-1-2008
839-006-0130	1-1-2008	Amend	2-1-2008	839-020-0015	1-1-2008	Amend	2-1-2008
839-006-0131	1-1-2008	Amend	2-1-2008	839-020-0050	1-1-2008	Amend	2-1-2008
839-006-0135	1-1-2008	Amend	2-1-2008	839-020-0050	7-8-2008	Amend	8-1-2008
839-006-0136	1-1-2008	Amend	2-1-2008	839-020-0050	9-23-2008	Amend(T)	11-1-2008
839-006-0150	1-1-2008	Amend	2-1-2008	839-020-0051	1-1-2008	Adopt	2-1-2008
839-006-0200	6-6-2008	Amend	7-1-2008	839-020-0080	1-1-2008	Amend	2-1-2008
839-006-0244	6-6-2008	Amend	7-1-2008	839-020-0260	1-1-2008	Amend	2-1-2008
839-006-0255	6-6-2008	Amend	7-1-2008	839-020-1010	1-1-2008	Amend	2-1-2008
839-006-0270	6-6-2008	Amend	7-1-2008	839-021-0001	7-8-2008	Repeal	8-1-2008
839-006-0275	6-6-2008	Amend	7-1-2008	839-022-0000	7-8-2008	Amend	8-1-2008
839-006-0290	6-6-2008	Amend	7-1-2008	839-022-0005	7-8-2008	Repeal	8-1-2008
839-006-0300	6-6-2008	Amend	7-1-2008	839-022-0010	7-8-2008	Amend	8-1-2008
839-006-0330	6-6-2008	Amend	7-1-2008	839-022-0020	7-8-2008	Repeal	8-1-2008
839-006-0335	6-6-2008	Amend	7-1-2008	839-022-0025	7-8-2008	Repeal	8-1-2008
839-006-0400	1-1-2008	Repeal	2-1-2008	839-022-0030	7-8-2008	Repeal	8-1-2008
839-006-0405	1-1-2008	Repeal	2-1-2008	839-022-0035	7-8-2008	Repeal	8-1-2008
839-006-0410	1-1-2008	Repeal	2-1-2008	839-022-0040	7-8-2008	Repeal	8-1-2008
839-006-0415	1-1-2008	Repeal	2-1-2008	839-022-0045	7-8-2008	Repeal	8-1-2008

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839-022-0055	7-8-2008	Repeal	8-1-2008	839-025-0700	7-1-2008	Amend	8-1-2008
839-022-0060	7-8-2008	Repeal	8-1-2008	839-025-0700	7-10-2008	Amend	8-1-2008
839-022-0100	7-8-2008	Adopt	8-1-2008	839-025-0700	7-30-2008	Amend	9-1-2008
839-022-0105	7-8-2008	Adopt	8-1-2008	839-025-0700	9-3-2008	Amend	10-1-2008
839-022-0110	7-8-2008	Adopt	8-1-2008	839-025-0700	9-25-2008	Amend	11-1-2008
839-022-0115	7-8-2008	Adopt	8-1-2008	839-025-0700	10-1-2008	Amend	11-1-2008
839-022-0120	7-8-2008	Adopt	8-1-2008	839-025-0700	10-8-2008	Amend	11-1-2008
839-022-0125	7-8-2008	Adopt	8-1-2008	839-025-0700	10-29-2008	Amend	12-1-2008
839-022-0130	7-8-2008	Adopt	8-1-2008	839-025-0700	11-12-2008	Amend	12-1-2008
839-022-0135	7-8-2008	Adopt	8-1-2008	839-025-0750	4-23-2008	Amend	6-1-2008
839-022-0140	7-8-2008	Adopt	8-1-2008	839-025-0750	6-5-2008	Amend	7-1-2008
839-022-0145	7-8-2008	Adopt	8-1-2008	839-030-0010	10-25-2008	Amend	12-1-2008
839-022-0150	7-8-2008	Adopt	8-1-2008	839-050-0020	7-11-2008	Amend	8-1-2008
839-022-0155	7-8-2008	Adopt	8-1-2008	839-050-0020	11-7-2008	Amend	12-1-2008
839-022-0160	7-8-2008	Adopt	8-1-2008	839-050-0030	11-7-2008	Amend	12-1-2008
839-022-0165	7-8-2008	Adopt	8-1-2008	839-050-0170	11-7-2008	Amend	12-1-2008
839-025-0004	1-1-2008	Amend	2-1-2008	839-050-0220	10-25-2008	Amend	12-1-2008
839-025-0005	1-1-2008	Adopt	2-1-2008	839-050-0445	7-29-2008	Adopt(T)	9-1-2008
839-025-0007	1-1-2008	Amend	2-1-2008	839-050-0445	11-7-2008	Adopt	12-1-2008
839-025-0008	1-1-2008	Amend	2-1-2008	845-001-0007	4-1-2008	Amend	5-1-2008
839-025-0008	3-10-2008	Amend	4-1-2008	845-002-0200	9-1-2008	Adopt	10-1-2008
839-025-0010	1-1-2008	Amend	2-1-2008	845-002-0210	9-1-2008	Adopt	10-1-2008
839-025-0013	1-1-2008	Amend	2-1-2008	845-002-0220	9-1-2008	Adopt	10-1-2008
839-025-0015	3-10-2008	Amend	4-1-2008	845-002-0230	9-1-2008	Adopt	10-1-2008
839-025-0020	1-1-2008	Amend	2-1-2008	845-002-0240	9-1-2008	Adopt	10-1-2008
839-025-0025	1-1-2008	Amend	2-1-2008	845-002-0250	9-1-2008	Adopt	10-1-2008
839-025-0035	1-1-2008	Amend	2-1-2008	845-002-0260	9-1-2008	Adopt	10-1-2008
839-025-0037	1-1-2008	Amend	2-1-2008	845-002-0270	9-1-2008	Adopt	10-1-2008
839-025-0080	1-1-2008	Amend	2-1-2008	845-002-0280	9-1-2008	Adopt	10-1-2008
839-025-0085	1-1-2008	Amend	2-1-2008	845-002-0290	9-1-2008	Adopt	10-1-2008
839-025-0090	1-1-2008	Amend	2-1-2008	845-002-0300	9-1-2008	Adopt	10-1-2008
839-025-0095	1-1-2008	Amend	2-1-2008	845-002-0310	9-1-2008	Adopt	10-1-2008
839-025-0100	1-1-2008	Amend	2-1-2008	845-002-0320	9-1-2008	Adopt	10-1-2008
839-025-0150	1-1-2008	Amend	2-1-2008	845-002-0330	9-1-2008	Adopt	10-1-2008
839-025-0200	1-1-2008	Amend	2-1-2008	845-003-0670	2-1-2008	Amend	3-1-2008
839-025-0210	1-1-2008	Amend	2-1-2008	845-004-0001	7-1-2008	Amend	7-1-2008
839-025-0220	1-1-2008	Amend	2-1-2008	845-005-0311	7-1-2008	Amend	7-1-2008
839-025-0230	1-1-2008	Amend	2-1-2008	845-005-0320	11-1-2008	Amend	11-1-2008
839-025-0310	1-1-2008	Amend	2-1-2008	845-005-0340	11-1-2008	Repeal	11-1-2008
839-025-0315	1-1-2008	Adopt	2-1-2008	845-005-0416	1-1-2008	Adopt(T)	1-1-2008
839-025-0340	1-1-2008	Amend	2-1-2008	845-005-0416	4-18-2008	Amend(T)	6-1-2008
839-025-0500	1-1-2008	Amend	2-1-2008	845-005-0416	6-29-2008	Adopt	7-1-2008
839-025-0520	1-1-2008	Amend	2-1-2008	845-005-0416(T)	4-18-2008	Suspend	6-1-2008
839-025-0530	1-1-2008	Amend	2-1-2008	845-005-0417	1-1-2008	Adopt(T)	1-1-2008
839-025-0540	1-1-2008	Amend	2-1-2008	845-005-0417	4-18-2008	Amend(T)	6-1-2008
839-025-0700	11-23-2007	Amend	1-1-2008	845-005-0417	6-29-2008	Adopt	7-1-2008
839-025-0700	1-1-2008	Amend	2-1-2008	845-005-0417(T)	4-18-2008	Suspend	6-1-2008
839-025-0700	1-4-2008	Amend	2-1-2008	845-005-0420	1-1-2008	Amend(T)	1-1-2008
839-025-0700	1-11-2008	Amend	2-1-2008	845-005-0420	6-29-2008	Amend	7-1-2008
839-025-0700	2-21-2008	Amend	4-1-2008	845-005-0422	1-1-2008	Suspend	1-1-2008
839-025-0700	3-13-2008	Amend	4-1-2008	845-005-0422	6-29-2008	Repeal	7-1-2008
839-025-0700	4-1-2008	Amend	5-1-2008	845-005-0423	1-1-2008	Suspend	1-1-2008
839-025-0700	4-14-2008	Amend	5-1-2008	845-005-0423	6-29-2008	Repeal	7-1-2008
839-025-0700	4-24-2008	Amend	6-1-2008	845-005-0424	1-1-2008	Amend(T)	1-1-2008
839-025-0700	4-30-2008	Amend	6-1-2008	845-005-0424	6-29-2008	Amend	7-1-2008
839-025-0700	6-11-2008	Amend	7-1-2008	845-005-0425	1-1-2008	Adopt(T)	1-1-2008
839-025-0700	6-18-2008	Amend	8-1-2008	845-005-0425	6-29-2008	Adopt	7-1-2008

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845-005-0426	6-29-2008	Adopt	7-1-2008	847-008-0022	4-24-2008	Amend	6-1-2008
845-005-0430	2-18-2008	Adopt(T)	3-1-2008	847-008-0023	4-24-2008	Amend	6-1-2008
845-005-0430(T)	3-17-2008	Suspend	5-1-2008	847-008-0036	7-21-2008	Adopt	9-1-2008
845-005-0440	1-1-2008	Amend	2-1-2008	847-008-0037	1-22-2008	Amend	3-1-2008
845-006-0335	7-1-2008	Amend	7-1-2008	847-008-0037	4-24-2008	Amend	6-1-2008
845-006-0340	1-1-2008	Amend	2-1-2008	847-008-0040	7-21-2008	Amend	9-1-2008
845-006-0340	6-1-2008	Amend	6-1-2008	847-008-0055	1-22-2008	Amend	3-1-2008
845-006-0391	1-1-2008	Adopt(T)	1-1-2008	847-010-0052	10-31-2008	Amend	12-1-2008
845-006-0391	4-18-2008	Amend(T)	6-1-2008	847-010-0060	1-22-2008	Amend	3-1-2008
845-006-0391	6-29-2008	Adopt	7-1-2008	847-010-0063	10-31-2008	Amend	12-1-2008
845-006-0391(T)	4-18-2008	Suspend	6-1-2008	847-010-0064	1-22-2008	Amend	3-1-2008
845-006-0392	1-1-2008	Adopt(T)	1-1-2008	847-010-0070	1-22-2008	Amend	3-1-2008
845-006-0392	4-18-2008	Amend(T)	6-1-2008	847-010-0073	1-22-2008	Amend	3-1-2008
845-006-0392	6-29-2008	Adopt	7-1-2008	847-012-0000	7-21-2008	Amend	9-1-2008
845-006-0392(T)	4-18-2008	Suspend	6-1-2008	847-015-0030	4-24-2008	Amend	6-1-2008
845-006-0395	1-1-2008	Suspend	1-1-2008	847-017-0010	4-24-2008	Amend	6-1-2008
845-006-0395	6-29-2008	Repeal	7-1-2008	847-020-0140	7-21-2008	Amend	9-1-2008
845-006-0396	1-1-2008	Amend(T)	1-1-2008	847-020-0140	10-31-2008	Amend	12-1-2008
845-006-0396	4-18-2008	Amend(T)	6-1-2008	847-020-0155	1-22-2008	Amend	3-1-2008
845-006-0396	6-29-2008	Amend	7-1-2008	847-020-0160	7-21-2008	Amend	9-1-2008
845-006-0396(T)	4-18-2008	Suspend	6-1-2008	847-020-0170	7-21-2008	Amend	9-1-2008
845-006-0398	1-1-2008	Suspend	1-1-2008	847-020-0183	1-22-2008	Amend	3-1-2008
845-006-0398	6-29-2008	Repeal	7-1-2008	847-023-0005	1-22-2008	Amend	3-1-2008
845-006-0400	1-1-2008	Adopt(T)	1-1-2008	847-025-0000	7-15-2008	Amend(T)	8-1-2008
845-006-0400	6-29-2008	Adopt	7-1-2008	847-025-0000	10-31-2008	Amend	12-1-2008
845-006-0401	1-1-2008	Adopt(T)	1-1-2008	847-035-0030	4-24-2008	Amend	6-1-2008
845-006-0401	6-29-2008	Adopt	7-1-2008	847-035-0030	7-21-2008	Amend	9-1-2008
845-006-0451	2-18-2008	Adopt(T)	3-1-2008	847-050-0020	1-22-2008	Amend	3-1-2008
845-006-0451(T)	3-17-2008	Suspend	5-1-2008	847-050-0037	7-21-2008	Amend	9-1-2008
845-006-0459	11-1-2008	Adopt	11-1-2008	847-050-0042	10-31-2008	Amend	12-1-2008
845-006-0460	11-1-2008	Amend	11-1-2008	847-050-0043	10-31-2008	Amend	12-1-2008
845-006-0461	11-1-2008	Amend	11-1-2008	847-050-0063	10-31-2008	Amend	12-1-2008
845-006-0462	11-1-2008	Amend	11-1-2008	847-065-0000	10-31-2008	Amend	12-1-2008
845-006-0463	11-1-2008	Amend	11-1-2008	847-070-0005	7-21-2008	Amend	9-1-2008
845-006-0464	11-1-2008	Amend	11-1-2008	847-070-0016	4-24-2008	Amend(T)	6-1-2008
845-006-0465	11-1-2008	Amend	11-1-2008	847-070-0016	7-21-2008	Amend	9-1-2008
845-006-0466	11-1-2008	Amend	11-1-2008	847-080-0010	4-24-2008	Amend	6-1-2008
845-006-0467	11-1-2008	Repeal	11-1-2008	847-080-0010	10-31-2008	Amend	12-1-2008
845-006-0468	11-1-2008	Repeal	11-1-2008	847-080-0018	4-24-2008	Amend	6-1-2008
845-006-0469	11-1-2008	Amend	11-1-2008	847-080-0018	10-31-2008	Amend	12-1-2008
845-007-0015	1-1-2008	Amend	2-1-2008	848-035-0020	2-19-2008	Amend(T)	4-1-2008
845-008-0045	7-1-2008	Amend	7-1-2008	850-010-0005	6-11-2008	Amend	7-1-2008
845-015-0118	7-1-2008	Amend	7-1-2008	850-030-0020	6-10-2008	Amend	6-1-2008
845-015-0141	1-1-2008	Adopt(T)	1-1-2008	850-030-0035	6-10-2008	Amend	6-1-2008
845-015-0141	6-29-2008	Adopt	7-1-2008	850-030-0090	6-10-2008	Amend	6-1-2008
845-015-0148	7-1-2008	Amend	7-1-2008	850-030-0195	6-10-2008	Amend	6-1-2008
845-015-0165	1-1-2008	Amend	2-1-2008	850-050-0120	6-11-2008	Amend	7-1-2008
845-015-0175	9-1-2008	Amend	10-1-2008	850-060-0225	2-19-2008	Amend	4-1-2008
845-015-0177	9-1-2008	Amend	10-1-2008	850-060-0225	3-21-2008	Amend	5-1-2008
845-015-0190	7-1-2008	Amend	7-1-2008	850-060-0225	6-11-2008	Amend	7-1-2008
845-020-0035	3-16-2008	Amend	3-1-2008	850-060-0226	2-19-2008	Amend	4-1-2008
847-001-0030	5-16-2008	Adopt(T)	7-1-2008	850-060-0226	3-21-2008	Amend	5-1-2008
847-001-0030	10-31-2008	Adopt	12-1-2008	850-060-0226	6-11-2008	Amend	7-1-2008
847-005-0005	1-22-2008	Amend	3-1-2008	851-021-0005	6-24-2008	Amend	8-1-2008
847-005-0005	7-21-2008	Amend	9-1-2008	851-021-0010	6-24-2008	Amend	8-1-2008
847-008-0005	7-21-2008	Amend	9-1-2008	851-021-0015	6-24-2008	Amend	8-1-2008
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851-021-0045	6-24-2008	Amend	8-1-2008	855-019-0035	2-20-2008	Repeal	4-1-2008
851-021-0050	6-24-2008	Amend	8-1-2008	855-019-0040	2-20-2008	Am. & Ren.	4-1-2008
851-021-0055	6-24-2008	Amend	8-1-2008	855-019-0050	2-20-2008	Am. & Ren.	4-1-2008
851-021-0060	6-24-2008	Amend	8-1-2008	855-019-0055	2-20-2008	Am. & Ren.	4-1-2008
851-021-0065	6-24-2008	Amend	8-1-2008	855-019-0100	2-20-2008	Adopt	4-1-2008
851-021-0070	6-24-2008	Amend	8-1-2008	855-019-0110	2-20-2008	Adopt	4-1-2008
851-021-0090	6-24-2008	Amend	8-1-2008	855-019-0150	2-20-2008	Adopt	4-1-2008
851-021-0120	6-24-2008	Amend	8-1-2008	855-019-0220	2-20-2008	Adopt	4-1-2008
851-045-0000	6-24-2008	Repeal	8-1-2008	855-019-0240	2-20-2008	Adopt	4-1-2008
851-045-0005	6-24-2008	Repeal	8-1-2008	855-019-0250	2-20-2008	Adopt	4-1-2008
851-045-0010	6-24-2008	Repeal	8-1-2008	855-019-0300	2-20-2008	Adopt	4-1-2008
851-045-0015	11-21-2007	Amend	1-1-2008	855-035-0005	2-20-2008	Amend	4-1-2008
851-045-0015	6-24-2008	Repeal	8-1-2008	855-035-0020	2-20-2008	Amend	4-1-2008
851-045-0016	6-24-2008	Repeal	8-1-2008	855-041-0020	2-20-2008	Amend	4-1-2008
851-045-0020	6-24-2008	Repeal	8-1-2008	855-041-0050	2-20-2008	Am. & Ren.	4-1-2008
851-045-0025	6-24-2008	Repeal	8-1-2008	855-041-0060	2-20-2008	Amend	4-1-2008
851-045-0030	6-24-2008	Adopt	8-1-2008	855-041-0061	2-5-2008	Adopt	3-1-2008
851-045-0040	6-24-2008	Adopt	8-1-2008	855-041-0063	2-20-2008	Am. & Ren.	4-1-2008
851-045-0050	6-24-2008	Adopt	8-1-2008	855-041-0085	2-20-2008	Am. & Ren.	4-1-2008
851-045-0060	6-24-2008	Adopt	8-1-2008	855-041-0086	2-20-2008	Amend	4-1-2008
851-045-0070	6-24-2008	Adopt	8-1-2008	855-041-0100	2-20-2008	Am. & Ren.	4-1-2008
851-045-0080	6-24-2008	Adopt	8-1-2008	855-041-0210	2-20-2008	Am. & Ren.	4-1-2008
851-045-0090	6-24-2008	Adopt	8-1-2008	855-041-0300	2-20-2008	Amend	4-1-2008
851-045-0100	6-24-2008	Adopt	8-1-2008	855-041-0400	2-20-2008	Am. & Ren.	4-1-2008
851-056-0004	6-24-2008	Amend	8-1-2008	855-041-0500	2-20-2008	Am. & Ren.	4-1-2008
851-056-0006	6-24-2008	Amend	8-1-2008	855-041-0510	2-20-2008	Am. & Ren.	4-1-2008
851-056-0010	6-24-2008	Amend	8-1-2008	855-041-0520	2-20-2008	Am. & Ren.	4-1-2008
851-056-0012	11-21-2007	Amend	1-1-2008	855-042-0020	2-20-2008	Am. & Ren.	4-1-2008
851-056-0012	2-25-2008	Amend	4-1-2008	855-045-0200	2-20-2008	Adopt	4-1-2008
851-056-0012	6-24-2008	Amend	8-1-2008	855-045-0210	2-20-2008	Adopt	4-1-2008
851-056-0016	6-24-2008	Amend	8-1-2008	855-045-0220	2-20-2008	Adopt	4-1-2008
851-056-0018	6-24-2008	Amend	8-1-2008	855-045-0230	2-20-2008	Adopt	4-1-2008
851-056-0026	6-24-2008	Amend	8-1-2008	855-045-0250	2-20-2008	Adopt	4-1-2008
851-061-0020	2-25-2008	Amend	4-1-2008	855-045-0260	2-20-2008	Adopt	4-1-2008
851-061-0030	2-25-2008	Amend	4-1-2008	855-045-0270	2-20-2008	Adopt	4-1-2008
851-061-0050	6-24-2008	Amend	8-1-2008	855-055-0005	2-20-2008	Repeal	4-1-2008
851-061-0070	6-24-2008	Amend	8-1-2008	855-055-0010	2-20-2008	Repeal	4-1-2008
851-061-0080	2-25-2008	Amend	4-1-2008	855-055-0015	2-20-2008	Repeal	4-1-2008
851-061-0090	2-25-2008	Amend	4-1-2008	855-055-0020	2-20-2008	Repeal	4-1-2008
851-061-0100	6-24-2008	Amend	8-1-2008	856-001-0000	1-24-2008	Amend	3-1-2008
851-061-0120	2-25-2008	Amend	4-1-2008	856-001-0005	1-24-2008	Amend	3-1-2008
852-001-0001	12-7-2007	Amend	1-1-2008	856-010-0003	1-24-2008	Amend	3-1-2008
852-001-0002	12-7-2007	Amend	1-1-2008	856-010-0010	1-24-2008	Amend	3-1-2008
852-001-0002	7-1-2008	Amend	8-1-2008	856-010-0012	1-24-2008	Amend	3-1-2008
852-050-0006	12-7-2007	Amend	1-1-2008	856-010-0014	1-24-2008	Amend	3-1-2008
852-080-0030	1-1-2008	Amend	1-1-2008	856-010-0015	1-24-2008	Amend	3-1-2008
852-080-0030	7-1-2008	Amend	8-1-2008	856-010-0016	1-24-2008	Amend	3-1-2008
855-001-0005	7-1-2008	Amend	8-1-2008	856-010-0018	1-24-2008	Amend	3-1-2008
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855-006-0015	2-5-2008	Adopt	3-1-2008	856-030-0002	4-28-2008	Amend	6-1-2008
855-010-0045	2-20-2008	Adopt	4-1-2008	858-010-0001	3-26-2008	Amend	5-1-2008
855-019-0005	2-20-2008	Am. & Ren.	4-1-2008	858-010-0005	3-26-2008	Amend	5-1-2008
855-019-0007	2-20-2008	Repeal	4-1-2008	858-010-0007	3-26-2008	Amend	5-1-2008
855-019-0010	2-20-2008	Am. & Ren.	4-1-2008	858-010-0010	3-26-2008	Amend	5-1-2008
855-019-0015	2-20-2008	Am. & Ren.	4-1-2008	858-010-0015	3-26-2008	Amend	5-1-2008
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858-010-0036	3-26-2008	Amend	5-1-2008	875-015-0030	2-11-2008	Amend	3-1-2008
858-010-0041	3-26-2008	Amend	5-1-2008	875-020-0005	4-21-2008	Amend(T)	5-1-2008
858-010-0050	3-26-2008	Amend	5-1-2008	875-030-0010	7-22-2008	Amend	9-1-2008
858-010-0055	3-26-2008	Amend	5-1-2008	875-030-0030	2-11-2008	Amend	3-1-2008
858-010-0075	3-26-2008	Amend	5-1-2008	875-030-0040	2-11-2008	Amend	3-1-2008
858-020-0015	3-26-2008	Amend	5-1-2008	875-030-0040	7-22-2008	Amend	9-1-2008
858-020-0045	3-26-2008	Amend	5-1-2008	875-030-0050	2-11-2008	Amend	3-1-2008
858-020-0075	3-26-2008	Amend	5-1-2008	875-030-0050	5-12-2008	Amend	6-1-2008
858-030-0005	3-26-2008	Amend	5-1-2008	875-030-0050	7-22-2008	Amend	9-1-2008
858-040-0015	3-26-2008	Amend	5-1-2008	877-020-0000	7-1-2008	Amend	8-1-2008
858-040-0025	3-26-2008	Amend	5-1-2008	877-020-0005	7-1-2008	Amend	8-1-2008
858-040-0035	3-26-2008	Amend	5-1-2008	877-020-0008	7-1-2008	Amend	8-1-2008
858-040-0036	3-26-2008	Amend	5-1-2008	877-020-0009	7-1-2008	Amend	8-1-2008
858-040-0055	3-26-2008	Amend	5-1-2008	877-020-0010	7-1-2008	Amend	8-1-2008
858-040-0065	3-26-2008	Amend	5-1-2008	877-020-0012	7-1-2008	Amend	8-1-2008
858-040-0075	3-26-2008	Amend	5-1-2008	877-020-0013	7-1-2008	Repeal	8-1-2008
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858-040-0095	3-26-2008	Amend	5-1-2008	877-020-0016	7-1-2008	Amend	8-1-2008
858-050-0100	3-26-2008	Amend	5-1-2008	877-020-0020	7-1-2008	Amend	8-1-2008
858-050-0105	3-26-2008	Amend	5-1-2008	877-020-0030	7-1-2008	Amend	8-1-2008
858-050-0110	3-26-2008	Amend	5-1-2008	877-020-0031	7-1-2008	Amend	8-1-2008
858-050-0120	3-26-2008	Amend	5-1-2008	877-020-0036	7-1-2008	Amend	8-1-2008
858-050-0125	3-26-2008	Amend	5-1-2008	877-020-0046	7-1-2008	Amend	8-1-2008
858-050-0140	3-26-2008	Amend	5-1-2008	877-020-0055	7-1-2008	Amend	8-1-2008
858-050-0145	3-26-2008	Amend	5-1-2008	877-022-0005	7-1-2008	Adopt	8-1-2008
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860-036-0030	5-30-2008	Amend	7-1-2008	877-025-0011	7-1-2008	Adopt	8-1-2008
860-038-0005	12-31-2007	Amend	2-1-2008	877-025-0016	7-1-2008	Adopt	8-1-2008
860-038-0480	12-31-2007	Amend	2-1-2008	877-025-0021	7-1-2008	Adopt	8-1-2008
860-039-0015	10-9-2008	Amend	11-1-2008	877-030-0040	7-1-2008	Amend	8-1-2008
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863-005-0020	7-1-2008	Adopt	7-1-2008	918-020-0094	1-1-2008	Adopt	2-1-2008
863-005-0030	7-1-2008	Adopt	7-1-2008	918-020-0094(T)	1-1-2008	Repeal	2-1-2008
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863-005-0090	7-1-2008	Adopt	7-1-2008	918-030-0130	7-1-2008	Amend	8-1-2008
863-015-0125	1-18-2008	Amend(T)	3-1-2008	918-030-0135	7-1-2008	Amend	8-1-2008
863-015-0125	7-1-2008	Amend	7-1-2008	918-030-0200	1-1-2008	Amend	2-1-2008
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875-010-0090	2-11-2008	Amend(T)	3-1-2008	918-098-1012	1-1-2008	Amend	2-1-2008
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918-100-0030	10-1-2008	Amend	11-1-2008	918-308-0210	10-1-2008	Amend	11-1-2008
918-100-0040	10-1-2008	Amend	11-1-2008	918-308-0300	10-1-2008	Amend	11-1-2008
918-100-0050	10-1-2008	Amend	11-1-2008	918-308-0330	10-1-2008	Amend	11-1-2008
918-100-0060	10-1-2008	Amend	11-1-2008	918-311-0065	9-26-2008	Adopt(T)	11-1-2008
918-225-0240	1-1-2008	Amend	2-1-2008	918-311-0070	10-1-2008	Adopt	11-1-2008
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918-225-0600	1-1-2008	Amend	2-1-2008	918-400-0280	10-1-2008	Amend	11-1-2008
918-225-0605	7-1-2008	Amend	8-1-2008	918-400-0333	1-1-2008	Amend	2-1-2008
918-225-0610	1-1-2008	Amend	2-1-2008	918-400-0340	1-1-2008	Amend	2-1-2008
918-225-0640	1-1-2008	Amend	2-1-2008	918-400-0380	1-1-2008	Amend	2-1-2008
918-261-0015	7-25-2008	Adopt(T)	9-1-2008	918-400-0670	10-1-2008	Adopt	11-1-2008
918-261-0032	9-30-2008	Adopt(T)	11-1-2008	918-400-0675	10-1-2008	Adopt	11-1-2008
918-281-0010	9-26-2008	Amend	11-1-2008	918-400-0680	10-1-2008	Adopt	11-1-2008
918-282-0130	1-1-2008	Amend	2-1-2008	918-400-0685	10-1-2008	Adopt	11-1-2008
918-282-0210	1-1-2008	Repeal	2-1-2008	918-400-0800	1-1-2008	Amend	2-1-2008
918-282-0220	1-1-2008	Amend	2-1-2008	918-460-0015	6-25-2008	Amend(T)	8-1-2008
918-282-0240	1-1-2008	Amend	2-1-2008	918-460-0015	10-1-2008	Amend	11-1-2008
918-282-0270	4-1-2008	Amend	4-1-2008	918-460-0015(T)	10-1-2008	Repeal	11-1-2008
918-282-0300	1-1-2008	Repeal	2-1-2008	918-480-0005	4-1-2008	Amend	4-1-2008
918-282-0310	1-1-2008	Repeal	2-1-2008	918-480-0010	4-1-2008	Amend	4-1-2008
918-282-0355	1-1-2008	Amend	2-1-2008	918-480-0010	7-3-2008	Amend(T)	8-1-2008
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918-305-0030	4-1-2008	Amend	4-1-2008	918-480-0010	10-6-2008	Amend(T)	11-1-2008
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918-305-0110	4-1-2008	Amend	4-1-2008	918-480-0150	11-3-2008	Adopt(T)	12-1-2008
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918-305-0150	4-1-2008	Amend	4-1-2008	918-525-0005	11-1-2008	Amend	12-1-2008
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918-308-0060	10-1-2008	Amend	11-1-2008	918-525-0250	11-1-2008	Amend	12-1-2008
918-308-0090	10-1-2008	Amend	11-1-2008	918-525-0260	11-1-2008	Amend	12-1-2008
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918-525-0330	11-1-2008	Amend	12-1-2008	918-530-0090	11-1-2008	Amend	12-1-2008
918-525-0350	11-1-2008	Amend	12-1-2008	918-530-0100	11-1-2008	Amend	12-1-2008
918-525-0360	11-1-2008	Amend	12-1-2008	918-530-0110	11-1-2008	Amend	12-1-2008
918-525-0370	11-1-2008	Amend	12-1-2008	918-530-0120	11-1-2008	Amend	12-1-2008
918-525-0410	11-1-2008	Amend	12-1-2008	918-530-0310	11-1-2008	Amend	12-1-2008
918-525-0420	11-1-2008	Amend	12-1-2008	918-530-0320	11-1-2008	Amend	12-1-2008
918-525-0430	11-1-2008	Amend	12-1-2008	918-530-0330	11-1-2008	Repeal	12-1-2008
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918-525-0510	11-1-2008	Amend	12-1-2008	918-750-0110	4-1-2008	Amend	4-1-2008
918-525-0520	11-1-2008	Amend	12-1-2008	918-780-0030	1-1-2008	Amend	2-1-2008
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918-530-0010	11-1-2008	Amend	12-1-2008	951-003-0005	6-27-2008	Amend	8-1-2008
918-530-0020	11-1-2008	Amend	12-1-2008	952-001-0070	5-30-2008	Amend	7-1-2008
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