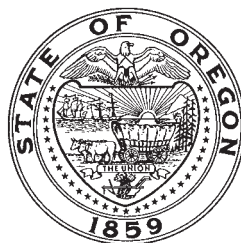


OREGON BULLETIN

Supplements the 2011 *Oregon Administrative Rules Compilation*

Volume 50, No. 9
September 1, 2011

For July 18, 2011–August 15, 2011



Published by
KATE BROWN
Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

Every administrative rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). Example: Oregon Administrative Rules, chapter 166, division 500, rule 0020 (short form: OAR 166-500-0020).

Understanding an Administrative Rule’s “History”

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

Locating the Most Recent Version of an Administrative Rule

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

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

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line through the Oregon State Archives web site at <<http://arcweb.sos.state.or.us>>. Printed volumes of the *Compilation* are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the *Compilation* may be ordered by contacting: Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701, Julie.A.Yamaka@state.or.us

2010–2011 Oregon Bulletin Publication Schedule

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

Submission Deadline — Publishing Date

December 15, 2010	January 1, 2011
January 14, 2011	February 1, 2011
February 15, 2011	March 1, 2011
March 15, 2011	April 1, 2011
April 15, 2011	May 1, 2011
May 13, 2011	June 1, 2011
June 15, 2011	July 1, 2011
July 15, 2011	August 1, 2011
August 15, 2011	September 1, 2011
September 15, 2011	October 1, 2011
October 14, 2011	November 1, 2011
November 15, 2011	December 1, 2011

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. 11 - 07

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE NORTH RIVER ROAD FIRE IN JACKSON COUNTY

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

A fire known as the "North River Road Fire" is burning in Jackson County, near the City of Rogue River, Oregon.

The resources necessary for protecting life and property from the North River Road Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Josephine & Jackson County Fire Defense Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510 through 476.610, I have determined that a threat to life, safety, and property exists due to the North River Road Fire in Jackson County and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 8:18 p.m. on August 18, 2011, and I now confirm them with this Executive Order.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.
2. This emergency is declared only for the North River Road Fire in Jackson County.
3. This order was made by verbal proclamation at 8:18 p.m. the 18th day of August, 2011.

Done at Silverton, Oregon this 22nd day of August, 2011.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

DEQ DETERMINES NO FURTHER ACTION REQUIRED, WALT'S CONCRETE SITE, SPRINGFIELD, OREGON

PROJECT LOCATION: 945 North 28th Street, Springfield

HIGHLIGHTS: The Oregon Department of Environmental Quality has approved the cleanup conducted at the former Walt's Concrete site at 945 North 28th Street in Springfield, Oregon. As a result of this approval, DEQ has issued a determination that no further action is required for investigation or cleanup of the site.

The property was formerly a construction materials processing facility that held three underground tanks to store petroleum products. A petroleum release from the underground tank system was reported in 1993 during decommissioning activities. In addition to the tank system, several areas across the property were affected by surface spills from containers and equipment. Contaminated soil was removed from two spill locations as part of 2009 cleanup efforts. Analysis for petroleum showed some contamination remaining following the removal of 970 tons of contaminated soil. Groundwater was tested in 2010 and showed petroleum present but at concentrations below risk levels.

Based on available data, the site is considered safe for commercial or industrial uses. DEQ has concluded that there is no threat to human health and the environment under current site conditions.

A file containing detailed information for the site is available for review in DEQ's office located in Suite 100 at 165 East 7th Avenue in Eugene. Questions concerning this site should be directed to Cathy Rodda at DEQ's Eugene office by calling her at 541-687-7325 or toll-free in Oregon at 1-800-844-8467, extension 7325.

OPPORTUNITY FOR PUBLIC COMMENT RECORD OF DECISION, FORMER SIMPLOT SOILBUILDERS, VALE, OREGON ECSI # 1216

COMMENT DUE: September 30, 2011

PROJECT LOCATION: 213 Oregon Street, Vale, Oregon

PROPOSAL: The Department of Environmental Quality (DEQ) extends an opportunity for the public to comment on the DEQ's Record-of-Decision (ROD) for the former Simplot Soilbuilders facility, located in Vale, Oregon.

The former Simplot Soilbuilders facility ROD describes relevant information related to site investigations and interprets this information for the purpose of eligibility for a **No Further Action** for the facility. The DEQ's Bend, Oregon office is the repository for the draft ROD and it is also available for review on the DEQ's website at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.ashx?SourceId=1216&SourceIdType=11>

The administrative file for this facility can be reviewed by contacting Mr. Cliff Walkey, DEQ's project manager located in Bend, Oregon at (541) 633-2003.

HOW TO COMMENT: A public comment period will extend from September 1 through September 30, 2011. Please address all comments and/or inquiries to Mr. Cliff Walkey at the following address:

Cliff Walkey
Department of Environmental Quality
475 NE Bellevue, Ste. 110
Bend, Oregon 97701
(541) 633-2003
walkey.cliff@deq.state.or.us

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

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

OPPORTUNITY TO COMMENT PROPOSED NO FURTHER ACTION SALEM AIR ROUTE SURVEILLANCE RADAR (ARSR) POLK COUNTY, OREGON

COMMENT DUE: September 30, 2011

PROJECT LOCATION: Laurel Mtn., Polk County

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.315, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a No Further Action determination for the Federal Aviation Administration's Salem ARSR site, located on the crest of Laurel Mtn., approximately 25 miles west of Salem, Oregon. The site is also proposed for de listing from the Confirmed Release List and Inventory of Hazardous Substances.

The Voluntary Cleanup Program has reviewed assessment and cleanup activities performed at the site. The site has been used as a radar facility since construction in 1958. The site is part of a 40 acre timber track parcel.

Contamination issues at the site were first identified in 1991 and multiple assessments and removal actions have been performed to define and address impacted soil. Contamination was primarily limited to shallow soils. Based on the results of the assessments and removal actions performed at the site, additional cleanup is not required. Residual contamination has been determined not to be a threat to human health or the environment.

Additional information concerning site-specific investigations and remedial actions is available in DEQ's Environmental Cleanup Site Information (ECSI) database located on the web at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 1364.

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

HOW TO COMMENT: The public comment period will end on September 30, 2011. Please address all comments and/or inquiries to project manager at the following address:

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

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

THE NEXT STEP: DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination and the site's de-listing.

REQUEST FOR COMMENTS CLEANUP ACTION COMPLETED FOR A&K DESIGNS

COMMENTS DUE: 5 p.m., September 30, 2011

PROJECT LOCATION: 8333 SE Harney Street, Portland, Oregon

PROPOSAL: DEQ seeks comment on the proposal to issue a determination that no further cleanup activities are necessary for the A&K Designs site. DEQ has reviewed investigation and removal actions performed by A&K Designs, Inc., and have concluded that contamination attributed to former operations has been addressed. The proposed action is consistent with Oregon Revised Statutes (ORS) 465.200 through 465.455 and Oregon Administrative Rules (OAR) Chapter 340, Division 122, Sections 010 to 115.

HIGHLIGHTS: The 2.75-acre property was used as an automotive repair facility and wrecking yard for many years. Johnson Creek crosses the northwest corner of the site. This portion of Johnson Creek is designated as an environmental zone by the City of Portland. A&K Designs is redeveloping the site for commercial use.

Investigation indicated petroleum hydrocarbon contamination was present in near-surface soils. Investigation and soil removal activities coincided with preparation and excavation activities for a

OTHER NOTICES

commercial structure now located on the property. The cleanup strategy consisted of removal of impacted soils with depth until soil samples confirmed there was no detection of petroleum hydrocarbons. Debris and objects encountered during soil removal or construction activities were properly removed, including one dry well and two underground storage tanks. In total, approximately 3,000 tons of petroleum-impacted soils were removed from the site and transferred to a regulated disposal facility.

A risk-based evaluation consistent with DEQ guidance was completed following investigation and removal actions. DEQ has concluded that the cleanup has restored the site to conditions protective for human health or the environment for current and reasonably likely future land use.

HOW TO COMMENT: Send written comments to the DEQ Project Manager Erin McDonnell at DEQ Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201, or mcdonnell.erin@deq.state.or.us by 5 p.m., September 30, 2011. The project file is available for public review at the DEQ. For a review appointment please call (503) 229-6729. Information is also available on DEQ's website at: <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>

THE NEXT STEP: DEQ will consider all public comments received within the public comment period and prior issuance of a 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.

People with hearing impairments may call DEQ's TTY number 711.

A CHANCE TO COMMENT ON PROPOSED REMEDIAL ACTION FOR PORT OF PORTLAND CONCOURSE A/B RAMP SITE

COMMENTS DUE: Monday October 3, 2011

PROJECT LOCATION: Port of Portland International Airport; Concourse A-B Ramp; Portland, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, the Department of Environmental Quality (DEQ) issues this notice of a proposed remedial action for a portion of the Port of Portland's property. The DEQ will consider public comments in finalizing its selection of a final remedy. Send written comments on the proposed remedial action to Anna Coates, Oregon DEQ, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or e-mail to coates.anna@deq.state.or.us by 5 p.m. on Monday October 3, 2011.

HIGHLIGHTS: Groundwater contamination was first identified at the site in 2003 in the form of light non-aqueous phase liquid (LNAPL). The LNAPL was analyzed and found to be a light, diesel-range product consistent with jet fuel. Additional analysis, including age dating, showed that the petroleum had been in the subsurface for 10 to 20 years and is not a recent or ongoing release. The Port undertook independent investigations including soil and groundwater sampling and analysis, and a program of regular product removal.

In July 2008, DEQ and the Port entered into a consent order (LQVC-NWR-07-08) that required investigation and cleanup of the petroleum contamination. An investigation to determine the nature and extent of the petroleum contamination in soil and groundwater was completed in 2008. The area of impact was found to be confined to an area of Port property approximately 100 feet north-south by 200 feet east-west. Only the uppermost water table is impacted, which occurs in unconsolidated fill and overbank deposits. The water table aquifer fluctuates seasonally between 8 and 14 feet below ground surface. Groundwater concentrations are decreasing with time.

The proposed remedial action includes removal of the LNAPL from wells and offsite recycling of the recovered LNAPL. In addition, the Port will implement institutional controls to prevent exposure of workers to petroleum-impacted media. The estimated cost for the cleanup, including operations and maintenance, is approximate-

ly \$0.1 million. The cleanup is estimated to take 10 to 15 years to complete.

HOW TO COMMENT: Written comments can be sent to DEQ Northwest Region at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201-4987. To view the project files please call Dawn Weinberger, File Review Specialist, at (503) 229-6729 to schedule an appointment (ask for ECSI file #4739). If you have any questions, please call the DEQ project manager, Anna Coates, at 503-229-5213 or by email at coates.anna@deq.state.or.us.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the final cleanup remedy.

PROPOSED CONDITIONAL NO FURTHER ACTION FOR GATEWAY BINGO

COMMENTS DUE: 5 p.m., Friday, September 30, 2011.

PROJECT LOCATION: 10506 NE Halsey Street, Portland, Oregon.

PROPOSAL: The Department of Environmental Quality invites public comment on its proposal to issue a conditional no further action determination for the Gateway Bingo site. DEQ has reviewed site investigation and cleanup performed by the current owner, Portland Development Commission, and has determined that no further cleanup actions are necessary provided institutional controls (deed restrictions) are put into place and properly observed.

HIGHLIGHTS: The site is a 2.05-acre parcel in Northeast Portland that was formerly occupied by a bowling alley, dry cleaning facility, clothing shop, laundry facility and bingo parlor. It is currently cleared and has been proposed for redevelopment as a public park.

Investigations identified soil contaminated with the dry-cleaning solvent tetrachloroethene. More than 6,000 tons of contaminated soil were excavated from the site and disposed of at Hillsboro Landfill. Seven drywells were discovered and tetrachloroethene was found. The wells were decommissioned per DEQ requirements. Deeper soil testing was completed at several locations and a monitoring well installed to test for potential groundwater contamination. No significant contamination was found.

A risk-assessment was completed following the investigative and cleanup actions. The DEQ has determined tetrachloroethene levels do not present a significant health risk for direct contact exposure with soil. Low levels of contaminants were observed in groundwater, but were below risk-based criteria for consumption (additionally groundwater is not used for drinking water in the vicinity of the site). However, tetrachloroethene remaining in soil could present a hazard for breathing air in indoor settings if structures were built in proximity to the area of contamination. Property use restrictions prohibiting the placement of buildings within the area of concern will be ensured through filing of an Easement and Equitable Servitude.

The proposed conditional no further action is documented in the "File Memorandum" for the site dated August 9, 2011. DEQ will consider all public comments received by the close of the comment period before issuing the no further action decision.

HOW TO COMMENT: Send written comments on the proposed remedial action to the DEQ Project Manager, Michael Greenburg, at Oregon DEQ, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201, or greenburg.michael@deq.state.or.us by 5 p.m., Friday, September 30, 2011. To view the project files please call Dawn Weinberger, File Review Specialist, at (503) 229-6729 to schedule an appointment. If you have any questions, please contact the project manager at 503 229-5153.

THE NEXT STEP: DEQ will consider all public comments received by the deadline. In the absence of comments, DEQ will issue a NFA for the 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 711.

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSAL FOR CLEANUP AND CONSENT JUDGMENT FOR THE ALDER CREEK LUMBER COMPANY SITE

COMMENTS DUE: October 3, 2011, 4:30 p.m.

PROJECT LOCATION: 14456 NW Gillihan Road, Multnomah County (southern tip of Sauvie Island)

PROPOSAL: DEQ is proposing to approve a cleanup plan for the Alder Creek Lumber site and to enter into a consent judgment with Portland Harbor Holdings II, LLC (Portland Harbor Holdings). Portland Harbor Holdings intends to purchase the site for the purpose of creating a combination of riparian, channel, tidal marsh and mud flat habitats. This will involve removal of approximately 100,000 cubic yards of non-contaminated wood debris, removal of the existing sawmill structures, and removal of approximately 600,000 cubic yards of soil. Most of the soil to be excavated is either clean or has only minor contamination. It is anticipated that this material will be relocated just north of an existing levy that will form the northern boundary of the proposed riparian/aquatic habitat area. Material with significant contamination will be disposed of at one or more permitted landfills. Materials from demolished structures will be disposed of, recycled or reused, subject to environmental requirements. To ensure permanent protection of the site as a wildlife habitat, a conservation easement or deed restriction will be assigned to a non-profit entity or government organization approved by the Portland Harbor Trustees. Under the proposed consent judgment, Portland Harbor Holdings would receive protection from potential liability for pre-acquisition releases of hazardous substances at or from the property.

HIGHLIGHTS: Lumber operations at the site ran from the early 1960s until October 2008, when the owners closed the sawmill. Current site activities are limited to processing and removal of wood chips for sale as landscaping material. Site soil and groundwater testing indicates there are localized areas of contamination, and that the majority of soil proposed for removal is relatively uncontaminated. Contaminants found in soil above risk screening criteria include petroleum hydrocarbons, metals, polychlorinated biphenyls (PCBs),

and semivolatile organic compounds. Contaminants found in groundwater above risk screening criteria include petroleum hydrocarbons, metals, and semivolatile organic compounds. Site sampling results indicate that essentially no contamination will remain in the areas proposed for aquatic and riparian habitat after soil, woody debris and structures are removed.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region office, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment, contact Dawn Weinberger at 503-229-6729. For more information, please contact project manager Bob Schwarz by phone (541-298-7255, ext. 230) or by email (schwarz.bob@deq.state.or.us). To access site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter ECSI# 2446 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI # 2446 in the Site ID/Info column. To submit comments, send them by email to Mr. Schwarz at the email address listed above, or by mail to Oregon DEQ, 400 E. Scenic Drive, Suite 307, The Dalles, Oregon 97058. Comments must be received by 4:30 PM on the due date in order to be considered in DEQ's decision. Upon written request by 10 or more persons or by a group having 10 or more members, DEQ will conduct a public meeting at or near the facility for the purpose of receiving verbal comments regarding the proposed action.

THE NEXT STEP: Subject to the comments received, DEQ intends to enter into the consent judgment with Portland Harbor Holdings, after which the company intends to purchase the property and proceed with the activities described above.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & 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.)

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

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Board of Chiropractic Examiners
Chapter 811

Rule Caption: Allows for acceptance of chiropractic graduates of foreign chiropractic colleges meeting recognized accreditation standards.

Date:	Time:	Location:
10-6-11	2 p.m.	OBCE Offices 3218 Pringle Rd. SE, #150 Salem, OR

Hearing Officer: Dave McTeague
Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.040, 684.050, & 684.155(5)
Proposed Amendments: 811-020-0006, 811-020-0011, 811-021-0005

Last Date for Comment: 10-6-11, 2 p.m.

Summary: Allows for acceptance of chiropractic graduates of foreign chiropractic colleges meeting recognized accreditation standards.

Rules Coordinator: Donna Dougan
Address: Board of Chiropractic Examiners, 3218 Pringle Rd. SE, Suite 150, Salem, OR 97302
Telephone: (503) 378-5816, ext. 24

.....
Board of Nursing
Chapter 851

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

Date:	Time:	Location:
9-22-11	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Pat Markesino, Board President
Stat. Auth.: ORS 678.385 & 678.390
Stats. Implemented: ORS 678.370, 678.372, 678.375, 678.380 & 678.390
Proposed Amendments: 851-056-0000, 851-056-0010, 851-056-0012, 851-056-0016

Last Date for Comment: 9-20-11, 5 p.m.
Summary: These rules cover the authority of the Clinical Nurse Specialist and Nurse Practitioner to prescribe and dispense drugs. These rule amendments clarify their ability to prescribe off label, compounded, and grandfathered drugs.
Rules Coordinator: Peggy A. Lightfoot
Address: Board of Nursing, 17938 SW Upper Bones Ferry Rd., Portland, OR 97224
Telephone: (971) 673-0638

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Rule Caption: Rule corrections: one incorrect word which is opposite of its intended meaning; one typographical error.
Date: 9-22-11
Time: 9 a.m.
Location: 17938 SW Upper Boones Ferry Rd.
Portland, OR 97224

Hearing Officer: Pat Markesino, Board President
Stat. Auth.: ORS 678.440 & 678.444
Stats. Implemented: ORS 678.440 & 678.444
Proposed Amendments: 851-063-0030
Last Date for Comment: 9-20-11, 5 p.m.

Summary: Under OAR 851-063-0030, Authorized Duties and Standards for Certified Nursing Assistants, (1)(c)(A)(vi) Preventing hydration should read: Preventing dehydration. In addition, OAR 851-063-0030(1)(a)(B)(vi) Providing catheter care including the application of an removal of external urinary catheters should read: Providing care including the application and removal of external urinary catheters.

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

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Board of Psychologist Examiners
Chapter 858

Rule Caption: Changes educational and residency requirements for licensure; adds applied psychologist licensure track; corrections and updates.

Stat. Auth.: ORS 675.010-675.150
Stats. Implemented: ORS 675.030 & 675.110
Proposed Adoptions: 858-010-0011, 858-010-0012, 858-010-0013
Proposed Amendments: 858-010-0001, 858-010-0002, 858-010-0010, 858-010-0015, 858-010-0016, 858-010-0017, 858-010-0020, 858-010-0025, 858-010-0036, 858-010-0037, 858-010-0038, 858-010-0039

Last Date for Comment: 9-22-11, Close of Business
Summary: Defines additional terms for Chapter 858, Division 10. Modifies the educational requirements for clinical psychologist licensure to align with current practices. This includes changes to required coursework, in-residence requirements at the educational institution, organized practicum and internship requirements. Creates a new licensure track for "applied psychologists" and lays out the educational requirements. Adds clarification to the standard and non-standard application procedures. Requires the reviewer of an application for licensure to send a letter to the applicant stating the reason the application is incomplete. Modifies the guidelines for supervised work experience. This includes a change to the definition of psychological work (services), a change to require that a licensed psychologist facilitate group supervision, and requirement that the supervisor provide both an interim and a final resident evaluation report. Also includes various minor housekeeping items.

Rules Coordinator: Debra Orman McHugh
Address: Board of Psychologist Examiners, 3218 Pringle Rd. SE, Suite 130, Salem, OR 97302
Telephone: (503) 373-1155

NOTICES OF PROPOSED RULEMAKING

Construction Contractors Board Chapter 812

Rule Caption: Housekeeping – Correct Statutory Cite References.

Date: 9-27-11
Time: 11 a.m.
Location: West Salem Roth's IGA
Santiam Rm.
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Rob Hernandez

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

Stats. Implemented: ORS 87.093, 279C.460, 279C.590, 448.115, 448.279, 634.116, 671.510-671.710, 701, 701.005, 701.010, 701.021, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.131, 701.227, 701.238, 701.305, 701.315, 701.330, 701.345, 701.480, 701.485, 701.510, 701.515, 701.992 & 701.995

Proposed Amendments: 812-002-0060, 812-002-0160, 812-002-0280, 812-002-0760, 812-002-0780, 812-005-0800

Last Date for Comment: 9-27-11, Close of Hearing

Summary: 812-002-0060, 812-002-0160, 812-002-0280, 812-002-0760, 812-002-0780, 812-005-0800 are amended to correct or add statutory reference of ORS 701.021 (operative 7/1/2010).

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

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Rule Caption: Lead-Based Paint Rule Updated to Conform to Oregon Health Authority Rules.

Date: 9-27-11
Time: 11 a.m.
Location: West Salem Roth's IGA
Santiam Rm.
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Rob Hernandez

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.505-701.5120, 701.510 & 701.515

Proposed Amendments: 812-007-0000, 812-007-0020, 812-007-0100, 812-007-0110, 812-007-0130, 812-007-0150, 812-007-0200, 812-007-0210, 812-007-0230, 812-007-0250, 812-007-0300, 812-007-0350, 812-007-0370, 812-007-0372, 812-007-0374

Last Date for Comment: 9-27-11, Close of Hearing

Summary: • 812-007-0000 is amended to revise the Oregon Department of Human Services, Health Division, name which has changed to the Oregon Health Authority. These rules use the acronym "OHA" instead of the term "Authority" which is used in the OHA rules. The reason is that the term "authority" is already used in both OHA and CCB rules and, we believe, it would be confusing to use that term to refer to another agency.

• 812-007-0020 is amended to replace "Department" with "OHA"; revise language re: accredited training program to be consistent with language in recently revised OHA rule; make grammatical corrections (number format); remove definition for "lead-based paint (LBP) hazard" because it is not used in the CCB rules; change heat gun temperature to correspond to changed OHA work practice standards. See OAR 333-070-0090(6)(c). This higher temperature is permitted by federal law.

• 812-007-0100, 812-007-0110, 812-007-0130, 812-007-0200, 812-007-0210, 812-007-0230 are amended to replace the word "Department" with the word "OHA".

• 812-007-0150 is amended to replace the word "Department" with the word "OHA" and change reference to statutes for contested case hearings to reflect statutes that have been repealed.

• 812-007-0250 and 812-007-0350 are amended to replace the word "Department" with the word "OHA" and change reference to statutes for contested case hearings to reflect statutes that have been repealed.

• 812-007-0300 is amended to remove date that has passed.
• 812-007-0370 is amended to replace the word "person" with the word "individual" as used in OHA rule, OAR 333-070-0095(1)(b)(B)(iii).

• 812-007-0372 is amended to add language contained in OHA notification requirements, common areas, OAR 333-070-0095(2)(b)(B).

• 812-007-0374 is amended to add language contained in OHA notification requirements, child-occupied facilities, OAR 333-070-0095(4)(c)(B).

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

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Rule Caption: Residential Continuing Education (RCE) exemptions, and CCB CORE class requirements, and housekeeping.

Date: 9-27-11
Time: 11 a.m.
Location: West Salem Roth's IGA
Santiam Rm.
1130 Wallace Rd. NW
Salem, OR

Hearing Officer: Rob Hernandez

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

Proposed Adoptions: 812-021-0021

Proposed Amendments: 812-021-0015, 812-021-0025, 812-021-0028, 812-021-0031, 812-021-0035

Proposed Repeals: 812-021-0015(T), 812-021-0021(T), 812-021-0028(T)

Last Date for Comment: 9-27-11, Close of Hearing

Summary: • 812-021-0015 is amended. The CCB board determined that mandatory core requirements should be limited to (1) BEST, (2) building codes and (3) laws, regulations and business practices. Education on "green" or sustainable building practices should be treated as elective education. However, since some contractors have already completed the requirement in advance of renewing their licenses or obligated themselves to take such education, the board will continue to credit the education towards the mandatory core requirement provided that it is completed on or before September 30, 2011.

This permanent rule also incorporates a (slightly modified) temporary rule, adopted July 1, 2011, to allow for building code courses that were approved by the Building Codes Division or the International Codes Council to qualify for the mandatory building code requirement, if completed by July 1, 2012. Thereafter, only CCB-approved courses will qualify.

The rule also clarifies when contractor renews between October 1, 2011, and October 1, 2013, it may use core education obtained before the previous license period (10/1/2009 – 10/1/2011) provided that the education was obtained no earlier than July 1, 2009.

• OAR 812-021-0021 is adopted to incorporate a (slightly modified) temporary rule adopted July 1, 2011, that exempts from BEST and building codes those contractors that are licensed plumbing or electrical contractors and exempts those contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 under ORS 701.010(8)(a) and (8)(b)). In addition, the amendment exempts from residential continuing education BEST and building codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding." The rule amendment defines the terms "dwelling" and "outbuilding." The rule amendment lists examples of contractors that are exempt, and those that are not. The rule amendment requires that contractors exempt from mandatory BEST and building code hours must complete an equivalent number of elective hours.

NOTICES OF PROPOSED RULEMAKING

• 812-021-0025 is amended because the agency will no longer approve providers to offer education on “green” or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.

• 812-021-0028 is amended because the agency will no longer approve providers to offer education on “green” or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.

• 812-021-0031 is amended because the agency will no longer approve providers to offer education on “green” or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.

• 812-021-0035 is a housekeeping amendment; to make section (3) the same as section (2).

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

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Rule Caption: Amend and Adopt rules to implement SB 939, Dispute Resolution Services Change to Mediation Only Process.

Date:	Time:	Location:
9-27-11	11 a.m.	West Salem Roth’s IGA Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Rob Hernandez

Stat. Auth.: ORS 183.310 to 813.500, 670.310, 701.145, 701.150, 701.235 & 1999 OL Ch. 849, Sec. 8

Other Auth.: OL 2011 Ch. 630 (SB 939)

Stats. Implemented: ORS 36.600–36.740, ch. 183, 183.413 to 183.470, 701, 701.081, 701.084, 701.088, 701.102, 701.131, 701.133, 701.139, 701.140, 701.143, 701.145, 701.146, 701.148, 701.150 & OL 2011 Ch. 630 (SB 939)

Proposed Adoptions: 812-004-1001, 812-004-1110, 812-004-1120, 812-004-1140, 812-004-1160, 812-004-1180, 812-004-1195, 812-004-1210, 812-004-1240, 812-004-1250, 812-004-1260, 812-004-1300, 812-004-1320, 812-004-1340, 812-004-1350, 812-004-1360, 812-004-1400, 812-004-1420, 812-004-1440, 812-004-1450, 812-004-1460, 812-004-1480, 812-004-1490, 812-004-1500, 812-004-1505, 812-004-1510, 812-004-1520, 812-004-1530, 812-004-1537, 812-004-1600

Proposed Amendments: 812-004-0001, 812-004-0110, 812-004-0120, 812-004-0140, 812-004-0300, 812-004-0320, 812-004-0340, 812-004-0600, 812-009-0010, 812-010-0020

Proposed Repeals: 812-004-0001(T), 812-004-1001(T), 812-004-1110(T), 812-004-1120(T), 812-004-1140(T), 812-004-1160(T), 812-004-1180(T), 812-004-1195(T), 812-004-1210(T), 812-004-1240(T), 812-004-1250(T), 812-004-1260(T), 812-004-1300(T), 812-004-1320(T), 812-004-1340(T), 812-004-1350(T), 812-004-1360(T), 812-004-1400(T), 812-004-1420(T), 812-004-1440(T), 812-004-1450(T), 812-004-1460(T), 812-004-1480(T), 812-004-1490(T), 812-004-1500(T), 812-004-1505(T), 812-004-1510(T), 812-004-1520(T), 812-004-1530(T), 812-004-1537(T)

Last Date for Comment: 9-27-11, Close of Hearing

Summary: • 812-004-0001, 812-009-0010, and 812-010-0020 are amended to implement Ch. 630 OR Laws 2011 (SB 939). They identify the existing rules as applicable to complaints filed before July 1, 2011.

• 812-004-0110 is amended to reflect the current poverty guidelines.

• 812-004-0120 is amended to correct citation for definition of term “licensee”. The definition is now at OAR 812-004-0450.

• 812-004-0140 is amended to correct citation for exemption for owner’s property. The exemption is now at ORS 701.010(7).

• 812-004-0300 is amended to correct statutory reference of ORS 701.139 (2010 legislation).

• 812-004-0320 is amended to correct statutory reference of ORS 701.021 (operative 7/1/2010).

• 812-004-0340 is amended for clarity and consistency with new rules.

• 812-004-0600 is amended to remove reference to section (5) which is repealed, to make subsequent bond responsible for the complaint if the initial bond was cancelled more than 14 months before the agency received the complaint. This is consistent with the requirements of ORS 701.150(3), which is retained by Ch. 630 OR Laws 2011 (SB 939). And, is amended to delete section that apportions multiple surety bonds. These were bond that were used by persons of whom the agency required an increased bond. For example, if the agency required a \$75,000 bigger bond, some contractors obtained four \$20,000 bonds. The law no longer permits this practice. Therefore, the rule is unnecessary and is repealed.

• 812-004-1001, 812-004-1110, 812-004-1120, 812-004-1140, 812-004-1160, 812-004-1180, 812-004-1195, 812-004-1210, 812-004-1240, 812-004-1250, 812-004-1260, 812-004-1300, 812-004-1320, 812-004-1340, 812-004-1350, 812-004-1360, 812-004-1400, 812-004-1420, 812-004-1440, 812-004-1450, 812-004-1460, 812-004-01480, 812-004-1490, 812-004-1500, 812-004-1505, 812-004-1510, 812-004-1520, 812-004-1530, 812-004-1537, 812-004-1600 are adopted to implement Ch. 630 OR Laws 2011 (SB 939).

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

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Department of Agriculture Chapter 603

Rule Caption: Renames Directly Supervised Trainee license and allows for multiple year renewal with educational component.

Date:	Time:	Location:
9-29-11	9 a.m.	635 Capitol St. NE Salem, OR 97301

Hearing Officer: James LaBonte

Stat. Auth.: ORS 634

Stats. Implemented: ORS 634

Proposed Amendments: 603-057-0001, 603-057-0100, 603-057-0127

Last Date for Comment: 10-7-11

Summary: The rules rename the Directly Supervised trainee License to avoid confusion with the Immediately Supervised trainee License. The Directly Supervised trainee License is renamed the Pesticide Apprentice License. In addition, the rules expand the ability to renew the pesticide Apprentice License. Existing administrative rules limit directly supervised trainees to one lifetime annual renewal. A pesticide apprentice may maintain a pesticide trainee license indefinitely by attending educational programs and demonstrating attempts to attain pesticide applicator certification. The rules restrict pesticide apprentices and immediately supervised trainees from applying pesticides by helicopter or fixed wing aircraft. Finally, the supervisor of an immediately supervised trainee or apprentice must be named in each pesticide application record.

These changes are intended to allow flexibility for employers to hire, train, and supervise trainees. Persons who qualify for the Pesticide Apprentice License will be able to enter the industry at a more gradual pace and will be introduced to concepts presented in continuing education programs. Persons with limited written English language skills or test-taking abilities will be allowed to continue employment under the supervision of a fully licensed applicator. The rules will clarify several trainee-related topics, ensure documentation

NOTICES OF PROPOSED RULEMAKING

of the supervisor-trainee relationship and reduce confusion over what level of supervision is required for each type of trainee license.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Rule Caption: Amendment to update CAFO Annual Compliance fees.

Stat. Auth.: ORS 468B.215 & 561.255

Stats. Implemented: ORS 468B.215 & 561.255

Proposed Amendments: 603-074-0020

Last Date for Comment: 9-30-11

Summary: This rule amendment will allow the department to collect the newly increased annual fees from CAFOs for the 2011–2012 fiscal year. Their increased fees will replace General Fund monies that the Legislature removed from the CAFO program 2011–2013 budget.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Department of Agriculture, Oregon Fine Fescue Commission Chapter 604

Rule Caption: Includes highland Bentgrass to crops assessed by Fine Fescue Commission; adds a commissioner.

Date:	Time:	Location:
9-19-11	7 a.m.	Elmer's Restaurant 3950 Market St. Salem, OR

Hearing Officer: Zach Taylor

Stat. Auth.: ORS 576 & SB 946 (2011)

Other Auth.: ORS 576.325

Stats. Implemented: ORS 576 & SB 946 (2011)

Proposed Amendments: 604-010-0005, 604-010-0011, 604-010-0015, 604-030-0010, 604-030-0020

Proposed Repeals: 604-010-0005(T), 604-010-0011(T), 604-010-0015(T), 604-030-0010(T), 604-030-0020(T)

Last Date for Comment: 9-19-11

Summary: The changes allow the Fine Fescue Commission to incorporate the assessment of Highland Bentgrass seed (*Agrostis castellanana*), or any mixture containing at least 50% of Highland Bentgrass seed, pursuant to the authority in SB 946 (2011) and ORS 576. The assessment rate and method of paying assessments remains the same as it was under the Highland Bentgrass Commission, which was dissolved by SB 946 (2011). Further, the Fine Fescue Commission is adding a producer of Highland Bentgrass seed to the commission, bringing the total number of commissioners to nine. These Permanent Rules will replace the Temporary Rules adopted by the Commission June 30, 2011.

Rules Coordinator: Lisa Ostlund

Address: Department of Agriculture, Oregon Fine Fescue Commission, PO Box 3366, Salem, OR 97302-0366

Telephone: (503) 364-2944

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

Rule Caption: Establishes specialized electrical inspector training and certifications as required by House Bill 3462 (2009).

Date:	Time:	Location:
9-21-11	10 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Aeron Teverbaugh

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Other Auth.: 2009 OL Ch. 593

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Proposed Adoptions: 918-098-1580

Proposed Amendments: 918-098-1510, 918-098-1530

Last Date for Comment: 9-23-11, 5 p.m.

Summary: HB 3462 (2009) authorized the Building Codes Division to create a program for training, qualifying and certifying individuals as specialized building inspectors authorized to perform inspections and enforce portions of Oregon's specialty codes. These new inspector certifications will cover limited commercial and other multidisciplinary inspections that presently are not independently authorized by the Division's existing inspector certifications. The proposed rule specifically addresses the specialized electrical inspector training and certification.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Rule Caption: Amends the 2011 Oregon Reach Code.

Date:	Time:	Location:
9-21-11	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Aeron Teverbaugh

Stat. Auth.: ORS 183.335, 455.020, 455.210, 455.496 & 455.500

Stats. Implemented: ORS 183.335, 455.020, 455.210 & 455.500

Proposed Amendments: 918-465-0040, 918-465-0070

Last Date for Comment: 9-23-11, 5 p.m.

Summary: The proposed rules implement a portion of Senate Bill 79 (2009) requiring the director of the Department of Consumer and Business Services to adopt a code separate from the state building code that is a set of optional construction standards designed to increase the energy efficiency of buildings above the mandatory state building code. The Building Code Division previously adopted the second public version of the International Green Construction Code (IGCC) with significant Oregon specific amendments including provisions from the 2012 International Energy Conservation Code and ASHRAE 90.1, as the commercial provisions of the Oregon Reach Code (ORC). The proposed rule amends the Oregon Reach Code to include residential provisions. The residential provisions are largely based off the 2011 Oregon Residential Specialty Code with amendments to provide options for selective measures and also a modeling path.

The proposed rules also amend the Oregon Reach Code to establish standards and allow builders to install vegetative roofs on commercial Reach Code buildings. In addition, the proposed rule contains amendments to the minimum boiler efficiencies table, reducing the required efficiencies for gas fueled hot water boilers.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Rule Caption: Adopts minimum safety standards for recreational vehicles and non-substantive changes to recreational parks and campgrounds.

Date:	Time:	Location:
9-19-11	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Richard J. Baumann

Stat. Auth.: ORS 183.325–183.410, 446.003, 446.160, 446.185, 446.285, 455.020, 455.110, 455.170, 455.210, 455.680 & 455.690
Stats. Implemented: ORS 183.335, 446.003, 446.160, 446.185 & 445.680

Proposed Adoptions: Rules in 918-525, 918-530, 918-650

Proposed Amendments: Rules in 918-525, 918-530, 918-650

Proposed Repeals: Rules in 918-252, 918-530, 918-650

Last Date for Comment: 9-23-11, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: These proposed 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. Additionally, the proposed rules include some non-technical housekeeping changes to the recreation park and organizational camp administrative rules that provide clarity and consistency among the Division's rules.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Rule Caption: Amends accessibility provisions in the 2010 Oregon Structural Specialty Code.

Date:	Time:	Location:
9-19-11	10 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Steve Judson

Stat. Auth.: ORS 455.030, 455.110 & 455.112

Other Auth.: 2010 ADA Standards for Accessible Design, issued by the U.S. Dept. of Justice

Stats. Implemented: ORS 455.110 & 455.112

Proposed Amendments: 918-460-0015

Last Date for Comment: 9-23-11, 5 p.m.

Summary: The proposed rule adopts proposed amendments to the accessibility provisions in the 2010 Oregon Structural Specialty Code (OSSC). The changes are based upon revised final regulations to Title II and Title III of the Americans with Disabilities Act published by the U.S. Department of Justice, and existing Oregon laws. The changes are primarily in OSSC Chapter 11 which contains the accessibility provisions, however the amendments also affect OSSC Chapters 9, 10, and 34.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Rule Caption: Amends 2010 Oregon Structural Specialty Code regarding alternate braced wall panels.

Stat. Auth.: ORS 455.020 & 455.110

Stats. Implemented: ORS 455.110 & 455.112

Proposed Amendments: 918-460-0015

Last Date for Comment: 9-23-11, 5 p.m.

Summary: This rule amends 2010 Oregon Structural Specialty Code, Section 2308.9.3.2 alternate braced wall panel adjacent to door or window opening. This rule removes the requirement for a 4,200 pound tie-down and adjusts the panel size to compensate for this change.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Department of Consumer and Business Services, Director's Office Chapter 440

Rule Caption: 2012 Workers' Compensation Premium Assessment Rates.

Date:	Time:	Location:
10-11-11	2 p.m.*	Labor & Industries Bldg. 350 Winter St. NE Conference Rm. 260 Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 705.135, 656.726 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Proposed Amendments: 440-045-0020, 440-045-0025

Last Date for Comment: 10-13-11, 5 p.m.

Summary: *NOTE: The hearing will begin at 2 p.m. and end no later than 5 p.m. or when all present who wish to testify have done so.

The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. This rulemaking will adopt the assessment percentage that will be in effect from January 1, 2012 to December 31, 2012. Before recommending the 2012 premium assessment rate, the department must analyze financial data, review the data, and authorize or disapprove a proposed workers' compensation pure premium insurance rate filing filed by the National Council on Compensation Insurance. We expect the pure premium insurance rate for workers' compensation and the proposed rate for the 2012 premium assessment to be announced between September 27 and October 4, 2012.

Text of the proposed rule as well as the other rulemaking documents can be found at: <http://www.oregon.gov/DCBS/DIR/rules.shtml>

Address questions to: Win Lombardi, Rules Coordinator; phone 503-947-7866; fax 503-378-6444; or e-mail winifred.c.lombardi@state.or.us

Rules Coordinator: Win Lombardi

Address: Department of Consumer and Business Services, Director's Office, PO Box 14480, Salem, OR 97309-0405

Telephone: (503) 947-7866

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

Rule Caption: Repeal banking rule governing charging off real estate assets.

Stat. Auth.: ORS 706.790

Other Auth.: 2011 OL Ch. 478, Sec. 1 (Enrolled HB 2614)

Stats. Implemented: ORS 708A.175, 708A.195 & 708A.590

Proposed Repeals: 441-505-1135

Last Date for Comment: 9-26-11, 5 p.m.

Summary: In 2010, the Department of Consumer and Business Services, Division of Finance and Corporate Securities, conducted a rulemaking to clarify that the initial minimum charge-off of real estate that an Oregon-chartered bank owns or holds pursuant to ORS 708A.175(3) and (4) must occur within 12 months of the vesting of the property, rather than within the same calendar year as the date of vesting (FCS 11-2010). The 2011 Legislature amended ORS 708A.590 (Enrolled house Bill 2614) to eliminate the requirement for a minimum 5% annual charge-off of such real estate by Oregon-chartered banks. This rulemaking repeals OAR 441-505-1135, which governed the charging off of such real estate assets, to comply with Enrolled House Bill 2614.

Rules Coordinator: Shelley Greiner

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

Telephone: (503) 947-7484

Rule Caption: Amends fees for mortgage banker, mortgage broker and mortgage loan originator licenses.

Stat. Auth.: ORS 86A.106, 86A.109, 86A.136, 86A.206 & 86A.242

Other Auth.: 2011 OL Ch. 618, Sec. 1 (Enrolled HB 5014)

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 86A.106, 86A.109, 86A.206 & 86A.218

Proposed Amendments: 441-860-0101, 441-880-0400

Last Date for Comment: 9-26-11, 5 p.m.

Summary: In 2009, the Director of the Department of Consumer and Business Services adopted fees for licensing mortgage bankers, mortgage brokers and mortgage loan originators (see FCS 12-2009). Under ORS 291.050 et seq., all fees adopted by state agencies are automatically rescinded after the next regular legislative session unless adopted by the Legislature through enabling legislation. During the 2011 regular legislative session, the Legislature adopted reduced licensing fees for mortgage bankers, mortgage brokers and mortgage loan originators in enabling legislation (2011 House Bill 5014). This rulemaking reflects the fees reductions as approved by the Legislature.

Rules Coordinator: Shelley Greiner

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

Telephone: (503) 947-7484

Rule Caption: Amend fees for master trustees and certified providers.

Stat. Auth.: ORS 97.926, 97.933 & 97.935

Other Auth.: 2011 OL Ch. 618, § 1 (Enrolled HB 5014)

Stats. Implemented: ORS 97.933 & 97.935

Proposed Amendments: 441-930-0270

Last Date for Comment: 9-26-11, 5 p.m.

Summary: In 2010, the Department of Consumer and Business Services, Division of Finance and Corporate Securities, conducted a rulemaking to revise administrative rules related to the regulation of master trustees and certified providers. As part of that rulemaking, the department adopted increased fees for both regulated entities. (FCS 14-2010). Under ORS 291.050 et seq., all fees adopted by state agencies are automatically rescinded after the next regular legislative session unless they are adopted by the Legislature. The 2011 Legislature reduced the increased fees for master trustees and certified providers (House Bill 5014). This rulemaking adopts the fees set by the Legislature.

Rules Coordinator: Shelley Greiner

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

Telephone: (503) 947-7484

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Require risk based capital trend test by property and casualty insurers.

Date:	Time:	Location:
9-27-11	1:30 p.m.*	Conference Rm. E, Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244

Other Auth.: ORS 731.554 & 733.210

Stats. Implemented: ORS 731.554 & 731.574

Proposed Amendments: 836-011-0300, 836-011-0305, 836-011-0310, 836-011-0320, 836-011-0380, 836-011-0390

Last Date for Comment: 10-4-11

Summary: *NOTE: The hearing will begin at 1:30 p.m. and end when all present who wish to testify have done so.

This rule will provide the Insurance Division with an additional tool to determine whether a property and casualty insurer falls within a RBC company action level. Current rules define a company action level as an RBC ratio of 200 percent. This rule would require

the Division to take action if a company's RBC falls between 200 and 300 percent and its combined ratio is above 120 percent.

The rules are also amended to correct and update internal references.

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

Rule Caption: Allows 2001 CSO Preferred Mortality Tables to be used for certain contracts.

Date:	Time:	Location:
9-28-11	1:30 p.m.*	Conference Rm. F Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244 & 733.306

Stats. Implemented: ORS 733.306

Proposed Amendments: 836-031-0810, 836-031-0815

Last Date for Comment: 10-5-11

Summary: *NOTE: The hearing will begin at 1:30 p.m. and end when all present who wish to testify have done so.

The amendments to these rules reflect changes to the National Association of Insurance Commissioners (NAIC) Model Regulation #815. The rules generally specify which mortality table is recognized for use in determining minimum reserve liabilities. Adoption of these amendments to the rules would allow a company to substitute the 2001 CSO Preferred Mortality Tables in place of the 2001 CSO Smoker or Nonsmoker Mortality Tables for policies issued prior to January 1, 2007. The conditions for use of the preferred tables are also set out in the rules and the use does require the consent of the director of the Department of Consumer and Business Services.

These changes are necessary to maintain Oregon's accreditation.

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

Rule Caption: Clarifies applicability of limitation on premium rate increases for Medical Supplement policies or certificates.

Date:	Time:	Location:
9-28-11	9:30 a.m.*	Conference Rm. F, Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244, 743.010, 743.683 & 743.684

Other Auth.: ORS 743.680-743.689

Stats. Implemented: ORS 743.010, 743.683 & 743.684

Proposed Amendments: 836-052-0114, 836-052-0145, 836-052-0151

Last Date for Comment: 10-5-11

Summary: *NOTE: The hearing will begin at 9:30 a.m. and end when all present who wish to testify have done so.

Amends rules to clarify that limit on premium increases for Medicare Supplement insurance policies to once in a 12-month period does not apply to changes in policy or payment terms initiated by the insured. Specifies that limitation applies to all existing 1990 Standardized Medicare Supplement benefit plans and all 2010 Standardized Medicare supplement benefit plans policies or certificates renewed on or after January 1, 2012. The changes to the Exhibits to OAR 836-052-0160 effective on February 17, 2011 apply to all Medicare Supplement policies or certificates issued on or after July 1, 2011. The limitation on premium increases effective on February 17, 2011 applies to all new Medicare Supplement policies or certificates issued on or after July 1, 2011.

Rules Coordinator: Sue Munson

NOTICES OF PROPOSED RULEMAKING

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

Rule Caption: Adoption of Oregon Companion Guide for Health Care Claims; Professional, Dental and Institutional (837).

Date:	Time:	Location:
9-26-11	1:30 p.m.*	Conference Rm. F Labor & Industries Bldg. 350 Winter St. NE Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: 2011 OL Ch. 130, Sec. 2 (Enrolled SB 94)

Other Auth.: ORS 731.244

Stats. Implemented: 2011 OL Ch. 130, Sec. 2-5 (Enrolled SB 94)

Proposed Amendments: 836-100-0105, 836-100-0110, 836-100-0115

Last Date for Comment: 10-3-11

Summary: *NOTE: The hearing will begin at 1:30 p.m. and end when all present who wish to testify have done so.

This rule will adopt the uniform standards for administrative simplification of health insurance developed by the Oregon Health Authority pursuant to the provisions of Section 2, chapter 130, Oregon Laws 2011 (Enrolled Senate Bill 94). Section 2, chapter 130, Oregon Laws 2011 (Enrolled Senate Bill 94) allows the Department of Consumer and Business Services to adopt these standards by rule after receiving recommendations from the Oregon Health Authority.

The second series of Oregon Companion Guides are related to uniformity of health claims and encounter transactions. There are three companion guides that make up this group of uniform standards – “Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X222 Health Care Claim: Professional (837),” “The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X223 Health Care Claim: Institutional (837)” and “The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X224 Health Care Claim: Dental (837).” The department proposes to adopt all three in this rulemaking.

These proposed rules also establish a waiver for plans that are certified by the Council for Affordable Quality Healthcare’s (CAQH) Committee on Operating Rules for Information Exchange (CORE). This waiver is proposed because the Oregon Companion Guides have been developed in alignment with CORE and CORE is now recognized by federal agencies as the national standard, so meeting either the CORE or the Companion Guide standard will allow for standardization.

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

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

Rule Caption: Proposed changes to confined space rules in general industry and construction.

Date:	Time:	Location:
9-30-11	10 a.m.	Fremont Place, Bldg. I 1750 NW Naito Pky., Suite 112 Portland, OR 97209-2533
10-7-11	10 a.m.	Oregon OSHA Field Office 1140 Willagillespie, Suite 42 Eugene, OR 97401-2101

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001–654.295

Proposed Adoptions: 437-002-0146

Proposed Amendments: 437-002-0140, 437-002-0182, 437-002-0256, 437-002-0312, 437-003-0001

Last Date for Comment: 10-14-11

Summary: Oregon OSHA proposes to adopt new rule, OAR 437-002-0146 Confined Spaces, that replaces OAR 437-002-1910.146 Permit-Required Confined Spaces. This expands the scope of the new rule to include the construction industry.

The requirements of this standard are similar to the requirements of the existing standard, but is written to clarify employer obligations and eliminate confusing requirements.

This rulemaking will amend Oregon-initiated rules OAR 437-002-0182, 437-002-0256, and 437-002-0312 to update the rule reference to the new Oregon rule 437-002-0146 Confined Spaces. Also, notes will be added to 1910.120 Appendix E, and 1910.269 that currently refer the reader to 1910.146. The new note will announce that Oregon OSHA repealed 1910.146, and in Oregon 437-002-0146 applies.

Please visit our website: 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

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

Rule Caption: Disputed Claim Settlements – implements amendments to ORS 656.313(4)(d) made by SB 173.

Date:	Time:	Location:
10-7-11	9:30 a.m.	2601 25th St. SE, Suite 150 Salem, OR 97302-1280

Hearing Officer: Debra Young

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.289(4) & 656.313(4)

Proposed Amendments: 438-009-0010

Last Date for Comment: 10-7-11

Summary: The Board proposed to amend OAR 438-009-0010 to implement Senate Bill 173 (SB 173) that amends ORS 656.313(4)(d), which concerns reimbursement for medical services from Disputed Claim Settlements and the ability of a medical service provider or health insurance provider to recover the balance of amounts owing for such services directly from the worker.

Pending the hearing, written comments regarding these rules may be submitted for admission into record by directing such comments by mail, fax, or by means of hand-delivery to any permanently staffed Board office. The comments may be addressed to the attention of Debra L. Young, Rulemaking Hearing Officer, Workers’ Compensation Board, 2601 25th St. SE Suite 150, Salem, OR 97302-1280.

Rules Coordinator: Vicky Scott

Address: Department of Consumer and Business Services, Workers’ Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302-1280

Telephone: (503) 378-3308

Department of Corrections Chapter 291

Rule Caption: Community Corrections Programs (Financial Records).

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075, 423.478, 423.483, 423.525 & 423.530

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 423.478, 423.483 & 423.500–423.560

Proposed Amendments: 291-031-0025

Last Date for Comment: 10-17-11, Close of Business

NOTICES OF PROPOSED RULEMAKING

Summary: This modification is a housekeeping item and necessary to update the rule since counties provide financial reports electronically rather than hard copy.

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 Energy
Chapter 330

Rule Caption: Business Energy Tax Credit program rules.

Date:	Time:	Location:
9-21-11	9 a.m.	625 Marion St. Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 469.040, 469.165, 469.185–469.225 & 2011 OL Ch. 693

Stats. Implemented: 469.040, 469.165, 469.185–469.225 & 2011 OL Ch. 693

Proposed Amendments: 330-090-0110, 330-090-0130, 330-090-0133, 330-090-0140

Proposed Repeals: 330-090-0110(T), 330-090-0130(T), 330-090-0133(T), 330-090-0140(T)

Last Date for Comment: 9-21-11, Close of Business

Summary: These permanent rule amendments repeal the existing temporary rule amendments made April 18, 2011, and implement changes made by House Bill 3606 (2011) to the Business Energy Tax Credit program. These amendments implement statutory changes that specify that federal grants received in connection with a facility reduce the final total cost of a facility, and confirm applicability of these changes. The rules provide new definitions of “certified cost” and “federal grant”.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 373-2127

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Department of Environmental Quality
Chapter 340

Rule Caption: Adoption of the Eugene-Springfield PM10 Maintenance Plan.

Date:	Time:	Location:
9-26-11	12:15 p.m.	LRAPA, 1010 Main St. Springfield, OR 97477

Hearing Officer: Merlyn Hough

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

Stats. Implemented: ORS 468A.025 & 468A.035

Proposed Amendments: 340-200-0040, 340-204-0010, 340-204-0030, 340-204-0040

Last Date for Comment: 9-26-11, 12:15 p.m.

Summary: The Eugene-Springfield PM10 Nonattainment Area has not exceeded the federal public health standards for particulate matter ten microns and less (PM10) since 1987. The proposed rulemaking would officially change the status of this area from a PM10 nonattainment area to a PM10 maintenance area, and adopt a PM10 maintenance plan that will ensure continued attainment with the standard. In addition, this rulemaking action will include a request by DEQ to the Environmental Protection Agency for the Eugene-Springfield area to be redesignated as in attainment with the standard.

A mandatory residential wood combustion curtailment program implemented by the Lane Regional Air Protection Agency (LRAPA) has been the primary mechanism for the Eugene-Springfield area being able to attain the PM10 health standard. This program will continue to be implemented without changes under the PM10 maintenance plan to ensure continued attainment with the standard. Under this plan, industrial emissions growth will be controlled through existing New Source Review regulations, which for maintenance areas reduces the stringency and costs of emission control require-

ments for new sources, from the Lowest Achievable Emission Rate (LAER) to the Best Available Control Technology (BACT). All other requirements on sources will remain the same.

LRAPA will hold a public hearing on this proposed rulemaking, and if approved by the LRAPA Board of Directors, DEQ will submit to the Environmental Quality Commission for approval. The Clean Air Act requires DEQ to submit all rule and plan changes to the Environmental Protection Agency as a revision to the State Implementation Plan under OAR 340-200-0040.

For further information on this proposed rulemaking, please contact Merlyn Hough, Lane Regional Air Protection Agency, 1010 Main St., Springfield, OR 97477, toll free at 877-285-7272 or (541) 736-1056.

Public comments can be sent directly to Robbye Lanier, LRAPA Rules Coordinator, at robbye@lrapa.org, or faxed at (541) 726-1205, or visit LRAPA's website at www.lrapa.org

Additional information can also be found by visiting DEQ's rulemaking website at www.deq.state.or.us/regulations/proposed_rules.htm

Oral and written testimony can be provided at the public hearing listed above.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

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Department of Fish and Wildlife
Chapter 635

Rule Caption: Amend Rules for Commercial Fishing License Fees.

Date:	Time:	Location:
10-7-11	8 a.m.	Red Lion Hotel 304 SE Nye Ave. Pendleton, OR 97801

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS ORS 508.235, 508.285, 508.760, 508.765, 508.790, 508.816, 508.858, 508.901, 508.941 & HB 3657 (2011).

Stats. Implemented: ORS ORS 508.235, 508.285, 508.760, 508.765, 508.790, 508.816, 508.858, 508.901, 508.941 & HB 3657 (2011).

Proposed Adoptions: Rules in 635-006

Proposed Amendments: Rules in 635-006

Proposed Repeals: Rules in 635-006

Last Date for Comment: 10-7-11

Summary: Amended rules relate to commercial fishing license fees. Modifications to the regulations implement HB 3657 (2011), enacted by the 2011 Legislative Assembly. This bill changed miscellaneous commercial fishing and occupational fees for the Oregon Department of Fish & Wildlife. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

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Rule Caption: Establish 2012 Seasons and regulations for Game Mammals.

Date:	Time:	Location:
10-7-11	8 a.m.	304 SE Nye Ave. Pendleton, OR 97801

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-078, 635-080

Last Date for Comment: 10-7-11

Summary: Establish 2012 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel

NOTICES OF PROPOSED RULEMAKING

management areas, wildlife areas, and other rules including general hunting and controlled hunt regulations. Specific rule changes may be made regarding deadlines for sale of preference points.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

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

Rule Caption: Medicaid Nursing Facilities.

Date:	Time:	Location:
9-19-11	2:30 p.m.	500 Summer St. NE, Rooms 137CD Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Other Auth.: SB 939 (2011), 2011 OL Ch. 630

Stats. Implemented: ORS 410.070

Proposed Amendments: 411-070-0442, 411-070-0452

Proposed Repeals: 411-070-0442(T), 411-070-0452(T)

Last Date for Comment: 9-21-11, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to permanently amend OAR 411-070-0442 and 411-070-0452 to maintain Medicaid-certified long term care facility reimbursement rates at their current level as of June 30, 2011 in accordance with the legislatively adopted budget and Senate Bill 939 (2011).

Rules Coordinator: Christina Hartman

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

Telephone: (503) 945-6398

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Changes agency responsibility to ensuring administration of read/write test; Clarify physician; Reorganize for clarity.

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Proposed Amendments: 259-008-0010, 259-008-0011

Last Date for Comment: 9-21-11, Close of Business

Summary: Changes the hiring agency's responsibility from administering a 12th grade reading or writing test to ensuring that an appropriate test was administered allowing agencies to accept scores of DPSSST-approved tests that were administered by other agencies.

The requirement for telecommunicators and emergency medical dispatchers to report criminal convictions was removed from OAR 259-008-0010 (Minimum Standards for Employment as a Law Enforcement Officer) and added to OAR 259-008-0011 (Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher) for consistency.

Allows for "licensed health care providers" to sign F2-T Medical Examinations.

Rules Coordinator: Linsay Bassler

Address: Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2431

Department of State Lands Chapter 141

Rule Caption: General Permit for Impacts to Vernal Pools Wetlands, Revisions to the Rules for General Permits.

Date:	Time:	Location:
9-15-11	7 p.m.	Jefferson Conference Rm., Rogue Valley Council of Governments, 155 N 1st St. Central Point, OR

Hearing Officer: Lori Warner-Dickason

Stat. Auth.: ORS 196.600–196.692 & 196.990–196.990

Stats. Implemented: ORS 196.600–196.692 & 196.990–196.990

Proposed Adoptions: 141-093-0180 – 141-093-0215

Proposed Amendments: 141-093-0107, 141-093-0135

Last Date for Comment: 9-16-11, 5 p.m.

Summary: In November 2009, after six years of extensive public involvement and interagency coordination, DSL approved a General Permit for Removal-Fill and Mitigation of Impacts to Vernal Pool Wetlands in Jackson County (Vernal Pool GP). The Vernal Pool GP was developed in coordination with the U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service to address endangered species associated with vernal pools. Through this rulemaking we will finalize the Vernal Pool GP to create a new permit instrument that is predictable, timely, and consistent with the regional planning effort for vernal pools. The revisions to the existing Division 093 are necessary to accommodate the new Vernal Pool GP.

The Vernal Pool GP provides an expedited process (55 days) for permitting impacts to vernal pool wetlands located in Jackson County. The rules describe the standards for mitigation for those impacts which are consistent with the standards required to address the Endangered Species Act (administered by the U.S. Fish and Wildlife Service) and the Clean Water Act (administered by the U.S. Army Corps of Engineers.)

Rules Coordinator: Elizabeth Bolden

Address: Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301

Telephone: (503) 986-5239

Department of Transportation Chapter 731

Rule Caption: Repeal of rule establishing agency payment for steel escalation.

Stat. Auth.: ORS 184.616, 184.619 & 2005 OL Ch. 557

Stats. Implemented: 2005 OL Ch. 557

Proposed Repeals: 731-007-0335

Last Date for Comment: 9-21-11

Summary: In 2005, HB 2077 required ODOT to adjust the amount paid to a highway construction contractor when steel material delivered to the contractor was more than 10 percent above the price quoted in the contractor's original bid. OAR 731-007-0335 established the process for making payments to contractors for the unanticipated escalation in the cost of steel materials.

This rule contained a deadline of January 2, 2010 for submission of contractor claims. Because the deadline has passed, the rule is being repealed.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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

Rule Caption: Updates Vehicle Dealer Rules to add reference to New Class IV All-Terrain Vehicle Type.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.031, 803.530, 803.600, 803.625, 821.060 & 821.080

Stats. Implemented: ORS 802.031, 803.565, 803.600, 803.602, 803.645, 821.060, 821.080, 822.005 & 822.080

Proposed Amendments: 735-150-0040

Last Date for Comment: 9-21-11

Summary: This rulemaking is needed to implement legislation enacted by the 2011 Legislative Assembly. House Bill 2329 (Chapter 360, Oregon Laws 2011) amends the statutory definitions of all-terrain vehicles and adds a new Class IV all-terrain vehicle type.

NOTICES OF PROPOSED RULEMAKING

Currently, under OAR 735-150-0040, qualified Oregon vehicle dealers that sell snowmobiles, or Class I and Class III all-terrain vehicles are designated as agents of DMV, pursuant to ORS 802.031. DMV proposes to amend the rule to include Class IV all-terrain vehicles. Additionally, subsection (4)(f) of the rule is amended to clarify that a vehicle dealer may only prepare, submit, or prepare and submit documents and collect fees for transfers of registration plates for vehicles they sell. The change is consistent with current policy and dealer practices. Additional non-substantive changes simplify and clarify existing rule language.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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

Rule Caption: Fee for Issuance of Sno-Park Parking Permits.

Stat. Auth.: ORS 184.616, 184.619, 811.595 & 811.600

Stats. Implemented: ORS 811.600

Proposed Amendments: 734-020-0070

Last Date for Comment: 9-21-11

Summary: This rule establishes the fee for parking permits issued for winter recreation parking (Sno-Park) areas. Revenue generated from the sale of Sno-Park permits is accounted for separately in the Highway Fund. Funds in the account are primarily used for enforcement of the permit requirement and snow removal in the designated areas. There are three types of permits available to users of Sno-Parks: an annual permit required from November 1 through April 30, a three-day permit valid for three consecutive days, and a one-day permit valid for a specific calendar day.

In order to adequately fund the Sno-Park program, to keep up with increasing costs, and to provide service to the recreation community, an increase in the permit fees was recommended by the Winter Recreation Advisory Committee in 2010. The committee was established in ORS 802.350 to advise the Department on matters relating to the Sno-Park program. Based on that recommendation the Department amended the parking permit fees by rule. However, the 2011 Legislature did not ratify the increase in the permit fees. This rule amendment returns the Sno-Park permit fees to their previous amounts.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Requirements for oversized load signs.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 815.275, 818.220 & 818.225

Proposed Amendments: 734-082-0037

Last Date for Comment: 9-21-11

Summary: These rules describe sign requirements for over-length or over-width vehicles, or vehicles transporting over-length or over-width loads. Currently, signs warning of an oversize vehicle or load are required to be placed on the front and rear of the vehicle and must be seven feet wide by 18 inches high. Many types of self propelled cranes do not have enough space on the front or rear of the vehicle to accommodate a sign the size required by rule without blocking headlights, turn signals, license plate, brake lights or taillights. The proposed amendment will provide carriers with an additional method to meet the rule requirements by allowing a vehicle's bumpers to be

painted yellow and bear the words "OVERSIZE LOAD" painted or decaled in black. Such signage must meet lettering size, visibility, and reflective requirements in the rule. Self propelled cranes that are registered in another jurisdiction may meet signage requirements on the bumper if the signage meets visibility and reflective rule provisions and the sign is in compliance with the vehicle's base state rules governing warning signs.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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**Department of Transportation,
Motor Carrier Transportation Division
Chapter 740**

Rule Caption: Amendment of intrastate exceptions to federal motor carrier safety transportation regulations.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.210, 825.250 & 825.252

Proposed Amendments: 740-100-0010

Last Date for Comment: 9-21-11

Summary: These rules cover the adoption of federal motor carrier safety regulations and the intrastate exceptions. A recent Motor Carrier Safety Assistance Program (MCSAP) review identified intrastate exceptions that were determined not compatible with federal regulations. The following proposed rule amendments revise rules identified deficient in the review. Specifically, current rules allow an exemption from external identification requirements found in Title 49, Code of Federal Regulations (CFR) Part 390.21 and some driver qualification requirements found in 49 CFR Part 391 for intrastate private carriers operating with a gross weight rating of 26,000 pounds or less. An amendment will further limit applicability of the exemptions by including that in addition to the vehicle(s) weight rating not exceeding 26,000 pounds, actual weight of the vehicle or combination may not exceed 26,000 pounds to use this exemption. Another amendment specifies that an intrastate commercial motor vehicle operator must be 18 years of age. This amendment clarifies the rule and is consistent with the provisions of ORS 807.060. Finally, it is proposed that an exception from CFR 49 Part 396.17 through 396.23 allowing an exemption for periodic inspection requirements for carriers operating wholly in intrastate commerce be repealed in its entirety.

These changes are necessary to ensure Oregon's motor carrier safety is compliant with federal regulations. Oregon stands to lose approximately \$2.6 million of Motor Carrier Safety Assistance Program (MCSAP) funds if it fails to amend and maintain compatible rules.

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

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Motor Carrier Transportation Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302

Telephone: (503) 986-3171

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**Land Conservation and Development Department
Chapter 660**

Rule Caption: Amendments to administrative rules to establish a process for assessing agricultural land capability.

Date:	Time:	Location:
10-6-11	8:30 a.m.	Guild Hall, Guild Bldg. 1867 Williams Hwy. Grants Pass, OR

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040 & 2010 OL Ch. 44 (Spec. Sess.)

Stats. Implemented: ORS 215.203

Proposed Amendments: Rules in 660-033

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 10-6-11, Close of Hearing

Summary: The proposed amendment to OAR 660-033-0030 and any necessary conforming changes to division 33, will implement legislative authorization for a person to obtain additional information for use in the determination of whether land qualifies as agricultural land by requiring professional certification of soil assessment consultants and by allowing the Department of Land Conservation and Development to assess fees in an amount intended to meet the department's costs to assess the soils and administer the program.

Rules Coordinator: Casaria Tuttle

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

Telephone: (503) 373-0050, ext. 322

.....
Oregon Department of Education
Chapter 581

Rule Caption: Provides clarity and guidance on Private Career School issues.

Date:	Time:	Location:
9-28-11	1 p.m.	255 Capitol St. NE, Rm. 251 A Salem, OR 97310

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 345.400, 345.460 & 345.470

Stats. Implemented: ORS 345.400 & 345.460

Proposed Adoptions: 581-045-0205, 581-045-0054

Proposed Amendments: 581-045-0200

Last Date for Comment: 9-30-11, 5 p.m.

Summary: OAR 581-045-0200 is being revised and two new rules – OAR 581-045-0205 and 581-045-0054 are being created to meet three specific needs:

(1) Provide clarity and guidance on issues specific to cosmetology schools.

(2) Create a new rule specific to competency-based cosmetology schools.

(3) Create a new rule regarding transfer students and the awarding of credit for prior training or experience that applies to all schools regardless of area of career training.

Rules Coordinator: Diane Roth

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

Telephone: (503) 947-5791

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Rule Caption: Brings Emotional Disturbance rule relating to education into compliance with federal law.

Stat. Auth.: ORS 343.035(1), 343.045, 343.146 & 343.157

Stats. Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 34 CFR 300.306

Proposed Amendments: OAR 581-015-2145

Last Date for Comment: 9-30-11, 5 p.m.

Summary: It was discovered during the process of updating the OARs to comply with Senate Bill 3 (2011) that the administrative rule which addresses special education eligibility requirements for emotional disturbance was incomplete. This proposed change in OAR 581-015-2145 brings this rule in alignment with the federal definition of a child with an emotional disturbance disability (34 CFR 300.8(c)(4)(i)(A)).

The 2004 Amendments to the IDEA, effective July 2005, and corresponding regulations, effective October 2006, required changes to state regulations. Regulations were updated to reflect more current language, and some regulations have been amended for clarity or to align more closely with the federal statutes and regulations. The enormous task to make changes in state regulations included amendments to rules in all sections, including: definitions, general supervision, free appropriate public education, child find, consent, evaluation and eligibility, parent participation, IEP, placement and least restrictive environment, children in public schools placed by a private agency, procedural safeguards, Section 504 hearings, discipline for children with disabilities, children in private schools enrolled by their parents,

use of public or private insurance, regional programs, special programs, and early intervention/early childhood special education.

Rules Coordinator: Diane Roth

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

Telephone: (503) 947-5791

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Oregon Health Authority,
Oregon Educators Benefit Board
Chapter 111

Rule Caption: Revised language to include definitions for a new benefit offering.

Date:	Time:	Location:
9-21-11	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.874(5)

Proposed Amendments: 111-010-0015

Last Date for Comment: 9-30-11, 5 p.m.

Summary: The revisions to OAR 111-010-0015 include revised and new definitions for a new benefit offering, health savings accounts (HSAs) beginning October 1, 2011. The revisions include adding “Employee Assistance Program Plans” as defined under “Benefit plan” and also defining “Flexible benefit plan.”

Rules Coordinator: April Kelly

Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Suite B, Salem, OR 97301

Telephone: (503) 378-6588

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Rule Caption: Adopts language for a new benefit offering, health savings accounts.

Date:	Time:	Location:
9-21-11	10 a.m.	PEBB/OEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.874(5)

Proposed Adoptions: 111-030-0046

Last Date for Comment: 9-30-11, 5 p.m.

Summary: Beginning October 1, 2011, OEBB will be offering health savings accounts (HSAs) as a new benefit offering. 111-030-0046 includes language on this new benefit offering.

Rules Coordinator: April Kelly

Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Suite B, Salem, OR 97301

Telephone: (503) 378-6588

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Oregon Health Authority,
Public Employees' Benefit Board
Chapter 101

Rule Caption: Repeal of Domestic Partnerships rule, 101-015-0025, which was made redundant with adoption of 101-015-0026.

Date:	Time:	Location:
9-21-11	4 p.m.	Board Room, 1225 Ferry St. SE Suite B Salem, OR

Hearing Officer: Chérie Taylor

Stat. Auth.: ORS 243

Other Auth.: ORS 279

Stats. Implemented: ORS 183, 192, 243, 292, 302, 659 & 743

Proposed Repeals: 101-015-0025

Last Date for Comment: 9-21-11, 5 p.m.

Summary: Repeals 101-015-0025/Domestic Partnerships, which was made redundant by adoption of 101-015-0026. 101-015-0025 is temporarily suspended, effective Aug. 11, 2011.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Chérie Taylor
Address: Oregon Health Authority, Public Employees' Benefit Board, 155 Cottage St. NE, U90, Salem, OR 97301
Telephone: (503) 378-2349, ext. 325

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**Oregon Health Authority,
Public Health Division
Chapter 333**

Rule Caption: WIC Vendor and Farmer Administration.

Date:	Time:	Location:
9-22-11	11 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1C Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 409.600

Other Auth.: 7 CFR 246.12, Public Law 108-265

Stats. Implemented: ORS 409.600

Proposed Amendments: 333-054-0010, 333-054-0020, 333-054-0025, 333-054-0027, 333-054-0035, 333-054-0040, 333-054-0050, 333-054-0055, 333-054-0060, 333-054-0070

Last Date for Comment: 9-23-11, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend administrative rules in chapter 333, division 54 as they pertain to vendors and farmers. These amendments are clarifications and adjustments to definitions, monitoring language, violation and sanction language, which reflect current program vendor and farmer administration practices. Additionally, the rules have been amended to replace references to "FSP" and the "Food Stamp Program" with the program's new name "Supplemental Nutrition Assistance Program" or "SNAP."

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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Rule Caption: Updating rules for Medical Marijuana pertaining to registration fees and adding new fee charges.

Date:	Time:	Location:
9-16-11	11 a.m.	Jackson County Library 205 South Central Ave., Large Conference Rm. Medford, OR 97501
9-19-11	9:30 a.m.	Portland State Office Bldg., Room 1B 800 NE Oregon St. Portland, OR 97232
9-20-11	11 a.m.	Deschutes County Admin. Bldg. Barnes Rm. 1300 NW Wall St. Bend, OR 97701

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 475.309, 475.312 & 475.338

Stats. Implemented: ORS 475.300-475.346

Proposed Amendments: 333-008-0010, 333-008-0020, 333-008-0025, 333-008-0030, 333-008-0040, 333-008-0045, 333-008-0050, 333-008-0060, 333-008-0070, 333-008-0080, 333-008-0120

Last Date for Comment: 9-22-11, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program is proposing to permanently amend administrative rules in chapter 333, division 8. The 2011 Legislative Assembly adopted a Public Health budget that requires an increase in fees charged to OMMP applicants as well as an additional fee for growers to generate revenue to fund other public health programs. The new fees will be implemented beginning October 1, 2011. The current administrative rule does not require a fee for the growers in order for an applicant or grower to obtain an OMMP registry identification card. The Oregon Medical Marijuana Act (OMMA) mandates the Authority to adopt a fee structure in rules. In order to comply with the OMMA and legislative direction, the

OMMP must amend its rules to increase the application fee, the replacement card fee, add a grower fee, and also, to add definitions to clarify new terms and meanings for Authority, food stamps, grow site, and replacement registry identification card which are provisions in the rule that are not defined.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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Rule Caption: Amendments of rules related to Radiation Protection Services.

Date:	Time:	Location:
9-22-11	1 p.m.	Portland State Office Bldg. Room 1E 800 NE Oregon St. Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 431.925-431.955 & 453.605-453.807

Other Auth.: 10 CFR Parts 1-50

Stats. Implemented: ORS 431.655, 431.925-431.955 & 453.605-453.807

Proposed Amendments: 333-100-0005, 333-100-0020, 333-100-0070, 333-101-0065, 333-102-0015, 333-102-0115, 333-102-0130, 333-102-0190, 333-102-0250, 333-102-0285, 333-102-0290, 333-102-0293, 333-102-0305, 333-102-0310, 333-102-0340, 333-103-0010, 333-103-0030, 333-103-0035, 333-105-0530, 333-106-0005, 333-106-0035, 333-106-0045, 333-106-0055, 333-106-0325, 333-106-0370, 333-106-0750, 333-111-0015, 333-116-0020, 333-116-0025, 333-116-0035, 333-116-0105, 333-116-0220, 333-116-0250, 333-116-0260, 333-116-0290, 333-116-0320, 333-116-0330, 333-116-0360, 333-116-0390, 333-116-0440, 333-116-0470, 333-116-0585, 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0715, 333-116-1000, 333-119-0010, 333-119-0090, 333-119-0100, 333-120-0015, 333-120-0100, 333-120-0550, 333-120-0650, 333-120-0660, 333-120-0720, 333-120-0730, 333-120-0740

Last Date for Comment: 9-26-11, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend Oregon Administrative Rules related to programs within the Radiation Protection Services. The radiation materials licensing program is proposing to amend rules to comply with 10 CFR Parts 1-50 to meet federal law pertaining to byproduct material management. The X-ray program is proposing to amend rules to permit operations of X-ray equipment performed by dental hygienists as outlined in ORS 680.205. The tanning program is proposing to amend rules to outline skin type definitions and the use of digital timers with tanning bed operations, remove OAR 333-119-0100(20), and create new rule definitions for skin typing.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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**Oregon Health Licensing Agency
Chapter 331**

Rule Caption: Amend license cycle for athletic trainers from a two year registration to a one year registration.

Stat. Auth.: ORS 676.605, 676.606, 676.615, 688.715 & 688.728

Stats. Implemented: ORS 676.605, 676.606, 676.615, 688.715 & 688.728

Proposed Amendments: 331-105-0030

Last Date for Comment: 9-28-11

Summary: The Oregon Health Licensing Agency (Agency) is amending several programs' authorization cycle from a two year cycle to an annual cycle to align with statutory authority. The purpose of the revision is to stabilize revenue streams within the Agency and reduce the economic impact of paying a two year registration fee

NOTICES OF PROPOSED RULEMAKING

for initial registrations and renewals. Fees will be decreased by half to help reduce barriers to registration for new registrants.

Rules Coordinator: Samantha Patnode
Address: Oregon Health Licensing Agency, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287
Telephone: (503) 373-1917

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Rule Caption: Amend license cycle for hearing aid specialists from a two year license to a one year license.

Stat. Auth.: ORS 676.605, 676.606, 676.615, 694.155 & 694.185
Stats. Implemented: ORS 676.605, 676.606, 676.615, 694.155 & 694.185

Proposed Amendments: 331-601-0010

Last Date for Comment: 9-28-11

Summary: The Oregon Health Licensing Agency (Agency) is amending several programs' authorization cycle from a two year cycle to an annual cycle to align with statutory authority. The purpose of the revision is to stabilize revenue streams within the Agency and reduce the economic impact of paying a two year license fee for initial licenses and renewals. Fees will be decreased by half to help reduce barriers to licensure for new registrants.

Rules Coordinator: Samantha Patnode
Address: Oregon Health Licensing Agency, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287
Telephone: (503) 373-1917

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Rule Caption: Streamlines application process for temporary tattoo practitioners, requires current blood-borne pathogens training.

Stat. Auth.: ORS 676.615
Stats. Implemented: ORS 676.606, 676.607 & 690.365
Proposed Amendments: 331-565-0090

Last Date for Comment: 9-28-11

Summary: Revise administrative rule to clarify and streamline the application process for tattoo artist temporary practitioner permits for those persons wishing to practice the profession in Oregon on a temporary basis., including tattooing conventions. The revision clarifies language for out-of-state applicants who do not understand the Oregon requirements. This also allows applicants to attest o their qualifying experience on a form approved by the agency, requires current training in blood-borne pathogens, and removes requirement for basic first aid training.

Rules Coordinator: Samantha Patnode
Address: Oregon Health Licensing Agency, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287
Telephone: (503) 373-1917

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Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clarify retirement eligibility for police officer and firefighter members.

Date:	Time:	Location:
10-25-11	2 p.m.	PERS 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.160 & 238A.165

Proposed Amendments: 459-075-0200

Last Date for Comment: 10-28-11, 5 p.m.

Summary: Clarifies eligibility for normal retirement under ORS 238A.160(2) and early retirement under 238A.165(2) for an OPSRP Pension Program member who has held a position as a police officer or firefighter.

The rule requires clarification of the requirement for retirement that an OPSRP Pension Program member employed as a Police Officer or Firefighter member must "have held a position as a police officer or firefighter continuously for a period of not less than five years immediately preceding the effective date of retirement." New lan-

guage is also needed to clarify eligibility for OPSRP Pension Program members who are employed in qualifying positions as a police officer or firefighter and as other than a police officer or firefighter.

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

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Rule Caption: Repeal obsolete and redundant rule.

Date:	Time:	Location:
10-25-11	2 p.m.	PERS 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.005, 238.025 & 238.442

Proposed Repeals: 459-010-0005

Last Date for Comment: 10-28-11, 5 p.m.

Summary: Provisions of this rule are no longer in effect; redundant language not needed in rule.

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

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Oregon State Marine Board Chapter 250

Rule Caption: Outfitter and Guide Program Update.

Date:	Time:	Location:
9-22-11	5 p.m.	Bend Senior Center 1600 SE Reed Market Rd. Bend, OR
10-13-11	5 p.m.	South Beach Marina Mtg. Rm. 2120 SE Marine Science Dr. Newport, OR
10-25-11	6 p.m.	Red Lion Hotel 205 Coburg Rd. Eugene, OR

Hearing Officer: Randy Henry

Stat. Auth.: ORS 830

Stats. Implemented: ORS 704 & 705

Proposed Adoptions: Rules in 250-016

Proposed Amendments: Rules in 250-016

Proposed Repeals: Rules in 250-016

Last Date for Comment: 10-25-11, Close of Hearing

Summary: The purpose of this rule action is to review, update and clarify regulations for the outfitters and guides program.

Rules Coordinator: June LeTarte
Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065
Telephone: (503) 378-2617

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Rule Caption: Clarification of Boating Under the Influence of Intoxicants rules.

Stat. Auth.: ORS 830.110 & 830.505-830.550

Stats. Implemented: ORS 830.535

Proposed Amendments: 250-010-0430, 250-010-0440

Proposed Repeals: 250-010-0400, 250-010-0450, 250-010-0460

Last Date for Comment: 9-30-11, Close of Business

Summary: The purpose of the rule action is to modify and consolidate current BUII rules. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: June LeTarte
Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065
Telephone: (503) 378-2617

NOTICES OF PROPOSED RULEMAKING

Oregon University System, Portland State University Chapter 577

Rule Caption: Amends Portland State University's Health Insurance requirements for Non-immigrant International Students and Dependents.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 577-034-0001

Last Date for Comment: 9-19-11

Summary: The proposed amendments update Portland State University's administrative rule establishing health insurance requirements for non-immigrant international students and their dependents living in the United States. These amendments provide greater detail than the current rule. A copy of the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact and the text of the proposed rules can be found at <http://www.pdx.edu/fadm>

Rules Coordinator: Diane Kirk

Address: Oregon University System, Portland State University, PO Box 751, Portland, OR 97207

Telephone: (503) 725-2656

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**Public Utility Commission
Chapter 860**

Rule Caption: In the Matter of Revising Electric Service Reliability Rules to Reflect Current National Standards.

Stat. Auth.: ORS 183, 756, & 757

Stats. Implemented: ORS 757.020

Proposed Adoptions: 860-023-0081, 860-023-0084, 860-023-0091, 860-023-0101, 860-023-0111, 860-023-0131, 860-023-0151, 860-023-0161

Last Date for Comment: 9-22-11, Close of Business

Summary: This notice of proposed rulemaking clarifies that the proposed rules listed herein are to be effective beginning January 1, 2012. The previously proposed revisions, repeals, and new provisions are rewritten to allow the current electric service reliability rules to stand in effect through December 31, 2011, and the new provisions to become effective on January 1, 2012. The rule changes noticed in the July 2011 *Oregon Bulletin* did not achieve the goal of leaving the current provisions in effect until the January 1, 2012, implementation of the new provisions. The Commission will make the appropriate filing to repeal the current provisions of the electric service reliability rules by December 15, 2011, to be effective on January 1, 2012.

The Commission's existing electric service reliability rules need to be revised to reflect the current national standards. By adopting these proposed rules, Oregon's electric investor-owned utilities will be analyzing and reporting statistical reliability performance using one methodology - consistent with many other electrical utilities across the nation. For electric investor-owned utilities operating in various states (i.e., Idaho Power, PacifiCorp), reporting by more than one methodology is especially burdensome. Trade and other organizations need to have consistent information available that complies with national standards to compare electric utility reliability performance. The proposed rules update the Commission rules to comply with the latest version of the Institute of Electrical and Electronic Engineers (IEEE) Standard - 1366, which is the industry-recognized national standard by which electric distribution utilities are to report reliability performance. By adopting this current standard, future updates to the national standard will be more easily adopted into Oregon's rules.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 552 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to

the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=16868>

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

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**Secretary of State,
Archives Division
Chapter 166**

Rule Caption: Clarifies procedure for agencies adopting or amending rules that incorporate published standards by reference.

Date:	Time:	Location:
9-21-11	9 a.m.	800 Summer St. NE, Salem, OR 97310

Hearing Officer: Julie Yamaka

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.355

Proposed Amendments: 166-500-0040

Last Date for Comment: 9-21-11, Close of Business

Summary: This rule amendment eliminates a discrepancy found between rule and ORS 183.355 by eliminating conflicting language between statute and rule.

Rules Coordinator: Julie Yamaka

Address: Secretary of State, Archives Division, 800 Summer St. NE, Salem, OR 97310

Telephone: (503) 378-5199

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**Secretary of State,
Corporation Division
Chapter 160**

Rule Caption: EFS Master List Subscription and Registration.

Stat. Auth.: ORS 79.6070 & 79.7010

Stats. Implemented: ORS 79.6070 & 79.7010

Proposed Amendments: 160-050-0230, 160-050-0240

Last Date for Comment: 9-21-11

Summary: These rules update the manner in which the EFS Master List is produced, accessed, and what information the Master List will contain. These rules also update the fees to register as a subscriber to the Master List, and update the fees to amend the registration.

Rules Coordinator: Karen Hutchinson

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2364

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**Secretary of State,
Elections Division
Chapter 165**

Rule Caption: Repeal of Voting System Certification.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 246.520, 246.530, 246.540, 246.550, 246.560, 246.570, 246.580, 246.590 & 246.600

Proposed Repeals: 165-007-0250

Last Date for Comment: 9-23-11, Close of Business

Summary: This rule is proposed for repeal because the voting system standards are contained in ORS 246.560 and the the federal rules as printed in the Federal Election Commission publication: Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems, revised April 2002 are out of date.

Rules Coordinator: Brenda Bayes

NOTICES OF PROPOSED RULEMAKING

Address: Secretary of State, Elections Division, 255 Capitol St. NE,
Suite 501, Salem, OR 97310
Telephone: (503) 986-1518

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Adopts new program approval rules as part of new division 18, expanded division 17, and amended division 10; amends definition of administrator; housekeeping issues for CTE and professional practices program.

Date:	Time:	Location:
9-21-11	1 p.m.	TSPC Office 465 Commercial St. Portland, OR 97301

Hearing Officer: Lynn Beaton

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430, 342.455–342.495 & 342.553

Proposed Adoptions: 584-010-0022, 584-017-1005, 584-017-1008, 584-017-1010, 584-017-1012, 584-017-1015, 584-017-1020, 584-017-1022, 584-017-1025, 584-017-1028, 584-017-1030, 584-017-1032, 584-017-1035, 584-017-1038, 584-017-1040, 584-017-1042, 584-017-1045, 584-017-1048, 584-017-1050, 584-017-1052, 584-017-1055, 584-018-0100, 584-018-0105, 584-018-0110, 584-018-0115, 584-018-0120, 584-018-0125, 584-018-0130, 584-018-0135, 584-018-0140, 584-018-0205, 584-018-0210, 584-018-0305, 584-018-0310, 584-018-0315, 584-018-0405, 584-018-0410, 584-018-0415, 584-018-0505, 584-018-0510, 584-018-0515

Proposed Amendments: 584-010-0001, 584-010-0006, 584-010-0010, 584-010-0015, 584-010-0020, 584-010-0025, 584-010-0030, 584-010-0035, 584-010-0045, 584-010-0050, 584-010-0055, 584-010-0060, 584-010-0090, 584-010-0100, 584-017-0441, 584-036-0055, 584-036-0081, 584-042-0008, 584-042-0012, 584-042-0021, 584-042-0031, 584-042-0036, 584-042-0044, 584-042-0051, 584-042-0081

Proposed Repeals: 584-010-0080, 584-010-0140

Last Date for Comment: 11-3-11

Summary: Agency staff and interested stakeholders have worked together to review the state unit and program accreditation standards. The proposed standards listed below are the result of this collaborative work and include rule 584-010-0022 and Divisions 17 and 18.

ADOPT: 584-010-0022 – Procedure for New and Continued Program Review Visits

584-017-1005 – Effective Date and Applicability to Unit Programs

584-017-1008 – Conceptual Framework

584-017-1010 – Request for Waiver of Rules

584-017-1012 – Waivers of Academic Requirements and Appeals on Academic Decisions

584-017-1015 – Knowledge Skills and Professional Dispositions Generally

584-017-1020 – Knowledge of School Law for Licensed Educators

584-017-1022 – Assessment Systems and Unit Evaluation

584-017-1025 – Consortium

584-017-1028 – Selection, Recruitment and Admission of Candidates

584-017-1030 – Evidence of Effectiveness for Initial I Teaching License Preparation

584-017-1032 – Evidence of Effectiveness for Continuing Teaching License Preparation

584-017-1035 – Verification of Program Completion for All Licensure Programs

584-017-1038 – Field Experience and Clinical Practice

584-017-0441 – Knowledge, Skills and Abilities for Initial School Counselor

584-017-1040 – Waivers for Practicum or Clinical Requirements in the Event of School District Closures

584-017-1042 – Field or Clinical Experiences Generally

584-017-1045 – Student Teaching Generally

584-017-1048 – Internship Agreements Generally

584-017-1050 – Diversity and Inclusion

584-017-1052 – Faculty Qualifications, Performances and Development

584-017-1055 – Faculty Qualifications, Performances and Development

584-018-0100 – Objectives for Initial Teachers Generally

584-018-0105 – Knowledge, Skills, Abilities and Cultural Competencies for Initial I Teaching Licensure

584-018-0110 – Knowledge, Skills, Abilities and Cultural Competencies for Continuing Teaching Licensure

584-018-0115 – Early Childhood Education Authorization

584-018-0120 – Elementary Authorization

584-018-0125 – Middle Level Authorization

584-018-0130 – High School Authorization

584-018-0135 – Endorsements Requiring Multiple Authorizations

584-018-0140 – Adding Authorization Levels to Existing Initial and Continuing teaching Licenses

584-018-0205 – Knowledge, Skills, Abilities and Cultural Competencies for Educational Leadership and Initial Administrator Licensure Licensure

584-018-0210 – Knowledge, Skills, Abilities and Cultural Competencies for Educational Leadership and Continuing Administrator Licensure

584-018-0305 – Knowledge, Skills, Abilities and Cultural Competencies for Initial School Counselor License

584-018-0310 – Knowledge, Skills, Abilities and Cultural Competencies for Continuing School Counselor License

584-018-0315 – Authorization Level for School Counselors

584-018-0405 – Knowledge, Skills, Abilities and Cultural Competencies for Initial School Psychologist Licensure

584-018-0410 – Knowledge, Skills, Abilities and Cultural Competencies for Continuing School Psychologist Licensure

584-018-0415 – Authorization Level for School Psychologists

584-018-0505 – Knowledge, Skills, Abilities and Cultural Competencies for Initial School Social Worker Licensure

584-018-0510 – Knowledge, Skills, Abilities and Cultural Competencies for Continuing School Social Worker Licensure

584-018-0515 – Authorization Level for School Social Workers

AMEND: 584-010-0001 – Purpose of Program Approval: Updates rule to include the commission's 2011 revision of standards and units to align with national standards for teacher preparation.

584-010-0006 – Definitions: Updates program approval definitions including Approved Institution, Area for improvement, At Risk Unit, Low Performing Unit, and Unit. Corrects statutes cited.

584-010-0010 – Unit Accreditation for Teachers, Administrators and Personnel Service Specialists – Clarifies unit accreditation requirements and corrects statutes cited.

584-010-0015 – Preconditions for First-Time Unit or Program Approval; Updates first-time unit approval requirements. Corrects statutes cited.

584-010-0020 – Procedure for Unit Accreditation Visits. Updates procedure for Unit accreditation visits. Corrects statutes cited.

584-010-0025 – Recommendations Following Unit Accreditation: Clarifies Executive Director recommendations to the commission following a unit site visit. Recommendations include Unconditional Approval, Approval with Conditions and Probationary Approval for "at-risk institutions". Updates statutes cited.

584-010-0030 – Commission Action Following on-Site Review: Clarifies rule language and adds the approval of unit with an established probation period and designating the unit as "at risk institution". Updates statutes cited.

584-010-0035 – Submitting Program Modification, Additions or Elimination to the Commission: Corrects reference to Director of Teacher Education.

584-010-0045 – Major Modifications of Programs: Minor language corrections. Updates statutes cited.

NOTICES OF PROPOSED RULEMAKING

584-010-0050 – Annual Report from the Unit: Updates due date for annual report submission to the commission. Clarifies unit reporting requirements and corrects statutes cited.

584-010-0055 – Review of Programs Not Previously Approved: Clarifies requirements for programs not previously approved by the commission.

584-010-0060 – Denial of Program Approval and Appeal: Adds language if the commission's decision to deny approval is accompanied with a recommendation for immediate withdrawal is necessary to protect the students, an appeal shall act as a stay of determination until final decision of the appeal.

Updates statutes cited.

584-010-0090 – Program Completion Fast Track – Field Operation Audit: Corrects the statutes cited.

584-010-0100 – Reports of Program Completion for the Commission: Corrects statutes cited.

584-017-0441 – Knowledge, Skills and Abilities for Initial School Counselor: Amends program requirements for school counselor candidate programs.

584-036-0055 – Fees: Allows the Executive Director or her designee to consider extenuating circumstances and determine when it is appropriate to waive the fee.

584-036-0081 – Conditional Assignment Permit: Amends rule to clearly establish CAP as a license; extends fall timeline for districts to apply; clarify that new process has same flexibility for districts as original CAP; lists other options for discussion, specifically addressing whether the district or educator pays the required fee and the conditions under which a district can establish a CAP for special education.

584-042-0008 – Five-Year Career and Technical Education Teaching License: Effective July 15, 2011, 5-year license no longer issued.

However, existing 5-year CTE license holders still valid and renewable.

584-042-0012 – Career and Technical Education Teaching License Renewal: Existing three-year CTE licensee must qualify for the CTE II upon expiration. In extenuating circumstances, CTE license holder may apply for a one-year CTE license to complete the additional requirements for renewal.

584-042-0021 – Definitions: Clarifies definition of CTE Mentor. Corrects statutes cited.

584-042-0031 – Career and Technical Education I Teaching License: Language clarification regarding fingerprints, and commission-approved civil rights test. Corrects statutes cited.

584-042-0036 – Career and Technical Education II Teaching License: Clarifies CTE II license holders eligible to teach within the full scope of the CTE endorsement. Corrects statutes cited.

584-042-0044 – Career and Technical Education Endorsement: Language clarification (3)(e), (3)(e)(B).

584-042-0051 – Career and Technical Education (CTE) Professional Development Plan: Corrects rule sub-sections in reference rules cited and corrects coursework hours required for license.

584-042-0081 – Career and Technical Education Restricted Substitute Teaching License: Clarifies language regarding commission-approved civil rights test. Adds requirement for teacher preparation in math and language arts.

REPEAL: 584-010-0080 – Appeals

584-010-0140 – Three Year and Six Year Reports

Rules Coordinator: Lynn Beaton

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

Telephone: (503) 373-0981

ADMINISTRATIVE RULES

Board of Architect Examiners Chapter 806

Rule Caption: Rules of Procedure.

Adm. Order No.: BAE 2-2011

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11

Notice Publication Date: 6-1-2011

Rules Amended: 806-001-0004, 806-001-0005

Subject: This rule amendment is needed to adopt the most recent version of the Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedures under the Administrative Procedures Act.

Rules Coordinator: Carol Moeller—(503) 763-0662

806-001-0004

Rules of Procedure

The Board adopts the January 1, 2008, version of the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act to govern the Board's rulemaking and contested cases or equivalent proceedings.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Architect Examiners.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 183.341

Hist.: AE 5, f. 12-22-64; AE 11, f. 2-15-74, ef. 3-11-74; AE 13, f. & ef. 4-2-76; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 3-1981, f. & ef. 12-21-81; AE 1-1984, f. & ef. 8-22-84; AE 1-1987, f. & ef. 3-30-87; AE 3-1992, f. & cert. ef. 6-30-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 3-2000, f. & cert. ef. 7-24-00, Renumbered from 806-010-0055; BAE 3-2004, f. & cert. ef. 5-5-04; BAE 3-2006, f. 3-14-06, cert. ef. 3-15-06; BAE 2-2011, f. & cert. ef. 7-22-11

806-001-0005

Model Rules of Procedure

The Board adopts the January 1, 2008, Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act by reference as the Board's general administrative procedural rules.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Architect Examiners.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.080

Hist.: AE 8, f. 12-15-71, ef. 1-1-72; AE 10, f. 10-26-73, ef. 11-25-73; AE 2-1997, f. & cert. ef. 9-24-97; BAE 3-2004, f. & cert. ef. 5-5-04; BAE 3-2006, f. 3-14-06, cert. ef. 3-15-06; BAE 2-2011, f. & cert. ef. 7-22-11

Rule Caption: Disallowed CPE.

Adm. Order No.: BAE 3-2011

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11

Notice Publication Date: 4-1-2011

Rules Amended: 806-010-0105

Subject: Each year, the Board reviews/audits a random selection of license renewal applications to verify the continuing professional education (CPE) reported on those forms by licensees. Licensees report CPE on an honor system during the renewal cycle, but must be in conformance with the requirements outlined in rule. After its review, the Board may disallow any CPE reported that does not meet the rule requirements, or if no documentation was maintained, as per rule. Requirements outlined are within the control of the licensee. Licensees are granted an extension of time to make up CPE that is disallowed. Because of the additional oversight and administration required, and in order to close the loophole that allows some longer to obtain required CPE, this rule assesses a \$100 fee for reporting CPE without verification or that does not meet the requirements for renewal where an extended period of time is granted to obtain CPE claimed.

Rules Coordinator: Carol Moeller—(503) 763-0662

806-010-0105

Schedule of Actual Fees

(1) Initial Registration:

(a) One year or less — \$75;

(b) More than one year to two years — \$150;

(2) Renewal — \$200;

(a) Late Renewal — \$100;

(b) Obtaining CPE after deadline, but during grace period — \$100;

(c) Obtaining CPE after a renewal cycle in order to make up for CPE that was disallowed during a CPE Audit — \$100;

(3) Examination Application Fee — \$75;

(4) Reciprocal Application Fee — \$100;

(5) Duplicate Wallet Card Certificate — \$25;

(6) Firm Registration — \$100;

(7) Firm Renewal — \$100;

(8) Reinstatement — \$400;

(9) Miscellaneous:

(a) Labels, lists, or computer disk of licensees — \$50;

(b) Copying charges:

(A) The first 5 pages — free;

(B) Additional pages — \$0.25 per page.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 3-1983, f. 1-12-83, ef. 3-1-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 1-1988, f. & cert. ef. 3-14-88; AE 2-1988, f. & cert. ef. 9-9-88; AE 4-1992, f. & cert. ef. 9-2-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 2-2002, f. & cert. ef. 4-30-02; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 3-2010, f. & cert. ef. 12-14-10; BAE 3-2011, f. & cert. ef. 7-22-11

Board of Massage Therapists Chapter 334

Rule Caption: To include credit hours for accepted education per US Department of Education requirements.

Adm. Order No.: BMT 3-2011(Temp)

Filed with Sec. of State: 8-10-2011

Certified to be Effective: 8-10-11 thru 2-6-12

Notice Publication Date:

Rules Amended: 334-010-0005

Subject: Hours can be calculated in clock hours or credit hours from an institution that substantially comply with the definition of credit hours in 24 CFR 600.2.

Rules Coordinator: Diana Nott—(503) 365-8657, ext. 1

334-010-0005

Applications

(1) All applications for examinations, licensure, inactive status, renewal, or temporary permit shall be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, will be accepted for filing and review by the Board.

(2) All applications made to the Board shall be accompanied by the required fee.

(3) Applicants for examination shall submit the following with their application:

(a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;

(b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.

(A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.

(B) If a program or institution granting credit is no longer in business, the Board will accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents.

(c) Proof of current certification in cardiopulmonary resuscitation (CPR);

(d) A current photograph of the applicant;

(4) Transcripts must include a minimum of 500 hours of certified classes. The 500 hours must include the knowledge and skills identified in OAR 334-010-0047 "competencies" and shall be comprised of:

(a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and

(b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, Sanitation, and Hydrotherapy.

(c) Hours can be calculated in clock hours or credit hours from an institution that substantially comply with the definition of credit hours in 34CFR600.2.

(5) If for any reason an applicant does not appear to be qualified for admission to take the examination, the applicant shall be so notified and

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invited to submit additional evidence that he/she is entitled to have his/her case considered or to be admitted to examination.

(6) All application documents for examination and licensure submitted in a language other than English shall be accompanied by:

(a) An accurate translation of those documents into English;

(b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and

(c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.

(d) Any costs of translation of all documents required by the Board shall be at the expense of the applicant.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0002; MTB 1-1979, f. & ef. 5-22-79;
MTB 2-1985, f. & ef. 1-23-85; MB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Section (7)(d)
Renumbered from 334-010-0036; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2011(Temp), f. & cert. ef. 8-10-11 thru 2-6-12

Bureau of Labor and Industries Chapter 839

Rule Caption: Conforms Prevailing Wage Rate rules to provisions of SB 178 (2011).

Adm. Order No.: BLI 6-2011(Temp)

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11 thru 12-4-11

Notice Publication Date:

Rules Amended: 839-025-0020

Rules Suspended: 839-025-0020(T)

Subject: This temporary rule conforms the provisions of OAR 839-025-0020 relating to required conditions in public works contracts and contract specifications to the provisions of Senate Bill 178 (2011). SB 178 amended the Prevailing Wage Rate Law to require every contract and subcontract subject to the law to provide that workers on the public works must be paid no less than the higher of the applicable state or federal prevailing rate of wage if a public works project is subject to both state and federal prevailing wage laws. This legislation, having an "emergency clause", became effective upon signature by the governor on June 7, 2011. The temporary rule also requires the specification for public works contracts to provide that contractors and subcontractors have a public works bond filed with the Construction Contractors Board unless exempt, pursuant to the provisions of ORS 279C.830. This temporary rule filing amends temporary rules filed on June 8 in which language implementing the above was inadvertently omitted.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-025-0020

Public Works Contracts and Contract Specifications; Required Conditions

(1) For purposes of this rule:

(a) "Construction Manager/General Contractor contract" (or "CM/GC contract") means a contract that typically results in a general contractor/construction manager initially undertaking various pre-construction tasks that may include, but are not limited to: design phase development, constructability reviews, value engineering, scheduling, and cost estimating, and in which a guaranteed maximum price for completion of construction-type work is typically established by amendment of the initial contract, after the pre-construction tasks are complete or substantially complete. "CM/GC" refers to the general contractor/construction manager under this form of contract. Following the design phase, the CM/GC may then act as a General Contractor and begin the subcontracting process. The CM/GC typically coordinates and manages the construction process, provides contractor expertise, and acts as a member of the project team.

(b) "Construction specifications" include the detailed description of physical characteristics of the improvement, design details, technical descriptions of the method and manner of doing the work, quantities or qualities of any materials required to be furnished, descriptions of dimensions, required units of measurement, composition or manufacturer, and descriptions of any quality, performance, or acceptance requirements.

(2) Every public works contract must contain the following:

(a) A condition or clause that, if the contractor fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person, or the assignee of the person, in connection with the public works contract as such claim becomes due, the proper officer or officers of the public agency may pay such claim and charge the amount of the payment against funds due or to become due the contractor by reason of the contract (Reference: ORS 279C.515);

(b) A condition that no person will be employed for more than 10 hours in any one day, or 40 hours in any one week except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases the person so employed must be paid at least time and one-half the regular rate of pay for all time worked;

(A) For all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and

(C) For all work performed on Saturday and on any legal holiday specified in ORS 279C.540;

(c) A condition that an employer must give notice to employees who work on a public works contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work (Reference: ORS 279C.520); and

(d) A condition that the contractor must promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to employees of such contractor, of all sums which the contractor agrees to pay for such services and all moneys and sums which the contractor collected or deducted from the wages of the contractor's employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service (Reference: ORS 279C.530).

(e) A condition or clause that requires the contractor to:

(A) Have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(B) Require, in every subcontract, that the subcontractor have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(3)(a) Every public works contract and subcontract must provide that each worker in each trade or occupation that the contractor, subcontractor or other person who is a party to the contract uses in performing all or part of the contract, must be paid not less than the applicable prevailing rate of wage.

(b) If a public works project is subject to both ORS 279C.800 to 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), every public works contract and subcontract must provide that the worker in each trade or occupation that the contractor, subcontractor or other person who is a party to the contract uses in performing all or part of the contract, must be paid not less than the higher of the applicable state prevailing rate of wage or federal prevailing rate of wage.

(4)(a) The specifications for every public works contract must contain a provision that states the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.). Except as provided in subsection (c) of this section and sections (6) and (7) of this rule, the existing rate of wage is the rate in effect at the time the initial specifications were first advertised for bid solicitations.

(b) If a public agency is required under subsection (a) of this section or section (6) of this rule to include the state and federal prevailing rates of wage in the specifications for a contract for public works, the public agency shall also require the contractor to pay the higher of the applicable state or federal prevailing rate of wage to all workers on the public works project.

(c) Pursuant to ORS 279C.838(4) and notwithstanding ORS 279C.830(1), if the contract is subject to both ORS 279C.800 to 279C.870 and the Davis Bacon Act (40 U.S.C. 3141 et seq.), the public agency may provide in the specifications for the contract a single date to be used to establish both the "existing state prevailing rate of wage" and the "applicable federal prevailing rate of wage" that is consistent with the federal requirements under 29 CFR 1.6.

(d) The specifications for a contract for public works must provide that the contractor and every subcontractor must have a public works bond

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filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(5)(a) The provisions described in sections (3) and (4), and sections (6) and (7) if applicable, must be included in all specifications for each contract awarded on the project, regardless of the price of any individual contract, so long as the combined price of all contracts awarded on the project is \$50,000 or more (Reference: ORS 279C.830).

(b) A statement incorporating the applicable prevailing wage rate publication and any amendments thereto or Davis-Bacon wage rate determination into the specifications by reference will satisfy these requirements. Except as provided in subsection (c), such reference must include the title of the applicable wage rates publication or determination and the date of the publication or determination as well as the date of any applicable amendments.

(c) When the prevailing wage rates are available electronically or are accessible on the Internet, the rates may be incorporated into the specifications by referring to the electronically accessible or Internet-accessible rates and by providing adequate information about how to access the rates. Such reference must include the title of the applicable wage rates publication or determination and the date of the publication or determination as well as the date of any applicable amendments. The reference requirements of this subsection will be satisfied if such reference includes Uniform Resource Locator (URL) information for a webpage or webpages showing the title of each applicable wage rates publication or determination and the date of each publication or determination as well as the date of any applicable amendments.

(6) When a public agency is a party to a CM/GC contract, the CM/GC contract becomes a public works contract either when the contract first constitutes a binding and enforceable obligation on the part of the CM/GC to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement that is a public works or when the CM/GC contract enters the construction phase, whichever occurs first. The prevailing wage rate in effect at that time shall apply and must be included with the construction specifications for the CM/GC contract. For example, the CM/GC will have a binding and enforceable obligation to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement after the public agency and CM/GC commit to the guaranteed maximum price. For purposes of this rule, the CM/GC contract enters the construction phase when the agency first authorizes the performance of early construction, reconstruction, major renovation or painting work directly related to the improvement project.

(7) A public works project described in ORS 279C.800(6)(a)(B), (C), or (D) that is not a CM/GC contract subject to section (6) of this rule is subject to the existing state prevailing rate of wage or, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act that is in effect at the time a public agency enters into an agreement with a private entity for the project. After that time, the specifications for any contract for the public works shall include the applicable prevailing rate of wage.

(8) If a project is a public works of the type described in ORS 279C.800(6)(a)(B), (C), or (D), a public agency will be deemed to have complied with the provisions of ORS 279C.830 if the public agency requires compliance with the provisions of section (5) of this rule in any agreement entered into by the public agency committing to provide funds for the project, to occupy or use the completed project, or authorizing the construction or installation of a solar radiation device.

(9) Public agencies may obtain, without cost, a copy of the existing state prevailing rate of wages for use in preparing the contract specifications by contacting the Prevailing Wage Rate Unit or any office of the bureau.

Stat. Auth.: ORS 279C & 651.060
Stats. Implemented: ORS 279C.800-279C.870
Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 7-1989(Temp), f. 10-2-89, cert. ef. 10-3-89; BL 5-1990, f. 3-30-90, cert. ef. 4-1-90; BL 3-1996, f. & cert. ef. 1-26-96; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0020, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 19-2006(Temp), f. 5-12-06, cert. ef. 5-15-06 thru 11-10-06; BLI 39-2006, f. 11-8-06, cert. ef. 11-10-06; BLI 2-2007, f. & cert. ef. 1-23-07; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11; BLI 6-2011(Temp), f. & cert. ef. 7-22-11 thru 12-4-11

Department of Administrative Services Chapter 125

Rule Caption: To provide peer review and reports of the Health Related Licensing Boards and the Oregon Health Licensing Agencies.

Adm. Order No.: DAS 2-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 6-1-2011

Rules Adopted: 125-300-0200

Subject: This rule is for periodic reports and peer review of the Health Licensing Agency and Boards.

Rules Coordinator: Linda Pavis—(503) 378-2349, ext. 325

125-300-0200

Purpose, Definitions, Reviews, and Annual Reports

(1) This rule is for defined Health Related Licensing Boards and the Oregon Health Licensing Agency to provide periodic reports and peer reviews to support the primary mission of protecting the public.

(2) Health Professional Regulatory Boards listed in ORS 676.160, other than the Oregon Health Authority with regard to certification of emergency technicians; and

(3) Health Licensing Agency created in ORS 676.605, consisting of the Boards in ORS 676.606.

(4) A Peer Review Committee will be selected by a majority of the agency executive directors and include at least two executive directors from the Health Professional Regulatory Boards and at least one public member of a Health Professional Regulatory Board. The Peer Review Committee shall:

(a) Conduct periodic review of agencies;

(b) Examine investigative, monitoring or licensing files; and

(c) Analyze strengths, weaknesses, opportunities and challenges of the licensing, monitoring or investigative process.

(5) The executive director of each agency shall provide an annual report to the Governor's office. The annual report shall include the following information for the reporting period:

(a) Number and type of current licensees;

(b) Number and type of applications processed;

(c) Number of complaints received;

(d) Number and type of board disciplinary actions taken;

(e) Number of licensees on probation;

(f) Number of licensees in the Health Professional Services program;

(g) Number of full time equivalent staff;

(h) Legislatively approved biennial budget amount; and

(i) Summary of key performance measures.

Stat. Auth.: ORS 426.385, 675.070, 675.100, 675.130, 675.300, 675.310, 675.320, 675.510, 675.540, 675.583, 675.590, 675.600, 675.745, 675.775, 675.785, 676.165, 676.608, 677.010, 677.188, 677.190, 677.235, 677.250, 677.270, 677.275, 677.415, 677.417, 677.655, 678.111, 678.112, 678.140, 678.150, 678.442, 678.780, 678.800, 679.140, 679.230, 679.250, 679.290, 681.350, 681.400, 681.410, 681.450, 683.140, 683.250, 683.260, 684.010, 684.100, 684.103, 684.130, 684.140, 684.157, 685.110, 685.160, 685.170, 686.120, 686.130, 686.210, 687.051, 687.081, 687.115, 688.140, 688.160, 688.525, 688.545, 689.005, 689.115, 689.165, 689.195, 689.255, 689.265, 689.405, 689.508, 691.485, 691.505, 691.535, 692.180, 692.300, 692.320, sec. 38, ch. 43 OL 2009 (SB 131), sec. 50 OL 2009 (SB 177), repealing ORS 689.125 & sec. 1, ch 43, OL 2009 (SB131), & sec. 2, OL 2009 (SB 177).

Stats. Implemented: ORS 676.160

Hist.: DAS 2-2011, f. & cert. ef. 8-1-11

Department of Agriculture Chapter 603

Rule Caption: Updating scientific names, corrects typos, add Sherman County to cherry fruit fly control area.

Adm. Order No.: DOA 11-2011

Filed with Sec. of State: 7-20-2011

Certified to be Effective: 7-20-11

Notice Publication Date: 5-1-2011

Rules Amended: 603-052-0030, 603-052-0150, 603-052-0153, 603-052-0160, 603-052-0187, 603-052-0265

Subject: Housekeeping changes updated scientific names in the following control areas: Wasco County Control Area Apple Maggot, San Jose Scale, and Codling Moth; Jackson County Control Area Pear, and Apple Insects; Josephine County Control Area Apple Maggot; and Hood River County Control and Eradication of Insects and Diseases in Pear, Quince, Apple, Peach, and Apricot Trees and Orchards. Corrected typos in plum curculio quarantine. Added Sherman County to Cherry Fruit Fly control area due to expansion of cherry industry into Sherman County, change facilitated marketing Sherman County cherries to California.

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

ADMINISTRATIVE RULES

603-052-0030

Plum Curculio Quarantine

A quarantine is established against the following pest, its host and possible carriers:

(1) Pest. Plum curculio, *Conotrachelus nenuphar* (Herbst) (Coleoptera: *Curculionidae*), is a native weevil found throughout the eastern United States and Canada. It is a common and serious pest of all stone fruits and, to a lesser extent, of apple and pear. The larvae live within the fruit of their host plants.

(2) Area Under Quarantine:

(A) In the eastern United States and Canada, all states and provinces east of and including Manitoba, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

(B) In Utah, Box Elder County.

(3) Articles and Commodities Covered:

(a) Fresh fruit of all plants listed below:

(A) Apple (*Malus spp.*);

(B) Apricot (*Prunus persica*)

(C) Cherry, black (*P. serotina*);

(D) Cherry, Choke (*P. virginiana*);

(E) Cherry, pin (*P. pensylvanica*);

(F) Cherry, sand (*P. pumila*);

(G) Cherry, sour (*P. cerasus*);

(H) Cherry, sweet (*P. avium*);

(I) Crabapple (*Malus spp.*);

(J) Hawthorn (*Crataegus spp.*);

(K) Nectarine (*Prunus persica nectarina*);

(L) Peach (*P. persica*);

(M) Pear (*Pyrus communis*);

(N) Plum, American (wild) (*Prunus alleghaniensis*)

(O) Plum, beach (*P. maritima*);

(P) Plum, European (*P. domestica*);

(Q) Plum, Japanese (*P. salicina*);

(R) Prune (*P. spp.*)

(S) Quince (*Cydonia oblonga*).

(b) Soil or other growing medium within the drip zone of plants producing, or which have produced, fruit as listed in subsection (a) of this section.

(4) Restrictions:

(a) Certification Required. Articles and commodities covered which are produced in or shipped from the area under quarantine are prohibited entry into the state of Oregon unless each lot or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the article or commodity is shipped evidencing compliance with subsections (c), (d), (f), or (g) of this section. No certificate is required for commodities meeting the requirements of subsections (b) or (e) of this section;

(b) Reshipments in Original Containers from Area Under Quarantine of Commodities Grown Outside Thereof. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine;

(c) Repacked Commodities Admissible from Area Under Quarantine if Certified Grown Outside Thereof. Provided each lot or shipment is certified by an authorized agricultural official to have been grown outside the area under quarantine and that continued identity has been maintained while within the area under quarantine, the commodities may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall set forth the state in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee;

(d) Apple Exposed to Controlled Atmosphere (CA) Storage Admissible Under Certificate. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety (90) days, during which period the temperature within the storage room is maintained at thirty-eight degrees (38°) F (3.3° C) or less, may be admitted into Oregon provided said storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility and further provided each lot or shipment of such apples to Oregon is accompanied by a certificate, as stated in subsection (a) of this section, evidencing compliance with the minimum requirements of this section;

(e) Solid Frozen Fruits Exempt. No restrictions are placed by this regulation on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state;

(f) Shipments from Cold Storage at 32° F (0° C). Commodities covered which are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit (32° F) (0° C) or less, may be admitted into Oregon provided each lot or shipment is accompanied by a certificate, as stated in subsection (a) of this section, evidencing compliance with the minimum requirements of this paragraph;

(g) Soil or Growing Media When Certified. Soil or growing media specified in subsection (3)(b) of this rule is admissible when certified as treated at origin in a manner approved by the Director

Stat. Auth.: ORS 561 & 570.305

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 19-1994, f. & cert. ef. 11-15-94; DOA 11-2011, f. & cert. ef. 7-20-11

603-052-0150

Control Areas and Procedures

(1) As authorized by ORS 570.405 to 570.435, a control area is established in each of the following counties for the protection of the cherry industry in that area through the eradication or control of the cherry fruit fly:

(a) Hood River County;

(b) Lane County;

(c) Linn County;

(d) Marion County;

(e) Polk County;

(f) Sherman County;

(g) Umatilla County;

(h) Union County;

(i) Yamhill County; and

(j) The portion of Wasco county, north of Warm Springs Reservation.

(2) Approved IPM practices, including spray formulations, are those recommended by the Oregon State Extension Service as described for specific control areas in the following extension documents:

(a) For Hood River and Wasco counties: Pest Management Guide for Tree Fruits in the Mid-Columbia Area. EM 8203, Oregon State University Extension Service.

(b) For Lane, Linn, Marion, Polk and Yamhill counties: Pest Management Guide for the Willamette Valley, EM 8329, Oregon State University Extension Service.

(c) For Umatilla and Union counties Cherry Fruit Fly Pest Management for control areas in Umatilla and Union counties. EM 8587, Oregon State University Extension Service.

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

Stat. Auth.: ORS 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 603, f. & ef. 10-31-58; AD 974(7-72), f. 7-27-72, ef. 8-15-72; AD 1073(19-75), f. & ef. 12-5-75; AD 11-1977, f. 5-10-77, ef. 5-20-77; DOA 4-2005, f. & cert. ef. 2-14-05; DOA 1-2006, f. & cert. ef. 1-13-06; DOA 2-2007, f. & cert. ef. 1-30-07; DOA 11-2011, f. & cert. ef. 7-20-11

603-052-0153

Definitions

As used in OAR 603-052-0154 to 603-052-0158, unless the context requires otherwise:

(1) "Host Tree" means cherry (*Prunus spp.*), pears (*Pyrus spp.*), apples (*Malus spp.*) and Hawthorns (*Crataegus spp.*) and may include other rosaceous hosts of Apple Maggot (*Rhagoletis pomonella*) as may be deemed necessary by the Department.

(2) "Insect" means Apple Maggot (*Rhagoletis pomonella*)(Walsh), San Jose Scale (*Diaspidiotus perniciosus*)(Comstock) and Codling Moth (*Cydia pomonella*)(Linnaeus).

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 13-1981, f. 7-24-81, ef. 8-7-81; DOA 3-2009, f. & cert. ef. 2-13-09; DOA 11-2011, f. & cert. ef. 7-20-11

603-052-0160

Definitions

As used in OAR 603-052-0165 to 603-052-0185, unless the context requires otherwise:

(1) "Host Tree" means Pear (*Pyrus spp.*), apples (*Malus spp.*) and Hawthorns (*Crataegus spp.*) and may include other rosaceous hosts of Apple Maggot (*Rhagoletis pomonella*)(Walsh) deemed necessary by the Oregon Department of Agriculture.

(2) "Insect" means Codling Moth (*Cydia pomonella*)(Linnaeus), Apple Maggot (*Rhagoletis pomonella*), and Pear Pyslla (*Psylla pyricola*)(Foester).

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Stat. Auth.: ORS 561 & 570
Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415
Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77; AD 16-1981, f. 7-24-81, ef. 8-7-81; DOA 3-2009, f. & cert. ef. 2-13-09; DOA 11-2011, f. & cert. ef. 7-20-11

Stats. Implemented: OL Ch. 248, HB 2156
Hist.: AD 12-1990, f. & cert. ef. 6-4-90; AD 8-1994, f. & cert. ef. 7-26-94; DOA 15-2001(Temp), f. & cert. ef. 7-2-01 thru 12-28-01; DOA 28-2001, f. & cert. ef. 12-31-01; DOA 30-2003, f. 9-11-03, cert. ef. 10-1-03; DOA 12-2011(Temp), f. & cert. ef. 7-22-11 thru 1-18-12

603-052-0187

Definitions

As used in OAR 603-052-0188 to 603-052-0192, unless the context requires otherwise:

(1) "Host Tree" means pears (*Pyrus spp.*), apples (*Malus spp.*) and Hawthorns (*Crataegus spp.*) and may include other rosaceous hosts of Apple Maggot (*Rhagoletis pomonella*)(Walsh) as may be deemed necessary by the Oregon Department of Agriculture.

(2) "Insect" means Apple Maggot (*Rhagoletis pomonella*)(Walsh) efforts by enabling areawide spraying programs of commercial orchards in the control area.

Stat. Auth.: ORS 561 & 570
Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415
Hist.: AD 17-1981, f. 7-24-81, ef. 8-7-81; DOA 11-2011, f. & cert. ef. 7-20-11

603-052-0265

Definitions

As used in OAR 603-052-0260 to 603-052-0280, unless the context requires otherwise:

(1) "Disease Organisms" means the diseases Pseudomonas blight (*Pseudomonas syringae*), Coryneum blight (*Coryneum carpophilum*), Peach leaf curl (*Taphrina deformans*), Fire blight (*Erwinia amylovora*), and Apple scab (*Venturia inaequalis*).

(2) "Host Plant" or "Host Tree" means Pear (*Pyrus spp.*), Quince (*Cydonia spp.*), Apple (*Malus spp.*), Peach (*Prunus spp.*), and Apricot (*Prunus spp.*), Hawthorn (*Crataegus spp.*), and may include other rosaceous hosts of Apple Maggot as deemed necessary by the Oregon Department of Agriculture.

(3) "Insect" means Codling Moth (*Cydia pomonella*)(Linnaeus), Oriental Fruit Moth (*Grapholitha molesta*)(Busck), Pear psylla (*Psylla pyricola*)(Foerster), San Jose Scale

(*Diaspidiotus perniciosus*)(Comstock), Shot Hole Borer (*Scolytus rugulosus*)(Müller), Apple Maggot (*Rhagoletis pomonella*)(Walsh) and Peach Twig Borer (*Anarsia lineatella* Zeller).

Stat. Auth.: ORS 561 & 570
Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415
Hist.: AD 818(6-66), f. 4-12-66, ef. 4-27-66; AD 874(5-68), f. 4-1-68, ef. 4-15-68; AD 1106(27-76), f. & ef. 9-15-76; AD 14-1981, f. 7-24-81, ef. 8-7-81; DOA 16-2008, f. & cert. ef. 7-11-08; DOA 3-2009, f. & cert. ef. 2-13-09; DOA 11-2011, f. & cert. ef. 7-20-11

Rule Caption: Amendment to update Confined Animal Feeding Operation (CAFO) Annual Compliance fees.

Adm. Order No.: DOA 12-2011(Temp)

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11 thru 1-18-12

Notice Publication Date:

Rules Amended: 603-074-0020

Subject: This temporary rule amendment will allow the department to collect the newly increased annual fees from CAFOs for the 2011–2012 fiscal year. Their increased fees will replace General Fund monies that the Legislature removed from the CAFO program 2011–2013 budget.

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

603-074-0020

Permit Fees

Any person owning or operating a Confined Animal Feeding Operation (CAFO) under a National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facility (WPCF) permit must pay the following fees:

(1) Initial filing fee: \$50.00.

(2) Annual fee:

(a) The annual fee shall be paid to the department and be effective with the state's fiscal year July 1–June 30 and shall be paid no later than July 31.

(b) Annual fees are described in the table below: [Table not included. See ED. NOTE.]

(3) Any additional fees required by OAR 340-045-0075.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 561.190 & 561.191

Rule Caption: Labeling and product registration rules for animal feeds.

Adm. Order No.: DOA 13-2011

Filed with Sec. of State: 8-12-2011

Certified to be Effective: 8-12-11

Notice Publication Date: 5-1-2011

Rules Adopted: 603-058-0110, 603-058-0120, 603-058-0125, 603-058-0130, 603-058-0140, 603-058-0150, 603-058-0160, 603-058-0170, 603-058-0180, 603-058-0190, 603-058-0200, 603-058-0210, 603-058-0220, 603-058-0230, 603-058-0240, 603-058-0250, 603-058-0260, 603-058-0270, 603-058-0280, 603-058-0290

Rules Repealed: 603-058-0001, 603-058-0002, 603-058-0005, 603-058-0010, 603-058-0011, 603-058-0020, 603-058-0021, 603-058-0026, 603-058-0028, 603-058-0029, 603-058-0031, 603-058-0032, 603-058-0036, 603-058-0040, 603-058-0051, 603-058-0052, 603-058-0065, 603-058-0070

Subject: Replaces existing feed rules with model rules developed by the American Association of Feed Control Officials. Rules appear in same order as their sections appear on a feed label. Increases disclosure of nutrients on custom dairy and hog feeds. Establishes action levels for adulterants of concern to Oregon animal owners. Adds the requirement for manufacturers to use a lot number. Establishes good manufacturing practices to reduce adulteration. Adopts rules to prevent the amplification of bovine spongiform encephalopathy via feed. Clarifies fee structure for company licenses. Provides for referee samples at request of the animal feeder. Establishes timelines to provide certificates of free sale to firms exporting commercial feeds.

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

603-058-0110

Definitions

In addition to the definitions set forth in ORS 633.006, and unless the context requires otherwise, the following shall apply to ORS 633.015 to 633.089 and OAR 603-058-0110 to 603-058-0290:

(1) "Medicated Feed" means a commercial feed in combination with a drug, as defined in subsection (10) of ORS 633.006.

(2) "Director" means the Director of the Oregon Department of Agriculture.

(3) "Consultant-Formulated" feed means commercial feed manufactured for a final purchaser based upon formula and/or specifications developed for the feed purchaser by an independent consultant or feed manufacturer.

(4) "Independent consultant" means any person who provides animal nutritional formulation to a feed purchaser as a service rather than the sale of feed.

(5) Principal Display Panel means the out-facing side of the feed tag, or if no tag, the part of the label that is most likely to be displayed, presented, shown or examined under normal or customary conditions of sale.

(6) "Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0120

Label Format for Commercial Feeds

(1) Commercial feed, other than custom mixed feed, shall bear the information prescribed in this regulation on the label of the product and in the following format:

(a) Product name and brand name, if any, as stipulated in OAR 603-058-0130(1);

(b) If a drug is used, label as stipulated in OAR 603-058-0130(2);

(c) Purpose statement as stipulated in OAR 603-058-0130(3);

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- (d) Guaranteed analysis as stipulated in OAR 603-058-0130(4);
 - (e) Feed ingredients as stipulated in OAR 603-058-0130(5);
 - (f) Directions for use and precautionary statements as stipulated in OAR 603-058-0130(6);
 - (g) Name and principal mailing address and phone number of manufacturer or persons responsible for distributing the feed as stipulated in OAR 603-058-0130(7);
 - (h) Quantity statement as stipulated in OAR 603-058-0130(8);
 - (i) Lot Number as stipulated in OAR 603-058-0130(9).
- (2) Principal Display Panel:
- (a) The information as required in OAR 603-058-0120(1)(a), (b), (c) and (h) must appear in its entirety on the principal display panel;
 - (b) The information as required in OAR 603-058-0120(1)(d), (e), (f), (g) and (i) shall be displayed in a prominent place on the feed tag or label, but not necessarily on the principal display panel;
 - (c) None of the information required by OAR 603-058-0120 shall be subordinated or obscured by other statements of designs.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0125

Label Format for Custom Feeds

- (1) Customer mixed feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information:
- (a) The name and address of the manufacturer;
 - (b) The name and address of the purchaser;
 - (c) The date of sale or delivery;
 - (d) The custom mixed feed name and brand name if any;
 - (e) If intended for Dairy or swine it shall also bear the guaranteed analysis as stipulated in OAR 603-058-0130(4);
 - (f) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture;
 - (g) The directions for use and precautionary statements as required by OAR 603-058-0130(6);
 - (h) If a drug containing product is used:
 - (A) The Purpose of the medication (claim Statement);
 - (B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with OAR 603-058-0130(2).

- (i) The statement: "This feed is formulated for " insert name of final consumer". No resale to other users is allowed."

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0130

Label Information.

In addition to the requirements set forth in ORS 633.026, commercial feeds, other than custom mixed feed shall be labeled with the information prescribed in this regulation.

- (1) Product name and brand name if any:
- (a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A commercial feed for a particular animal class, must be suitable for that purpose;
 - (b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such name;
 - (c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading;
 - (d) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen;
 - (e) When the name carries a percentage value, it shall be understood to signify protein and /or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein". Provided other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall

not be used in such a manner as to be misleading or confusing to the customer. E.G.: "Dairy 16%" containing only 14% Crude Protein is misleading;

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Department designates otherwise;

(g) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in OAR 603-058-0130(4);

(h) The term "mineralized" salt shall not be used in the name of a feed except for "Trace Mineralized Salt". When so used, the product must contain significant amounts of trace minerals, which are recognized as essential for animal nutrition;

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat-byproducts are made from cattle, swine, sheep and goats.

(2) If a drug is used:

(a) The word "medicated" shall appear directly following and below the product name in a type size, no smaller than one-half the type size of the product name;

(b) Purpose statement as required in OAR 603-058-0130(3);

(c) The purpose of medication (claim statement);

(d) An Active ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with OAR 603-058-0130(5).

(3) Purpose Statement:

(a) The statement of purpose shall contain the specific species and animal class(s) for which the feed is intended as defined in OAR 603-058-0130(4);

(b) The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, species and purpose while being consistent with the category of animal class defined in OAR 603-058-0130(4) which may include, but is not limited to weight range(s), sex, or ages of the animal(s) for which the feed is manufactured;

(c) The purpose statement may be excluded from the label if the product name includes a description of the species and animal class(s) for which the product is intended;

(d) The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds and premix specifications are provided by the end user;

(e) The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species and state "For Further Manufacture of Feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds.

(4) Guarantees of nutrients: Crude Protein, Equivalent Crude Protein from Non Protein Nitrogen, Lysine, Methionine, Crude Fat, Crude Fiber, Acid Detergent Fiber, Neutral Detergent Fiber, Dietary Starch, Sugars, Fructans, Calcium, Phosphorus, Salt, Sodium, Magnesium, Potassium, Copper, Selenium, Zinc and Vitamin A shall be the sequence of nutritional guarantees when such guarantee is stated. Other required and voluntary guarantees should follow Vitamin A in a general format such that the units of measure used to express guarantees (percentage, parts per million, International Units, etc.) are listed in a sequence that provides a consistent grouping of the units of measure.

(a) Required guarantees for swine formula feeds:

(A) Animal Classes:

(i) Pre-Starter — 2 to 11 pounds;

(ii) Starter — 11 to 44 pounds;

(iii) Grower — 44 to 110 pounds;

(iv) Finisher — 110 to 242 pounds (market);

(v) Gilts, Sows and Adult Boars;

(vi) Lactating Gilts and Sows.

(B) Guaranteed Analysis for Swine Complete Feeds and Supplements

(all animal classes):

(i) Minimum percentage of Crude Protein;

(ii) Minimum percentage of Lysine;

(iii) Minimum percentage of Crude Fat;

(iv) Maximum percentage of Crude Fiber;

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- (v) Minimum and maximum percentage of Calcium;
- (vi) Minimum percentage of Phosphorus;
- (vii) Minimum and maximum percentage of Salt (if added);
- (viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee terms of percentage;
- (ix) Minimum Selenium in parts per million (ppm);
- (x) Minimum Zinc in parts per million (ppm).
- (b) Required guarantees for Formula Poultry Feeds (Broilers, Layers and Turkeys):
 - (A) Animal Classes:
 - (i) Layer — Chickens that are grown to Produce eggs for food, e.g., table eggs:
 - (I) Starting/Growing — From day of hatch to approximately 10 weeks of age;
 - (II) Finisher — From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age at time of egg production);
 - (III) Laying — From time of first egg is laid throughout the time of egg production;
 - (IV) Breeders — Chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs, from time first egg is laid throughout their productive cycle.
 - (ii) Broilers — Chickens that are grown for human food:
 - (I) Starting/Growing — From day of hatch to approximately 5 weeks of age;
 - (II) Finisher — From approximately 5 weeks of age to market, (42 to 52 days);
 - (III) Breeders — Hybrid strains of chickens whose offspring are grown for human food, (broilers), any age and either sex.
 - (iii) Broilers, Breeders — Chickens whose offspring are grown for human food (broilers):
 - (I) Starting/Growing — From day of hatch until approximately 10 weeks of age;
 - (II) Finishing — From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age;
 - (III) Laying — Fertile egg producing chickens (broilers/ roasters) from day of first egg throughout the time fertile eggs are produced.
 - (iv) Turkeys:
 - (I) Starting/Growing — Turkeys that are grown for human food from day of hatch to approximately 13 weeks of age (females) and 16 weeks of age (males);
 - (II) Finisher — Turkeys that are grown for human food, females from approximately 13 weeks of age to approximately 17 weeks of age; males from 16 weeks of age to 20 weeks of age, (or desired market weight);
 - (III) Laying — Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs;
 - (IV) Breeder-Turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced (approximately 30 weeks of age), both sexes.
 - (B) Guaranteed Analysis for Poultry Complete feeds and Supplements (all animal classes):
 - (i) Minimum percentage of Crude Protein;
 - (ii) Minimum percentage of Lysine;
 - (iii) Minimum percentage of Methionine;
 - (iv) Minimum percentage of Crude Fat;
 - (v) Maximum percentage of Crude Fiber;
 - (vi) Minimum and maximum percentage of Calcium;
 - (vii) Minimum percentage of Phosphorus;
 - (viii) Minimum and maximum percentage of Salt (if added);
 - (ix) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.
 - (c) Required Guarantees for Beef Cattle Formula Feeds:
 - (A) Animal Classes:
 - (i) Calves (birth to weaning);
 - (ii) Cattle on Pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.);
 - (iii) Feedlot Cattle.
 - (B) Guaranteed analysis for Beef Complete Feeds and Supplements (all animal classes):
 - (i) Minimum percentage of Crude Protein;
 - (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added;
 - (iii) Minimum percentage of Crude Fat;
 - (iv) Maximum percentage of Crude Fiber;

- (v) Minimum and maximum percentage of Calcium (if added);
- (vi) Minimum percentage of Phosphorus (if added);
- (vii) Minimum and maximum percentage of Salt (if added);
- (viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;
- (ix) Minimum percentage of Potassium (if added);
- (x) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).
- (C) Guaranteed analysis for Beef Mineral Feeds (if added):
 - (i) Minimum and maximum percentage Calcium;
 - (ii) Minimum percentage of Phosphorus;
 - (iii) Minimum and maximum percentage of Salt;
 - (iv) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;
 - (v) Minimum percentage of Magnesium;
 - (vi) Minimum percentage of Potassium;
 - (vii) Minimum Copper in parts per million (ppm);
 - (viii) Minimum Selenium in parts per million (ppm);
 - (ix) Minimum Zinc in parts per million (ppm);
 - (x) Minimum Vitamin A, other than precursors of Vitamin A, international Units per pound.
- (d) Required Guarantees for Dairy Formula Feeds:
 - (A) Animal Classes:
 - (i) Veal Milk Replacer — Milk Replacer to be fed for veal production;
 - (ii) Herd Milk Replacer — Milk Replacer to be fed for herd replacement calves;
 - (iii) Starter — Approximately 3 days to 3 months;
 - (iv) Growing Heifers, Bulls and Dairy Beef:
 - (I) Grower 1 — 3 months to 12 months of age;
 - (II) Grower 2 — More than 12 months of age.
 - (v) Lactating Dairy Cattle;
 - (vi) Non-Lactating Dairy Cattle.
 - (B) Guaranteed Analysis for Veal and Herd Replacement Milk Replacer:
 - (i) Minimum percentage Crude Protein;
 - (ii) Minimum percentage Crude Fat;
 - (iii) Maximum percentage of Crude Fiber;
 - (iv) Minimum and maximum percentage Calcium;
 - (v) Minimum percentage of Phosphorus;
 - (vi) Minimum Vitamin A, other than precursors of Vitamin A, in international Units per pound (if added).
 - (C) Guaranteed Analysis for Dairy Cattle Complete Feeds and Supplements:
 - (i) Minimum percentage of Crude Protein;
 - (ii) Maximum percentage of Equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added;
 - (iii) Minimum percentage of Crude Fat;
 - (iv) Maximum percentage of Crude Fiber;
 - (v) Maximum percentage of Acid Detergent Fiber (ADF);
 - (vi) Minimum and maximum percentage of Calcium (if added);
 - (vii) Minimum percentage of Phosphorus (if added);
 - (viii) Minimum Selenium in parts per million (ppm) (if added);
 - (ix) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).
 - (D) Required Guaranteed Analysis for Dairy Mixing and Pasture Mineral (if added):
 - (i) Minimum and maximum percentage of Calcium;
 - (ii) Minimum percentage of Phosphorus;
 - (iii) Minimum percentage of Magnesium;
 - (iv) Minimum percentage of Potassium;
 - (v) Minimum Selenium in parts per million (ppm);
 - (vi) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound.
 - (e) Required Guarantees for Equine Formula Feeds:
 - (A) Animal Classes:
 - (i) Foal;
 - (ii) Mare;
 - (iii) Breeding;
 - (iv) Maintenance.
 - (B) Guaranteed Analysis for Equine Complete Feeds and Supplements (all animal classes):
 - (i) Minimum percentage of Crude Protein;
 - (ii) Minimum percentage of Crude Fat;

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- (iii) Maximum percentage of Crude Fiber;
- (iv) Minimum and maximum percentage of Calcium (if added);
- (v) Minimum percentage of Phosphorus (if added);
- (vi) Minimum Copper in parts per million (ppm) (if added);
- (vii) Minimum Selenium in parts per million (ppm) (if added);
- (viii) Minimum Zinc in parts per million (ppm) (if added);
- (ix) Minimum Vitamin A, other than the precursors of A, in International Units per pound (if added).

(C) Guaranteed Analysis for Equine Mineral Feeds (all animal classes):

- (i) Minimum and maximum percentage of Calcium;
- (ii) Minimum percentage of Phosphorus;
- (iii) Minimum and maximum percentage of Salt (if added);
- (iv) Minimum and maximum percentage of Sodium shall be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;
- (v) Minimum Copper in parts per million (ppm) (if added);
- (vi) Minimum Selenium in parts per million (ppm) (if added);
- (vii) Minimum Zinc in parts per million (ppm) (if added);
- (viii) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).

(f) Required Guarantees for Sheep Formula Feeds:

(A) Animal Classes:

- (i) Starter;
- (ii) Grower;
- (iii) Finisher;
- (iv) Breeder;
- (v) Lactating.

(B) Guaranteed Analysis for Sheep Complete Feeds and Supplements

(all animal classes):

- (i) Minimum percentage of Crude Protein;
- (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added;
- (iii) Minimum percentage of Crude Fat;
- (iv) Maximum percentage of Crude Fiber;
- (v) Minimum and maximum percentage of Calcium;
- (vi) Minimum percentage of Phosphorus;
- (vii) Minimum and maximum percentage of Salt (if added);
- (viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;

(ix) Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);

(x) Minimum Selenium in parts per million (ppm) (if added);

(xi) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).

(g) Required Guarantees for Goat Formula Feeds:

(A) Animal Classes:

- (i) Starter;
- (ii) Grower;
- (iii) Finisher;
- (iv) Breeder;
- (v) Lactating.

(B) Guaranteed Analysis for Goat Complete Feeds and Supplements

(all animal classes):

- (i) Minimum percentage of Crude Protein;
- (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen(NPN) when added;
- (iii) Minimum percentage of Crude Fat;
- (iv) Maximum percentage of crude fiber
- (v) Maximum percentage of Acid Detergent Fiber (ADF)
- (vi) Minimum and maximum percentage of Calcium (if added);
- (vii) Minimum percentage of Phosphorus (if added);
- (viii) Minimum and maximum percentage of sodium (if added);
- (ix) Minimum and maximum Copper in parts per million (ppm) (if added). An additional statement of "no copper source added" is allowed if accurate.

(x) Minimum Selenium in parts per million (ppm) (if added);

(xi) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).

(h) Required Guarantees for Duck and Geese Formula Feeds:

(A) Animal Classes:

(i) Ducks:

(I) Starter — 0 to 3 weeks of age;

(II) Grower — 3 to 6 weeks of age;

(III) Finisher — 6 weeks to market;

(IV) Breeder Developer — 8 to 19 weeks of age;

(V) Breeder — 22 weeks to end of lay.

(ii) Geese:

(I) Starter — 0 to 4 weeks of age;

(II) Grower — 4 to 8 weeks of age;

(III) Finisher — 8 weeks to market;

(IV) Breeder Developer — 10 to 22 weeks of age;

(V) Breeder — 22 weeks to end of lay.

(B) Guaranteed Analysis for Duck and Geese Complete Feeds and Supplements (for all animal classes):

(i) Minimum percentage of Crude Protein;

(ii) Minimum percentage of Crude Fat;

(iii) Maximum percentage of Crude Fiber;

(iv) Minimum and maximum percentage of Calcium (if added);

(v) Minimum percentage of Phosphorus (if added);

(vi) Minimum and maximum percentage of Salt (if added);

(vii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.

(i) Required Guarantees for Fish Complete Feeds and Supplement.

(A) Animal Species shall be declared in lieu of animal class:

(i) Trout;

(ii) Catfish;

(iii) Fish Species other than trout or catfish.

(B) Guaranteed analysis for all Fish Complete Feeds and Supplements:

(i) Minimum percentage of Crude Protein;

(ii) Minimum percentage of Crude Fat;

(iii) Maximum percentage of Crude Fiber;

(iv) Minimum percentage of Phosphorus.

(j) Required Guarantees for Rabbit Complete Feeds and Supplements.

(A) Animal Classes:

(i) Grower — 4 to 12 weeks of age;

(ii) Breeder — 12 weeks of age and over.

(B) Guaranteed analysis for Rabbit Complete Feeds and Supplements (all animal classes):

(i) Minimum percentage of Crude Protein;

(ii) Minimum percentage of Crude Fat;

(iii) Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units);

(iv) Minimum and maximum percentage of Calcium (if added);

(v) Minimum percentage of Phosphorus (if added);

(vi) Minimum and maximum percentage of Salt (if added);

(vii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;

(viii) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).

(k) The required guarantees of grain mixtures with or without molasses and feeds other than those described in regulation OAR 603-058-0130(4)(a) through (j) shall include the following items, unless exempted in section (l), in the order listed:

(A) Animal class(s) and species for which the product is intended.

(B) Guaranteed analysis:

(i) Minimum percentage Crude Protein;

(ii) Maximum or minimum percentage of equivalent Crude Protein from Non-Protein Nitrogen as required in OAR 603-058-0180;

(iii) Minimum percentage of Crude Fat;

(iv) Maximum percentage of Crude Fiber;

(v) Minerals in formula feeds, to include in the following order:

(I) Minimum and maximum percentages of Calcium (if added);

(II) Minimum percentage of Phosphorus (if added);

(III) Minimum and maximum percentage of Salt (if added);

(IV) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;

(V) Other Minerals.

(vi) Minerals in feed ingredients — as specified by the official definitions of the 2011 edition of the Official Publication of the Association of American Feed Control Officials;

(vii) Vitamins in such terms as specified in OAR 603-058-0140;

(viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;

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(ix) Viable lactic acid producing microorganisms for use in silages in terms specified in OAR 603-058-0140;

(x) A commercial feed (e.g. vitamin/mineral premix, base mix, etc.) intended to provide a specialized nutritional source for use in the manufacture of other feeds, must state its intended purpose and guarantee those nutrients relevant to such stated purpose.

(l) Exemptions. Some feeds covered in section (k) have nutrient levels that are so low the guarantees required under ORS 633.026 (b) would be irrelevant.

(A) A mineral guarantee for feed is not required when:

(i) The feed or feed ingredient is not intended or represented or does not serve as a principal source of that mineral to the animal; or

(ii) The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total mineral.

(B) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin source.

(C) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, or molasses.

(D) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(E) The indication for animal class(s) and species is not required on single ingredient feeds if the ingredient is not intended, represented, or defined for a specific animal class(s) or species. It should be replaced with "For Further Manufacture of Feed."

(5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of ORS 633.026(1)(c):

(a) The name of each ingredient as defined in the 2011 edition of the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Department;

(b) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the 2011 edition of the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(A) When a collective term for a group of ingredients is used on the label individual ingredients within that group shall not be listed on the label;

(B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

(c) The registrant may affix the statement, "Ingredients as registered with the State" in lieu of an ingredient list on the label as permitted in ORS 633.026(1)(c). The list of ingredients must be on file with the department. This list shall be made available to the feed purchaser upon request.

(6) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by OAR 603-058-0170 and 603-058-0180 appear elsewhere on the label.

(7) Name and principal mailing address and phone number of the manufacturer or person responsible for distributing the feed as required by ORS 633.026(1)(f). The principal mailing address shall include the street address, city, state, and zip code. However, the street address may be omitted if it is shown in the current city directory or telephone directory.

(8) Quantity Statement:

(a) Net quantity shall be declared in terms of weight, liquid measure or count, based on applicable requirements under the Fair Packaging and Labeling Act (Title 15 U.S.C. 1453) effective as of the date these rules are promulgated;

(b) Net quantity labeled in terms of weight shall be expressed both in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound and in appropriate SI metric system units; or in the case of liquid measure, both in the largest whole unit (quarts, quarts and pints or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart and in appropriate SI metric system units;

(c) When the declaration of quantity of contents by count does not give adequate information as to the quantity of feed in the container, it shall be combined with such statement of weight, liquid measure, or size of the individual units as will provide such information;

(9) Lot Identifier:

(a) For the withdraw from distribution purposes in ORS 633.088 a lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product;

(b) Records relating to the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0140

Expression of Guarantees

(1) The guarantees for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, neutral detergent fiber, dietary starch, sugars, fructans and acid detergent fiber shall be in terms of percentage.

(2) Mineral Guarantees:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis such shall be stated and conform to the following:

(A) When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage points;

(B) When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point;

(C) When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

(b) When stated, guarantees for minimum and maximum total sodium, and salt: minimum potassium, magnesium, sulfur, phosphorus and maximum fluoride shall be in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater;

(c) Products labeled with a quantity statement (e.g., tablets, capsules, granules or liquid) may state mineral guarantees in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.

(3) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in mg/lb. or in units consistent with those employed for the quantity statement unless otherwise specified:

(a) Vitamin A, other than precursors of vitamin A, in International Units per pound;

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound;

(c) Vitamin D for other uses, International Units per pound;

(d) Vitamin E, in International Units per pound;

(e) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may, at the option of the distributor be stated in units per gram instead of units per pound;

(f) Vitamin B-12, in milligrams or micrograms per pound;

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene.

(4) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed;

(b) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed;

(c) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(5) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(a) For ruminants:

(A) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows: Crude Protein, minimum, % (This includes not more than % equivalent crude protein from non-protein nitrogen);

(B) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows: Equivalent Crude Protein from Non-Protein Nitrogen, minimum, %;

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(C) Ingredient sources of non-protein nitrogen such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the 2011 edition of the Official Publication of the Association of American Feed Control Officials shall be guaranteed as follows: Nitrogen, minimum %; Equivalent Crude Protein from Non-Protein Nitrogen, minimum %.

(b) For non-ruminants:

(A) Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows: Crude protein, minimum % (This includes not more than % equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended);

(B) Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label."

(6) Mineral phosphoric materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(7) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb.) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance. Such as: Direct fed Microorganisms (min) 54,000 CFU/lb. (bacillus lentus, Lactobacillus acidophilus).

(8) Guarantees for enzymes shall be stated in units of enzyme activity per unit of weight, volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified, such as: Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./milligram. If two sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

(9) The sliding-scale method of expressing guarantees (e.g., protein 15–18%) is prohibited, unless specifically provided for by applicable law or rule.

(10) In addition to the requirements set forth in ORS 633.026, liquid feeds shall be quantitatively guaranteed for:

- (a) Minimum percent of total sugars expressed as invert sugar;
- (b) Maximum percent of ash; and
- (c) Maximum percent moisture.

(11) All feeds containing greater than 0.5 ppm and less than 25 ppm Selenium shall be guaranteed for minimum and maximum selenium ppm, regardless of selenium source. Spread between minimum and maximum shall not exceed 20% of the minimum.

(12) All feeds containing greater than 0.5% Sulfur shall be guaranteed for sulfur maximum %.

(13) Guarantees for dietary starch, sugars, and fructans:

(a) A commercial feed which bears on its labeling a claim in a manner for levels of "dietary starch", "sugars," "fructans," or words of similar designation, shall include on the label:

(i) Guarantees for maximum percentage of dietary starch and maximum percentage sugars, in the Guaranteed Analysis section immediately following the Crude Fiber guarantee;

(ii) A maximum percentage guarantee for fructans immediately following sugars, if the feed contains forage products;

(iii) Feeding directions shall indicate the proper use of the feed product and a recommendation to consult with a veterinarian or nutritionist for a recommended diet.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0150

Substantiation of Nutritional Suitability

(1) A commercial feed, other than custom mixed feed, pursuant to ORS 633.055(1) shall be nutritionally suitable for its intended purpose as represented by its labeling.

(2) If the Department has reasonable cause to believe a commercial feed is not nutritionally suitable the Department may request the feed manufacturer to either submit an "Affidavit of Suitability" or an alternative procedure acceptable to the Department, certifying the nutritional adequacy of the feed. The Affidavit of Suitability or alternate procedure of suitability shall serve as substantiation of the suitability of the feed.

(3) If the feed manufacturer does not submit an Affidavit of Suitability, or alternate procedure acceptable to the Department within 30 days of written notification the Department may deem the feed adulterated under ORS 633.045 and order the feed to be withdrawn from the market.

(4) The Affidavit of Suitability shall contain the following information:

- (a) The feed company's name;
- (b) The feed's product name;
- (c) The name and title of the affiant submitting the document;
- (d) A statement that the affiant has knowledge of the nutritional content of the feed and based on valid scientific evidence the feed is nutritionally adequate for its intended purpose;
- (e) The date of submission; and
- (f) The notarized signature of the affiant.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0160

Labeling as to Ingredients

(1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the 2011 edition of the Official Definitions of feed ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the 2011 edition of the Official Publication of the Association of American Feed Control Officials is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0170

Labeling as to Directions for Use and Precautionary Statements

(1) Directions for use and precautionary statements on the labeling of all commercial feeds and custom mixed feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act effective as of the date these rules are promulgated.

(2) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in OAR 603-058-0180.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(4) Commercial and custom mixed feeds containing 50% or more grass seed screenings shall be labeled with the following precautionary statement: "Caution: This feed contains screenings that may contain endophytes. Do not feed in excess of 30% of the total diet. Do not feed free-choice."

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0180

Non-Protein Nitrogen

(1) Urea and other non-protein nitrogen products defined in the 2011 edition of the official publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial

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feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in a type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(2) Non-protein nitrogen defined in the 2011 edition of Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.

(3) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0190

Drugs and Feed Additives

(1) Prior to approval of a registration application and/or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove safety and efficacy of the commercial feed when used according to the directions furnished on the label. Satisfactory evidence to prove safety and efficacy of a commercial feed may include:

(a) When the commercial feed contains such additives, the use of the additive conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21 effective as of the date these rules are promulgated, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such intended use, or

(b) When the commercial feed is itself a new animal drug as defined in Code of Federal Regulations, Title 21, Part 510.3 (g) effective as of the date these rules are promulgated and is generally recognized as safe and effective for the labeled use or is marketed subject to an application conditionally approved by the Food and Drug Administration under Sec. 512 [21 U.S.C. 360 b] of the Federal Food, Drug, and Cosmetic Act, or

(c) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, or

(d) When the commercial feed is a direct fed microbial product and:

(i) The product meets the particular fermentation product definition, and

(ii) The microbial content statement, as expressed in the labeling, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms." This statement shall appear on the label, and

(iii) The source is stated with a corresponding guarantee expressed in accordance with OAR 603-508-0140(7).

(e) When the commercial feed is an enzyme product and:

(i) The product meets the particular enzyme definition defined by the 2011 edition of the official publication of the Association of American Feed Control Officials, and

(ii) The enzyme activity is stated with a corresponding guarantee expressed in accordance with OAR 603-058-0140(8).

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0200

Adulterants

(1) Wild Bird Feed. Pursuant to ORS 633.045(7), a person may not sell or otherwise distribute wild bird feed containing viable noxious weed seeds that exceed the amounts stated in this rule.

(2) Wild bird feed is defined in ORS 633.006(20).

(3) Wild bird feed sold or distributed to the final consumer shall contain:

(a) No viable prohibited noxious weed seed listed in OAR 603-056-0205(1) Prohibited noxious weed seeds.

(b) No more viable restricted noxious weed seed than the maximum allowable number of seeds per pound specified by species in OAR 603-056-0205(2) Restricted noxious weed seeds.

(4) For the purpose of ORS 633.045, the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for the breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;

(b) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(c) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight;

(d) Soybean meal flakes or pellets or other vegetable meals, flakes or pellets, which have been extracted with trichloroethylene or other, chlorinated solvents;

(e) Sulfur Dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine);

(f) Selenium in swine gestation or lactation complete diets that exceeds 1.00ppm;

(g) Lolitrem b in excess of 1800 ppb in the total diet;

(h) Ergovaline in excess of: 300 ppb in equine total diets; 400 ppb in cattle total diets and 500 ppb in the total diets of sheep and goats.

(5) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains:

(a) No viable prohibited noxious weed seed listed in OAR 603-056-0205(1) Prohibited noxious weed seeds, and

(b) No more viable restricted noxious weed seed than the maximum allowable number of seeds per pound specified by species in OAR 603-056-0205(2) Restricted noxious weed seeds.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0210

Good Manufacturing Practices (GMP's)

For the purpose of enforcing ORS 633.045 (6) the department adopts the following good manufacturing practices:

(1) The regulations prescribing good manufacturing practices for type B and Type C medicated feeds as published in the Code of Federal Regulations, Title 21, Part 225, Section 225.1-225.202 effective as of the date these rules are promulgated.

(2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115 effective as of the date these rules are promulgated.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0220

Certain Mammalian Proteins are Prohibited in Ruminant Feed

Pursuant to ORS 633.045(1) deleterious substances, the Department adopts the requirements of title 21, Code of Federal Regulations parts 589.2000 and 589.2001 effective as of the date these rules are promulgated.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620

Stats. Implemented:

Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0230

Labeling of Processed Animal Waste

(1) Animal waste products sold, held for sale, or offered for sale shall be identified in accordance with the definitions, and shall conform to the requirements of this section. Such products, which are utilized for animal feeding on the premises, where produced, by the person whose animals produced the same, shall conform generally to the provisions of this rule:

(a) "Processed animal waste" is a processed product composed of total excreta, with or without litter, from poultry or ruminant animals. It

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shall not contain levels of drug residue, pesticide residue, or other toxic or deleterious substances that could be harmful to animals or result in harmful or unlawful residue levels in their tissue or by-products. The final moisture of the product shall not exceed 12 percent, except as provided in section (2) of this rule. It shall not be used in feed for lactating dairy animals. If used in a mixed feed, the maximum percentage of processed animal waste shall be stated on the label of such mixed feed. It shall not be fed to animals within 15 days of slaughter. Processed animal waste includes the following:

(b) "Dried Poultry Waste" is processed undiluted poultry excreta collected from cage layer flocks. The product shall be uniform and contain not less than 25 percent crude protein, not more than 15 percent crude fiber, and not more than 30 percent ash. It shall be labeled to show minimum protein, maximum equivalent crude protein from nonprotein nitrogen, minimum fat, maximum fiber, maximum ash, maximum and minimum salt (NaCl), maximum and minimum calcium (Ca), and minimum phosphorus (P). The product shall not contain more than 1 percent feathers;

(c) "Dried Poultry Litter" is the processed combination of total poultry excreta and litter that occurs in the floor production of poultry. The product shall be uniform and contain not less than 18 percent protein. The type of litter shall be a part of the product name. It shall be labeled to show minimum protein, maximum equivalent crude protein from nonprotein nitrogen, minimum fat, maximum fiber, maximum ash, maximum and minimum calcium (Ca), minimum phosphorus (P), and maximum and minimum salt (NaCl);

(d) "Dried Ruminant Waste" is processed bovine excreta free of extraneous material such as straws, wood shavings, dirt, and similar materials. The product shall be uniform and contain not less than 12 percent crude protein and not more than 30 percent crude fiber and 20 percent ash. It shall be labeled to show minimum protein, maximum equivalent crude protein from nonprotein nitrogen, minimum fat, maximum fiber, maximum ash, and maximum and minimum salt (NaCl).

(2) Processed Animal Waste in excess of 12 percent moisture including slurries, silages, and other semidry products shall conform to the requirements of section (1) of this rule except for the moisture limitation stated therein. If sold for feeding purposes, it shall be labeled to show type of process, maximum moisture, minimum protein, maximum equivalent crude protein from nonprotein nitrogen, minimum fat, maximum fiber, maximum ash, and maximum and minimum salt (NaCl).

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0240

License Fees for Feed Manufacturers, Wholesale Distributors, Feed Registrants, and Certain Feeders

The license fees for any person operating a feed manufacturing plant (per location), or acting as a wholesale distributor of feeds, or registering feeds for distribution in Oregon, or acting as a contract feeder wherein drugs in any form are utilized in the manufacturing of such feed, shall be in accordance with the following:

(1) Non-Manufacturing Licenses: A license fee of \$100 for wholesale distributors, retailers who register feeds, re-labelers or contract feeders who are not feed manufacturers.

(2) Manufacturing Licenses:

(a) A license fee for each Oregon manufacturing location based upon annual distribution of commercial feeds in Oregon, in accordance with the schedule set forth in section (3) of this rule;

(b) A license fee for each company with manufacturing located outside of Oregon based on their annual distribution of commercial feeds into Oregon. Companies with multiple locations outside of Oregon only need to obtain one license and combine the tons distributed in Oregon;

(c) Firms with mills both in Oregon and outside Oregon must obtain licenses under OAR 603-058-0240(2)(a) and 603-058-0240(2)(b).

(3) The annual fee schedule based upon annual Oregon distribution of commercial feed is as follows: Annual Tonnage — Annual Fee:

- (a) Less than one (1) ton of wildbird seed — \$10;
- (b) Less than 5,000 tons — \$100;
- (c) 5,000 to 9,999 tons — \$200;
- (d) 10,000 to 19,999 tons — \$300;
- (e) 20,000 to 29,999 tons — \$400;
- (f) Greater than 30,000 tons — \$500.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0250

Feed Product Registration Fee

The annual registration fee for each formula, product or formulation of commercial feed under each brand shall be \$20, which fee is payable at the time an application for registration is made to the Department. A firm must hold a manufacturing license or non-manufacturing license to register feed products.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0260

Certificates of Free Sale

(1) To enhance trade with foreign countries the department will provide certificates of free sale when requested by firms. Certificates are provided at no cost. Multiple feed products may be put on each certificate.

(2) Certificates will be provided within 30 calendar days of initial request. Product must be registered to sell in Oregon when the certificate request is made.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0270

Referee Samples May Be Taken

(1) The Department may be called upon to collect samples of commercial or custom feeds to resolve issues between animal feeders and feed suppliers. Either party may contact the Department and request a referee sample to be taken.

(2) A department representative will take the sample and provide a representative split of it to each party. The sample will be submitted to the lab designated by the department for tests designated by the animal feeder. The department will pay the testing costs.

(3) Unofficial samples submitted by the animal feeder may be accepted as a referee sample at the department's discretion. This should only be done when time is of the essence or travel time is cost prohibitive.

(4) Lab results of referee samples will be provided to both parties.

Results are not to be released as public records.

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0280

Reserved

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

603-058-0290

Reserved

Stat. Auth.: ORS 633.006-089, 633.992, 561.605 & 561.620
Stats. Implemented:
Hist.: DOA 13-2011, f. & cert. ef. 8-12-11

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Oregon On-The-Job Training Program.

Adm. Order No.: DCCWD 2-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 7-29-11 thru 1-25-12

Notice Publication Date:

Rules Adopted: 589-007-0800

Subject: Senate Bill 5508 (Section 31), passed in the 2011 legislative session, directs the Department of Community Colleges and Workforce Development to fund and implement the Oregon On-The-Job training Program and to further fund the National Career Readiness Certificate (NCRC) Program. These programs support the governor's workforce agenda by providing solutions to workplace employee training, retention and advancement for Oregonians.

Rules Coordinator: Linda Hutchins—(503) 947-2456

589-007-0800

Oregon On-the-Job Training (OJT) Program

(1) The purpose of the Oregon On-the-Job Training (OJT) Program is to support the Governor's Workforce agenda by providing OJT and the

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National Career Readiness Certificate (NCRC) as solutions relating to employee hiring, training, and retention as defined by SB 5508.

(2) The Department of Community Colleges and Workforce Development (CCWD) determines the statewide implementation and operation of the OJT Program in Oregon.

(3) The OJT Program in Oregon shall involve at a minimum:

(a) Cost-effective solutions to the issues of employee hiring, training, and retention;

(b) Utilization of public and private resources;

(c) Certification of career readiness skills for participants as defined by the National Career Readiness Certificate;

(d) Employer provided job-specific training for Oregonians newly hired under this program;

(e) A process to identify appropriate companies and job seekers to participate in the programs;

(f) A process by which monies may be appropriated and allocated to the local

(g) Workforce investment boards to support projects identified by local workforce investment;

(h) A requirement that businesses participating in a project provide private sector funding equal to the amount of state funding provided for the project.

(4) Tracking and reporting to CCWD the outcomes of the Oregon On-the-Job Training Program in the local workforce investment area shall include, but are not limited to the:

(a) Number of businesses hiring program participants;

(b) Number of National Career Readiness Certificates earned by participants;

(c) Number of employees completing training;

(d) Number of employees retained after completing training;

(e) Value of the private sector funding provided.

Stat. Auth.: ORS 183.660.300 - 660.364

Stats. Implemented:

Hist.: DCCWD 2-2011(Temp), f. & cert. ef. 7-29-11 thru 1-25-12

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

Rule Caption: Adopts the 2010 Oregon Energy Efficiency Specialty Code.

Adm. Order No.: BCD 21-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 10-1-11

Notice Publication Date: 3-1-2010

Rules Adopted: 918-460-0500, 918-460-0510

Rules Amended: 918-251-0090, 918-305-0030, 918-460-0000, 918-674-0033

Subject: These rules implement Senate Bill 79 (2009) requiring the director of the Department of Consumer and Business Services to improve the energy efficiency of commercial structures. The rules bring the code requirements up to date by adopting the 2009 edition of the International Energy Conservation Code (IECC) with Oregon specific amendments as the Oregon Energy Efficiency Specialty Code (OEESC). The rules also make various housekeeping changes necessary to adopt the OEESC as a stand alone code, adding new headings, and correcting references to Chapter 13 of the OSSC in favor of citing the OEESC.

The Division failed to submit a copy of these adopted rules to Legislative Counsel within the 10-day period required by ORS 183.715(1); therefore, the Division is amending the May 14, 2010 filing. The content of these rules has not changed, and the rules are applied retroactive July 1, 2010.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-251-0090

Definitions

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010. For purposes of OAR chapter 918, divisions 251 through 311, unless otherwise specified, the following apply:

(1) "Appliance" as applied to the limited maintenance specialty contractor license established by ORS 479.630, means any built-in or permanently-connected electrical utilization equipment, not including lighting fixtures, other than industrial, that is installed or connected as a unit to per-

form one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(2) "Approved" when referring to electrical product certification means approved in Oregon or for Oregon by the Electrical and Elevator Board.

(3) "Balance of system" as it relates to renewable electrical energy systems are those products, equipment, and systems for the conversion, control and storage of electrical energy.

(4) "Board" means Electrical and Elevator Board.

(5) "Building" means a structure that stands alone or that is isolated from adjoining structures by area separation walls as identified in Chapter 7 of the Oregon Structural Specialty Code adopted in OAR chapter 918, division 460, with all openings therein protected by approved fire doors as required.

(6) "Certification Mark" is identification on an electrical product indicating that the product has been certified under ORS 479.760.

(7) "Certified Electrical Product" is an electrical product certified under ORS 479.760 to which a label or other identifying mark.

(8) "Continuously Employ" means a person, including a person leased from a worker leasing company licensed under ORS 656.850, during time periods when electrical work for which they are responsible is performed, devotes their entire time of employment to tasks of supervising, designing, laying out, planning, controlling, and making electrical installations for the electrical contractor for which the supervisor is registered as signing supervisor.

(9) "Custom Made" means electrical products that are designed for a specific purpose and location.

(10) "Document" means prepare records itemizing what was checked, why it was checked, when it was done, how it was checked, what was determined, and who did the work.

(11) "Electrical Specialty Code" means the **National Electrical Code** with Oregon amendments.

(12) "Electrical Specialty Code Inspector," formerly referred to as "A-Level Electrical Inspector," is a person certified to inspect under the Oregon Electrical Specialty Code.

(13) "Energy generation," as it relates to renewable electrical energy generation equipment, are those products, equipment, and systems in renewable electrical energy systems that produce or convert electrical energy.

(14) "Engineer" is an individual who has completed a minimum four-year degree program in electrical engineering or electrical technology with power specialty, from an accredited college or university and has received a Bachelor of Science degree.

(15) "Field Evaluation" means the evaluation of electrical products by an approved field evaluation firm.

(16) "Indorsement" is a designation within the restricted energy electrical area showing qualifications and training regarding a product area. It determines the scope of restricted energy electrical activity authorized under a restricted energy electrical license.

(17) "Industrial Electronic Equipment" means a device, appliance, motor, or machine regulated, operated, or controlled through fiber optics or by a combination of electron tubes, capacitors, resistors, impedance transformer, and relays; the control circuit, and/or the power circuits having electrons flowing through a vacuum, metallic vapor, gas tubes, or transistors as used in an industrial plant.

(18) "Industrial Plant", for purposes of licensing and electrical master permit inspection program, means an establishment engaged in industrial production, or service, or a school, hospital, sewer plant, water plant, commercial office building, building occupied by the state or a local government entity, or an institution. For purposes of the elevator program, "industrial plant" does not include a school, hospital, commercial office building, building occupied by the state or a local government entity, or an institution where the elevators are accessible to and used by persons other than the employees of that building.

(19) "Installation" includes external and field wiring, service contracts or warranties by the seller or manufacturer concerning the longevity of the equipment or parts after the original installation. It does not include "start-up" activities where new equipment is placed in service, and that type of work related to delivering and setting in place a piece of machinery.

(20) "Inverter", as it relates to renewable electrical energy generation equipment, is a product, equipment or system that converts direct current into alternating current.

(21) "Jurisdictional Inspector" is a state or municipal inspector having inspection responsibility within their jurisdiction over electrical products or their installation, or both.

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(22) "Labeled" means a label, symbol or other identifying mark of a Nationally Recognized Testing Laboratory (NRTL), field evaluation firm or the division that is attached to an electrical product indicating the product is manufactured according to approved standards and tested or evaluated for specific end uses or both.

(23) "Lighting Fixture" is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

(24) "Limited Energy System" means those systems that include Class 1, Class 2 or Class 3 systems as defined by Section 725.2 of NFPA 70 (National Electrical Code) and audio systems, communication systems and power-limited fire alarm systems, covered in the Oregon Electrical Specialty Code.

(25) "Listed Product" means a product was examined and accepted by a Nationally Recognized Testing Laboratory (NRTL) to meet a particular product standard and is maintained on a list of the listing laboratory.

(26) "Maintain" means to preserve electrical equipment in a good sound condition.

(27) "Maintenance" Compare with repair, replacement, and maintain for definition.

(28) "Minimum Electrical Installation Safety Code" means the adopted **Oregon Electrical Specialty Code**.

(29) "Nationally Recognized Testing Laboratory (NRTL)" means a laboratory recognized by the Federal Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.7.

(30) "NEMA" means the National Electrical Manufacturers Association.

(31) "Off grid system" is a stand-alone system, connected to a structure, whose electrical systems are not connected to a utility-supplied electrical production and distribution network.

(32) "On grid system" is an electrical power system connected to a structure whose electrical systems are also connected to a utility-supplied electrical production and distribution network.

(33) "Plug-in Replacement" is a part, component or assembly designed to be inserted directly into a mating receptacle or socket such as printed circuit boards, control relays, control harnesses or other equipment connected by a cord or cable and plug assembly. A plug-in replacement does not have any field wiring that is connected to the plug-in part or assembly.

(34) "Power Circuitry" means that portion of the system, other than control, that provides electrical power to utilization equipment.

(35) "Registered Professional Electrical Engineer" is an individual licensed by the State of Oregon Board of Engineering Examiners as a professional electrical engineer under OAR chapter 820, division 10.

(36) "Renewable Electrical Energy System" as it relates to electrical energy generation, is the total components and subsystems that, in combination, convert wind energy, solar energy, micro-hydroelectricity, photovoltaic energy or fuel cell energy into electrical energy suitable for connection to a utilization load.

(37) "Repair" means to restore worn or damaged parts to a good, sound condition by means other than replacement.

(38) "Replacement" means substitution of complete units of damaged or worn equipment with similar new or used equipment of a size and rating that does not exceed the design capacity of the existing product.

(39) "Signing Supervising Electrician" or "Signing Supervisor" is a licensed supervising electrician who has been authorized by the electrical contractor to sign permits.

(40) "Similar Equipment," as applied to the limited maintenance specialty contractor license established by ORS 479.630(12), means components of light fixtures other than ballasts.

(41) "Special Deputy" means a person certified by the board or Chief Electrical Inspector to perform special deputy inspections allowed under ORS 479.760.

(42) "Stand-alone system" is a renewable electrical energy system that supplies power independently of an electrical production and distribution network.

(43) "Up to the load side of the inverter", as it relates to electrical energy generation equipment, is the renewable electrical energy system equipment up to the alternating current connection terminals of the inverter.

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

Stat. Auth.: ORS 479.630

Stats. Implemented: ORS 479.730

Hist.: DC 10, f. 4-13-72, ef. 5-1-72; DC 12-1981, f. 9-29-81, ef. 10-1-81; DC 10-1982, f. & ef. 3-1-82; Renumbered from 814-022-0105; BCA 44-1991, f. & cert. ef. 12-26-91; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-260-0005; BCD 4-1999, f. & cert.

ef. 4-1-99; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-2000; BCD 5-2001, f. 6-7-01, cert. ef. 7-1-01; BCD 23-2001(Temp), f. 12-28-01, cert. ef. 1-1-02 thru 6-29-02; BCD 9-2002, f. 3-29-02, cert. ef. 4-1-02; BCD 21-2002(Temp), f. 8-30-02, cert. ef. 9-1-02 thru 2-27-03; BCD 23-2002, f. 9-13-02 cert. ef. 10-1-02; BCD 34-2002, f. 12-20-02, cert. ef. 1-1-03; BCD 12-2003(Temp), f. & cert. ef. 6-24-03 thru 10-31-03; BCD 15-2003, f. & cert. ef. 10-1-03; BCD 4-2004, f. 3-31-04, cert. ef. 4-1-04; BCD 3-2007, f. 3-30-07, cert. ef. 4-1-07; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

918-305-0030

Other Codes or Publications that Impact Electrical Installations

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010. Other codes and publications that impact electrical installations include, but are not limited to those listed below:

(1) Chapter 9 of the **Oregon Structural Specialty Code (OSSC)** relating to fire protection systems and Chapter 3 of the Oregon Residential Specialty Code relating to smoke alarm installations.

(2) ORS 455.420 requiring individual electric meters for dwelling units.

(3) The **Oregon Energy Efficiency Specialty Code** which addresses the energy efficiency issues of motors, electric lighting and other electric equipment; and

(4) Chapter 16 and 17 of the Oregon Structural Specialty Code which addresses the seismic requirements of nonstructural components and special inspection requirements.

(5) Publications and requirements of the serving utility.

(6) Public Law 101-336, the Americans with Disabilities Act, Part III; Department of Justice Regulations of Friday, July 26, 1991; 28 CFR Part 36, as amended January 1, 1995, including Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Law 100-430, the Fair Housing Act and the regulations adopted thereunder.

(7) Chapter 11 of the Oregon Structural Specialty Code which relates to the Americans with Disabilities Act for mounting height requirements for electrical and communication receptacles located in affected buildings and structures.

(8) The interconnection of all net-metering facilities and solar photovoltaic systems operated as interconnected power production sources shall comply with the Oregon Electrical Specialty Code. In addition, the interconnection of all net-metering facilities utilizing solid-state inverters shall comply with OAR 860-039 Net Metering.

(9) **Oregon Manufactured Dwelling Installation Specialty Code**. The electrical installations shall be in accordance with the requirements of the Oregon Electrical Specialty Code.

(10) The electrical portions of the installation or product standards identified in OAR 918-306-0005. These standards are informational only and are to be used to clarify code intent. They may be used as installation guides when not specifically referenced or covered in the **Oregon Electrical Specialty Code**. Examples include, but are not limited to, the electrical sections of NFPA 20, NFPA 54, NFPA 99, NFPA 101, NFPA 110, NFPA 780 and NFPA 820.

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

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730 & 757.262

Hist.: DC 13-1987, f. & ef. 5-1-87; Renumbered from 814-022-0610; BCA 17-1990, f. 6-27-90, cert. ef. 7-1-90; BCA 12-1993, f. 6-23-93, cert. ef. 7-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-290-0020; BCD 1-2000, f. 1-6-00, cert. ef. 4-1-00; BCD 12-2000, f. 6-3-00, cert. ef. 7-1-00; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 19-2002, f. 8-1-02, cert. ef. 10-1-02; BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 29-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

918-460-0000

Reasonable Notice to Interested Parties

Prior to the adoption, amendment, or repeal of any rule relating to the **Oregon Structural Specialty Code** or the **Oregon Energy Efficiency Specialty Code**, the Building Codes Division must give notice of the proposed action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(2) By notifying persons and organizations on the interested parties mailing list established under ORS 183.335(8) and OAR 918-001-0210.

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

Stat. Auth.: ORS 183.335

Stats. Implemented: ORS 183.335

Hist.: DC 63, f. & ef. 12-5-75; DC 9-1983, f. & ef. 3-15-83; Renumbered from 814-026-0000 & 814-026-0001; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

ADMINISTRATIVE RULES

918-460-0500

Adopted Oregon Energy Efficiency Specialty Code

(1) Effective July 1, 2010, the **2010 Oregon Energy Efficiency Specialty Code** is the 2009 edition of the International Energy Conservation Code, as published by the International Code Council, and amended by the Building Codes Division.

(2)(a) For the purposes of implementing a phase-in period for the **2010 Oregon Energy Efficiency Specialty Code**, Chapter 13 of the **2007 Oregon Structural Specialty Code** is adopted for the period beginning July 1, 2010 and ending September 30, 2010.

(b) During the phase-in period established in subsection (2)(a), all building departments in the state are required to accept plans for commercial structures designed to either the **2010 Oregon Energy Efficiency Specialty Code** or to Chapter 13 of the 2007 Oregon Structural Specialty Code.

(c) Code requirements in effect at the time a plan review or permit application is filed controls the construction under the application unless the applicant agrees to be controlled by subsequent changes.

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.505 & 455.511

Stats. Implemented: ORS 455.110 & 455.511

Hist.: BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

918-460-0510

Amendments to the Oregon Energy Efficiency Specialty Code

The **2010 Oregon Energy Efficiency Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **2010 Oregon Energy Efficiency Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

Stat. Auth.: ORS 455.030, 455.110 & 455.511

Stats. Implemented: ORS 455.030, 455.110 & 455.511

Hist.: BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

918-674-0033

Specific Use Structures

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) When it can be demonstrated that compliance with strict requirements of the **Oregon Structural Specialty Code** or the Oregon Residential Specialty Code are impractical and the intent and purpose of the code can still be met without causing structural failure or risk of fire in employee protection only structures, equipment protection only structures, recreational use structures, and food service structures, the requirements of the code may be modified by the building official charged with administration of the prefabricated structures program.

(2) All new or converted food service structures shall provide required fire-resistive construction and suppression equipment including the structural elements necessary for any mechanical installations.

(3) The division may waive the formal plan review process required in the Oregon Structural Specialty Code or the Oregon Residential Specialty Code for specific use structures if the plans are prepared by an Oregon registered architect or engineer and it is found that the nature of the work applied for is such that plan review is not necessary to obtain minimum compliance with the code.

(4) If the division determines the work in a specific use structure is not of a highly technical nature and there is no unreasonable risk to life and safety, plans required by the **Oregon Structural Specialty Code** or the **Oregon Residential Specialty Code** may be prepared by a person who is not an Oregon registered architect or engineer.

(5) Specific use structures are exempt from the exterior envelope requirements of the Oregon Energy Efficiency Specialty Code provided the roof/ceiling assembly meets the prescriptive requirements of the code and the center of non-bullet-resistant window glass has a minimum U-factor of .35.

(6) Equipment protection only structures are exempt from all of the envelope requirements of the **Oregon Energy Efficiency Specialty Code**.

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

Stat. Auth.: ORS 455.010, 455.100 & 455.110

Stats. Implemented: ORS 455.110

Hist.: BCD 20-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 19-2003, f. 12-15-03, cert. ef. 1-1-04; BCD 5-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11

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Rule Caption: Adopts the 2010 Oregon Mechanical Specialty Code; includes housekeeping changes to division rules.

Adm. Order No.: BCD 22-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 10-1-11

Notice Publication Date: 10-1-2009

Rules Amended: 918-440-0000, 918-440-0010, 918-440-0015, 918-440-0030, 918-440-0050, 918-440-0500, 918-440-0510

Rules Ren. & Amend: 918-440-0040 to 918-440-0012

Subject: The proposed rules adopt the 2009 Editions of the International Mechanical Code and the International Fuel Gas Code with Oregon amendments and shall be known as the 2010 Oregon Mechanical Specialty Code. The proposed rules also include housekeeping changes that improve readability and provide clarity and consistency among the division's rules.

The Division failed to submit a copy of these adopted rules to Legislative Counsel within the 10-day period required by ORS 183.715(1); therefore, the Division is amending the May 14, 2010 filing. The content of these rules has not changed, and the rules are applied retroactive July 1, 2010.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-440-0000

Reasonable Notice to Interested Parties: Mechanical Specialty Code

Prior to the adoption, amendment, or repeal of any rule relating to the **Oregon Mechanical Specialty Code**, the Building Codes Division shall give notice of the proposed action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date; and

(2) By mailing a copy of the notice to persons on the mailing list established pursuant to ORS 183.335 and OAR 918-001-0210.

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

Stat. Auth.: ORS 183.335

Stats. Implemented: ORS 183.335

Hist.: DC 63, f. & ef. 12-5-75; Renumbered from 814-027-0000; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0010

Adopted Oregon Mechanical Specialty Code

(1) Effective July 1, 2010 the **2010 Oregon Mechanical Specialty Code** is the 2009 Editions of the International Mechanical Code and International Fuel Gas Code as published by the International Code Council and amended by the Building Codes Division.

(2) For the purposes of implementing a phase-in period for the **2010 Oregon Mechanical Specialty Code**, the **2007 Oregon Mechanical Specialty Code** is adopted for the period beginning July 1, 2010 and ending September 30, 2010.

(3) During the phase-in period established in subsection (2), all building departments in the state are required to accept plans designed to either the **2010 Oregon Mechanical Specialty Code** or to the **2007 Oregon Mechanical Specialty Code**.

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

Stat. Auth.: ORS 455.020, 455.030 & 455.110

Stats. Implemented: ORS 455.110

Hist.: DC 35, f. 6-5-74, ef. 6-25-74; DC 52(Temp), f. & ef. 7-3-75 thru 10-31-73; DC 62, f. 11-20-75, ef. 1-1-76; DC 68, f. 3-3-76, ef. 4-1-76; DC 75, f. 5-21-76, ef. 8-1-76; DC 85, f. 8-19-76, ef. 10-1-76; DC 22-1978, f. 9-1-78, ef. 10-1-78; DC 8-1979, f. 4-30-79, ef. 5-1-79/8-1-79/1-1-80; DC 14-1979, f. 12-27-79, ef. 1-1-80; DC 6-1980, f. 6-5-80, ef. 7-1-80; DC 11-1981, f. & ef. 7-20-81; DC 13-1981, f. 10-30-81; ef. 11-1-81; DC 14-1983, f. 6-23-83, ef. 8-1-83; DC 26-1984, f. 8-31-84, ef. 9-15-84; DC 10-1986, f. 6-30-86, ef. 7-1-86; DC 5-1987(Temp), f. & ef. 3-26-87; BCA 3-1987, f. & ef. 8-4-87; BCA 7-1987, f. & ef. 9-3-87; Renumbered from 814-027-0005; BCA 34-1989, f. 12-21-89, ef. 1-1-90; BCA 32-1991(Temp), f. & cert. ef. 9-30-91; BCA 6-1992, f. 3-24-92, cert. ef. 3-27-92; BCA 27-1992, f. 12-29-92, cert. ef. 1-1-93; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 18-2002, f. 7-26-02, cert. ef. 10-1-02; BCD 10-2004, f. 8-6-04, cert. ef. 10-1-04; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0012

Amendments to the Oregon Mechanical Specialty Code

The **2010 Oregon Mechanical Specialty Code** is adopted and amended pursuant to chapter 918, division 8. Amendments adopted for inclusion into the **2010 Oregon Mechanical Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

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

Stat. Auth.: ORS 455.030

Stats. Implemented: ORS 455.110

Hist.: BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 15-1999,

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f. & cert. ef. 10-6-99 thru 4-2-00; BCD 5-2000, f. 3-9-00, cert. ef. 4-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 19-2003, f. 12-15-03, cert. ef. 1-1-04; BCD 10-2004, f. 8-6-04 cert. ef. 10-1-04; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; Renumbered from 918-440-0040 by BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; Renumbered from 918-440-0040 by BCD 5-2011, f. & cert. ef. 3-11-11; Renumbered from 918-440-0040 by BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0015

Refrigeration Installer Certification

All persons engaged in brazing or welding related to the installation, alteration or repair of refrigeration piping systems not regulated by the Oregon Boiler and Pressure Vessel Program under OAR chapter 918, division 225, shall be certified in accordance with the requirements of this rule.

(1) The minimum requirement for persons engaged in brazing or welding of refrigeration piping systems is a current and valid certification issued upon completion of a class by a division-approved certifying organization in brazing or welding in accordance with either:

(a) Section IX, Welding and Brazing Qualifications of the American Society of Mechanical Engineers publication, 2001 ASME Boiler and Pressure Vessel Code; or

(b) American Welding Society publication AWS B2.2-91, Standard for Brazing Procedure and Performance Qualification.

(2) Refrigeration systems installed in dwelling units regulated under the **Oregon Residential Specialty Code** are exempt from this rule.

(3) All refrigeration piping system requirements not regulated by OAR 918-225-0310, are subject to the **Oregon Mechanical Specialty Code**.

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

Stat. Auth.: ORS 455.020 & 455.720

Stats. Implemented: ORS 455.020 & 455.720

Hist.: BCD 34-2000, f. 12-27-00, cert. ef. 7-1-01; BCD 19-2003, f. 12-15-03, cert. ef. 1-1-04; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0030

Energy Efficiency Rating (E.E.R.) System Single Family Residences

(1) Scope: These rules provide a voluntary energy efficiency rating system for single family residences to encourage voluntary energy conservation and the voluntary use in real estate transactions.

(2) Definitions:

(a) "E.E.R." means Energy Efficiency Rating;

(b) "Single Family Residence" means a structure designed as a residence for one family and sharing no common wall with another residence of any type.

(3) Energy Efficiency Rating: The Energy Efficiency Rating (E.E.R.) is to be determined by the following steps:

(a) Determine the total energy used in the residence over the last 12 months' period in thousands of BTUs:

(A) Determine electrical energy (KWH) used (source: Electrical bills or utility company). Multiply the total KWH by 3413 BTUs equals the total electric BTUs used. (Electric KWH) x 3413 = BTUs;

(B) Determine natural gas therms used (source: Gas bills or the gas company). Multiply the therms used by 100,000 then by 0.75 (Efficiency Factor). This equals the total gas BTUs used. (Gas therm) x 100,000 x 0.75 = BTUs;

(C) Determine heating oil BTU'S by multiplying total gallons by 140,000 then by 0.75 (Efficiency Factor). This equals the total oil BTUs used. (Oil Gallons) x 140,000 x 0.75 = BTUs;

(D) Total the types of energy BTUs used in the residence to determine total BTUs used in the 12 months. (Electrical BTUs + Gas BTUs = Oil BTUs = TOTAL BTUs.);

(E) Divide total BTU'S by one thousand equals total thousand's BTUs used

$$\frac{\text{TOTAL BTUs}}{1,000} = \text{TOTAL THOUSAND BTUs USED}$$

(b) Determine the square footage of living (heated) space of the residence. (Source: House plans, measurement, or county assessor.);

(c) Divide total thousand BTUs used by the square footage of living space. The results are the E.E.R. of the residence that year:

$$\frac{\text{TOTAL THOUSAND BTUs USED}}{\text{TOTAL SQUARE FEET LIVING SPACE}} = \text{E.E.R.}$$

Stat. Auth.: ORS 469.700

Stats. Implemented: ORS 469.700

Hist.: DC 16-1978, f. 4-28-78, ef. 7-1-78; Renumbered from 814-027-0105; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0050

Mechanical Permit Fees

(1) Effective July 1, 1999, the Building Codes Division fees for administration of the **Oregon Mechanical Specialty Code** are found in **Table 1-A**. These fees are based on 130 percent of Table 3-A of the 1979 edition of the Uniform Mechanical Code as published by the International Conference of Building Officials, as authorized in ORS 455.210.

(2)(a) Amend **Table 1-A** Mechanical Permit fees as follows:

(b) Plan review fees shall be those fees specified in Section 106.5.4 of the **Oregon Mechanical Specialty Code** as adopted in OAR 918-440-0010.

[ED. NOTE: Tables referenced are available from the agency.]

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

Stat. Auth.: ORS 455.020 & 455.210

Stats. Implemented: ORS 455.210

Hist.: BCD 8-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; BCD 11-1999, f. 9-7-99, cert. ef. 10-1-99; BCD 15-1999, f. & cert. ef. 10-6-99 thru 4-2-00; BCD 5-2000, f. 3-9-00, cert. ef. 4-1-00; BCD 19-2003, f. 12-15-03, cert. ef. 1-1-04; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0500

Purpose and Scope

(1) Scope.

(a) This rule establishes a uniform notification process for the lawful disposal of mercury thermostats by persons installing heating, ventilation or air conditioning systems.

(b) For the purposes of this rule, a "thermostat" is a device commonly used to sense and, through electrical communication with heating, cooling or ventilation equipment, control room temperature.

(2) The authority having jurisdiction shall notify heating, ventilation or air conditioning system installers at time of permit issuance of proper disposal for mercury thermostats.

(3) The written notification shall include the following language: "In accordance with ORS 455.355, the disposal of thermostats that contain mercury shall be in accordance with programs established by thermostat manufacturers, their representative or distributor, or by delivery to sites that will ensure that the mercury does not become part of the solid waste stream or wastewater."

Stat. Auth.: ORS 455.355

Stats. Implemented: ORS 455.355

Hist.: BCD 24-2002, f. 9-13-02 cert. ef. 1-1-03; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

918-440-0510

Prohibits Installation of Mercury Thermostats

Effective January 1, 2006 installing a thermostat containing mercury in commercial or residential buildings is not allowed. The installation of thermostats containing mercury on industrial equipment used for safety controls is allowed. For the purpose of this rule, a thermostat is defined in OAR 918-440-0500(1)(b).

Stat. Auth.: ORS 455.355

Stats. Implemented: ORS 455.355

Hist.: BCD 21-2005, f. 9-29-05, cert. ef. 1-1-06; BCD 3-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 5-2011, f. & cert. ef. 3-11-11; BCD 22-2011, f. 7-26-11, cert. ef. 10-1-11

Rule Caption: Adopts the 2010 Oregon Structural Specialty Code.

Adm. Order No.: BCD 23-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 10-1-11

Notice Publication Date: 11-1-2009

Rules Amended: 918-460-0010, 918-460-0050

Rules Repealed: 918-460-0016

Subject: These rules adopt the 2009 edition of the International Building Code with Oregon amendments to be known as the 2010 Oregon Structural Specialty Code. The rules also include some non-substantive housekeeping changes to administrative rule that provide clarity and consistency among the division's rules. The rules allow for a phase-in period of approximately 90 days.

The Division failed to submit a copy of these adopted rules to Legislative Counsel within the 10-day period required by ORS 183.715(1); therefore, the Division is amending the May 14, 2010 filing. The content of these rules has not changed, and the rules are applied retroactive July 1, 2010.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

ADMINISTRATIVE RULES

918-460-0010

Adopted Oregon Structural Specialty Code

(1) Effective July 1, 2010 the **2010 Oregon Structural Specialty Code** is the **2009** Edition of the International Building Code, as published by the International Code Council, and amended by the Building Codes Division.

(2)(a) For the purposes of implementing a phase-in period for the **2010 Oregon Structural Specialty Code**, the 2007 Oregon Structural Specialty Code is adopted for the period beginning July 1, 2010 and ending September 30, 2010.

(b) During the phase-in period established in subsection (2)(a), all building departments in the state are required to accept plans for commercial structures designed to either the 2010 Oregon Structural Specialty Code or to the 2007 Oregon Structural Specialty Code.

(c) Code requirements in effect at the time a plan application or permit application is filed controls the construction under the application unless the applicant agrees to be controlled by subsequent changes.

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

Stat. Auth.: ORS 455.020, 455.110, 455.447 & 455.610

Stats. Implemented: ORS 455.110

Hist.: DC 34, f. 6-5-74, ef. 6-25-74; DC 36(Temp), f. & ef. 7-1-74; DC 37, f. 8-30-74, ef. 9-25-74; DC 45, f. 4-7-75, ef. 4-25-75; DC 51(Temp), f. & ef. 7-3-75 - 10-31-75; DC 61, f. 11-20-75, ef. 1-1-76; DC 67, f. & ef. 2-19-76; DC 68, f. 3-3-76, ef. 4-1-76; DC 76, f. 5-21-76, ef. 8-1-76; DC 77, f. 5-26-76, ef. 6-3-76; DC 84, f. 8-19-76, ef. 10-1-76; DC 102, f. & ef. 11-1-77; DC 104, f. 12-1-77, ef. 12-10-77; DC 2-1978, f. 1-20-78, ef. 3-1-78; DC 18-1978, f. 5-4-78, ef. 5-15-78; DC 5-1978(Temp), f. 2-22-78, ef. 3-1-78 thru 4-29-78; DC 29-1978, f. 10-27-78, ef. 1-1-79; DC 31-1978(Temp), f. 12-8-78, ef. 1-1-79; DC 33-1978(Temp), f. 12-27-78, ef. 1-1-79; DC 6-1979(Temp), f. 3-13-79, ef. 4-1-79; DC 8-1979, f. 4-30-79, ef. 5-1-79/8-1-79/1-1-80; DC 12-1979(Temp), f. 7-2-79, ef. 8-1-79; DC 13-1979, f. 11-1-79, ef. 12-1-79; DC 7-1980, f. 6-5-80, ef. 7-1-80; DC 15-1980(Temp), f. & ef. 10-13-80; DC 11-1981, f. & ef. 7-20-81; DC 13-1981, f. 10-30-81, ef. 11-1-81; DC 15-1981, f. 10-30-81, ef. 1-1-82; DC 9-1982, f. & ef. 3-1-82; DC 14-1983, f. 6-23-83, ef. 8-1-83; DC 26-1984, f. 8-31-84, ef. 9-15-84; DC 35-1984, f. & ef. 11-28-84; DC 14-1985(Temp), f. & ef. 6-21-85; DC 21-1985, f. 12-18-85, ef. 1-1-86; DC 10-1986, f. 6-30-86, ef. 7-1-86; DC 19-1986, f. 10-31-86, ef. 11-1-86; DC 5-1987(Temp), f. & ef. 3-26-87; DC 12-1987(Temp), f. 4-21-87, ef. 4-24-87; BCA 7-1987, f. & ef. 9-3-1987; BCA 11-1987, f. & ef. 10-21-87; BCA 12-1987, f. & ef. 11-5-87; Renumbered from 814-026-0005; BCA 34-1989, f. 12-21-89, cert. ef. 1-1-90; BCA 30-1990, f. 12-21-90, cert. ef. 1-1-92; BCA 43-1991(Temp), f. 12-24-91, cert. ef. 1-1-92; BCA 3-1992(Temp), f. 3-4-92, cert. ef. 3-5-92; BCA 12-1992, f. 6-29-92, cert. ef. 7-1-92; BCA 27-1992, f. 12-29-92, cert. ef. 1-1-93; BCA 3-1993(Temp), f. & cert. ef. 3-3-93; BCA 19-1993(Temp), f. 8-26-93, cert. ef. 9-1-93; BCA 26-1993, f. 10-22-93, cert. ef. 11-1-93; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 6-2011, f. & cert. ef. 3-11-11; BCD 23-2011, f. 7-26-11, cert. ef. 10-1-11

918-460-0050

Structural Permit Fees

Effective July 1, 1999, the Building Codes Division fees for administration of the **Oregon Structural Specialty Code** are found in Table 1-A. These fees are based on 130 percent of Table 3-A of the 1979 edition of the Uniform Building Code as published by the International Conference of Building Officials, as authorized in ORS 455.210.

[ED. NOTE: Tables referenced are available from the agency.]

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

Stat. Auth.: ORS 455.020 & 455.210

Stats. Implemented: ORS 455.210

Hist.: BCD 8-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; BCD 11-1999, f. 9-7-99, cert. ef. 10-1-99; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 6-2011, f. & cert. ef. 3-11-11; BCD 23-2011, f. 7-26-11, cert. ef. 10-1-11

Rule Caption: Establishes a certification renewal process as required by House Bill 3462 (2009).

Adm. Order No.: BCD 24-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 10-1-11

Notice Publication Date: 12-1-2009

Rules Adopted: 918-098-1028

Rules Amended: 918-098-1000, 918-098-1010, 918-098-1015, 918-098-1020, 918-098-1025, 918-098-1210, 918-098-1215, 918-098-1300, 918-098-1305, 918-098-1310, 918-098-1315, 918-098-1320, 918-098-1325, 918-098-1330, 918-098-1450

Subject: These rules implement the portions of House Bill 3462 (2009) that direct the division to establish a certification renewal procedure for Oregon-issued certifications. These rules require an Oregon Inspector Certification (OIC) for all building officials, inspectors, and plan reviewers and renewal of that certification every three years. The rules lay out the application requirements and fees for obtaining or renewing an OIC. The division will issue an OIC, at no charge, to those certification holders who were not required to have the OIC when that certification was developed in 2005 because

of a “grandfather” clause. The rules also change the fee for obtaining Oregon Code Certifications (OCC), but do not require them to be renewed. However, if an OIC is not renewed, all OCC associated with it become invalid. The rules provide for a five year reinstatement period and require a legislative update class as part of the continuing education requirements for an OIC.

The Division failed to submit a copy of these adopted rules to Legislative Counsel within the 10-day period required by ORS 183.715(1); therefore, the Division is amending the May 14, 2010 filing. The content of these rules has not changed, and the rules are applied retroactive July 1, 2010.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-098-1000

Purpose and Scope

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) These rules establish minimum training, experience, certification, and certification renewal requirements for building officials and persons who perform specialty code plan review and inspections in this state. The certification requirements for commercial plumbing and electrical inspectors are located in OAR 918-695-0400 through 918-695-0410 and 918-281-0000 through 918-281-0020.

(2) Nothing in these rules is intended to allow a person to violate statute or rule or change certification and licensing requirements set forth in statute.

(3) Nothing in these rules prevents the director from waiving procedural requirements in the rare circumstance where substantial compliance is impracticable.

Stat. Auth.: ORS 455.720 & 455.500

Stats. Implemented: ORS 446.250, 455.622, 455.720 & 455.500

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 18-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 20-2011(Temp), f. & cert. ef. 7-12-11 thru 12-31-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1010

Certification Requirements

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Unless otherwise stated in this rule, every person who performs building official duties, building code inspections, or plan reviews must possess a valid Oregon Inspector Certification and either:

(a) A valid appropriate Oregon Code Certification for the work being performed, or

(b) A valid appropriate International Code Council certification for the work being performed and the minimum level of experience as follows:

(A) Two years of construction or inspection-related experience or its equivalent;

(B) An approved one year inspection-related education program and one year of construction or inspection-related experience;

(C) A degree from an approved two year inspection-related education program or its equivalent; or

(D) Be a registered Oregon architect, a certified Oregon professional engineer, or have a Bachelor's or Master's degree in architecture or civil or structural engineering.

(2) Notwithstanding section (1)(b) of this rule, a person may perform the duties of a building official with only the Oregon Inspector Certification providing it is valid and the person passes the International Code Council Certified Building Official Legal Management examination within six months of hire.

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

Stat. Auth.: ORS 455.720 & 455.730

Stats. Implemented: ORS 455.720 & 455.730

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 18-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1015

Scope of Work Allowed for Persons With An Oregon Inspector Certification and Oregon Code Certifications

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

Persons who possess a valid Oregon Inspector Certification and a valid Oregon Code Certification may perform inspections and plan reviews based on the class designated on their certificate. The classes, other than

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electrical and plumbing inspector classifications found in OAR 918-281-0020 and 918-695-0400, are:

(1) Building Official. Persons certified as an Oregon Building Official may oversee jurisdictions' administration and enforcement of the state building code for those specialty codes assumed by the jurisdiction pursuant to ORS 455.148 or 455.150. Building officials may not perform plan reviews or inspections unless they possess the appropriate certification for the plan review or inspection being performed.

(2) Fire and Life Safety. Persons certified as fire and life safety plans examiners may review construction plans for compliance with the fire and life safety plan review provisions of the **Oregon Structural Specialty Code** and the **Oregon Fire Code** for any structure regulated by the Oregon Structural Specialty Code.

(3) A-Level.

(a) Persons certified as A-level structural plans examiners may:

(A) Review construction plans for compliance with the provisions of the **Oregon Structural Specialty Code** and **Oregon Fire Code** for all work regulated by the Oregon Structural Specialty Code, except the fire and life safety plan review provisions for structures required to receive a state fire and life safety plan review; and

(B) Review construction plans for work that falls within the B-level structural plans examiner classification.

(b) Persons certified as A-level structural inspectors:

(A) Conduct construction inspections of all work regulated by the Oregon Structural Specialty Code; and

(B) Conduct inspections of work that falls within the B-level structural inspector classification.

(c) Persons certified as A-level mechanical inspectors may:

(A) Conduct construction inspections and may review construction plans for all work regulated by the Oregon Mechanical Specialty Code; and

(B) Conduct inspections and review construction plans for work that falls within the B-level mechanical inspector classification.

(4) B-Level.

(a) Persons certified as B-level structural plans examiners may review construction plans for compliance with the provisions of the Oregon Structural Specialty Code and Oregon Fire Code for work regulated by the Oregon Structural Specialty Code, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.

(b) Persons certified as B-level structural inspectors may conduct construction inspections of work regulated by the Oregon Structural Specialty Code, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.

(c) Persons certified as B-level mechanical inspectors may conduct construction inspections of work regulated by the Oregon Mechanical Specialty Code, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS chapter 671.

(d) Persons certified as B-level structural plans examiners, B-level structural inspectors, or B-level mechanical inspectors:

(A) May qualify to be certified to review construction plans or conduct inspections of structures regulated by the Oregon Residential Specialty Code; and

(B) May not be authorized to review construction plans or conduct inspections of structures that are outside the B-level classification without first obtaining the appropriate certification.

(5) One and two family dwelling or residential.

(a) Persons certified as one and two family dwelling or residential:

(A) Structural inspectors may conduct construction inspections of structural work regulated by the Oregon Residential Specialty Code, excluding apartment buildings, and manufactured structures and manufactured structure accessory buildings and structures under the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of OAR chapter 918, division 500, or the Manufactured Home Construction and

Safety Standards located in 24 CFR 3280 and 3282 but not the scope of work described in OAR 918-098-1305;

(B) Mechanical inspectors may conduct inspections of mechanical work regulated by the Oregon Residential Specialty Code, excluding apartment buildings, and manufactured dwelling alterations under the Oregon Manufactured Dwelling Installation Specialty Code and the provisions of OAR chapter 918, division 500;

(C) Plumbing inspectors may conduct inspections of plumbing work regulated by the Oregon Residential Specialty Code, excluding apartment buildings; and

(D) Electrical inspectors may conduct inspections of electrical work regulated by the Oregon Residential Specialty Code, excluding apartment buildings.

(b) Persons certified as a one-and-two family dwelling plans examiners may review construction plans for compliance with provisions of the Oregon Residential Specialty Code, excluding apartment buildings, and structures under the Oregon Manufactured Dwelling Installation Specialty Code. The provisions of OAR chapter 918, division 500, or the Manufactured Home Construction and Safety Standards located in 24 CFR 3280 and 3282.

(c) Persons certified as a one and two family dwelling or residential inspectors and plans examiners may not be authorized to review construction plans or conduct inspections of either A-level or B-level structures without the required commercial A-level or B-level certification.

(d) See OAR 918-098-1325 for additional requirements of one and two family dwelling residential inspectors and plans examiners performing manufactured dwelling alteration inspections or plan reviews.

(e) See OAR 918-098-1330 for additional requirements of one and two family dwelling residential inspectors performing manufactured structure accessory structure or accessory building inspections.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: DC 24-1978, f. & ef. 9-1-78; DC 10-1980, f. & ef. 9-10-80; DC 4-1983, f. & ef. 1-12-83; Renumbered from 814-003-0065; BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0065; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0060; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0060; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 13-2007, f. 12-28-07 cert. ef. 1-1-08; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1020

Expanded Scope of Work for Oregon A- or B-Level or Commercial Mechanical Inspectors

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Persons may conduct inspections of brazing or welding work related to the installation, alteration, or repair of refrigeration piping systems, except as regulated by the Oregon Boiler and Pressure Vessel Program under OAR chapter 918, division 225.

(2) To perform work under section (1) of this rule, these persons must successfully complete a training program in accordance with either Section IX, "Welding and Brazing Qualification" of the ASME Boiler and Pressure Vessel Code, or AWS B2.2, "Standard for Brazing Procedure and Performance Qualification" administered by a division-approved organization.

(3) Inspector certification for refrigeration piping in residential structures is not required.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 2-2001, f. 2-2-01, cert. ef. 7-1-01; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0900; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0900; Renumbered from 918-098-1080, BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1025

Oregon Inspector Certification and Oregon Code Certification Application Process; Testing Procedures

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1)(a) All persons who seek certification to perform the duties of a building official, inspector, or plans examiner must apply for the Oregon Inspector Certification as follows:

(A) Submit a division-approved application with the \$125 fee; and

(B) Successfully pass the Oregon Inspector Certification examination.

(b) Applicants for an Oregon Inspector Certification who fail the examination may reapply under this section to retest for a fee of \$80.

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(2) Persons applying for an Oregon Code Certification under these rules, or under OAR 918-281-0020 and 918-695-0400 must:

(a) Submit a division-approved application demonstrating appropriate experience, as defined in OAR chapter 918, division 281, 695, or these rules;

(b) Pay the \$80.00 fee; and

(c) Successfully pass the appropriate Oregon Code Certification exam.

(3) Applicants for an Oregon Code Certification who fail the examination may reapply under section (2) of this rule to retest. Applicants may not retake the test for 30 days after each failed attempt.

(4) If an applicant fails to take the Oregon Inspector Certification exam or the Oregon Code Certification exam within 60 days of being approved to do so, the applicant must re-apply under section (1) or (2) of this rule.

Stat. Auth.: ORS 455.720, 455.730 & 455.735
Stats. Implemented: ORS 455.720, 455.730 & 455.735
Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1028

Oregon Inspector Certification Renewal Process

Effective July 1, 2010:

(1) All Oregon Inspector Certifications expire on November 1, 2010 and every three years thereafter.

(2)(a) Oregon Inspector Certification renewals must be completed on or prior to the certification expiration date by:

(A) Completing the renewal form;

(B) Completing all continuing education requirements; and

(C) Paying the certification renewal fee of \$125 for a three year term.

(b) A certification not renewed on or prior to the certification expiration date is expired.

(3) The division mails one renewal notification to the last known address of the licensee at least 45 days prior to certification expiration. It is the responsibility of the certification holder to notify the division of a change of address.

(4)(a) An expired certification may be reinstated up to 5 years from the certification expiration date by:

(A) Completing the reinstatement form;

(B) Completing all continuing education requirements; and

(C) Paying the certification renewal fee of \$125.

(b) A certification expired for more than 5 years from the certification expiration may not be reinstated and requires application as provided in OAR 918-098-1025(1).

(5) Anyone with an Oregon Code Certification issued prior to October 1, 2005, who does not already possess an Oregon Inspector Certification, will be issued an Oregon Inspector Certification without fee or testing requirements. This certification will expire on November 1, 2010 and must be renewed according to section (2) of this rule.

Stat. Auth.: ORS 455.720, 455.730 & 455.735
Stats. Implemented: ORS 455.720, 455.730 & 455.735
Hist.: BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1210

Residential Plumbing Inspectors

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) A person possessing a "One and Two Family Dwelling Plumbing Inspector" certification prior to July 1, 2005, is considered a "Residential Plumbing Inspector" for the purpose of these rules.

(2) A person issued a residential plumbing inspector certification must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing residential plumbing inspections.

(3) A residential plumbing inspector may conduct inspections for:

(a) Plumbing work regulated by the Oregon Residential Specialty Code, except for apartment buildings and where connection to the building is not a separate plumbing system.

(b) Plumbing work on manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling Installation Specialty Code** and the provisions of OAR chapter 918, division 500.

(4) To qualify to perform work as a residential plumbing inspector, individuals must demonstrate compliance with at least one of the following minimum experience, education, or training requirements:

(a) A valid division certification as an Oregon Plumbing Specialty Code inspector; or

(b) Two years of experience designing or installing plumbing systems as a journeyman plumber or its equivalent; or

(c) 2 years of experience as a plumbing inspector in another jurisdiction inspecting plumbing systems in commercial or residential structures for compliance with a recognized code for plumbing installations; or

(d) 90 quarter hours or 60 semester hours education and training in mechanical engineering, which includes designing and installing plumbing systems, through a college or community college; or

(e) Valid division certification as a one and two family dwelling or residential inspector under one or more provisions of the Oregon Residential Specialty Code and:

(A) 1 year of experience administering and enforcing another provision of the Oregon Residential Specialty Code; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a one and two family dwelling or residential plumbing inspector cross-training program that meets the minimum requirements established by the division.

(f) Any combination of experience designing, installing, or inspecting plumbing systems totaling 3 years.

(5) Persons certified by a nationally recognized certification body to inspect plumbing systems in commercial or residential structures according to a recognized code in plumbing installations may be granted 1 year of credit toward the experience requirements listed in subsections (4)(b) and (c) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.622

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0220; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0220; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1215

Residential Electrical Inspectors

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) A person possessing a "One and Two Family Dwelling Electrical Inspector" certification prior to July 1, 2005, is considered a "Residential Electrical Inspector" for the purpose of these rules.

(2) A person issued a residential electrical inspector certification must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing residential electrical inspections.

(3) Residential electrical inspectors may conduct inspections for:

(a) Electrical work regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings; and

(b) Electrical work on manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling Installation Specialty Code** and the provisions of OAR chapter 918, division 500.

(4) To qualify to perform work as a residential electrical inspector, individuals must demonstrate compliance with at least one of the following minimum experience, education, or training requirements:

(a) A valid division certification as an Oregon Electrical Specialty Code inspector; or

(b) 2 years of Experience installing electrical systems as a limited residential journeyman electrician or a general journeyman electricians license or their respective equivalents; or

(c) 2 years of experience as an electrical inspector in another jurisdiction inspecting electrical installations in commercial or residential structures for compliance with a recognized code for electrical installations; or

(d) 90 quarter hours or 60 semester hours education and training in electrical engineering, which includes designing and installing electrical systems, through a college or community college; or

(e) Valid division certification as a one and two family dwelling or residential inspector under one or more provisions of the Oregon Residential Specialty Code, and:

(A) 1 year of experience administering and enforcing another provision of the Oregon Residential Specialty Code; and

(B) Confirmation by the division that an applicant has completed a one and two family dwelling or residential electrical inspector cross-training program that meets the minimum requirements established by the division.

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(f) Any combination of experience or education listed in subsections (a) through (d) of this section designing, installing, or inspecting electrical systems totaling 3 years.

(5) Persons certified by a nationally recognized certification body to inspect electrical installations in commercial or residential structures according to a recognized code in electrical installations may be granted 1 year of credit toward the experience requirements and may be considered as meeting some requirements of a division approved cross-training program, except the experience listed in subsections (4)(b) and (c) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.622

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0230; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0230; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1300

Certifications Related to Manufactured Structures and Parks

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010. Scope. The rules in OAR 918-098-1300 to 918-098-1330 relate to certifications for inspectors and plans examiners dealing with manufactured dwellings, recreational vehicles, manufactured dwelling parks, organizational camps, recreation parks, and picnic parks.

(1) A person issued a manufactured structure installation inspector, recreational vehicle inspector certification, manufactured structure construction inspector, or park and camp inspector certification must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

(2) Hiring Non-Certified Persons. The division or a jurisdiction may employ a person not meeting the minimum requirements of OAR 918-098-1305 through 918-098-1320 while the person is being trained or waiting to qualify to take the division examination. During this period, the person may only perform inspections or plan reviews under the direct supervision of appropriately certified trainers. Training must be provided by an inspector or plans examiner having a minimum of three years experience in the same certification or a person approved by the board. This rule does not waive the requirements of ORS 455.730 or permit the division or jurisdiction to hire or use persons whose certifications have lapsed or been revoked.

(3) Inspectors and plans examiners of prefabricated structures do not require special certifications but must have the appropriate certifications required for performing inspections or plan reviews under the specific specialty code being used.

(4) Applicable definitions in OAR 918-098-1005 apply in addition to the following definitions that only apply to OAR 918-098-1300 through 918-098-1330:

(a) "Board" means the Residential and Manufactured Structures Board.

(b) "Building Construction," relating to experience qualifications, means site-built construction, prefabricated construction, or manufactured structure construction.

(c) "One Year," relating to experience qualifications, means 2,000 hours of work experience, 45 or more credit hours of schooling in the quarter system, or 30 or more credit hours of schooling in the semester system.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0130; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0300; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0300; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1305

Manufactured Structure Installation Inspector Certification

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Scope of Activities and Authority.

(a) A manufactured structure installation inspector conducts onsite field inspections of manufactured dwelling or park trailer installations including site preparation, setbacks, drainage, stand, foundation support, earthquake bracing systems, tie-downs, under-floor enclosures, access, egress, plumbing utility connections (within 30 lineal feet of the manufactured dwelling), mechanical connections and electrical feeder assembly connections (as defined by Article 550 of the National Electrical Code), electrical fixture connections, and plumbing, mechanical, and electrical crossover connections for manufactured structures under ORS 446.230 and 446.240;

(b) This certification does not include inspections or plan reviews of manufactured dwelling alterations or manufactured structure accessory structures and accessory buildings. See OAR 918-098-1325 and 918-098-1330 for certification requirements.

(c) This certification can be used only in a jurisdiction that:

(A) Meets all of the requirements of this rule and OAR 918-500-0055;

(B) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(C) Issues permits according to ORS 446.253; and

(D) Enforces the current edition of the **Oregon Manufactured Dwelling Installation Specialty Code**, the provisions of OAR chapter 918, division 500, and all referenced standards contained therein.

(2) Procedure for Qualification. An applicant for certification under this rule must meet the general qualifications in section (3) of this rule, make application, pay the required fees, attend a division-approved training program, and pass a division-approved examination.

(3) Experience, Education, and Training Requirements. An applicant must have at least one of the following:

(a) 2 years of supervisory experience in the building construction industry; or

(b) 2 years of experience in design work related to building construction; or

(c) Hold a valid division certification as a building inspector or plans examiner; or

(d) 2 years of experience as a quality assurance inspector in a manufactured structure manufacturing plant; or

(e) 2 years of experience as an Oregon licensed manufactured dwelling installer; or

(f) An associate degree or equal from a division-approved education program in a construction-related field; or

(g) Any combination of the experience and education listed in subsections (a) through (f) of this section equaling at least 2 years; or

(h) A one year certificate of completion in building inspection technology from a division-approved education program and completion of 180 hours working under the supervision of a person with a minimum of three years experience as a certified manufactured structure installation inspector or a person approved by the board.

(4) Inspector Training and Examination. An applicant must successfully complete a division-approved manufactured structure installation inspector training program and pass a division-approved examination covering:

(a) The Oregon Manufactured Dwelling Installation Specialty Code, the provisions of OAR chapter 918, division 500, and those standards referenced therein;

(b) ORS 446.003, 446.155 to 446.253, and 446.395 to 446.420; and

(c) OAR chapter 918, divisions 500, 515, and 530.

(5) A Manufactured Structure Installation Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

(6) Revocation. The division is authorized to revoke this certification under ORS 446.255. Persons certified under this rule who fail to meet the minimum continuing education requirements are subject to revocation. If the minimum continuing education is met within 60 days from the date it was originally due, the division may discontinue any pending revocation action based on a failure to meet minimum continuing education requirements.

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

Stat. Auth.: ORS 446.250, 446.255 & 455.720

Stats. Implemented: ORS 446.250, 446.255 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0135; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0310; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0310; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1310

Recreational Vehicle Inspector Certification

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Scope of Activities and Authority. A recreational vehicle inspector conducts field, dealer lot, repair operation, alteration, visual and manufacturing plant inspections, reviews plans, and provides other technical services for recreational vehicle manufacturers, dealers, and owners in accordance with ORS 446.185 and 446.160(1).

(2) Procedure for Qualification. An applicant for certification under this rule must meet the general qualifications in section (3) of this rule,

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make application, pay the required fees, and pass a division-approved examination.

(3) Experience, Education, and Training Requirements. An applicant for certification as a recreational vehicle inspector must have at least one of the following:

- (a) 2 years of experience as a supervisor in the building construction industry;
- (b) 2 years of experience in design work related to building construction;
- (c) 2 years of experience as a certified building inspector or plans examiner;
- (d) 2 years of experience as a quality assurance inspector in a manufactured structure plant;
- (e) 2 years of experience as a division-certified recreational vehicle quality assurance technician;
- (f) 2 years of code-related experience as a recreational vehicle technician;
- (g) An associate degree or equal from a division-approved education program in a construction-related field;
- (h) Any combination of the experience and education listed in subsections (a) through (g) of this section equaling at least 2 years; or
- (i) A one year certificate of completion in building inspection technology from a division-approved education program and completion of 800 hours working under the supervision of a person with a minimum of three years experience as a certified recreational vehicle inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification as a recreational vehicle inspector must pass a division-approved examination covering the following:

- (a) **American National Standards Institute (ANSI) A119.2 (1999 Edition);**
- (b) **American National Standards Institute (ANSI) A119.5 (1998 Edition);**
- (c) **National Electrical Code (NEC) NFPA 70 (2008 Edition);**
- (d) ORS 446.003 and 446.155 to 446.253; and
- (e) OAR chapter 918, divisions 525 and 530.

(5) A Recreational Vehicle Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0140; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0320; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0320; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1315

Manufactured Structure Construction Inspector Certification

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Scope of Activities and Authority. A manufactured structure construction inspector conducts field, dealer lot, consumer assistance, alteration, visual and manufacturing plant inspections, reviews plans, and provides technical services for manufactured dwelling manufacturers, dealers, and owners.

(2) Procedure for Qualification. An applicant for this certification must meet the general qualifications in section (3) of this rule, make application, pay the required fees, and pass a division-approved examination.

(3) Experience, Education, and Training Requirements. An applicant for certification as a manufactured structure construction inspector must have at least one of the following:

- (a) 2 years of experience as a supervisor in the building construction industry;
- (b) 2 years of experience in design work related to building construction;
- (c) 2 years of experience as a certified building inspector or plans examiner;
- (d) 2 years of experience as a quality control inspector in a manufactured structures plant;
- (e) An associate degree or equal from a division-approved education program in a construction-related field; or
- (f) Any combination of the experience and education listed in subsections (a) through (e) of this section equaling at least two years; or
- (g) A one year certificate of completion in building inspection technology from a division-approved education program and completion of 800

hours working under the supervision of a person with a minimum of three years experience as a certified manufactured structure construction inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification as a manufactured structure construction inspector must pass a division-approved examination covering:

- (a) Oregon Manufactured Dwelling Installation Specialty Code;
- (b) National Electrical Code (NEC) NFPA 70 (2008 Edition);
- (c) Manufactured Home Construction and Safety Standards Act;
- (d) Public Law 93-383, Title VI;
- (e) ORS 446.003 and 446.155 to 446.253; and
- (f) OAR chapter 918, division 500.

(5) A Manufactured Structure Construction Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0145; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0330; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0330; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1320

Park and Camp Inspector Certification

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Scope of Activities and Authority.

(a) A park and camp inspector conducts field inspections, reviews plans, and provides other technical services for manufactured dwelling parks, recreational parks, organizational camps, and picnic parks under ORS 446.066 and 446.335.

(b) This certification can only be used in a jurisdiction that:

(A) Meets all of the requirements of this rule;

(B) Complies with ORS 446.430, 455.170, and 455.680 relating to the delegation of full responsibility for permit issuance and inspections; and

(C) Issues permits, enforces the current edition of ORS chapter 446, OAR chapter 918, divisions 600 and 650, and all referenced standards contained therein.

(2) Procedure for Qualification. An applicant for certification under this rule must meet the general qualifications in section (3) of this rule, make application, pay the required fees, and pass a division-approved examination.

(3) Experience, Education, and Training Requirements. An applicant for certification as a park and camp inspector must have at least one of the following:

- (a) 2 years of experience as a supervisor in the building or road construction industry;
- (b) 2 years of experience in design work related to building or road construction;
- (c) 2 years of experience as a road construction inspector;
- (d) 2 years of experience as a surveyor or landscape architect;
- (e) 2 years of experience as a registered sanitarian;
- (f) 2 years of experience as an Oregon licensed manufactured dwelling installer;
- (g) A division certification as a building inspector or plans examiner;
- (h) An associate degree or equal from a division-approved education program in a construction-related field; or
- (i) Any combination of the experience and education listed in subsection (a) through (h) of this section equaling 2 years;
- (j) A one year certificate of completion in building inspection technology from a division-approved education program and completion of 180 hours working under the supervision of a person with a minimum of three years experience as a certified park and camp inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification under this rule must pass a division-approved park and camp inspector certification examination covering:

- (a) ORS 446.003 to 446.140, 446.310 to 446.350, 446.430, 455.170, and 455.680;
- (b) OAR chapter 918, divisions 600 and 650; and
- (c) **2002 Oregon Manufactured Dwelling and Park Specialty Code**, Chapters 1, 2, 9, and 10.

(5) A Park and Camp Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 455.720
Stats. Implemented: ORS 455.720
Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0150; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0340; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0340; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1325 Requirements for Alteration Inspection and Plan Review of Manufactured Dwellings

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Scope of Work. Manufactured dwelling alteration inspections and plan reviews include on-site field inspections of alterations including structural, fire and life safety, electrical, plumbing, and mechanical alterations made to manufactured dwellings after the initial sale of the home to the first consumer after all the terms of the sales contract have been met. Most alteration inspections made prior to this time are the responsibility of the division and must be performed by a certified manufactured structure construction inspector. All alteration inspections made to recreational vehicles and park trailers are the responsibility of the division and must be performed by a certified recreational vehicle inspector.

(2) Certifications. Inspectors of manufactured dwelling alterations are required to be certified by ORS 446.250. The division requires that persons performing inspections or plan reviews on manufactured dwelling alterations have:

(a) An Oregon Inspector Certification and the appropriate Oregon Code Certification under OAR 918-098-1015 for the Oregon Residential Specialty Code for the specific discipline being used; or

(b) An Oregon Inspector Certification and the appropriate ICC Residential Certification as described in OAR 918-098-1010.

(3) The requirement in section (2) is not applicable to alteration inspections performed on manufactured homes still under the jurisdiction of the U.S. Department of Housing and Urban Development (HUD), recreational vehicles, or park trailers.

(4) Authority. Inspectors and plans examiners of manufactured dwelling alterations may only inspect or review plans in a jurisdiction that has been delegated the manufactured dwelling alteration program and that:

(a) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(b) Issues permits and enforces the current edition of ORS chapter 446 and OAR chapter 918, divisions 500 and 520;

(c) Meets the requirements of OAR 918-500-0055 for delegation; and

(d) Enforces the current edition of the **Oregon Manufactured Dwelling Installation Specialty Code** and all referenced standards contained therein.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 446.250 & 455.720
Stats. Implemented: ORS 446.250 & 455.720
Hist.: BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0350; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0350; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1330 Manufactured Structure Accessory Structure or Accessory Building Inspection

Unless stated otherwise within this rule, this rule is retroactive to July 1, 2010.

(1) Scope of Work. Manufactured structure accessory structure or accessory building inspections and plan reviews include on-site field inspections of installations of manufactured structure accessory structures and accessory buildings (i.e., carports, ramadas, cabanas, garages, storage sheds, awnings, decks, steps, and ramps).

(2) Certifications. Inspectors of manufactured structure accessory structures and accessory buildings are required to be certified by ORS 446.250. To satisfy this mandate, the division requires that persons performing inspections or plan reviews on manufactured structure accessory structures or accessory buildings have a valid Oregon Inspector Certification and the appropriate Oregon Code Certification under OAR 918-098-1015 or a valid Oregon Inspector Certification and the appropriate ICC Residential Certification as described in OAR 918-098-1010 for the **Oregon Residential Specialty Code** for the specific discipline being used.

(3) Authority. Inspectors of manufactured structure accessory structures and accessory buildings may only inspect or review plans in a juris-

dition that has been delegated the manufactured dwelling accessory structure and accessory building program and that:

(a) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(b) Complies with the **Oregon Manufactured Dwelling Installation Specialty Code** and all referenced standards contained therein;

(c) Issues permits and enforces the current edition of ORS Chapter 446 and OAR chapter 918, division 500;

(d) Meets the requirements of OAR 918-500-0055 for delegation; and

(e) Enforces the current edition of the **Oregon Manufactured Dwelling Installation Specialty Code** and all referenced standards contained therein.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 446.250 & 455.720
Stats. Implemented: ORS 446.250 & 455.720
Hist.: BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05, Renumbered from 918-098-0360; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05, Renumbered from 918-098-0360; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

918-098-1450 Continuing Education Requirements

Unless stated otherwise within this rule, this rule is applied retroactively from July 1, 2010.

(1) Persons performing inspections and plan review in Oregon are required to obtain at least 16 hours of continuing education every three years, beginning January 1, 2006.

(a) At least one course during each three-year cycle must be a division-approved code-change course related to the scope of work allowed under each certification, if the code related to that specific certification changed during the cycle.

(b) At least one course must be a division approved course covering new legislation relating to the administration and enforcement of building inspection programs. This course is required to be taken every other year within one year after adjournment of the regular legislative session.

(2) In addition to the minimum hours in section (1), if a person has more than one Oregon Code Certification or ICC certification, the person must take at least one division-approved code change course for each certification.

(3) Building officials are required to obtain six hours continuing education credits every other year in classes related to the duties of a building official. The classes must also include at least one division approved class covering new legislation relating to the administration and enforcement of building inspection programs within one year after adjournment of the regular legislative session..

(4) The division may periodically verify that a person is maintaining and recording their continuing education.

Stat. Auth.: ORS 455.720
Stats. Implemented: ORS 455.720
Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 19-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11

Department of Corrections Chapter 291

Rule Caption: Mail for inmates that contains clippings or copies in which the subject is nude or partially nude.

Adm. Order No.: DOC 15-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 8-15-11

Notice Publication Date: 4-1-2011

Rules Amended: 291-131-0020, 291-131-0025, 291-131-0035, 291-131-0037

Subject: These rule amendments are necessary to clearly establish department policy that incoming and outgoing mail to inmates that contains clippings or copies in which a subject is nude or partially nude is prohibited.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-131-0020

Outgoing Mail

(1) Outgoing mail must be written with lead or color pencil, pen, non-toxic markers or be typewritten or photocopied.

(2) Outgoing mail, except business mail to department officials in Central Administration sent through the intra departmental mail system,

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shall be enclosed in an approved DOC envelope with U.S. postage. The outside of the envelope shall contain only the inmate's committed name, SID number, and return address, and the addressee's name and address, except official or legal mail labeled as such in accordance with OAR 291-131-0030. If the sender cannot be identified, the mail will be destroyed.

(3) Business mail to Department of Corrections officials in Central Administration shall require the inmate's complete name, SID number, housing assignment, and return address and the official's complete name and address.

(4) Outgoing electronic messages shall include the full name and address of the intended recipient and the name and SID number of the inmate sender.

(5) Inmates shall not send any item "prohibited from receipt by mail" as described under OAR 291-131-0035, except as authorized by the functional unit manager.

(6) Inmate-to-Inmate Correspondence:

(a) Inmates are authorized to correspond with other inmates if the correspondence is otherwise in compliance with department rules.

(A) Inmates may send only the following items to another inmate:

- (i) Correspondence;
- (ii) One drawing per envelope; and
- (ii) One photograph per envelope.

(B) Inmates shall not send newspaper or magazine clippings, photocopies, printed web pages, or any other material not listed in subsection (A) above to another inmate through the mail.

(b) All inmate to inmate correspondence shall be routed through the U.S. Postal Service.

(c) Inmates shall not enclose correspondence other than from the inmate sender whose name and return address appears on the front of the envelope. Inmates shall not request another inmate to forward correspondence beyond the immediate addressee.

(d) Inmates shall not send a package to another inmate.

(7) Inmates shall not send correspondence or any item to themselves through the mail.

(8) Inmates shall not use electronic messaging to correspond with other inmates.

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

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

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0305, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0025 Incoming Mail

(1) Incoming mail shall require the sender's name and return address on the front of the envelope and shall be addressed to the inmate using only his/her committed name and SID number. Incoming electronic messages shall include the name and address of the sender as part of the message and the full name and SID number of the inmate recipient.

(a) Mail whose recipient cannot be identified because of incomplete name or number will be returned to the sender. A reasonable attempt will be made to identify the inmate recipient. If the inmate recipient cannot be positively identified, the mail will be returned to the sender.

(b) Mail with no return address or an incomplete name and return address shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(c) The placement of the return address for international mail shall be in accordance with the sending country's postal regulations.

(2) Incoming mail must be in pen, lead or color pencil, non-toxic markers or be typewritten or photocopied.

(3) Transfers:

(a) Incoming mail to inmates not residing in the receiving facility will be forwarded to the inmate if he/she resides at another Department of Corrections facility.

(b) Incoming mail for inmates temporarily transferred to another criminal justice agency will be held at the facility for seven consecutive days. If the inmate does not return to the facility within seven days, the facility will forward to the agency all accumulated and subsequent mail received at the facility. If the criminal justice agency refuses the forwarded mail, it will be held at the department facility until the inmate has been returned.

(4) Mail received for an inmate who has been released, discharged, or has escaped shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(5) New and used books, magazines, and newspapers shall only be received directly from the publisher or distributor.

(a) Multiple copies of the same publication to an inmate shall be prohibited.

(b) Publications that have been previously rejected by the department and altered (i.e., offending pages removed) shall be prohibited.

(6) Inmates may receive catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, and contest materials solicited by the inmate provided the materials are properly addressed with the inmate's full name and SID number and are received directly at the correct address of where the inmate is currently housed. These materials must conform to any content restrictions contained within this rule.

(7) No notice or administrative review will be provided to the sender or intended inmate recipient for mail refused under subsections (5)(a) and (b) or (6) of this rule.

(8) Packages, except books, magazines, and newspapers received directly from the publisher or distributor, require prior authorization from the functional unit manager or designee.

(9) Central Administration Review of Publications:

(a) Facility mailroom staff shall stamp approval of all accepted books, magazines and other publications (except newspapers) on the front or inside front cover of the publication, together with the inmate's name, SID number, date accepted, and the authorizing staff's signature. Books and magazines without the completed stamp on the front or inside the front cover shall be unauthorized and considered contraband.

(b) Unauthorized attachments, enclosures, merchandise, or materials in publications may be removed and destroyed to allow the publication to be delivered to the intended inmate recipient, if the publication is otherwise in compliance with these rules, and doing so would not drastically alter/destroy the publication.

(c) If mailroom staff determine a publication contains material that is prohibited under these or other department administrative rules, the violation notice and prohibited material shall be reviewed by a designated Central Administration official, who will either affirm, reverse or otherwise modify the original rejection decision in writing. The reviewing official shall not take part in any subsequent administrative review of the rejected publication under OAR 291-131-0050.

(10) General correspondence shall be authorized up to 1/4 inch thickness. Legal and official mail received directly from the original source shall be authorized up to three inches thick. Legal and official mail in excess of three inches shall require prior approval from the functional unit manager or designee.

(11) Unauthorized Attachments and Enclosures:

(a) Only the canceled postage stamp, address label, and return address stamp (if used) attached to the front of an envelope or package shall be glued, taped or otherwise affixed to an envelope or package, or its contents.

(b) Only written correspondence, newspaper and magazine clippings, small pamphlets, photocopies, carbon copies, business cards, hand made drawings, printed web pages, and photographs that meet the content restrictions in these rules may be enclosed in the envelope.

(A) Unauthorized items with minimal monetary value (e.g., paper clips, rubber bands, uncanceled stamps, book marks, envelopes, blank paper, etc.) may be removed and destroyed and the remaining mail sent to the inmate if the remaining contents are otherwise in compliance with department rules.

(B) Small pamphlets, photocopies, carbon copies and hand-made drawings shall be allowed provided the contents do not exceed the one fourth inch thickness limitation as specified in section (10) above.

(C) Newspaper and magazine clippings and photographs shall not exceed ten items for each category.

(D) Freestanding Nude or Partially Nude Images: Newspaper and magazine clippings, photocopies, printed web pages, drawings, photographs, and other media with nude or partially nude subjects, whether human or anime (i.e., cartoon), that depict or display male or female genitalia, pubic area or anus, or expose the female areola, may not be attached to or enclosed in correspondence to inmates.

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

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

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0310, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 41-1983(Temp), f. & ef. 10-14-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 12-2001(Temp) f. & cert. ef. 6-20-01

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thru 12-17-01; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 17-2008, f. 7-18-08, cert. ef. 7-21-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0035

Prohibited Mail

The following materials constitute prohibited mail which shall be confiscated or returned to the sender:

(1) Sexually Explicit Material:

(a) Sexually explicit material which by its nature or content poses a threat or is detrimental to the security, good order or discipline of the facility, inmate rehabilitation, or facilitates criminal activity including, but not limited to, the following:

(A) Sexual Acts or Behaviors:

(i) Portrayal of actual or simulated sexual acts or behaviors between human beings including, but not limited to, intercourse, sodomy, fellatio, cunnilingus or masturbation.

(ii) Portrayal of actual or simulated penetration of the vagina or anus, or contact between the mouth and the breast, genitals, or anus.

(iii) Portrayal of actual or simulated stimulation of the breast, genitals, or anus.

(iv) Portrayal of actual or simulated acts or threatened acts of force or violence in a sexual context, including, but not limited to, forcible intercourse (rape) or acts of sadomasochism emphasizing the infliction of pain.

(v) Portrayal of actual or simulated sexual acts or behaviors in which one of the participants is a minor, or appears to be under the age of 18.

(vi) Bestiality: Portrayal of actual or simulated sexual acts or behaviors between a human being and an animal.

(B) Excretory Functions: Portrayal of actual or simulated human excretory functions, including, but not limited to, urination, defecation, or ejaculation.

(C) Personal photographs in which the subject is nude; displays male or female genitalia, pubic area, or anus; or exposes the areola.

(D) Freestanding Nude or Partially Nude Images: Newspaper and magazine clippings, photocopies, printed web pages, drawings contained in incoming mail, and photographs, with nude or partially nude subjects, whether human or anime (i.e., cartoon), that depict or display male or female genitalia, pubic area or anus, or expose the female areola.

(b) No distinction shall be made between depictions of heterosexual and homosexual activity in applying these standards.

(c) Sexually explicit material does not include material of a news or information type, for example, publications covering the activities of gay rights or gay religious groups.

(d) Literary publications shall not be excluded solely because of homosexual themes or references, except for violations of these rules.

(e) Sexually explicit material may be admitted if it has scholarly value, or general social or literary value.

(2) Material That Threatens or is Detrimental to the Security, Safety, Health, Good Order or Discipline of the Facility, Inmate Rehabilitation, or Facilitates Criminal Activity: Material which by its nature or content poses a threat or is detrimental to the security, safety, health, good order or discipline of the facility, inmate rehabilitation, or facilitates criminal activity, including, but not limited to, material that meets one or more of the following criteria:

(a) It incites, advocates, aids or abets criminal activity such as illegal drug use, or instructs in the manufacture, use or conversion of weapons.

(b) It incites, advocates, aids or abets escape, such as picking locks or digging tunnels.

(c) It consists of threats of physical harm to any person or threats of criminal activity.

(d) It contains or concerns sending contraband within, into or out of the facility.

(e) It concerns plans for activities in violation of other Department of Corrections administrative directives.

(f) It contains code that directly threatens or is detrimental to the security, safety, health, good order, or discipline of the facility, inmate rehabilitation, or facilitates criminal activity.

(g) It contains information which, if communicated, would create a clear and present danger of violence and physical harm to a human being.

(h) It contains contraband material.

(i) It contains STG-related paraphernalia.

(j) It contains inflammatory material.

(k) It contains role-playing or similar fantasy games or materials.

(3) Credit or Deferred Billing Transactions: Mail involving credit or deferred billing (e.g., "bill me later" or "payment after delivery") transac-

tions for the purchase of or subscription to publications (e.g., books, newspapers, magazines) or other items or merchandise is prohibited. Mail prohibited under this subsection includes:

(a) Outgoing inmate requests or purported agreements to enter into a credit or deferred billing transaction.

(b) Incoming publications or other items or merchandise, including promotions (e.g., free gift or premium) items given in exchange for purchase or subscription, received in a Department of Corrections facility which are accompanied by a billing or other statement requiring payment upon delivery or at a later date.

(4) Unauthorized Business Transactions: Mail involving a business transaction not previously approved by the functional unit manager or designee.

(5) Items Prohibited From Receipt by Mail:

(a) Any item or material which an inmate shall not possess within the Department of Corrections facility to which the inmate is assigned.

(b) Material which an inmate shall not possess within the facility or which meets one of the following criteria:

(A) Weapons or explosives;

(B) Narcotics or narcotics paraphernalia;

(C) Intoxicants or medications;

(D) Escape devices;

(E) Money, negotiable instruments, deposit and withdrawal slips, uncanceled stamps, and stamp collections;

(F) Any item larger than 18" x 18" except subscription newspapers;

(G) Any electronic items, including batteries;

(H) Any substance that is unauthorized, including lipstick, crayon, water colors, paint, correction fluid, etc.; or

(I) Polaroid type photographs with a chemical substance on the back of the photograph.

(6) Mail Subject to Outgoing Mail Restriction: Outgoing mail to a person or address to which the inmate has been ordered by the functional unit manager or designee not to send mail.

(7) Any other material that the department deems to pose a threat or to be detrimental to legitimate penological objectives.

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

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

Hist.: CD 18(Temp), f. & ef. 12-18-73 through 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0315, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 16-2001(Temp), f. 7-9-01, cert. ef. 7-11-01 thru 1-7-02; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0037

Disposition of Prohibited Mail

(1) Mail, if not confiscated, will be returned to the U.S. Postal Service, or to the applicable mail service provider for not meeting requirements provided in these rules.

(2) Contraband:

(a) Illegal contraband or evidence of crime shall be confiscated and turned over to the Oregon State Police. No notice of confiscation shall be given.

(b) Non-Inmate Sender:

(A) Contraband (including unauthorized attachments or enclosures) not illegal or evidence of crime shall be returned to the non inmate sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a).

(B) Unauthorized items with minimal monetary value (e.g., paper clips, rubber bands, uncanceled stamps, book marks, envelopes, blank paper, etc.) may be removed and destroyed and the remaining mail sent to the inmate if the remaining contents are otherwise in compliance with department rules. No notice shall be provided to the sender or inmate recipient for the removal and destruction of minimally valued items.

(c) Inmate Sender: Any enclosures (i.e., photographs, hand-made drawings in excess of that allowed) that are not illegal or evidence of crime, or that are otherwise not prohibited in outgoing mail under these rules shall be returned to the inmate sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a). Any item that poses a threat or is a detriment to the security, good order, or discipline of the facility, or that would encourage or instruct in criminal activity, may be confiscated and retained pending an investigation. If appropriate, the inmate may be issued a misconduct report, in accordance with the rule on

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Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(3) Money:

(a) Cash contained in mail shall be confiscated and deposited to the Inmate Welfare Fund. Notice of the confiscation shall be provided to the sender on a Mail Confiscation Notice (CD 618b). A copy of the notice shall also be provided to the intended inmate recipient.

(A) If the cash was concealed in the mail, a written entry shall be made on the Mail Confiscation Notice (CD 618b) to document the method of concealment. If, after an administrative review of the confiscation, it is determined that the sender did not conceal the cash, the money shall be returned to the sender.

(B) Correspondence received in an envelope from which cash has been confiscated shall be delivered to the intended inmate recipient if the correspondence is otherwise in compliance with department rules.

(b) Monies other than cash (e.g., money orders, warrants, personal checks, withdrawal and deposit slips, and certified checks) contained in mail shall be returned to the sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a). A copy of the Mail Violation Notice shall be provided to the intended inmate recipient.

(A) Prior to returning the mail to the sender, the offending money item shall be photocopied together with the addressee side of the envelope or package.

(B) The photocopy shall be retained by the facility according to archive standards.

(4) Mail with unauthorized or insufficient postage shall be refused and returned to the U.S. Postal Service. Notice of the reason(s) for the mail rejection shall be provided on a form label or stamp affixed to the outside of the envelope or package.

(5) Unauthorized Attachments or Enclosures:

(a) Mail received with unauthorized attachment(s) affixed to the outside of an envelope or package shall remain unopened, be refused and returned to the U.S. Postal Service or applicable mail service provider. Notice of the reason(s) for the mail rejection shall be provided on a form label or stamp affixed to the outside of the envelope or package.

(b) Mail received with unauthorized attachments affixed to the inside of an envelope or package or affixed to the contents of an envelope or package, or mail received with unauthorized enclosure(s), except for that with minimal monetary value as described in section (2)(b) above, shall be refused and returned to the sender with the contents of the envelope or package intact, together with a Mail Violation Notice.

(6) Correspondence and Publications: When, after opening, mail is rejected for violation of these or other department rules the following procedures shall be followed:

(a) Rejected Mail:

(A) Non-inmate sender: The sender and intended inmate recipient shall be notified of the rejection of mail, including the reasons, on a Mail Violation Notice (CD 618a) for correspondence, or a Publication Violation Notice for a publication. If the rejection is based upon written or pictorial content, the notice shall advise that an independent review of the rejection may be obtained by writing to the functional unit manager within 30 days of the date of the notice. Mail rejected based on written or pictorial content shall be returned intact to the sender. The rejected portion(s) of the mail shall be photocopied and retained pending any administrative review. If no administrative review is requested, the photocopy shall be maintained according to archive standards.

(B) Inmate Sender: The inmate sender shall receive the same standards as the non-inmate sender, however, the intended recipient shall not be notified of the rejection for any mail sent by an inmate in a Department of Corrections facility and shall not be eligible for an administrative review.

(b) No administrative review shall be available if the rejection is based on the presence of an unauthorized attachment, substance or enclosure on or with the mail, or if the rejection is based on any violation not related to the written or pictorial content.

(c) Confiscated Mail:

(A) Non-inmate Sender: If the mail is confiscated, notice shall be made to the sender and intended inmate recipient on a Mail Confiscation Notice (CD 618b), unless it includes plans for a discussion or commission of a crime or evidence of a crime. In such cases, no notice shall be given and the mail shall be turned over to the Special Investigations Unit of the department or the Oregon State Police. Confiscated mail not involving evidence of a crime shall be retained intact pending any administrative review. If no administrative review is requested, the mail shall be maintained according to archive standards.

(B) Inmate Sender: If the mail is confiscated, no notice shall be given to the sender or the intended inmate recipient. Mail which includes plans for a discussion or commission of a crime or evidence of a crime shall be turned over to the Special Investigations Unit of the department or the Oregon State Police. Confiscated mail which poses a threat or detriment to the security, good order, or discipline of the facility, or would encourage or instruct in criminal activity shall be retained intact pending an investigation. The inmate may be issued a misconduct report in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). Otherwise, after the investigation is completed, the inmate will be notified of the confiscation. If no administrative review is requested, the mail shall be maintained according to archive standards.

(7) Packages: When a package is rejected, the following procedures shall be followed:

(a) Packages received without prior authorization of the functional unit manager or designee, or which have unauthorized attachments affixed to the outside of the package shall be refused and returned to the U.S. Postal Service or to the applicable mail service provider.

(b) Prior authorized packages which after opening are found to contain contraband not illegal (including unauthorized attachments or enclosures) or evidence of crime or otherwise to be in violation of these or other department rules, shall be returned to the sender with the contents of the package intact, together with a Mail Violation Notice.

(c) Intended Inmate Recipient: If a prior authorized package is returned to the sender after opening, the intended inmate recipient shall be promptly notified in writing of the rejection, along with the reason(s) for the rejection, on a Mail Violation Notice. No administrative review shall be available to the intended inmate recipient.

(d) Sender: The sender shall be notified in writing of the rejection of any package received in a Department of Corrections facility and addressed to an inmate, along with the reason(s) for rejection, on a form label or stamp affixed to the outside of the package if the package is refused without opening or; if the package is returned to the sender after opening, on a Mail Violation Notice inserted into the package. No administrative review shall be available to the sender.

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

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

Hist.: CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; CD 25-1994, f. 12-21-94, cert. ef. 1-3-95; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

Rule Caption: Correctional Case Management of Inmates.

Adm. Order No.: DOC 16-2011

Filed with Sec. of State: 8-15-11

Certified to be Effective: 8-15-11

Notice Publication Date: 7-1-2011

Rules Adopted: 291-207-0005, 291-207-0010, 291-207-0015, 291-207-0020, 291-207-0025, 291-207-0030

Subject: These rules are necessary to establish uniform business for case management of DOC inmates from admission to release, targeting resources to those inmates most likely to recidivate using the Oregon Accountability Model and evidence-based practices.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-207-0005

Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: To provide uniform business practices in accordance with best practices in case management of inmates in a correctional environment from the time of intake through reentry to the community.

(3) Policy: It is the policy of the Department of Corrections to target resources to those inmates who are most likely to recidivate using the Oregon Accountability Model and evidence-based practices, in a multi-disciplinary case management approach from admission to release.

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

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

Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

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291-207-0010

Definitions

(1) Automated Criminal Risk Score (ACRS): A statistical calculation developed by the department's Research Section to predict an offender's risk of re-offending within three years of release.

(2) Case Management: A proactive, collaborative, multi-disciplinary process which assesses, plans, implements, coordinates, monitors and evaluates options and services to meet an individual's need or risks, as well as responsibility factors. Case management is the process which links all the elements involved in an inmate's management. The process of case management unifies procedures and personnel to balance departmental resources and an inmate's needs through his/her term of incarceration and community supervision.

(3) Evidence Based Practices (EBP): The body of research and clinical knowledge that describes correctional assessment, programming and supervision strategies that lead to improved correctional outcomes such as the rehabilitation of inmates and increased public safety. Such principles only meet the public's expectations for economical business strategies, efficiency and effectiveness but also reflect fairness and accountability.

(4) Multi-disciplinary Team: Stakeholders from different divisions within a functional unit who come together to provide comprehensive assessment, consultation and perspectives concerning an inmate's incarceration and successful reentry to the community.

(5) Oregon Accountability Model: A plan composed of six components that is designed to strengthen the department's ability to hold inmates accountable for their actions and department staff accountable for achieving the mission and vision of the department.

(6) Reentry: The activities and programming conducted to prepare inmates to return safely to the community and to live as law abiding citizens. Reentry includes the release process, the flow of inmates back into communities and how they are supervised after release, the effects on public safety as a result, how the Department of Corrections manages releases, and what communities can do to absorb and reintegrate returning offenders.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

291-207-0015

General Guidelines

(1) The department will utilize case management strategies, in conjunction with the Oregon Accountability Model in order to involve all employees in managing inmates to reinforce the department mission to hold inmates accountable for their actions and reduce the risk of future criminal behavior.

(2) Correctional Case Management will be used to coordinate with all other institution business units to provide appropriate work, housing, educational, programmatic, and transitional interventions to determine the inmate's case planning and supervision throughout the inmate's incarceration.

(3) Correctional Case Management will provide the framework for responsible management of inmate placements and transition, in support of evidence-based practices for case planning.

(4) The Correctional Case Management approach will be used to approve inmate transfers from one institution to another, based on a holistic correctional programming approach that facilitates each individual inmate's rehabilitation.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

291-207-0020

Admission

(1) Inmates who have been sentenced to the Department of Corrections or who have violated their parole and post-prison supervision will be committed to the Intake Center located at Coffee Creek Correctional Facility, except for (a) and (b) below.

(a) Male inmates sentenced to death are routed to the Oregon State Penitentiary special housing unit. Female inmates sentenced to death are routed to Coffee Creek Correctional Facility special housing unit.

(b) Male inmates that require intensive confinement or where special medical or mental health care is essential may be routed to an approved DOC facility other than the Intake Center.

(2) The intake process will generally be completed with a 30-day period.

(a) All inmates will receive an initial classification to determine custody level.

(b) All inmates will be assessed and evaluated to set a basic level of service, based upon assessed criminal risk factors and need.

(c) All inmates will receive an automated criminal risk score (ACRS) to determine initial case planning and supervision level assignment.

(d) Inmates will be assigned to an institution or housing unit based upon their correctional needs upon completion of the inmate assessment.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

291-207-0025

Correctional Case Management

(1) Correctional Case Management is a shared responsibility of all DOC employees, contractors and volunteers in the day-to-day interaction of managing inmates and through a multi-disciplinary approach in support of the key components of the Oregon Accountability Model.

(2) Case planning begins and is continuously assessed as the inmate transfers between institutions based upon the inmate's correctional needs. The inmate's primary institution counselor is responsible to develop, document and monitor the inmate's needs and corresponding resources to address those needs, along with timelines including forecasting custody classification changes and subsequent facility transfers for provisions of interventions and housing management as outlined in the policy on Correctional Case Management (90.1.3).

(3) Supervision levels will be determined by the relative frequency and intensity of interventions, contact, and available services needed to ensure productive incarceration and successful reentry.

(4) Resources will be targeted to inmates most likely to recidivate based on assessed criminal risk factors and need.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

291-207-0030

Release

(1) Correctional Case Management is used to prepare an inmate for reentry into the community. This includes release preparation, reentry programming, community responsibilities, supervision responsibilities, family support, employment readiness and barriers to successful reentry.

(2) The department will make every effort to secure identification records, such as birth certificates, social security cards, and Department of Motor Vehicles photo identification cards, for all inmates prior to release.

(3) In preparation for release, the department will provide inmates with:

(a) Verification of the inmate's work history while in the custody of the department.

(b) Certification of any educational programs completed by the inmate while in the custody of the department.

(c) Certification of any treatment programs completed by the inmate while in the custody of the department.

(4) Prior to an inmate's projected release date, a release counselor will begin preparation of an inmate's release plan.

(a) Release counselors will collaborate with other department stakeholders, outside agencies and contacts to formulate the inmate's release plan.

(b) Release counselors will recommend conditions of supervision to the Board of Parole and Post Prison Supervision who will subsequently order the conditions of release for an inmate.

(c) Release counselors and transitions coordinators will assist inmates in developing a release plan that may include identifying the releasing residence, transportation from the institution, potential support, community resources, etc., to prepare for reentry.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 16-2011, f. & cert. ef. 8-15-11

Department of Environmental Quality Chapter 340

Rule Caption: Greenhouse gas reporting requirements, fees and program updates.

Adm. Order No.: DEQ 11-2011

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-21-11

Notice Publication Date: 7-1-2011

Rules Adopted: 340-215-0060

ADMINISTRATIVE RULES

Rules Amended: 340-215-0010, 340-215-0020, 340-215-0030, 340-215-0040, 340-216-0020, 340-220-0050

Subject: These rules initially filed as part of administrative order DEQ 12-2010 are re-filed on request of legislative counsel.

Global warming poses a serious threat to Oregon's economy, environment and public health. Greenhouse gas reporting is crucial for Oregon to track and evaluate its greenhouse gas emissions. The Environmental Quality Commission adopted rules in 2008 that require certain air contaminant sources to report greenhouse gas emissions to the Oregon Department of Environmental Quality. The commission adopted rule amendments on October 22, 2010 that expand the reporting requirements to additional emission categories, establish fees and update the reporting program. The rules create reporting requirements for electricity suppliers and fuel distributors, which account for approximately two thirds of total greenhouse gas emissions for the state. The rules establish fees for reporting sources that hold air quality permits with DEQ to cover costs of developing and implementing the reporting program. The rules expand DEQ discretion on circumstances to defer or exempt facilities from reporting. The rules also avoid redundant reporting requirements and assure consistency in reporting by aligning Oregon's requirements with federal greenhouse gas reporting rules.

Rules Coordinator: Maggie Vandehey—(503) 229-6878

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 DEQ-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; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

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 OAR 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 DEQ-approved emissions reporting protocols.

(4) "Consumer-owned utility" means a people's utility district organized under ORS chapter 261, a municipal utility organized under ORS chapter 225 or an electric cooperative organized under ORS chapter 62.

(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) "Electricity service supplier" has the meaning given that term in ORS 757.600.

(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) "Hydrofluorocarbons" (HFCs) means gaseous chemical compounds containing only hydrogen, carbon and fluorine atoms.

(9) To "Import" means to have ownership of electricity or fuel from locations outside of Oregon at the time electricity is brought into this state through transmission equipment or at the time fuel is brought into this state

by any means of transport, other than fuel brought into this state in the fuel tank of a vehicle used for the propulsion of the vehicle.

(10) "Investor-owned utility" means a utility that sells electricity and that is operated by a corporation with shareholders.

(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) "Nitrous oxide" (N₂O) means the chemical compound containing two atoms of nitrogen and one atom of oxygen.

(14) "Perfluorocarbons" (PFCs) means gaseous chemical compounds containing only carbon and fluorine atoms.

(15) "Sulfur hexafluoride" (SF₆) means the chemical compound containing one atom of sulfur and six atoms of fluorine.

(16) "Year" means calendar year.

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

340-215-0030

Applicability

(1) The greenhouse gases subject to OAR 340-215-0030 through 340-215-0060 are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(2) **Air contamination sources.**

(a) In 2010, any owner or operator of a source listed in paragraphs (A) through (C) below that directly emits 2,500 metric tons or more of carbon dioxide equivalent in 2009, must register and report greenhouse gas emissions regarding greenhouse gases emitted during 2009:

(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**;

(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 83 of OAR chapter 340, division 216, and by the Standard Industrial Classification (SIC) codes in Table 2.

(b) Beginning in 2011, any owner or operator of a source listed in paragraphs (A) through (C) below must register and report greenhouse gases directly emitted during the previous year, if the source's direct emissions of carbon dioxide equivalent of greenhouse gases meet or exceed 2,500 metric tons during the previous year. Once a source's direct emissions of carbon dioxide equivalent of greenhouse gases meet or exceed 2,500 metric tons during a year, the owner or operator must annually register and report in each subsequent year, regardless of the amount of the source's direct emissions of greenhouse gases in future years, except as provided in sections (7) and (8).

(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.

(C) The following sources not otherwise listed in paragraphs (A) or (B):

(i) Solid waste disposal facilities required to obtain a permit issued under OAR chapter 340, divisions 93 through 96, excluding facilities that did not accept waste during the previous year and which are not required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98.

(ii) Wastewater treatment facilities required to obtain an individual National Pollutant Discharge Elimination System permit issued under OAR chapter 340, division 45.

(iii) Electric generating units.

(3) Gasoline, diesel and aircraft fuel dealers. Beginning in 2011, any person listed in this section that imports, sells or distributes gasoline, diesel or aircraft fuel for use in this state must annually register and report greenhouse gas emissions that will result from the combustion of the gasoline, diesel and aircraft fuel imported, sold and distributed during the previous year:

(a) Any dealer, as that term is defined in ORS 319.010, that is subject to the Oregon Motor Vehicle and Aircraft Fuel Dealer License Tax under OAR chapter 735, division 170;

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(b) Any seller, as that term is defined in ORS 319.520, that is subject to the Oregon Use Fuel Tax under OAR chapter 735, division 176; and

(c) Any person that imports, sells or distributes during a year at least 5,500 gallons of gasoline, diesel or aircraft fuel that is for use in this state and that is not subject to the Oregon Motor Vehicle and Aircraft Fuel Dealer License Tax or the Oregon Use Fuel Tax under OAR chapter 735, divisions 170 and 176.

(d) Persons listed in sections OAR 340-215-0030(3)(b) and (c) are not required to register and report greenhouse gas emissions that will result from the combustion of any gasoline, diesel or aircraft fuel reported under this division 215 by dealers described in OAR 340-215-0030(3)(a).

(4) Natural gas suppliers. Beginning in 2011, any person that sells or distributes natural gas to end users in this state must annually register and report greenhouse gas emissions that will result from the combustion of the natural gas sold and distributed during the previous year.

(5) Propane importers.

(a) Beginning in 2011, any person that imports propane for use in this state must annually register and report greenhouse gas emissions that will result from the combustion of the propane imported during the previous year.

(b) Persons that import propane for use in this state are not subject to subsection (5)(a) if:

(A) All imports are brought into this state by delivery trucks with a maximum capacity of 3,500 gallons of propane or less, or

(B) All imports consist of propane in canisters of 20 gallons or less.

(6) Electricity suppliers. Beginning in 2011, all investor-owned utilities, electricity service suppliers, consumer-owned utilities, and other persons that import, sell, allocate or distribute electricity to end users in this state must annually register and report greenhouse gas emissions from the generation of the electricity imported, sold, allocated and distributed during the previous year.

(7) General deferrals and exemptions. The Department may defer or exempt specific processes or categories of sources, or specific types of greenhouse gas emissions, from applicability under this division if the Department determines that adequate protocols are not available or that other extenuating circumstances make reporting unfeasible.

(8) Exemptions for air contamination sources.

(a) An owner or operator is no longer subject to section (2) for a source if the owner or operator submits a notification to the Department pursuant to subsection (8)(b), the owner or operator retains records pursuant to subsection (8)(c), and:

(A) The source's direct emissions are less than 2,500 metric tons of carbon dioxide equivalent of greenhouse gases per year for three consecutive years; or

(B) The source ceases all operations that lead to direct emissions of greenhouse gases, such as if the source closes permanently. This paragraph (8)(a)(B) does not apply to seasonal or other temporary cessation of operations, and does not apply to solid waste disposal facilities that are required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98.

(b) The owner or operator must submit notification that the source is no longer subject to section (2) by March 31 of any year to avoid the requirement to register and report greenhouse gases directly emitted during the previous year. The notification must be submitted on paper or electronic forms issued by the Department.

(c) An owner or operator that, pursuant to paragraph (8)(a)(A), is no longer subject to section (2) for a source, must retain, for five years following notification, all production information, fuel use records, emission calculations and other records used to document the source's greenhouse gas direct emissions for each of the three consecutive years that the source does not meet or exceed the emission threshold.

(d) Notwithstanding subsections (8)(a) through (8)(c), section (2) becomes applicable to the owner or operator again if the source's annual direct emissions equal or exceed 2,500 metric tons of carbon dioxide equivalent of greenhouse gases in any future year.

[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; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

340-215-0040

Greenhouse Gas Registration and Reporting Requirements

(1) Air contamination sources. Any owner or operator required to register and report under OAR 340-215-0030(2) must:

(a) Report the source's direct emissions of greenhouse gases during the previous year, excluding emissions from categorically insignificant activity as defined in OAR 340-200-0020, as follows:

(A) Sources not required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98 may exclude all emissions from categorically insignificant activity, regardless of whether DEQ-approved reporting protocols would otherwise include the reporting of those emissions;

(B) Sources required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98 must report emissions from categorically insignificant activity if DEQ-approved reporting protocols include the reporting of those emissions;

(b) Report emissions of CO₂ that originate from biomass separately from the source's other greenhouse gas emissions; and

(c) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) 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 by March 31 of each year, whichever is later.

(2) Gasoline, diesel and aircraft fuel dealers. Any person required to register and report under OAR 340-215-0030(3) must:

(a) Report the type and quantity of the gasoline, diesel or aircraft fuel imported, sold and distributed for use in this state during the previous year, and the greenhouse gas emissions that will result from the combustion of the gasoline, diesel or aircraft fuel; and

(b) Submit annual reports to the Department by March 31 of each year, as follows:

(A) An annual greenhouse gas emissions registration and report pursuant to section (7); or

(B) Copies of the person's fuel tax reports filed with the Oregon Department of Transportation pursuant to OAR chapter 735, divisions 170 and 176 for fuel imported, sold or distributed during the previous year, provided that the Department may require the submission of additional information if the copies of the reports submitted to the Oregon Department of Transportation are not sufficient to determine greenhouse gas emissions and related information that are otherwise required by this division.

(3) Natural gas suppliers. Any person required to register and report under OAR 340-215-0030(4) must:

(a) Report the type and quantity of the natural gas sold and distributed for use in this state during the previous year, and the greenhouse gas emissions that will result from the combustion of the natural gas; and

(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by March 31 of each year.

(4) Propane wholesalers. Any person required to register and report under OAR 340-215-0030(5) must:

(a) Report the type and quantity of propane imported for use in this state during the previous year, and the greenhouse gas emissions that will result from the combustion of the propane; and

(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by March 31 of each year.

(5) Investor-owned utilities, electricity service suppliers and other electricity suppliers (except consumer-owned utilities). All investor-owned utilities, electricity service suppliers and other persons (except consumer-owned utilities) required to register and report under OAR 340-215-0030(6) must:

(a) Report greenhouse gas emissions from the generation of the electricity that was imported, sold, allocated or distributed to end users in this state during the previous year, regardless of whether the electricity was generated in this state or imported, as follows:

(A) Greenhouse gas emissions from generating facilities owned or operated by the person reporting;

(B) Sulfur hexafluoride (SF₆) emissions from transmission equipment owned or operated by the person reporting;

(C) The number of megawatt-hours of electricity purchased by the person reporting, including identifying information, if known, on the seller of the electricity to the person reporting and the original generating facility fuel type or types;

(D) An estimate of the amount of greenhouse gas emissions, using default greenhouse gas emissions factors in Table 1, attributable to electricity purchases made by a particular seller to the person reporting.

(E) An estimate of the amount of greenhouse gas emissions, using a default greenhouse gas emissions factor of 1,100 pounds of carbon dioxide equivalent of greenhouse gases per megawatt-hour, attributable to electricity purchases from an unknown origin or from a seller who is unable to identify the original generating facility fuel type or types.

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(F) The number of megawatt-hours of electricity purchased for which a renewable energy certificate under ORS 469A.130 has been issued but subsequently transferred or sold to a person other than the person reporting; and

(G) A multijurisdictional entity reporting under this section (5) may rely upon a cost allocation methodology approved by the Public Utility Commission for reporting emissions allocated in this state; and

(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by June 1 of each year.

(6) Consumer-owned utilities. All consumer-owned utilities required to register and report under OAR 340-215-0030(6) must:

(a) Report greenhouse gas emissions from the generation of the electricity that was imported, sold, allocated or distributed to end users in this state during the previous year, regardless of whether the electricity was generated in this state or imported, as follows:

(A) For electricity purchased from the Bonneville Power Administration, report the number of megawatt-hours of electricity purchased by the utility from the Bonneville Power Administration, segregated by the types of contracts entered into by the utility with the Bonneville Power Administration, and if known the percentage of each fuel or energy type used to produce electricity purchased under each type of contract;

(B) For electricity that was not purchased from the Bonneville Power Administration, but was generated by the consumer-owned utility, report greenhouse gas emissions from the generation of the electricity; and

(C) For electricity that was not purchased from the Bonneville Power Administration, and was not generated by the consumer-owned utility, report the number of megawatt-hours of electricity purchased by the consumer-owned utility, including information, if known, on the seller of the electricity to the consumer-owned utility and the original generating facility fuel type or types; and

(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by June 1 of each year. A third party may submit the registration and report on behalf of a consumer-owned utility, and the report may include information for more than one consumer-owned utility, provided that the report contains all information required for each individual consumer-owned utility.

(7) Except as provided in section (8), registration and reports must be submitted on paper or electronic forms (or both) 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, pursuant to DEQ-approved reporting protocols, including but not limited to information such as 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.

(8) Any person required to report greenhouse gases emitted during a year to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98 may submit a copy of that report to the Department in lieu of the registration and report required by section (7) for greenhouse gases emitted during the same year, provided that the Department may require the submission of additional information if the copy of the report submitted to the United States Environmental Protection Agency is not sufficient to determine greenhouse gas emissions and related information that are otherwise required by this division. The purpose of this section is to eliminate duplicative reporting where possible, but to retain the Department's authority to require reporting of information that is required by this division but not submitted in a report to the United States Environmental Protection Agency.

(9) 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 DEQ-approved reporting protocols to assist persons required to register and report under OAR 340-215-0030.

(10) 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; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

340-215-0060

Greenhouse Gas Reporting Fees

(1) Any person required to register and report under OAR 340-215-0030(2)(a)(A) or 340-215-0030(2)(b)(A) must submit greenhouse gas reporting fees to the Department as specified in OAR 340-220-0050. The fees must be received by the Department within 30 days after the Department mails the fee invoice.

(2) Any person required to register and report under OAR 340-215-0030(2)(a)(B)-(C) or 340-215-0030(2)(b)(B) must submit greenhouse gas reporting fees to the Department as specified in OAR chapter 340, division 216, Table 2, Part 3. The fees must be received by the Department within 30 days after the Department mails the fee invoice.

Stat. Auth.: ORS 468.020 & 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11

340-216-0020

Applicability

This division applies to all sources referred to in Table 1. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in **Table 1** are subject to fees as set forth in **Table 2**.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission's adoption of the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(d) Gasoline dispensing facilities are not required to submit an application for an ACDP or ACDP Attachment until May 1, 2010 or obtain an ACDP or ACDP attachment until June 1, 2010. The Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional six months.

(e) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(2) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from the Department or Regional Authority.

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(5) No person may increase emissions above the PSEL by more than the de minimis levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef.

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9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11

340-220-0050

Specific Activity Fees

(1) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 21, 2007 to June 30, 2008 as follows:

(a) Existing Source Permit Revisions:

(A) Administrative* — \$ 406;

(B) Simple — \$ 1,626;

(C) Moderate — \$ 12,194;

(D) Complex — \$ 24,387.

(b) Ambient Air Monitoring Review — \$ 3,252.

(2) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source as of July 1, 2008 as follows:

(a) Existing Source Permit Revisions:

(A) Administrative* — \$ 418;

(B) Simple — \$ 1,672;

(C) Moderate — \$ 12,540;

(D) Complex — \$ 25,081.

(b) Ambient Air Monitoring Review — \$ 3,344.

(3) The Department will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — Fifteen percent of the following, not to exceed \$4,500:

(a) The applicable annual base fee (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee (for emissions during the previous calendar year).

*Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in 340-218-0150 are subject to simple, moderate or complex revision fees.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 11-2011, f. & cert. ef. 7-21-11

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

Adm. Order No.: DEQ 12-2011

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-21-11

Notice Publication Date: 10-1-2010

Rules Amended: 340-220-0050

Subject: These rules initially filed as a part of administrative order DEQ 16-2010 are re-filed on request of legislative counsel.

The rules:

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

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

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

Federal and state laws require permit fees fund Oregon's entire Title V program. The statute increases the annual base fee beginning in 2010 and gives the Commission authority to adjust all of the fee categories by the annual change in the consumer price index.

Title V permitting helps ensure that permit holders comply with state and federal emissions standards. Revenue from the fees will fund the program through 2012.

Rules Coordinator: Maggie Vandehey — (503) 229-6878

340-220-0050

Specific Activity Fees

(1) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 26, 2009 to December 31, 2010 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$ 437;

(B) Simple — \$ 1,748;

(C) Moderate — \$ 13,115;

(D) Complex — \$ 26,231.

(b) Ambient air monitoring review — \$ 3,497.

(2) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of January 1, 2011 to December 31, 2011 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$ 437;

(B) Simple — \$ 1,751;

(C) Moderate — \$ 13,139;

(D) Complex — \$ 26,279.

(b) Ambient Air Monitoring Review — \$ 3,503.

(3) The Department will assess specific activity fees for an Oregon Title V Operating Permit program source as of January 1, 2012 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$ 444;

(B) Simple — \$ 1,777;

(C) Moderate — \$ 13,333;

(D) Complex — \$ 26,667.

(b) Ambient Air Monitoring Review — \$ 3,555.

*Includes revisions specified in OAR 340-218-0150(1) (a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

(3) The Department will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — Fifteen percent of the following, not to exceed \$4,500:

(a) The applicable annual base fee (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee (for emissions during the previous calendar year).

*Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in 340-218-0150 are subject to simple, moderate or complex revision fees.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 12-2011, f. & cert. ef. 7-21-11

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

Adm. Order No.: DEQ 13-2011

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-21-11

Notice Publication Date: 10-1-2010

Rules Amended: 340-216-0020

ADMINISTRATIVE RULES

Subject: These rules initially filed as part of administrative order DEQ 1-2011 are re-filed on request of legislative counsel.

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

- Protect public health;
 - Implement federally-delegated programs that regulate hazardous air pollutants and other air pollutants; and
 - Improve Oregon's implementation of these programs.
- Allow DEQ to defer the requirement to submit an application for, or to obtain an ACDP for up to twelve months;

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

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-216-0020

Applicability

This division applies to all sources referred to in Table 1. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in Table 1 are subject to fees as set forth in **Table 2**.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in **Table 1** without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission's adoption of the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(d) Gasoline dispensing facilities are not required to submit an application for an ACDP or ACDP Attachment until May 1, 2010 or obtain an ACDP or ACDP attachment until June 1, 2010. The Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional six months.

(e) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(2) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from the Department or Regional Authority.

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(5) No person may increase emissions above the PSEL by more than the de minimis levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[**ED. NOTE:** Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert.

ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11

Rule Caption: Adoption of Air Quality Permit Program Streamlining and Updates.

Adm. Order No.: DEQ 14-2011

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-21-11

Notice Publication Date: 11-1-2010

Rules Amended: 340-215-0060, 340-216-0020

Subject: These rules initially filed as part of administrative order DEQ 5-2011 are re-filed on request of legislative counsel.

The rules:

• Adopt greenhouse gas reporting fees identical to the August 2010 Environmental Quality Commission temporary rule amendments that allowed the Department of Environmental Quality to invoice ACDP permit holders on the normal 2010 billing schedule; and

• Allow the Lane Regional Air Protection Agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction as a permitting agency designated by the Commission subject to Department oversight.

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

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-215-0060

Greenhouse Gas Reporting Fees

(1) Any person required to register and report under OAR 340-215-0030(1)(a) must submit greenhouse gas reporting fees to the Department as specified in OAR 340-220-0050(4). The fees must be received by the Department within 30 days after the Department mails the fee invoice.

(2) Any person required to register and report under OAR 340-215-0030(1)(b)–(c) must submit greenhouse gas reporting fees to the Department as specified in OAR chapter 340, division 216, Table 2, Part 3. The fees must be received by the Department within 30 days after the Department mails the fee invoice.

Stat. Auth.: ORS 468.020 & 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11

340-216-0020

Applicability

This division applies to all sources referred to in **Table 1**. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in **Table 1** are subject to fees as set forth in **Table 2**.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission's adoption of

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the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(d) Gasoline dispensing facilities are not required to submit an application for an ACDP or ACDP Attachment until May 1, 2010 or obtain an ACDP or ACDP attachment until June 1, 2010. The Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional six months.

(e) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(2) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from the Department or Regional Authority.

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(5) No person may increase emissions above the PSEL by more than the de minimis levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

(6) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this Division pertaining to the Air Contaminant Discharge Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93. Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99. Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11

Department of Fish and Wildlife Chapter 635

Rule Caption: Recreational White Sturgeon Fishery Closes July 30, 2011 in The Dalles Pool.

Adm. Order No.: DFW 96-2011(Temp)

Filed with Sec. of State: 7-20-2011

Certified to be Effective: 7-30-11 thru 12-21-11

Notice Publication Date:

Rules Amended: 635-023-0095

Rules Suspended: 635-023-0095(T)

Subject: This amended rule closes the recreational sturgeon retention season in The Dalles Pool of the Columbia River effective at 12:01 a.m., Saturday July 30, 2011. Modifications are consistent with action taken July 21, 2011 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0095

Sturgeon Season

(1) The 2011 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to

time, and, to the extent of any inconsistency, they supersede the 2011 Oregon Sport Fishing Regulations.

(2) The mainstem Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam, excluding the lower Willamette River upstream to Willamette Falls, Multnomah Channel, and the Gilbert River, is open to the retention of white sturgeon with a fork length of 38-54 inches, three days per week, Thursdays through Saturdays, during the following periods:

(a) January 1 through July 31; and

(b) October 8 through December 31.

(3) The retention of white sturgeon in the area identified in section (2) of this rule is prohibited August 1 through October 7.

(4) The mainstem Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

(a) January 1 through April 30; and

(b) May 14 through July 31 (or until guideline is met).

(5) The retention of white sturgeon in the area identified in section (4) of this rule is prohibited May 1 through May 13, and from August 1 through December 31.

(6) During the fishing period as identified in subsection (4)(a) of this rule, only white sturgeon with a fork length of 38-54 inches may be retained.

(7) During the fishing period as identified in subsection (4)(b) of this rule, only white sturgeon with a fork length of 41-54 inches may be retained.

(8) Angling for sturgeon is prohibited from:

(a) Bonneville Dam downstream to a line crossing the Columbia River from Navigation Marker 82 on the Oregon shore through the upstream exposed end of Skamania Island, continuing in a straight line to Washington shore during May 1 through August 31;

(b) Highway 395 Bridge upstream to McNary Dam; and

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(d) The upper and lower ends of Sand Island and corresponding markers on the Oregon shoreline (slough at Rooster Rock State Park) from January 1 through April 30, 2011.

(9) Effective 12:01 a.m. Saturday, February 19 through Wednesday, June 29, 2011 the retention of white sturgeon in Bonneville Reservoir and tributaries is prohibited. Beginning Thursday, June 30 through Saturday, July 2, 2011 and from Thursday, July 7 through Friday, July 8, 2011 (5 days) the Bonneville Pool upstream to The Dalles Dam is open for retention of white sturgeon between 38-54 inches in fork length.

(10) Effective 12:01 a.m. Sunday April 10, 2011 the retention of sturgeon in the John Day Pool and tributaries is prohibited.

(11) Effective 12:01 a.m. Saturday June 9, 2011 the retention of sturgeon in the Bonneville Pool and tributaries is prohibited.

(12) Effective 12:01 a.m. Saturday, July 30, 2011 the retention of sturgeon in The Dalles Pool and tributaries is prohibited.

(13) The mainstem Columbia River from McNary Dam upstream to the Oregon-Washington border at river mile 309.5 is open to retention of white sturgeon with a fork length of 43-54 inches, seven days per week from February 1 through July 31.

(14) The retention of white sturgeon in the area identified in section (12) of this rule is prohibited August 1 through January 31.

(15) Retention of green sturgeon is prohibited all year in all areas.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-

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2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11

Rule Caption: In-season Modifications to Ocean Sport Rockfish and Other Marine Species Seasons.

Adm. Order No.: DFW 97-2011(Temp)

Filed with Sec. of State: 7-20-2011

Certified to be Effective: 7-20-11 thru 12-31-11

Notice Publication Date:

Rules Amended: 635-039-0090

Subject: Amended rule closes the ocean for lingcod, flatfish, and rockfish; cabezon; skates and “other fish” marine species listed under “Marine Fish:” on page 5 of the 2011 Oregon Sport Ocean Regulations for Salmon, Halibut and Other Marine Fish Species, published in May 2011 and pages 102-103 of the 2011 Oregon Sport Fishing Regulations booklet, outside of 20-fathoms, effective 11:59 p.m. on July 20, 2011. Amended rule also closes the sport ocean boat and estuary boat fisheries to retention of cabezon due to attainment of the 2011 Oregon recreational harvest limit of 15.8 metric tons, adopted by the National Marine Fisheries Service.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0090

Inclusions and Modifications

(1) The 2011 Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine 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 2011 Oregon Sport Fishing Regulations.

(2) For the purposes of this rule, a “sport harvest cap” is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) For 2011, the sport harvest cap for black rockfish is 440.8 metric tons.

(3) For the purposes of this rule, “Other nearshore rockfish” means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(4) For the purposes of this rule a “sport landing cap” is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2011 the sport landing caps are:

(a) Black rockfish and blue rockfish combined, 481.8 metric tons.

(b) Other nearshore rockfish, 13.6 metric tons.

(c) Cabezon, 15.8 metric tons.

(d) Greenling, 5.2 metric tons.

(5) Effective Wednesday, July 20, 2011 at 11:59 p.m. retention of cabezon, as identified in subsection (4)(c) above, is prohibited in the ocean boat and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(6) In addition to the regulations for Marine Fish in the 2011 Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone in 2011:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish (“sea bass” “snapper”), greenling (“sea trout”), cabezon, skates, and other marine fish species not listed in the 2011 Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than one be a cabezon from April 1 through September 30. Retention of yelloweye rockfish and canary rockfish is prohibited.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod, sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (6)(a), (6)(b) and (6)(c) including the following:

(A) Minimum length for lingcod, 22 inches.

(B) Minimum length for cabezon, 16 inches.

(C) Minimum length for greenling, 10 inches.

(D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through July 20, outside of the 40-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006. A 20-fathom, 25-fathom, or 30-fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate. Ocean waters are closed for species in subsections (6)(a), (6)(b) and (6)(c) during July 21 through December 31, outside of the 20 fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006.

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2010 ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(7) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

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

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-

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2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(Temp), f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 7-2009(Temp), f. & cert. ef. 2-2-09 thru 7-31-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 110-2009(Temp), f. 9-10-09, cert. ef. 9-13-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 103-2010(Temp), f. 7-21-10, cert. ef. 7-23-10 thru 12-31-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 97-2011(Temp), f. & cert. ef. 7-20-11 thru 12-31-11

Rule Caption: Columbia River Treaty Indian Commercial Gill Net Fishery Extended Through July 30, 2011.

Adm. Order No.: DFW 98-2011(Temp)

Filed with Sec. of State: 7-20-2011

Certified to be Effective: 7-25-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: Rule modifications set a Treaty Indian commercial gill net fishing period from 6:00 a.m. Monday, July 25 through 6:00 p.m. Saturday, July 30, 2011 (5.5 days) in Zone 6 of the Columbia River and allow the sales of fish except sockeye and white sturgeon caught during that period. Revisions are consistent with action taken July 21, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed beginning 6:00 p.m. Tuesday, May 10, 2011 until further notice.

(a) Chinook, steelhead, sockeye (through 6:00 p.m. July 10, 2011), coho, walleye, shad, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes. Sockeye may not be sold after 6:00 p.m. Sunday, July 10, 2011, but may be retained for subsistence.

(b) Sturgeon may not be sold or retained prior to 6:00 a.m. Monday, June 27, 2011. White sturgeon between 43 and 54 inches in fork length taken in The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken in the Bonneville Pool from 6:00 a.m. Monday, June 27, through 6:00 p.m. Thursday, June 30, 2011 may be sold or retained for subsistence use.

(c) Gear is restricted to subsistence fishing gear: hoopnets, dipnets and rod and reel with hook-and-line are allowed.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Thursday, June 16 through 6:00 p.m. Saturday, June 18, 2011 (2.5 days); from 6:00 a.m. Monday, June 20 through 6:00 p.m. Thursday, June 23, 2011 (3.5 days); from 6:00 a.m. Monday, June 27 through 6:00 p.m. Thursday, June 30, 2011 (3.5 days); from 6:00 a.m. Tuesday, July 5 through 6:00 p.m. Friday, July 8, 2011 (3.5 days); from 6:00 a.m. Monday, July 11 through 6:00 p.m. Friday, July 15 (4.5 days); from 6:00 a.m. Monday, July 18 through 6:00 p.m. Thursday, July 21 (3.5 days); and from 6:00 a.m. Monday, July 25 through 6:00 p.m. Saturday, July 30, 2011 (5.5 days).

(a) Chinook and coho salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes, however, sockeye salmon landed after 6:00 p.m. Sunday, July 10 may not be sold, but may be retained for subsistence purposes.

(b) Sturgeon may not be sold or retained prior to 6:00 a.m. Monday, June 27, 2011. White sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool from 6:00 a.m. Monday, June 27, through 6:00 p.m. Thursday, June 30, 2011 may be sold or retained for subsistence use. White sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool landed after 6:00 a.m. Tuesday, July 5 may not be sold but may be retained for subsistence. Fish landed during an open commercial period may be sold at any time. Commercial buyers may only purchase sturgeon in the round.

(c) Gear is restricted to gill nets. No minimum mesh size restriction is in effect through July 10, 2011. Beginning 6:00 a.m. Monday, July 11, 2011 only gill nets with a minimum mesh size of 7.25 inches may be used.

(d) Closed areas in Zone 6, except the Spring Creek Hatchery sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; and Big White Salmon River are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods and concurrent with periods when sales from Zone 6 platform and hook-and-line fisheries are allowed.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11

Rule Caption: Sport Chinook Fisheries Close On the Imnaha River.

Adm. Order No.: DFW 99-2011(Temp)

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-23-11 thru 9-1-11

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule closes the recreational Chinook fisheries in the Imnaha River effective 11:59 p.m. Saturday, July 23, 2011.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2011 Oregon Sport Fishing Regulations**.

(2) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until July 23, 2011.

(a) The daily bag limit is four (4) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until further notice.

(a) The daily bag limit is four (4) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the 2011 Oregon Sport Fishing Regulations, remain in effect.

(4) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is closed to angling for adipose

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fin-clipped adult Chinook salmon, effective 12:01 a.m. Saturday, July 16, 2011.

(a) All other General, Statewide and Northeast Zone Regulations, as provided in the 2011 Oregon Sport Fishing Regulations, remain in effect.

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

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 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 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. & cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11

Rule Caption: 2011 Columbia River Recreational Fall Chinook Seasons Implemented.

Adm. Order No.: DFW 100-2011(Temp)

Filed with Sec. of State: 7-27-2011

Certified to be Effective: 8-1-11 thru 12-31-11

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: This amended rule sets the 2011 recreational Fall Chinook salmon season regulations for the mainstem Columbia River, effective on August 1, 2011. Modifications were based on the 2011 Non-Indian Columbia River Fall Fishery Chinook Allocation Agreement, dated June 8, 2011 that was developed during the Pacific Fisheries Management Council (PFMC) and North of Falcon (NOF) meetings in March and April 2011. Fall fisheries in 2011 are structured to optimize the harvest of Chinook and coho within Endangered Species Act (ESA) limits and to provide a balanced opportunity for the fishers.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The 2011 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2011 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2011 Oregon Sport Fishing Regulations:

(a) Effective August 1 through December 31, the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank is open to angling for Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead with a two fish combined daily bag; except:

(A) From August 1 through August 28, the combined daily bag limit may only include one Chinook salmon. Retention of Chinook salmon is prohibited during August 29 through September 30;

(B) From October 1 through December 31 the combined daily bag limit may include up to two Chinook salmon.

(b) Effective August 1 through December 31, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam, is open to angling for Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead with a two fish combined daily bag; except:

(A) Retention of Chinook salmon is only allowed August 1 through September 9 and October 1 through December 31 or until the harvest guideline is achieved, in the area bounded by a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to the orange marker atop the piling near the lower end of Bachelor Island, Washington, downstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(B) In the area described in section (2)(b) above, the combined daily bag limit may only include one adult Chinook salmon during August 1 through September 9, 2011.

(c) Effective August 1 through December 31 in the mainstem Columbia River from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington, the combined daily bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day. All coho retained downstream of the Hood River Bridge must be adipose fin-clipped. The daily bag limit may include up to two Chinook salmon.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-1-11 thru 12-31-11

Rule Caption: Incidental Halibut Landing Notification Required in Ocean Troll Salmon Season.

Adm. Order No.: DFW 101-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 7-29-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-003-0004

Subject: This amended rule implements a requirement to notify the Department, within one hour of landing, of incidental halibut caught during the troll salmon season, from July 29 through October 31, 2011. Notification shall include the vessel's name and number; number of pounds of Pacific halibut landed; location of delivery; and estimated time of delivery. These modification are in response to recent federal regulation changes made by the National Oceanic Atmospheric Administration (NOAA Fisheries).

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-003-0004

Inclusions and Modifications

(1) OAR 635-003-0005 through 635-003-0076 modify or are in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart H.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H,** provides requirements for commercial salmon fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) This rule contains requirements which modify commercial salmon fishing regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean commercial salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by Federal Regulations (CFR, Title 50, Part 660, Subpart H).

(4) General Requirements, Definitions, Restrictions or Exceptions: Vessels prevented by unsafe weather conditions or mechanical problems from meeting management area landing restrictions, must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. Notification shall include the vessel name, port where delivery will be made, approximate number of salmon (by species) on board, and estimated time of arrival.

(5) A rectangular area offshore is open to the retention of all chinook salmon consistent with seasons adopted by the Pacific Fishery Management Council in adjacent waters, except that prior to August 1 only fin-clipped chinook salmon may be retained in this area. This rectangular area extends from Twin Rocks (45°35'54" N. Lat.) to Pyramid Rock (45°29'48" N. Lat.) inside the 15 fathom depth contour.

(6) Humboldt Mountain, Oregon, to Humboldt South Jetty: When the fishery is closed north of the Oregon/California border and open to the south, vessels with fish on board taken in the open area may request authorization to temporarily moor in Brookings, Oregon, prior to landing in California. Such vessels shall first notify the Chetco River Coast Guard Station via VHF Channel 22A between the hours of 0500 and 2200. Proper notification shall include the vessel name, number of fish on board, and estimated time of arrival.

(7) All vessels landing any Pacific halibut landed in the troll salmon incidental halibut season from July 29 through October 31, 2011 must report to ODFW within one hour of landing, by calling (541) 867-0300 ext. 271. Notification shall include vessel name and number, number of pounds of Pacific halibut landed, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 40-1995(Temp), f. & cert. ef. 5-18-95; FWC 62-1995(Temp), f. 7-27-95, cert. ef. 7-28-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 26-1996(Temp), f. 5-16-96, cert. ef. 5-17-96; FWC 31-1996(Temp), f. & cert. ef. 6-4-96; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 33-1997(Temp), f. & cert. ef. 5-28-97; FWC 44-1997(Temp), f. & cert. ef. 8-13-97; FWC 34-1998, f. & cert. ef. 5-4-98; FWC 36-1998(Temp), f. 5-12-98, cert. ef. 5-13-98 thru 5-15-98; FWC 38-1998(Temp), f. & cert. ef. 5-15-98 thru 6-15-98; FWC 39-1998(Temp), f. 6-19-98, cert. ef. 5-20-98 thru 5-23-98; FWC 44-1998(Temp), f. 6-1-98, cert. ef. 6-2-98 thru 6-4-98; FWC 64-1998(Temp), f. 8-14-98, cert. ef. 8-15-98 thru 8-21-98; FWC 65-1998(Temp), f. & cert. ef. 8-21-98 thru 8-31-98; FWC 20-1999(Temp), f. 3-29-99, cert. ef. 4-1-99 thru 4-30-99; FWC 31-1999, f. & cert. ef. 5-3-99; FWC 16-2000(Temp), f. 3-31-00, cert. ef. 4-1-00 thru 4-30-00; FWC 24-2000, f. 4-28-00, cert. ef. 5-1-00; FWC 45-2000(Temp), f. 8-10-00, cert. ef. 8-11-00 thru 8-31-00; FWC 46-2000(Temp), f. 8-10-00, cert. ef. 8-10-00 thru 9-30-00; FWC 49-2000(Temp), f. 8-17-00, cert. ef. 8-18-00 thru 9-30-00; FWC 56-2000(Temp), f. 8-31-00, cert. ef. 9-1-00 thru 9-30-00; FWC 59-2000(Temp), f. & cert. ef. 9-6-00 thru 9-30-00; FWC 73-2000(Temp), f. 10-26-00, cert. ef. 10-28-00 thru 11-1-00; FWC 28-2001, f. & cert. ef. 5-1-01; FWC 48-2001(Temp), f. 6-14-01, cert. ef. 6-15-01 thru 6-30-01; FWC 58-2001(Temp), f. 7-18-01, cert. ef. 7-20-01 thru 9-30-01; FWC 67-2001(Temp), f. 8-2-01, cert. ef. 8-3-01 thru 9-30-01; FWC 69-2001(Temp), f. & cert. ef. 8-8-01 thru 9-30-01; FWC 74-2001(Temp), f. & cert. ef. 8-17-01 thru 9-30-01; FWC 83-2001(Temp), f. 8-30-01, cert. ef. 8-31-01 thru 9-30-01; FWC 22-2002(Temp), f. 3-19-02, cert. ef. 3-20-02 thru 4-30-02; FWC 37-2002, f. & cert. ef. 4-23-02; FWC 58-2002(Temp), f. 6-6-02, cert. ef. 6-7-02 thru 6-30-02; FWC 65-2002(Temp), 6-27-02, cert. ef. 7-1-02 thru 12-27-02; FWC 72-2002(Temp), f. 7-11-02, cert. ef. 7-12-02 thru 12-31-02; FWC 76-2002(Temp), f. 7-25-02, cert. ef. 7-26-02 thru 12-31-02; FWC 77-2002(Temp), f. & cert. ef. 7-26-02 thru 12-31-02; FWC 84-2002(Temp), f. 8-8-02, cert. ef. 8-9-02 thru 12-31-02; FWC 86-2002(Temp), f. & cert. ef. 8-9-02 thru 12-31-02; FWC 92-2002(Temp), f. & cert. ef. 8-22-02 thru 12-31-02; FWC 101-2002(Temp), f. & cert. ef. 9-9-02 thru 12-31-02; FWC 111-2002(Temp), f. 10-8-02, cert. ef. 10-14-02 thru 12-31-02; FWC 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; FWC 35-2003, f. 4-30-03, cert. ef. 5-1-03; FWC 47-2003(Temp), f. 6-5-03, cert. ef. 6-6-03 thru 6-30-03; Administrative correction, 2-18-05; FWC 10-2005(Temp), f. 3-2-05, cert. ef. 3-15-05 thru 4-30-05; FWC 17-2005(Temp), f. & cert. ef. 3-15-05 thru 4-15-05; FWC 25-2005, f. & cert. ef. 4-15-05; FWC 13-2006(Temp), f. 3-14-06, cert. ef. 3-15-06 thru 4-30-06; FWC 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; FWC 24-2007, f. 4-16-07, cert. ef. 5-1-07; FWC 78-2007(Temp), f. & cert. ef. 8-20-07 thru 8-31-07; FWC 79-2007(Temp), f. 8-23-07, cert. ef. 8-25-07 thru 9-13-07; FWC 85-2007(Temp), f. 9-5-07, cert. ef. 9-10-07 thru 9-13-07; Administrative correction 9-16-07; FWC 24-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; FWC 66-2008(Temp), f. 6-

20-08, cert. ef. 6-21-08 thru 10-31-08; Administrative correction 11-18-08; DFW 28-2009(Temp), f. 3-12-09, cert. ef. 3-15-09 thru 9-10-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 101-2011(Temp), f. & cert. ef. 7-29-11 thru 10-31-11

Rule Caption: Allow Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty Tribal Fishers.

Adm. Order No.: DFW 102-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-006-0212, 635-006-0215, 635-006-0225

Subject: These amended rules allow commercial sales of gilled and gutted Columbia River salmon and steelhead caught by Treaty tribal members to wholesale fish dealers, canners, and buyers. Amendments also require wholesale fish dealers, canners, and buyers to report in round weights on the Fish Receiving Ticket using a conversion factor 1.15.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-006-0212

Fish Receiving Ticket — Salmon

For all salmon, the following requirements apply in addition to those listed in OAR 635-006-0210:

(1) Fish receiving tickets shall be completed at time of landing and the original copy forwarded within four consecutive days following the landing to the Oregon Department of Fish and Wildlife.

(2) For troll-caught salmon, fish receiving tickets shall show the number of days fished during the trip in which the salmon were caught.

(3) It is lawful for licensed wholesale fish dealers, canners, or buyers to purchase from tribal fishers, referred to in OAR 635-041-0005, gilled and gutted Columbia River salmon lawfully taken by treaty Indians during commercial fishing seasons. The licensed wholesale dealer must submit round weights on the Fish Receiving Ticket by multiplying the weights of gilled and gutted salmon by the conversion factor listed in OAR 635-006-0215 for tribal Columbia River salmon and steelhead.

Stat. Auth.: ORS 506.119, 506.129, 508.530 & 508.535

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 44-2006(Temp), f. & cert. ef. 6-19-06 thru 12-15-06; Administrative correction 12-16-06; DFW 79-2008(Temp), f. & cert. ef. 7-10-08 thru 12-31-08; Administrative correction 1-23-09; DFW 70-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 12-12-09; DFW 47-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; DFW 102-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11

635-006-0215

Monthly Remittance Report

(1) A monthly report is required of all licensed:

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners receiving food fish or shellfish from licensed commercial fishers or bait fishers;

(b) Limited Fish Sellers selling food fish or shellfish.

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.

(3) The following information shall be included on the report:

(a) Fish dealer's name, license number, and address;

(b) Calendar month of the report;

(c) Serial numbers of all Fish Receiving Tickets issued during the month;

(d) Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;

(e) Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;

(f) Total value of all other food fish and shellfish including eggs and parts;

(g) Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. The following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying each applicable below-listed factor by the dressed weight of that species:

(A) Troll salmon:

(i) Gilled and gutted — 1.15

(ii) Gilled, gutted, and headed — 1.30

(B) Tribal Columbia River salmon and steelhead trout:

(i) Gilled and gutted — 1.15

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- (C) Halibut:
 - (i) Gilled and gutted — 1.15
 - (ii) Gilled, gutted, and headed — 1.35
- (D) Sablefish, gutted and headed — 1.60
- (E) Pacific whiting:
 - (i) Fillet — 2.86
 - (ii) Headed and gutted — 1.56
 - (iii) Surimi — 6.25
- (F) Razor Clams, shelled and cleaned. — 2.0
- (G) Scallops, shelled and cleaned — 12.2
- (H) Thresher shark — 2.0
- (I) Skates — 2.6
- (J) Lingcod:
 - (i) Gilled and gutted — 1.1
 - (ii) Gilled, gutted and headed — 1.5
- (K) Spot prawn, tails — 2.24
- (L) Groundfish, glazed:

(i) Conversion factors must be calculated for each landing for each species or species group categorized in OAR 635-004-0033 when there are 60 or greater individuals of a category in a single landing as follows:

(I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;

(II) Completely remove glaze from individual fish making up the sample;

(III) Re-weigh the sample to obtain the non-glazed weight;

(IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;

(V) A separate conversion factor may be calculated for each size grade of a species, but may only be applied to landings of that size grade;

(VI) Documentation of this calculation must be retained with the dock receiving ticket.

(ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of any species or species group categorized in OAR 635-004-0033 in a single landing.

(h) Total value of food fish landed in another state but not taxed by that state;

(i) Total pounds in the round of all food fish landed in another state but not taxed by that state;

(j) Total fees due - in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:

(A) All salmon and steelhead, 3.15 percent;

(B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.011), 5 percent.

(C) All other food fish and shellfish, 1.09 percent until the first Emergency Board hearing of 1993 and 1.25 percent, thereafter.

(k) Signature of the individual completing the report.

(4) The monthly report and all landing fees due shall be sent to the Department on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.

Stat. Auth.: ORS 506.119 & 508.530

Stats. Implemented: ORS 506.129, 508.535 & 508.550

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0140; FWC 48-1978, f. & ef. 9-27-78, Renumbered from 635-036-0585; FWC 17-1981(Temp), f. & ef. 5-22-81; FWC 25-1981(Temp), f. 7-8-81, ef. 7-15-81; FWC 27-1981, f. & ef. 8-14-81; FWC 1-1986, f. & ef. 1-10-86; FWC 4-1987, f. & ef. 2-6-87; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92; FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 5-1993, f. 1-22-93, cert. ef. 1-25-93; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 118-2005(Temp), f. & cert. ef. 10-10-05 thru 12-31-05; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2008(Temp) f. & cert. ef. 7-10-08 thru 12-31-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 70-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 12-12-09; DFW 73-2009(Temp), f. 6-24-09, cert. ef. 6-25-09 thru 12-21-09; Administrative correction 12-23-09; DFW 39-2010(Temp), f. 3-30-10, cert. ef. 4-1-10 thru 9-27-10; DFW 47-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; Administrative correction 11-23-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 102-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11

635-006-0225

Purchase, Record, Report, and Sale of Steelhead Trout and Walleye from Treaty Indian Fisheries

(1) Steelhead trout and walleye lawfully taken by treaty Indians during commercial fishing seasons may be purchased by licensed wholesale fish dealers, canners, or buyers pursuant to restrictions set forth in sections (2) through (5) of this rule. In addition, steelhead trout and walleye taken

lawfully by treaty Indians during commercial fishing seasons may be purchased and/or possessed by any individual pursuant to restrictions set forth in section (6) of this rule.

(2) The wholesale fish dealer, canner, or buyer, shall at the time of purchase, enter the purchase of steelhead trout and walleye on a Department Columbia River Fish Receiving Ticket. Information required to be entered on the Fish Receiving Ticket shall be the same as required by OAR 635-006-0210 and 635-006-0212 for each purchase of food fish.

(3) The record keeping and reporting requirements for food fish as set forth in OAR 635-006-0200 through 635-006-0215 shall apply to all steelhead trout and walleye purchases. The round weights of all gilled and gutted steelhead trout must be converted by the licensed wholesale fish dealer, canner, or buyer by using the conversion factor listed in OAR 635-006-0215 for Tribal Columbia River salmon and steelhead trout.

(4) In addition to the records required in connection with the purchase of steelhead trout, and walleye, a record of all sales of steelhead trout and walleye shall be maintained by licensed wholesale fish dealers, canners, or buyers for a period of three years and shall be subject to inspection by the Department, the Director's authorized agent or the Oregon State Police. Such record of sales shall include as a minimum:

(a) Name and address of each person to whom either steelhead or walleye are sold;

(b) Quantity in pounds of each sale identified as whole or round weight;

(c) Date of each delivery.

(5) It is unlawful for any wholesale fish dealer, canner, or buyer in possession of legally purchased steelhead trout or walleye from treaty Indians to sell or distribute such fish in Oregon except to another wholesale fish dealer, canner, or buyer.

(6) Steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased from a treaty Indian and/or possessed by any individual so long as said fish are accompanied by a written document listing treaty Indian taker's name, tribal enrollment number, number of fish, approximate weight of each fish, date and location where taken, date of sale, and purchaser's name. It is *unlawful* for any individual other than a treaty Indian to sell steelhead trout or walleye. The provisions in this section apply to individuals other than licensed wholesale fish dealers, canners and buyers.

Stat. Auth.: ORS 506.119, 508.530 & 509.031

Stats. Implemented: ORS 498.022, 506.129, 508.535 & 508.550

Hist.: FWC 39, f. & ef. 1-23-76, Renumbered from 625-040-0150, Renumbered from 635-036-0595; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 41-1995, f. 5-23-95, cert. ef. 5-24-95; FWC 51-1997(Temp), f. & cert. ef. 8-27-97; DFW 73-1998, f. & cert. ef. 8-28-98; DFW 32-2008(Temp), f. & cert. ef. 4-1-08 thru 9-27-08; DFW 79-2008(Temp) f. & cert. ef. 7-10-08 thru 12-31-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 70-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 12-12-09; Administrative correction 12-23-09; DFW 47-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; Administrative correction 11-23-10; DFW 102-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11

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Rule Caption: Treaty Indian Fall Fisheries for Columbia River Above Bonneville Dam Implemented.

Adm. Order No.: DFW 103-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-041-0063, 635-041-0075

Rules Suspended: 635-041-0076(T)

Subject: Amended rule allows commercial sales of fish caught during the Treaty Indian Fall salmon platform and hook-and-line; Fall gill net; and Fall sturgeon setline fisheries in the Columbia River above Bonneville Dam (Zone 6). The fall platform and hook-and-line chinook and steelhead fishery begins at 6:00 a.m. Monday, August 1, 2011 and runs through Monday, October 31, 2011. Implementation is consistent with action taken July 28, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0063

Sturgeon Setline Fishery

(1) White sturgeon may be taken by setline for commercial purposes from 6:00 a.m. August 1 through 6:00 p.m. August 13, 2011, or until harvest guidelines are met, in all of Zone 6.

(a) In The Dalles and John Day pools white sturgeon taken must be 43-54 inches in fork length.

ADMINISTRATIVE RULES

2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11

Rule Caption: Sport Chinook Fisheries Close On the Willowa River.

Adm. Order No.: DFW 104-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-7-11 thru 9-1-11

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule closes the ongoing recreational Chinook fishery in the Willowa River effective 11:59 p.m. Saturday, August 7, 2011.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2011 Oregon Sport Fishing Regulations**.

(2) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is closed to angling for adipose fin-clipped adult Chinook salmon, effective 12:01 a.m. Saturday, July 23, 2011.

(a) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Willowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from May 28 until 11:59 p.m. Saturday, August 7, 2011.

(a) The daily bag limit is four (4) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

(4) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is closed to angling for adipose fin-clipped adult Chinook salmon, effective 12:01 a.m. Saturday, July 16, 2011.

(a) All other General, Statewide and Northeast Zone Regulations, as provided in the **2011 Oregon Sport Fishing Regulations**, remain in effect.

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

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 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 26-2002, f. 12-31-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. &

cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11

Rule Caption: Fall Commercial Drift Gill Net Seasons Set for Columbia River Mainstem.

Adm. Order No.: DFW 105-2011(Temp)

Filed with Sec. of State: 8-2-2011

Certified to be Effective: 8-4-11 thru 8-31-11

Notice Publication Date:

Rules Amended: 635-042-0031

Subject: Amended rule sets the 2011 fall commercial salmon drift gill net seasons for the Columbia River mainstem in Zones 1 through 5.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1-5, as identified in OAR 635-042-0001 as follows:

9:00 p.m. Thursday, August 4 to 6:00 a.m. Friday, August 5, 2011 (9 hours)

(b) Zones 4-5, the deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore, as follows:

9:00 p.m. Tuesday, August 16 to 6:00 a.m. Wednesday, August 17, 2011 (9 hours);

9:00 p.m. Thursday, August 18 to 6:00 a.m. Friday, August 19, 2011 (9 hours);

9:00 p.m. Sunday, August 21 to 6:00 a.m. Monday, August 22, 2011 (9 hours);

9:00 p.m. Tuesday, August 23 to 6:00 a.m. Wednesday, August 24, 2011 (9 hours);

9:00 p.m. Thursday, August 25 to 6:00 a.m. Friday, August 26, 2011 (9 hours);

(2) Only drift gill nets may be used. It is unlawful to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010 (4)). Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored during the August 4-5 fishery only. This means it is unlawful for nets not specifically authorized for use in this fishery to be onboard after August 5, 2011. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(3) A maximum of ten (10) white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) of the August 4-5 fishery. A maximum of three (3) white sturgeon, 43-54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) of the August 16-26 fishery. The sturgeon possession and sales limit includes mainstem fisheries only. Retention of green sturgeon is prohibited.

(4) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomina-A, Cowlitz River, Kalama-A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

ADMINISTRATIVE RULES

1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11

Rule Caption: Correction to rule filing related to OAR 635-049-0025.

Adm. Order No.: DFW 107-2011

Filed with Sec. of State: 8-4-2011

Certified to be Effective: 8-4-11

Notice Publication Date: 3-1-2011

Rules Amended: 635-049-0025

Subject: This filing is due to a clerical error that occurred during filing. It was not the intent of the commission to remove any of the existing language in the prior rule.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-049-0025

Import, Export, Transport other than to Licensed Facilities

(1) It is *unlawful* to import live cervids. However, live fallow deer and/or reindeer that leave Oregon temporarily for educational or display purposes may return to Oregon upon obtaining any necessary Department of Agriculture permits, provided:

(a) The fallow deer and/or reindeer have had no contact with other cervids while outside Oregon; and

(b) The Department of Fish and Wildlife is notified each time before the fallow deer and/or reindeer re-enter Oregon.

(c) The Department of Fish and Wildlife is provided a schedule of off facility locations and dates before the fallow deer and/or reindeer are transported outside the facility.

(2) Cervid gametes or embryos may be imported into Oregon only under the following conditions:

(a) The person proposing to import provides the Department with documentation of the pedigree of the parents;

(b) The gametes or embryos are of the species or subspecies for which the recipient is licensed to hold; and

(c) The Department approves the import proposal in advance as posing no threat to native wildlife.

(3) Live cervids, gametes and embryos may be exported from Oregon, and cervid gametes and embryos may be imported into Oregon, only by a holder of an Oregon license valid for that species or subspecies, and provided that the licensee complies with all requirements of the Oregon Department of Agriculture governing transport, import and export in addition to provisions of OAR chapter 635 division 049.

(4) To the extent import or export of cervids, gametes or embryos is allowed by the above, any person proposing such import or export must obtain a permit from the Department of Fish and Wildlife in advance.

(5) Note the requirements of OAR 635-049-0265 governing transport of cervids.

(6) Effective January 1, 2009, it is unlawful for any person to export any bull elk that the person knows or should know will be used in a shooter bull operation. A "shooter bull operation" means a privately owned entity offering the hunting of bull elk for a fee or other remuneration within a fenced enclosure designed to prevent the elk's escape into the wild.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

Hist.: DFW 52-2008, f. & cert. ef. 5-28-08; DFW 65-2009, f. & cert. ef. 6-10-09; DFW 169-2010(Temp), f. 12-29-10, cert. ef. 1-1-11 thru 6-27-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 107-2011, f. & cert. ef. 8-4-11

Rule Caption: Amendments regarding harvest of game birds, season dates, open areas and bag limits.

Adm. Order No.: DFW 108-2011

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11

Notice Publication Date: 7-1-2011

Rules Amended: 635-008-0070, 635-008-0080, 635-008-0095, 635-008-0105, 635-008-0115, 635-008-0120, 635-008-0130, 635-008-0145, 635-008-0155, 635-008-0163, 635-008-0185, 635-008-0190, 635-043-0105, 635-045-0000, 635-051-0000, 635-051-0048, 635-052-0000, 635-053-0000, 635-054-0000, 635-054-0020, 635-060-0000

Subject: Amend rules regarding the harvest of game birds including 2011–2012 season dates, open areas, regulations and bag limits. Amend rules regarding wildlife harassment permit if using a dog to harass migratory birds.

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) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using 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.

(10) Closed to all big game hunting.

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. 8-25-95; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0080

Ken Denman Wildlife Area

The Ken Denman Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Ken Denman Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

(2) Running or training of dogs is prohibited April 1 through July 31 except on designated Dog Training Areas.

(3) Camping is prohibited.

(4) Boats with gas propelled motors are prohibited.

(5) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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(4); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2006, f. & cert. ef. 10-16-06; DFW 108-2011, f. & cert. ef. 8-5-11

ADMINISTRATIVE RULES

635-008-0095

Fern Ridge Wildlife Area

As the underlying landowner, the U.S. Army Corps of Engineers has adopted rules and regulations (CFR Title 36) that apply to all Fern Ridge project land and water areas. The Fern Ridge Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Fern Ridge 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 hunting 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) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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(7); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 64-2009, f. & cert. ef. 6-10-09; DFW 108-2011, f. & cert. ef. 8-5-11

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) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using 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; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0115

Klamath Wildlife Area

The Klamath Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Klamath Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) Discharging firearms is prohibited except as authorized during game bird seasons, or by permit.
- (2) Running or training of dogs is prohibited February 1 through July 31 except on designated Dog Training Areas or by permit.
- (3) Camping is prohibited.
- (4) Personal property must be removed from the area at the end of each hunt day.
- (5) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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(10); FWC 53-1994, f. & cert. ef. 8-25-95; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0120

Ladd Marsh Wildlife Area

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) An entry permit is required except during the authorized upland game bird and waterfowl seasons and on that portion of Ladd Marsh Wildlife Area west of Foothill Road, the nature trail and Long Pine Viewpoint.
- (2) The area is closed to big game hunting except that portion of Ladd Marsh Wildlife Area West of Foot Hill Road.
- (3) Discharging firearms is prohibited except as authorized during game bird and big game hunting seasons, or by permit.
- (4) Camping is prohibited.
- (5) Running or training of dogs is prohibited April 1 through July 31.
- (6) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11

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) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using 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; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0145

St. Louis Ponds: Marion County

(1) St. Louis Ponds is that area posted Department lands located in Sections 21, 22, 27, and 28, Township 5 South, Range 2 West of the Willamette Meridian in Marion County and containing 222 acres more or less.

- (2) In the area described in section (1) of this rule it is unlawful to:
- (a) Use the area for any purpose between one hour after sunset and one hour before sunrise;
 - (b) Use any floating craft on any pond;
 - (c) Swim or otherwise enter any pond;
 - (d) Build open fires;
 - (e) Discharge rifles and pistols;

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(f) Discharge shotguns except during open seasons between the beginning of pheasant season and the end of waterfowl season, or during dog trials authorized by Department permit;

(g) Operate motor vehicles off established roads;

(h) Run dogs except in posted areas;

(i) Violate the terms of any permit issued by the Department.

(3) No person shall possess or use any shot other than federally-approved nontoxic shot at any time.

Stat. Auth.: ORS 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.138, 496.146 & 496.162

Hist.: FWC 21-1980, f. & ef. 4-25-80, Renumbered from 635-008-0012; FWC 14-1983, f. & ef. 4-4-83; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; DFW 5-2009, f. & cert. ef. 1-15-08; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0155

Summer Lake Wildlife Area

The Summer Lake Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2007 Summer Lake Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Posted Refuges are closed to all entry during authorized game bird and game mammal hunting seasons, except to retrieve lawfully taken wildlife, or by permit.

(2) Entering any portion of the Wildlife Area south of Thousand Springs Lane (Lake County Road 4-17), except the Foster Place unit and open roads and campgrounds, between October 1 through 4:00 AM on October 9, 2010 is prohibited.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal hunting seasons, or by permit.

(4) Motor vehicles and other motor driven modes of transportation are prohibited except on parking areas and open roads, or by permit.

(5) Camping or leaving vehicles unattended is prohibited except on areas designated for that use, and may not exceed 14 days per stay, except by permit.

(6) Running or training of dogs is prohibited except by permit.

(7) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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(17); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-008-0163

Tami Wagner Wildlife Area

The Tami Wagner Wildlife Area is open for wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons or by permit.

(2) Camping is prohibited except by permit.

(3) Unauthorized motor vehicle use is prohibited

Stat. Auth.: 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 68-2011, f. 6-15-11, cert. ef. 7-1-11; DFW 108-2011, f. & cert. ef. 8-5-11

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) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using 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 & 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; DFW 108-2011, f. & cert. ef. 8-5-11

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.

(7) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

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; DFW 108-2011, f. & cert. ef. 8-5-11

635-043-0105

Permit Required to Harass Wildlife

Any landowner suffering damage from wildlife (except for bobcat, red fox, cougar, bear, and non-threatened or non-endangered migratory birds) to property that they own or lawfully occupy, and desiring to control the damage by means of harassment shall first secure a Wildlife Harassment Permit by applying to the Department. Any harassment of non-threatened or non-endangered migratory birds must not result in the take of migratory birds, their eggs or their nests.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0225, Renumbered from 635-007-0345; FWC 52-1987, f. & ef. 7-23-87; FWC 49-1991, f. & cert. ef. 5-13-91; FWC 58-1994, f. & cert. ef. 9-1-94; DFW 12-2002, f. & cert. ef. 2-12-02; DFW 37-2009(Temp), f. & cert. ef. 4-13-09 thru 8-31-09; DFW 92-2009(Temp), f. & cert. ef. 8-11-09 thru 2-5-10; DFW 1-2010, f. & cert. ef. 1-12-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "2011-2012 Oregon Game Bird Regulations," and "2012 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11

ADMINISTRATIVE RULES

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496

(2) The document entitled "2011–2012 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-051-0048

Other Restrictions

Except as provided in section (1)(a), (b), (c), (2)–(6) of this rule, it is unlawful: To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(1) Migratory game bird hunting is permitted within the city limits of Warrenton in the following described areas:

(a) Beginning at a point located at the west end of the Lewis and Clark Bridge (Alternate Highway 101) at the southern boundary of the Warrenton city limits and west bank of the Lewis and Clark River, then westerly along the common southern boundary of the Port of Astoria airport and the Warrenton City limits to the west bank of Adams Slough (formerly Adair's Slough), then northerly along the west tracks, then westerly along said railroad tracks to its intersection with Northeast King Avenue, then northerly along Northeast King Avenue to the mouth of the Skipanon River, then generally northwesterly following a contour line 100 yards inland from the shoreline at mean high water of the Columbia River, and on the Columbia River side of the Burlington Northern Railroad tracks to its intersection with the Warrenton/Hammond city limits at Tansy Point, then in a generally southeasterly direction upstream along the Columbia River, Youngs Bay and Lewis and Clark River to the point of beginning.

(b) Beginning at a point of intersection with the low tide of the Pacific Ocean and the westerly extension of Delaura Beach Road (County Road #34), then easterly along Delaura Beach Road and Oceanview Cemetery Road (County Road #321) to the junction with Wild Ace Lake Drive to the Warrenton School Dump Road (County Road #286), then easterly along the Warrenton School Dump Road to the junction of Southwest Juniper Avenue, then northerly along Southwest Juniper Avenue to the road's end, then continuing northerly along the common boundary of Section 16 and 17 to the Warrenton/Hammond city limits, then westerly along the Warrenton/Hammond city limits to the low tide of the Pacific Ocean, then southerly to the point of beginning.

(c) Beginning at a point of intersection with the most southerly boundary of the Warrenton city limits and Oregon Coast Highway 101 and the west bank of the Skipanon River, then northerly along the west bank of the Skipanon River to the bridge on (Crab Pot Way) Alternate Highway 101 (Fort Stevens Highway #104), then in a generally easterly direction along Alternate Highway 101 to Southeast 14th Place, then in a generally southeasterly direction along Southeast 14th Place and its easterly extension, crossing the Oregon Coast Highway 101 to its intersection with the Warrenton city limits, then southerly and westerly along the line of the Warrenton city limits to the point of beginning.

(2) Game bird hunting is permitted within the city limits of Dunes City.

(3) Game bird hunting is permitted within the boundary limits of the Klamath Falls Airport.

(4) Waterfowl hunting is permitted in the following portion of Miami Cove lying within the city limits of Garibaldi: That land in the east one-half of the northwest quarter of Section 22, Township 1 North, Range 10 West, Willamette Meridian, lying south of Coast Highway 101, and in the east one-half of the southwest quarter of Section 22, Township 1 North, Range 10 West, lying north and west of Coast Highway 101, provided that no hunting be permitted within 100 yards of any residence or commercial structure.

(5) Waterfowl hunting is allowed within a portion of Coos Bay City limits as described in Coos Bay City Ordinance number 100, section 3(2)(a) as of August 3, 2007.

(6) Waterfowl hunting is allowed within Boardman City limits as described in City of Boardman Resolution 4-2011 as of January 19, 2011.

(7) No person shall take any wild bird without a permit or destroy the eggs or nests of wild birds

(8) Notwithstanding the prohibition in paragraph (7):

(a) If registered through the Resident Canada Goose Nest and Egg Registration Site of the U.S. Fish and Wildlife Service (<https://epermits.fws.gov/eRCGR/geSI.aspx>), any person may destroy the eggs or nests of resident Canada geese:

(A) Inside incorporated cities or urban growth boundaries; or

(B) On golf courses, parks or other highly developed recreational areas outside incorporated cities or urban growth boundaries.

(b) The U.S. Fish and Wildlife Service, or anyone issued a depredation permit by the USFWS, may take any wild migratory bird, its eggs or nest for the purpose of protecting public health or safety, to address public nuisance or to deal with crop depredation. Any wild bird captured for the purpose of translocation must be reported to the department and the translocation site approved by the department prior to release.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 46-1983, f. & ef. 9-19-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 116-2006(Temp), f. & cert. ef. 10-12-06 thru 4-10-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 37-2008(Temp), f. & cert. ef. 4-21-08 thru 10-17-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 5-2011(Temp), f. & cert. ef. 1-19-11 thru 7-15-11; DFW 108-2011, f. & cert. ef. 8-5-11

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2011–2012 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2011–2012 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. & cert. ef. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, Wilson's snipe and crow pursuant to ORS Chapter 496.

(2) The document entitled "2011–2012 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02;

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DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11

635-054-0020

Wilson's Snipe

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 108-2011, f. & cert. ef. 8-5-11

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled "2011-2012 Oregon Game Bird Regulations", and "2012 Oregon Big Game Regulations," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 25-1978, f. & cert. ef. 5-26-78; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 16-1985, f. & cert. ef. 4-11-85; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. & cert. ef. 1-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. & cert. ef. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. & cert. ef. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. & cert. ef. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. & cert. ef. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. & cert. ef. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. & cert. ef. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11

Rule Caption: Amend Rules Relating to Falconry Licenses, Permits and Requirements.

Adm. Order No.: DFW 109-2011

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-9-11

Notice Publication Date: 7-1-2011

Rules Adopted: 635-055-0001

Rules Amended: 635-055-0010, 635-055-0015, 635-055-0020, 635-055-0025, 635-055-0030, 635-055-0035, 635-055-0037, 635-055-0040, 635-055-0050, 635-055-0055, 635-055-0060, 635-055-0075

Rules Repealed: 635-055-0065

Rules Ren. & Amend: 635-055-0000 to 635-055-0002

Subject: Amend rules relating to falconry licenses, permits and requirements to be in compliance with new federal regulations.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-055-0001

General Provisions

Any person licensed for falconry in the State of Oregon must comply with both federal and state falconry regulations. This means that a licensed Oregon falconer must comply with 50 CFR §21.3 and §21.29 (as in effect on August 5, 2011) except where state regulations are more restrictive than federal regulations. The following sections of this division specify those more-restrictive state regulations.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0002

Definition of Terms

For the purpose of these rules, the following definitions apply:

(1) "Captively bred" means any raptor, including eggs, hatched in captivity resulting from parents that mated in captivity, or are the progeny of artificial insemination.

(2) "Falconry" means the sport of taking quarry by means of a trained raptor.

(3) "Indigenous raptor", for purposes of falconry, means golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and great horned owl (*Bubo virginianus*).

(4) "Management or operational activities" means activities on nest-site structures (bridges or buildings) that are operational or maintenance actions to the structure deemed necessary by the structure owners or managers. These activities do not include nest entries for the purposes of banding birds for scientific purposes.

(5) "Passage" means first year migrant raptors capable of flight.

(6) "Post-fledgling" means a young first-year bird capable of flight which has recently flown from its nest.

(7) "Take" for the purposes of these rules, means to trap, capture, or attempt to trap or capture a raptor from the wild for the purpose of falconry.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 170, f. & cert. ef. 1-1-78; FWC 11-1983, f. & cert. ef. 3-24-83; FWC 7-1984, f. & cert. ef. 2-29-84; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; Renumbered from 635-055-0000 by DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0010

License Required to Practice Falconry

(1) Before a falconer may participate in hunting any wildlife, he/she shall possess a valid Oregon falconry license, a hunting license, and any permit or stamp that is required.

(2) Nonresident falconers hunting in Oregon shall have a valid falconry license from a state having a federally approved falconry program, a nonresident hunting license, and any permit or stamp that is required.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. & cert. ef. 1-1-78; FWC 11-1983, f. & cert. ef. 3-24-83; FWC 8-1986, f. & cert. ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 31-2004, f. & cert. ef. 4-22-04, cert. ef. 5-1-04; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0015

Cost and Expiration Date of Falconry License

(1) The fee for a falconry license shall be \$125.00 (plus a \$2.00 license agent fee).

(2) The falconry license is valid for three years. The three year period shall extend from July 1 of the year of issue to June 30 of the third year.

EXAMPLE: A license issued on November 1, 2011 will expire on June 30, 2014.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 170, f. & cert. ef. 1-1-78; FWC 12-1983, f. & cert. ef. 1-1-84; FWC 12-1985, f. & cert. ef. 3-6-85; FWC 123-1990, f. & cert. ef. 11-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 142-2009, f. & cert. ef. 11-12-09, cert. ef. 1-1-10; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0020

Falconry Licenses, Qualifications for Classes of Licenses, and Permitted Raptors

(1) All licensed Oregon falconers shall be residents of Oregon. A resident shall have a permanent residence and falconry facilities in Oregon; however, there is no time minimum before a person can claim residency for falconry purposes. Any person falconry hunting in Oregon with a resident hunting license must satisfy the residency requirements as detailed in OAR 635-052, 635-053, 635-054 and 635-065.

(2) All falconers shall demonstrate knowledge of the care of raptors, practice of falconry, and wildlife laws and regulations pertaining to hunting and falconry by receiving a score of 80 percent or higher on a written examination approved by the U.S. Fish and Wildlife Service or by showing documented falconry experience from another state having a federally approved falconry program before receiving their first Oregon Falconry License. Any applicant who fails to pass an examination may take another examination no earlier than 30 days from the date of the prior examination.

ADMINISTRATIVE RULES

(3) Standards for falconry classes: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 12-1985, f. & ef. 3-6-85; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0025

Inspections, Facilities and Equipment

(1) An applicant's facilities shall be inspected and certified by the Department or a designated representative possessing knowledge of falconry facilities before a falconry license is issued. An inspection fee of \$15.00 shall be assessed for an inspection of facilities and shall accompany an inspection request form from the falconer. A facilities inspection is required for all new falconry applicants, falconers from another state who have moved to Oregon and Oregon falconers with newly constructed facilities. The raptor housing facilities shall provide protection from adverse weather, predators, and disturbance. All facilities and equipment shall be maintained at or above the level approved and are subject to inspection by the Department or Oregon State Police at any time. Inspection of facilities may take place without warrant or notice but, unless prompted by emergency or other extenuating circumstances, shall be limited to regular and usual business hours, including weekends.

(2) Temporary holding facilities may be used to transport or hold a raptor for not more than 30 consecutive days unless authorized by the Department (not to exceed 120 days). Temporary facilities shall contain a perch, be adequately ventilated, be sanitary and provide protection from adverse weather, predatory animals, domestic animals, extreme temperatures, wind and excessive disturbance.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 12-1985, f. & ef. 3-6-85; FWC 8-1987, f. & ef. 2-25-87; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0030

Limitations on Species Captured and/or Held

(1) Any adult raptor inadvertently taken must be immediately released.

(2) Only the following raptor species and number of each may be taken in the state during the capture season unless otherwise specified:

(a) Red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk and great horned owl — unlimited and statewide except that great horned owls may be taken as nestlings only.

(b) Goshawk — unlimited and statewide except that no nestling goshawks may be taken in the area north of the Umpqua River and west of Interstate 5. Passage goshawks may be taken statewide.

(c) Prairie falcon — unlimited and statewide except that Wasco, Gilliam, Umatilla, Morrow, Sherman, Jackson and Josephine counties are closed to take of prairie falcons.

(d) Merlin — unlimited and statewide except no nestling merlins may be taken.

(e) Gyrfalcon — only 3 gyrfalcons may be captured during a capture season. Gyrfalcons may be captured statewide. Gyrfalcon capture permits are issued to Master Falconers only and an individual falconer may not capture more than one gyrfalcon per capture season. All gyrfalcon capture permit holders will be notified when the quota has been reached. No take of gyrfalcons is authorized for non-resident falconers.

(3) Golden eagle — unlimited, capture authorized for counties east of the crest of the Cascade Mountain range only. Golden eagle capture permits are issued to Master Falconers only. Golden eagles may be captured, imported and/or used for falconry only in accordance with Federal falconry standards as detailed in 50 CFR § 22.24.

(4) Peregrine falcons maybe taken statewide. Peregrine falcon capture permits are issued to Master Falconers only. The Commission will establish allowable take of peregrine falcons, not to exceed five percent of the estimated annual productivity of young peregrine falcons in Oregon, as required by U.S. Fish and Wildlife Service in its Environmental Assessment for the Take of Nestling Peregrine Falcons (Federal Register March 10, 2004, Volume 69, Number 47, page 11455).

(5) The possession of legally acquired non-indigenous raptors listed as a migratory bird in 50 CFR§10.13 is allowed. Only indigenous raptor species, raptors listed in 50 CFR§10.13 and raptors classified as non-controlled or controlled in the Oregon Wildlife Integrity Rules (OAR 635-056)

are allowed. The possession for falconry purposes of hybrid raptors of species listed in 50 CFR§10 are allowed.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0035

Capture and Transportation of Raptors

A raptor capture permit is required prior to capturing or attempting to capture any raptor. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for species listed in 635-055-0020(3) with the exception of gyrfalcons. All non-resident applications must include a copy of the applicant's current state falconry license. All applicants for golden eagle capture must include a copy of the federal authorization to take and possess golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits, except for capture permits for peregrine falcons, will be issued on a first come first served basis.

(1) A nonrefundable application fee of \$15.00 (plus a \$2.00 license agent fee) will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Except for take of peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license or a falconry license from a state having a federally approved falconry program. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "peregrine falcon", or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing except for peregrine falcon nestlings; the permit is not transferable.

(3) Upon taking the raptor authorized, the permit holder shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permit holder shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permit holder shall take the bird to a Department office to have the permit certified.

(4) Lost, raptors at hack, or captive bred raptors may be re-trapped at anytime without a capture permit. All other raptors captured shall be immediately released.

(5) Exportation of wild caught raptors -- No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.

(6) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

(7) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.

(8) The Department will not issue a falconry capture permit to any person who:

(a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws;

(b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife;

(c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or

(d) Has had his or her hunting or fishing license suspended for a wildlife violation.

(9) A person who is denied a falconry capture permit pursuant to subsection (8) may appeal the decision through a contested case hearing.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 152-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 25-2009(Temp), f. 3-10-09, cert. ef. 5-15-09 thru 8-31-09; Administrative correction 9-29-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11

ADMINISTRATIVE RULES

635-055-0037

Peregrine Falcon Capture Permit Process

(1) Capture permit applications for peregrine falcons may be submitted to the Department beginning January 1st but must be received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037.

(2) The Department will not accept a permit application from any person who:

(a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws;

(b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife;

(c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or

(d) Has had his or her hunting or fishing license suspended for a wildlife violation.

(3) A \$15.00 application fee (plus a \$2.00 license agent fee) must be submitted with the application. Application fees are nonrefundable, whether or not an applicant is successful in the drawing.

(4) Peregrine capture permit applications (including fees) must be submitted to the Department's Salem headquarters office no later than March 1 each year.

(a) If hand delivered, an application must be received at Department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303) by 5:00 p.m. on March 1

(b) If sent via postal mail, an application must be postmarked no later than March 1.

(5) If an applicant violates any of the following restrictions, the Department will remove his or her application from the drawing.

(a) An applicant may submit only one peregrine capture permit application per capture season.

(b) An applicant must submit a completed application containing name, license number, address, and phone number.

(6) The Department will conduct the lottery to award peregrine falcon capture permits by drawing names of eligible entrants at random. To participate in the lottery, a person must:

(a) If an Oregon resident possess a current Master Falconers license as per OAR 635-055-0002; or

(b) If a nonresident possess a Master Falconers license from a state having a federally approved falconry program.

(7)(a) During each year's lottery, the Department will draw six Oregon resident applications and two alternates, plus one non-resident application and a non-resident alternate.

(b) The Department will notify successful applicants and alternates by mail. If the applicant does not reply in writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the Department will offer the permit to the next alternate. If neither alternate replies in the required time, the permit will not be issued.

(8) If a permit holder violates any of the following rules, the Department will invalidate his or her peregrine capture permit. Taking of a peregrine falcon without a valid permit is a violation of these rules and is therefore an unlawful taking.

(a) The first four (4) resident peregrine capture permit applications drawn in the lottery (indicating on the application form a wish to take a nestling peregrine falcon) will be authorized to take a nestling from a natural nest site, or to take a post fledgling bird (pursuant to 635-055-0035(5)(b)). Resident permit holders who are authorized to take a nestling from a natural site must provide the Department Falconry Program in writing with a clearly marked hardcopy map with sufficient labels and information to determine location (Public Land Survey System data which includes Township, Range, Section, Quarter Section, and Quarter or a coordinate pair [latitude/longitude, or UTM/Meters] derived from a GPS unit indicating datum, brand and model) of the nest sites they have selected for potential nestling take. Such information must be received by the Department within two weeks after receipt of a raptor capture permit. Resident master falconer permit-holders may instead accept a nestling peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). In the event that nestlings become available from structures, resident permits will be given preference over nonresidents in the lottery.

(b) The remaining two (2) successful resident applicants may accept a young peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures).

Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035(5)(b)).

(c) Of the number of permits available for issuance annually, the Department will make one such permit available to nonresidents. The non-resident permit holder may accept a nestling peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035 (5) (b)).

(9) Each permit will include conditions crafted by the Department on a case by case basis to address the capture proposal. Such conditions may include, but are not limited to, requirements to protect the safety of falconers and other humans during capture of peregrine falcons, and will specify where the permit holder may capture peregrine falcons. The following general conditions apply to all peregrine falcon capture permits:

(a) Young falcons may be removed from their eyries (nests) between May 15th and June 30th but only when between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.

(A) Prior to entering any nest, a permit holder must monitor each potential nest site to assess the presence and occupancy of nesting peregrine falcons and determine the chronology of nestlings in the selected nest(s) by following a protocol provided by the Department. Using a form provided by the Department, the permit holder must notify the Department of the site location (by providing a clearly marked map with sufficient labels and information to determine location using either Public Land Survey System data which includes Township, Range, Section, Quarter Section, and Quarter or a coordinate pair [latitude/longitude, or UTM/Meters] derived from a GPS unit indicating datum, brand and model); the names of the property owners; the number of young in the nest and approximate ages of the nestlings; and nest monitoring documentation collected to date at the specific nest site proposed for entry. The permit holder must provide this information to the Department Falconry Program at least seven (7) days prior to attempting any nest entry.

(B) Permit-holders must also contact in writing or by phone the appropriate Department biologist in the District or Watershed in which the nest(s) are located at least seven (7) days prior to proposed nest entry. Where nests are located on federal land, permit holders must in addition contact U.S. Forest Service or Bureau of Land Management biologists before entering nest sites. State and federal biologists may accompany permit-holders during take activities.

(C) The permit holder must be present when the nestling is being removed from the eyrie.

(b) A post-fledgling peregrine falcon may be taken (trapped) by a permitted master falconer during the time period between when the falcon first flies from its nest through August 31st.

(A) Trapping may be attempted only at locations approved by the Department.

(B) The permit holder must be present at all times whenever a trap is in operation while attempting to take a post-fledgling peregrine falcon.

(C) A permit holder must notify the Department's Falconry Program at the Salem headquarters office prior to the proposed dates of any peregrine falcon capture attempts. Proposed capture locations must be disclosed to the Department program staff prior to attempting to capture a post-fledgling peregrine falcon.

(c) Each permit holder who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department and the U.S. Fish and Wildlife Service within 5 days following capture by providing a clearly marked map with sufficient labels and information to determine location using Public Land Survey System data which includes Township, Range, Section, Quarter Section, and Quarter or a coordinate pair (latitude/longitude, or UTM/Meters) derived from a GPS unit indicating datum, brand and model. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.

(d) Permit holders must band each peregrine falcon taken with a band provided by the Department.

(e) After a captured falcon reaches 30 days of age, the permit holder must pluck breast feathers from the falcon and submit them to the Department along with a written record of the precise location of where the bird was taken from in the wild.

(10) Upon taking the raptor authorized, the permit holder must immediately validate the permit by recording the date, species, sex, county, and capture method and signing his or her name in the space provided. At the time of capture, the permit holder must affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of

ADMINISTRATIVE RULES

capture, the permit holder must take the bird to a Department office to have the permit certified.

(1) Peregrine falcon capture permits are not transferable.
Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: DFW 152-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0040

Banding and Identification of Raptors

(1) All raptor species listed in 50 CFR §21.29 (c)(7) captured from the wild and held in captivity shall bear an identifying band approved by the Department. Goshawks, Harris' hawks (*Parabuteo unicinctus*), Gyrfalcons and peregrine falcons shall be banded with a permanent numbered U.S. Fish and Wildlife Service leg band.

(2) All captive bred raptors must be banded with a seamless band or other federally authorized band in accordance with 50 CFR §21.29(c)(7)(ii) and §21.30.

(3) Raptor bands shall not be altered, removed, or replaced without permission of the Department. The band shall not be defaced or counterfeited.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0050

Capture Season

Young raptors of the year may be taken (unless otherwise limited in the permit) May through February (the "capture season").

EXCEPTION: Great horned owl nestlings may be taken February through June.
Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 19-1979, f. & ef. 5-8-79; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 16-1982, f. & ef. 3-22-82; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 12-1985, f. & ef. 3-6-85; FWC 8-1986, f. & ef. 3-6-86; FWC 8-1987, f. & ef. 2-25-87; FWC 11-1988, f. & cert. ef. 3-10-88; FWC 11-1989, f. & cert. ef. 3-8-89; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0055

Release of Any Raptor

Falconry birds may be released from a motor-propelled vehicle for the purpose of performing bird abatement, training raptors, or hunting with raptors.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0060

Reports

Annual Report — All licensed falconers shall submit an annual report not later than January 15 each year disclosing the number of raptors possessed, and any changes in personal contact information including address, phone number and email updates. For master and general falconers, the report must also indicate whether the falconer is willing to sponsor an apprentice falconer, plus the names of any apprentices the falconer currently sponsors. Failure to submit an annual report by January 15 may lead to suspension of the falconry license and the ability to hold raptors.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 109-2011, f. & cert. ef. 8-9-11

635-055-0075

Disposition of Accidentally Killed Wildlife

If a falconer's raptor kills any native prey species unintentionally (including a game animal taken outside of a regular hunting season) the falconer:

(1) May allow his or her raptor to feed on the animal, but may not take the animal into possession;

(2) Must report take of any federally listed threatened or endangered species to the U. S. Fish and Wildlife Service State Office or appropriate U. S. Fish and Wildlife Service field office nearest to the location in which the take occurred; and

(3) Must report to the Department's program staff within five days the take of any species taken outside of regular hunting season and any migratory birds, state threatened or endangered or regulated birds. The report

must include name of the species taken, date, number taken and approximate location. The information may be submitted by phone, mail, fax, email, or in person.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 109-2011, f. & cert. ef. 8-9-11

Rule Caption: Rules for Oregon's Upper Willamette River Conservation and Recovery Plan.

Adm. Order No.: DFW 110-2011

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-9-11

Notice Publication Date: 7-1-2011

Rules Adopted: 635-500-6600

Rules Amended: 635-500-0205, 635-500-0267, 635-500-0271, 635-500-0810, 635-500-0840, 635-500-0960, 635-500-1000, 635-500-1010, 635-500-1020, 635-500-1150, 635-500-1160, 635-500-1280, 635-500-1290, 635-500-1300, 635-500-1370, 635-500-1380, 635-500-1400, 635-500-1410, 635-500-1420, 635-500-1440, 635-500-1470, 635-500-1480, 635-500-1490, 635-500-1500, 635-500-1520, 635-500-1620, 635-500-1630, 635-500-1661, 635-500-1662, 635-500-1663, 635-500-1664, 635-500-1665, 635-500-1666

Subject: The adopted rule, 635-500-6600, implements the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (Plan). The amended rules listed above establish the basic state policy which are then implemented by the Plan. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-500-0205

Organization of Rules

Oregon Administrative Rules 635-500-0205 through 635-500-0218 previously described fish management for the Willamette Basin. The Willamette Basin Fish Management Plan has been superseded by fish management plans for each of the subbasins comprising the Willamette Basin. Accordingly, OAR 635-500-0206 through 635-500-0218 have been replaced by 635-500-0790 through 635-500-1660. The Willamette Basin Fish Management Plan for Spring Chinook sections of specific subbasins: 635-500-1661 through 635-500-1663, and 635-500-1665 and 635-500-1666, have been superseded by spring Chinook OARs in the subbasins.

Administrative rules for the Willamette River mainstem and principle subbasins are organized as follows:

(1) OAR 635-500-0266 through OAR 635-500-0276 cover habitat management objectives and fish management policies and operating principles in the McKenzie River subbasin.

(2) OAR 635-500-0790 through 635-500-0800 cover general fish management policies and habitat management objectives that are applicable to all subbasins and the Mainstem Willamette River.

(3) OAR 635-500-0810 through OAR 635-500-0900 cover habitat management objectives and fish management policies and operating principles in the Clackamas River subbasin.

(4) OAR 635-500-0910 through OAR 635-500-0990 cover habitat management objectives and fish management policies and operating principles in the Coast Fork Willamette River subbasin.

(5) OAR 635-500-1000 through OAR 635-500-1090 cover habitat management objectives and fish management policies and operating principles in the Willamette Coast Range subbasins.

(6) OAR 635-500-1100 through OAR 635-500-1140 cover habitat management objectives and fish management policies and operating principles in the Long Tom River subbasin.

(7) OAR 635-500-1150 through OAR 635-500-1270 cover habitat management objectives and fish management policies and operating principles in the Mainstem Willamette River.

(8) OAR 635-500-1280 through OAR 635-500-1360 cover habitat management objectives and fish management policies and operating principles in the Middle Fork Willamette River subbasin.

(9) OAR 635-500-1370 through OAR 635-500-1470 cover habitat management objectives and fish management policies and operating principles in the Molalla and Pudding River subbasin.

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(10) OAR 635-500-1480 through OAR 635-500-1600 cover habitat management objectives and fish management policies and operating principles in the Santiam River and Calapooia River subbasins.

(11) OAR 635-500-1610 through OAR 635-500-1660 cover habitat management objectives and fish management policies and operating principles in the Tualatin River subbasin.

(12) OAR 635-500-1664 covers spring Chinook management objectives in the Mainstem Willamette River.

(13) OAR 635-500-6600 covers the implementation of a recovery plan for seven Chinook populations and four steelhead populations.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 106-1987, f. & ef. 12-18-87; FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-0267

Habitat

Objectives for habitat management in the McKenzie River subbasin:

(1) Promote habitat conditions that contribute to achieving the desired status of spring Chinook salmon identified in the Upper Willamette Conservation and Recovery Plan for Chinook salmon and steelhead (OAR 635-500-6600). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Reduce the impacts of reservoir management on fish production;

(d) Protect existing stream habitat from degradation associated with timber harvest and other related activities on forested lands, with road construction, and with development on private and agricultural lands;

(e) Inventory streams and assess watershed characteristics that affect fish production.

(2) Promote habitat conditions for other species where they may be different than for spring Chinook.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-0271

Spring Chinook Salmon

Policy and objectives for wild and hatchery spring Chinook salmon management in the McKenzie River subbasin:

(1)(a) Policy: Consistent with achieving the desired status for spring Chinook salmon identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the McKenzie subbasin shall be managed for production of wild and hatchery spring Chinook.

(b) The area above Leaburg Dam shall be managed for the production of wild spring Chinook, and the area below Leaburg dam will be managed for production of wild and hatchery spring Chinook.

(2) Objectives:

(a) Achieve the desired status for spring Chinook salmon in the McKenzie subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Achieve full mitigation for Willamette River spring Chinook populations reduced or extirpated due to dam construction and operations;

(c) Monitor the status of the spring Chinook run in the McKenzie River subbasin;

(d) Maintain the gene resources of wild McKenzie spring Chinook;

(e) Maintain hatchery fish genetic diversity, to assure that hatchery populations do not pose a risk to wild populations, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(f) As consistent with desired status goals in the Recovery Plan, provide opportunity to catch 1,000 spring Chinook in the McKenzie River sport fishery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-0810

Habitat

(1) Objectives for habitat management in the Clackamas subbasin:

(2) Promote habitat conditions that contribute to achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-

6575), and the Upper Willamette Conservation and Recovery Plan for Chinook salmon and steelhead (OAR 635-500-6600). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Reduce the impacts of reservoir management on fish production;

(d) Protect existing stream habitat from degradation associated with timber harvest and other related activities on forested lands, with road construction, and with development on private and agricultural lands;

(e) Inventory streams and assess watershed characteristics that affect fish production.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-0840

Spring Chinook Salmon

Policy and objectives for wild and hatchery spring Chinook in the Clackamas River subbasin:

(1)(a) Policy: Consistent with achieving the desired status for spring Chinook salmon identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Clackamas subbasin shall be managed for production of wild and hatchery spring Chinook.

(b) The lower subbasin below River Mill Dam shall be managed primarily for the production and harvest of hatchery spring Chinook. The subbasin above North Fork Dam shall be managed for natural production of the indigenous stock.

(2) Objectives:

(a) Achieve the desired status for spring Chinook salmon in the Clackamas subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Achieve full mitigation for Willamette River spring Chinook populations reduced or extirpated due to dam construction and operations;

(c) Monitor the status of the spring Chinook run in the Clackamas subbasin;

(d) Maintain the gene resources of Clackamas spring Chinook;

(e) Maintain hatchery fish genetic diversity, to assure that hatchery populations do not pose a risk to wild populations, meet the management objectives for which they are produced, and maintain their optimum biological and economic value.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-0960

Spring Chinook Salmon

Operating policy and objectives for spring Chinook in the Willamette River Basin above the mouth of the McKenzie River (includes the Coast Fork Willamette subbasin) are found in OAR 635-500-1290.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1000

Habitat

It is the objective of the Department to:

(1) Provide necessary in-stream flows for fish production.

(2) Protect existing stream habitat from degradation associated with timber harvest, road construction, and related activities on forested watersheds.

(3) Protect existing stream habitat in lowland areas from degradation associated with agricultural, residential and commercial development, and other human activities.

(4) Improve the water quality of the subbasin.

(5) Provide adequate upstream and downstream passage for fish at water diversions, dams, and other artificial obstructions.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

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635-500-1010

Winter Steelhead

(1) Policy and objectives for winter steelhead in Willamette Coast Range subbasins:

(2) Policy: Consistent with achieving the desired status for Upper Willamette River winter steelhead DPS identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Coast Range subbasins shall be managed for production of wild winter steelhead.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1020

Coho Salmon

(1) The following operating principle applies to coho salmon in the Willamette Coast Range subbasins:

(2) Maintain natural projection of coho salmon in the Willamette Coast Range subbasins consistent with achieving the desired status for winter steelhead and spring Chinook populations identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600).

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1150

Habitat

(1)(a) The following operating principle applies to the Main Stem Willamette subbasin:

(b) Habitat protection shall be emphasized over habitat rehabilitation and enhancement.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain or improve upstream and downstream passage for fish at dams, water diversions, other obstacles, and existing passage facilities;

(b) Reduce delay, stranding, injury, and mortality of adult salmon and steelhead at Willamette Falls;

(c) Protect necessary in-stream flows for fish production;

(d) Maintain high water quality;

(e) Protect riparian and in-stream habitat from degradation associated with agricultural, residential and commercial development, and other human activities;

(f) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics and potential for improvement, and sensitive watershed areas into the Department's Habitat Database system;

(g) Minimize any impacts of Portland Harbor Development on fish passage and fish rearing;

(h) Meet the mainstem Willamette habitat needs identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600) for achieving the desired status for spring Chinook salmon and winter steelhead.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1160

Winter Steelhead

The following operating principles apply to the Main Stem Willamette subbasin:

(1) Escapement of late-run winter steelhead to tributary subbasins has priority over harvest in the main stem Willamette River;

(2) Increase the average annual run of indigenous, late-run (15 February–15 May) winter steelhead above Willamette Falls to levels needed to achieve desired status for independent populations in subbasins, as identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1280

Habitat

Objectives for habitat management in the Middle Fork Willamette subbasin:

(1) Promote habitat conditions that contribute to achieving the desired status of spring Chinook salmon identified in the Upper Willamette

Conservation and Recovery Plan for Chinook salmon and steelhead (OAR 635-500-6600). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Improve water quality in the subbasin;

(d) Reduce the impacts of reservoir management on fish production;

(e) Reduce other habitat impacts of Hills Creek, Lookout Point, Dexter and Fall Creek dams on production of spring Chinook in downstream reaches;

(f) Protect existing stream habitat from degradation associated with timber harvest and other related activities on forested lands;

(g) Protect existing stream habitat throughout the lower subbasin from degradation associated with agricultural, residential and commercial development, and other human activities;

(h) Restore and enhance riparian and in-stream fish habitats;

(i) Inventory streams and assess watershed characteristics that affect fish production.

(2) Promote habitat conditions for other species where they may be different than for spring Chinook.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1290

Spring Chinook Salmon

Policy and objectives for wild and hatchery spring Chinook above the mouth of the McKenzie River.

(1) Policy: Consistent with achieving the desired status for spring Chinook salmon identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Middle Fork Willamette subbasin shall be managed for production of wild and hatchery spring Chinook.

(a) The areas above Fall Creek Dam will be managed for the production of wild spring Chinook;

(b) The areas below Fall Creek and Dexter dams will be managed for production of wild and hatchery spring Chinook;

(c) After a reintroduction program using hatchery spring Chinook, the area above Dexter Dam will be managed for the production of wild spring Chinook.

(2) Objectives:

(a) Achieve the desired status for spring Chinook salmon in the Middle Fork Willamette subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Achieve full mitigation for Willamette River spring Chinook populations reduced or extirpated due to dam construction and operations;

(c) Monitor the status of the spring Chinook run in the Middle Fork Willamette subbasin;

(d) Maintain the gene resources of Middle Fork Willamette spring Chinook;

(e) Maintain hatchery fish genetic diversity, to assure that hatchery populations do not pose a risk to wild populations, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(f) Other subbasins above the mouth of the McKenzie River shall be managed for hatchery production and natural production of spring Chinook;

(g) As consistent with desired status goals in the Recovery Plan, provide opportunity to catch 1,125 spring Chinook in the Willamette River basin above the mouth of the McKenzie River

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1300

Summer Steelhead

(1) The following operating principle applies to the Middle Fork Willamette subbasin:

(a) Summer steelhead shall not be passed above Fall Creek or Dexter dams.

(b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;

ADMINISTRATIVE RULES

(c) Only smolt-sized fish will be released to minimize competition with native salmonids.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Provide diversity of angling opportunity with an annual sport catch of 2,250 summer steelhead in the subbasin;

(b) Minimize impact of summer steelhead on the production of native trout and spring Chinook.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1370

Habitat

Objectives for habitat management in the Molalla and Pudding subbasins:

(1) Promote habitat conditions that contribute to achieving the desired status of spring Chinook salmon and winter steelhead identified in the Upper Willamette Conservation and Recovery Plan for Chinook salmon and steelhead (OAR 635-500-6600). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at water diversions, dams, and where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Improve the water quality of the subbasin;

(d) Protect stream habitat from degradation associated with timber harvest, and other related activities on forested lands;

(e) Protect stream habitat throughout the lower subbasin from degradation associated with agricultural, residential and commercial development, and other human activities;

(f) Restore and enhance riparian and in-stream fish habitats;

(g) Inventory streams and assess watershed characteristics that affect fish production.

(2) Promote habitat conditions for other species where they may be different than for spring Chinook and winter steelhead.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1380

Winter Steelhead

Policy and objectives for winter steelhead in the Molalla and Pudding subbasins:

(1) Policy: Consistent with achieving the desired status for the Molalla population of winter steelhead identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Molalla and Pudding River subbasins shall be managed for production of wild winter steelhead.

(2) Objectives:

(a) Achieve the desired status for the Molalla population of winter steelhead in the Molalla and Pudding River subbasins identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Maintain the genetic characteristics of the wild population;

(c) Monitor the status of winter steelhead in the Molalla and Pudding River subbasins.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 72-1998, f. & cert. ef. 8-28-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1400

Coho Salmon

Maintain natural production of coho salmon in the Molalla and Pudding subbasins consistent with achieving the desired status for winter steelhead and spring Chinook populations identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1410

Spring Chinook Salmon

Policy and objectives for wild and hatchery spring Chinook in the Molalla and Pudding subbasins:

(1) Policy: Consistent with achieving the desired status for the Molalla population of spring Chinook salmon identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Molalla and Pudding River subbasins shall be managed for production of wild and hatchery spring Chinook.

(2) Objectives:

(a) Achieve the desired status for the Molalla population of spring Chinook in the Molalla and Pudding River subbasins identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Monitor the status of spring Chinook in the Molalla and Pudding River subbasins;

(c) Maintain the gene resources of Molalla spring Chinook;

(d) Manage genetic characteristics of hatchery fish to assure that hatchery populations do not pose a risk to wild populations, meet the management objectives for which they are produced, and maintain their optimum biological and economic value.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1420

Fall Chinook Salmon

Fall Chinook salmon will not be released in the Molalla and Pudding subbasins unless an evaluation identifies the action will not pose significant risk to native fish populations.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1440

Warmwater Game Fish

(1) The following operating principle applies to the Molalla Pudding subbasins: Existing warmwater game fish populations will be managed consistent with achieving the desired status for the Molalla and Pudding River populations of winter steelhead and spring Chinook identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600).

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Promote angling opportunities on established warmwater game fish populations;

(b) Increase public awareness of warmwater angling opportunities in the subbasins.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1470

Angler Access

The following operating principles apply to the Molalla and Pudding subbasins:

(1) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the subbasin;

(2) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1480

Habitat

Objective for habitat management in the North Santiam, South Santiam, and Calapooia subbasins:

(1) Promote habitat conditions that contribute to achieving the desired status of spring Chinook salmon and winter steelhead identified in the Upper Willamette Conservation and Recovery Plan for Chinook salmon and steelhead (OAR 635-500-6600). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Improve water quality in the subbasins;

(d) Reduce the impacts of reservoir management on fish production;

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(e) Reduce other habitat impacts of the Detroit/Big Cliff, and Foster/Green Peter Flood Control/Hydropower complexes on production of spring Chinook and winter steelhead in lower subbasin reaches;

(f) Protect existing stream habitat from degradation associated with timber harvest, road construction, and related activities on forested lands;

(g) Protect existing stream habitat throughout the lower subbasins from degradation associated with agricultural, residential and commercial development, and other human activities.

(h) Restore and enhance riparian and in-stream fish habitats;

(i) Inventory streams and assess watershed characteristics that affect fish production.

(2) Promote habitat conditions for other species where they may be different than for spring Chinook or winter steelhead.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1490

Winter Steelhead

Policy and objectives for winter steelhead in the North Santiam, South Santiam, and Calapooia subbasins:

(1) Policy: Consistent with achieving the desired status for these three populations of winter steelhead identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the subbasins shall be managed for production of wild winter steelhead.

(a) Winter steelhead shall be managed for natural production. No hatchery-produced winter steelhead shall be released;

(b) Native winter steelhead have priority over all other non-native stocks and species.

(2) Objectives for the North Santiam subbasin:

(a) Achieve the desired status for the North Santiam population of winter steelhead in the North Santiam subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) The area above the Big Cliff/Detroit dam complex shall be managed for the production of wild winter steelhead;

(c) Increase wild production of winter steelhead throughout North Santiam River subbasin, including re-establishing winter steelhead runs above Detroit Reservoir;

(3) Objectives for the South Santiam subbasin:

(a) Achieve the desired status for the South Santiam population of winter steelhead in the South Santiam subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) The area above Foster dam shall be managed for production of wild winter steelhead;

(c) Increase wild production of winter steelhead throughout the South Santiam River subbasin, including re-establishing winter steelhead runs above Foster Reservoir.

(4) Objectives for the Calapooia subbasin:

(a) Achieve the desired status for the Calapooia population of winter steelhead in the Calapooia subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Increase wild production of winter steelhead throughout the Calapooia River subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1500

Summer Steelhead

(1) The following operating principles apply to the Santiam and Calapooia subbasins:

(a) Manage hatchery production of summer steelhead in the subbasins consistent with achieving the desired status for winter steelhead and spring Chinook populations identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600). Summer steelhead shall be managed for production and harvest of hatchery fish;

(b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;

(c) Summer steelhead in the North Santiam shall be released at or near Minto Hatchery to protect native winter steelhead production in the North

Santiam subbasin. No summer steelhead shall be released into Little North Fork Santiam River;

(d) Summer steelhead in the South Santiam River shall be confined to releases at South Santiam Hatchery to protect native winter steelhead production in the upper and lower South Santiam;

(e) Only smolt-sized fish shall be released to minimize competition with native salmonids;

(f) Summer steelhead shall not be released in the Calapooia subbasin.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Continue to maximize harvest of adults in the Santiam subbasins;

(b) Minimize the potential impact of summer steelhead on native winter steelhead and trout;

(c) The Department shall monitor the run for possible natural production.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1520

Spring Chinook Salmon

Policy and objectives for wild and hatchery spring Chinook in the North Santiam, South Santiam, and Calapooia subbasins:

(1) Policy: Consistent with achieving the desired status for these three populations of spring Chinook salmon identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the North Santiam and South Santiam subbasins shall be managed for production of wild and hatchery spring Chinook. The Calapooia subbasin will be managed for eventual re-establishment of a wild population.

(2) Objectives for the North Santiam subbasin:

(a) Achieve the desired status for the North Santiam population of spring Chinook in the North Santiam subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Monitor the status of the spring Chinook run in the North Santiam River subbasin;

(c) Achieve full mitigation for Willamette River spring Chinook populations reduced or extirpated due to dam construction and operations;

(d) The North Santiam River subbasin, except for the Little North Santiam River subbasin, shall be managed for wild and hatchery production of spring Chinook;

(e) The Little North Salmon River subbasin shall be managed for wild production of spring Chinook;

(f) After a reintroduction program using hatchery spring Chinook, the area above the Big Cliff/Detroit dam complex shall be managed for the production of wild spring Chinook;

(g) Increase wild and natural production of spring Chinook throughout North Santiam River subbasin, including re-establishing spring Chinook runs above Detroit Reservoir;

(h) Protect and improve upon the remaining genetic diversity of North Santiam spring Chinook;

(i) Manage hatchery fish genetic diversity to meet harvest management objectives, and to maintain their optimum biological and economic value;

(j) Manage the hatchery mitigation program in a manner to assist recovery of the wild population.

(3) Objectives for the South Santiam subbasin:

(a) Achieve the desired status for the South Santiam population of spring Chinook in the South Santiam subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Monitor the status of the spring Chinook run in the South Santiam River subbasin;

(c) Achieve full mitigation for Willamette River spring Chinook populations reduced or extirpated due to dam construction and operations;

(d) The South Santiam River subbasin shall be managed for natural and hatchery production of spring Chinook;

(e) Increase wild and natural production of spring Chinook throughout the South Santiam River subbasin, including re-establishing spring Chinook runs above Foster Reservoir;

(f) After a reintroduction program using hatchery spring Chinook, the area above Foster dam shall be managed for production of wild spring Chinook;

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(g) Protect and improve upon the remaining genetic diversity of South Santiam spring Chinook;

(h) Manage hatchery fish genetic diversity to meet harvest management objectives, and to maintain their optimum biological and economic value;

(i) Manage the hatchery mitigation program in a manner to assist recovery of the wild population.

(4) Objectives for the Calapooia subbasin:

(a) Achieve the desired status for the Calapooia population of spring Chinook in the Calapooia subbasin identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600);

(b) Monitor the status of the spring Chinook run in the Calapooia River subbasin;

(c) The Calapooia River subbasin shall be managed for natural production of spring Chinook;

(d) Increase natural production of spring Chinook in the Calapooia River subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1620

Winter Steelhead

Policy and objectives for winter steelhead in Tualatin subbasin:

(1) Policy: Consistent with achieving the desired status for Upper Willamette River winter steelhead DPS identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600), the Tualatin subbasin shall be managed for production of wild winter steelhead.

(2) Wild winter steelhead shall be managed for natural production. No hatchery-produced winter steelhead, including STEP fry, shall be released.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1630

Coho Salmon

The following operating principle applies to coho salmon in the Tualatin subbasin: Maintain natural production of coho salmon in the Tualatin subbasin consistent with achieving the desired status for winter steelhead and spring Chinook populations identified in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1661

Operating Policy and Objectives

Management policies, objectives, and operating principles for spring Chinook in the Mckenzie River subbasin are under OAR 635-500-0271.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1662

Operating Policy and Objectives

Management policies, objectives, and operating principles for spring Chinook in the Clackamas River subbasin are under OAR 635-500-0840.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 116-2010, f. & cert. ef. 8-10-10; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1663

Operating Policy and Objectives

Management policies, objectives, and operating principles for spring Chinook in the area above the mouth of the McKenzie River are under OAR 635-500-1290.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1664

Objectives

The following objectives of the Department apply to spring Chinook in the Mainstem Willamette River: Manage the escapement of wild spring Chinook into the Willamette River to meet the desired status of independ-

ent populations in Willamette River subbasins, as described in the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (OAR 635-500-6600):

(1) Increase the average annual run size to 100,000 Willamette spring Chinook (adults and jacks) entering the Columbia River.

(2) The escapement goals for Willamette River hatchery origin spring Chinook are as follows:

(a) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is fewer than 40,000 hatchery fish, the escapement goal after fisheries is 23,000 hatchery fish with 20,000 fish passing Willamette Falls and 3,000 fish entering the Clackamas River.

(b) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 40,000 to fewer than 50,000 hatchery fish, the escapement goal after fisheries is 25,300 hatchery fish with 22,000 fish passing Willamette Falls and 3,300 fish entering the Clackamas River.

(c) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 50,000 to fewer than 60,000 hatchery fish, the escapement goal after fisheries is 27,600 hatchery fish with 24,000 fish passing Willamette Falls and 3,600 fish entering the Clackamas River.

(d) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 60,000 to fewer than 70,000 hatchery fish, the escapement goal after fisheries is 30,500 hatchery fish with 26,500 fish passing Willamette Falls and 4,000 fish entering the Clackamas River.

(e) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 70,000 to fewer than 80,000 hatchery fish, the escapement goal after fisheries is 33,400 hatchery fish with 29,000 fish passing Willamette Falls and 4,400 fish entering the Clackamas River.

(f) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 80,000 to fewer than 90,000 hatchery fish, the escapement goal after fisheries is 36,900 hatchery fish with 32,000 fish passing Willamette Falls and 4,900 fish entering the Clackamas River.

(g) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 90,000 to fewer than 100,000 hatchery fish, the escapement goal after fisheries is 40,400 hatchery fish with 35,000 fish passing Willamette Falls and 5,400 fish entering the Clackamas River.

(h) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is greater than 100,000 hatchery fish, the escapement goal after fisheries is 45,000 hatchery fish with 39,000 fish passing Willamette Falls and 6,000 fish entering the Clackamas River.

(3) The difference between the preseason forecast of Willamette River hatchery origin spring Chinook entering the Columbia River and the escapement goal is allowable catch to be allocated to the sport and commercial fisheries in the lower Columbia, lower Willamette, and Clackamas rivers as follows:

(a) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is fewer than 23,000 hatchery fish there is no allowable catch except sport and commercial fisheries may each take up to 1% of the run as incidental catch in non-Willamette spring Chinook target fisheries.

(b) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 23,000 to fewer than 40,000 hatchery fish, the entire allowable catch is allocated to the sport fishery except the commercial fishery may take up to 1% of the run as incidental catch in non-Willamette spring Chinook target fisheries.

(c) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 40,000 to fewer than 45,000 hatchery fish, the allowable catch is allocated 85% to the sport fishery and 15% to the commercial fishery.

(d) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 45,000 to fewer than 50,000 hatchery fish, the allowable catch is allocated 80% to the sport fishery and 20% to the commercial fishery.

(e) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 50,000 to fewer than 60,000 hatchery fish, the allowable catch is allocated 76% to the sport fishery and 24% to the commercial fishery.

(f) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is 60,000 to fewer than 75,000 hatchery fish, the allowable catch is allocated 73% to the sport fishery and 27% to the commercial fishery.

(g) If the preseason forecasted Willamette hatchery spring Chinook run into the Columbia River is greater than 75,000 hatchery fish, the allowable catch is allocated 70% to the sport fishery and 30% to the commercial fishery.

ADMINISTRATIVE RULES

(4) In the mainstem above Willamette Falls up to the mouth of the McKenzie River, maintain the opportunity for recreational catch of spring Chinook salmon consistent with opportunity in the mainstem below Willamette Falls.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 17-1999, f. & cert. ef. 3-11-99; DFW 120-2001, f. 12-24-01, cert. ef. 12-31-01; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1665

Operating Policies and Objectives

Management policies, objectives, and operating principles for spring Chinook in the Molalla and Pudding River subbasins are under OAR 635-500-1410.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-1666

Operating Policies and Objectives

Management policies, objectives, and operating principles for spring Chinook in the Santiam and Calapooia River subbasins are under OAR 635-500-1520.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 110-2011, f. & cert. ef. 8-9-11

635-500-6600

Implementing the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead

(1) Policy. The Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead (UWR Plan; State of Oregon 2011, available at Department offices) implements the State's strategy for protecting and enhancing Chinook salmon and steelhead trout in Willamette River subbasins, in cooperation with other federal and local partners, including Oregon Plan natural resource agencies and NOAA Fisheries. The UWR Plan is based on the premise that the Oregon Plan for Salmon and Watersheds provides the best vehicle for securing partnerships, both private and governmental, to successfully implement the actions called for in this plan. This rule describes the Commission's contribution toward this collective effort and directs the Department's implementation of the UWR Recovery Plan. This rule describes the Department's role in implementing the UWR Recovery Plan consistent with the Department's statutory authorities and the Native Fish Conservation Policy (OAR 635-007-0502 thru 635-007-0505). The rule is not intended to be a rigid recipe but rather to identify the range of opportunities the Department should pursue and how the effectiveness of those opportunities should be evaluated, following the template first established in the Native Fish Conservation Policy.

(2) Description of Species Management Unit and Populations. The Species Management Units (SMUs) for Upper Willamette River Chinook and steelhead are the portions of the Upper Willamette River Evolutionarily Significant Units (ESUs) for Chinook salmon, and the Distinct Population Segment (DPSs) for steelhead that are comprised of independent populations, as defined in Chapter 2 of the UWR Plan. To avoid confusion and because the SMUs are the same as the federal ESUs, or DPSs, designations, the term ESU will be used to designate the SMUs for Willamette River Chinook salmon and steelhead.

(3) Desired Status. The desired status goal for populations of Upper Willamette Chinook salmon and steelhead is two-tiered such that:

(a) Delisting Goal. The ESU and DPS covered by the UWR Plan can be removed from the federal Endangered Species Act threatened and endangered list. This shall be achieved through the following:

(A) All independent populations achieve the status called for under the Desired Status for Delisting identified in Chapter 6 of the plan; and

(B) Significant improvements are achieved in salmon and steelhead survival from actions implemented to reduce habitat, hydrosystem, harvest, hatcheries, and/or predation threats, as identified in Chapter 6 for each population; and

(b) Broad Sense Goal. Eventual improvements in salmon and steelhead survival from management actions provide for all independent populations to be sufficiently abundant, productive, and diverse (in terms of life histories and geographic distribution) so that they provide significant ecological, social, cultural, and economic benefits. These broad sense recovery goals for the ESUs shall be achieved by the following: All independent Upper Willamette River Chinook salmon and steelhead populations pass all of the measurable criteria for highly viable status.

(c) The three measurable criteria for desired status of Upper Willamette Chinook salmon and steelhead independent populations are defined in Chapter 8 of the UWR Plan and include:

(A) Abundance and productivity;

(B) Spatial structure; and

(C) Diversity.

(d) While criteria for survival rate to each critical life history stage can not yet be developed with the available information and monitoring, staff shall establish such criteria for these biological attributes when adequate information and monitoring is available.

(4) Current Status. The current status of each Upper Willamette River Chinook salmon and steelhead ESU at the time of the adoption of this rule is described in Chapter 4 of the UWR Plan. This assessment describes the biological attributes, criteria and metrics used to assess the status of each ESU. Those biological attributes, criteria, and metrics are adopted by reference into this rule. The Department shall update current status periodically consistent with timelines described under Adaptive Management in Chapter 9 of the UWR Plan. These updates do not require rule modification of current status, but rather will serve as a measurement of progress toward desired status.

(5) Primary Limiting Factors.

(a) Numerous factors contribute to the gap between current and desired status of populations comprising the Upper Willamette River Chinook salmon and steelhead ESUs. Marine survival of salmon and steelhead associated with ocean conditions is the largest single factor regulating salmon and steelhead productivity and abundance. Marine survival is not considered a primary limiting factor for salmon and steelhead because management has little influence on marine survival.

(b) The factors generally causing the gap between current and desired status for the Upper Willamette River Salmon and Steelhead ESUs that can be managed are:

(A) Impaired fish passage;

(B) Stream habitat complexity including riparian condition;

(C) Water quality;

(D) Water quantity;

(E) Altered hydrology;

(F) Excessive sediment;

(G) Harvest;

(H) Hatchery fish interactions; and

(I) Predation.

(c) Primary and secondary limiting factors are identified for each population in Chapter 5 of the UWR Plan. Staff will continue to help revise and identify new management actions addressing these factors to aid in reaching desired status. Staff may analyze the limiting factors at a finer, more localized scale when selecting or prioritizing management actions for specific areas. These analyses may find primary and secondary factors different at a local scale than what was found at the ESU or population scale.

(6) Management Strategies. Management strategies to address limiting factors for each population are identified in Chapter 7 of the UWR Plan. Staff shall consider and attempt to implement these management strategies designed for the ESUs as a whole, and for constituent populations as applicable, as mechanisms to reach the desired status.

(a) Short-term Strategies (1 to 5 years):

(A) Provide technical support to local watershed groups to inform them of the primary and secondary limiting factors at local scales within populations.

(B) Educate and inform watershed groups and co-managers of the highest priority tributary management actions. Facilitate implementation of the highest priority tributary habitat actions.

(C) Provide support to oversee the tracking and reporting of plan action implementation and development of implementation schedules as called for in Chapter 9 of the UWR Plan.

(D) Implement actions to reduce the abundance of naturally spawning hatchery fish in those populations where reductions are called for in Chapter 6 of the Oregon UWR Plan to achieve desired status.

(E) Conduct analyses to determine the effect of climate change on individual populations to help prioritize action implementation.

(b) Additional Long-term Strategies (1 to 25 years):

(A) Work cooperatively with co-managers to assist Action Agencies in implementing the federal Biological Opinions that address effects of flood control/hydropower facilities and operations.

(B) Implement the research, monitoring and evaluation identified in Chapter 8 of the UWR Plan within funding and staffing constraints.

(C) Facilitate the implementation of the adaptive management strategy and framework identified in Chapter 9 of the UWR Plan.

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(D) Collect monitoring data, conduct analyses, and complete or support reports and assessments documenting progress toward the desired status goals for the Upper Willamette River ESUs.

(E) Provide technical support to, and coordinate with, federal, state and local agencies and groups to protect existing high quality salmon and steelhead habitat.

(F) Provide technical support to, and coordinate with, federal, state and local agencies and groups to create additional high quality salmon and steelhead habitat.

(G) Provide technical and outreach support to willing landowners that will enhance the maintenance and/or creation of high quality salmon and steelhead habitat.

(7) Adaptive Management. The Department shall employ adaptive management principles within its statutory authority in support of achieving the desired status goal for the ESUs by participating in the adaptive management and implementation processes defined in Chapter 9 of the UWR Plan. The Department's contribution to adaptive management of the ESUs by the state of Oregon will include five elements: research; monitoring; evaluation; a feedback loop; and reporting.

(a) Research. The Department shall support high priority research identified in the Plan that addresses uncertainties related to management strategies and actions needed to achieve desired status. Research needs at the time of adoption (but which are not intended to be the exclusive research projects to be pursued) are identified in the UWR Plan in Chapter 8. Future research needs shall be identified during periodic assessments of the effectiveness of the UWR Plan.

(b) Monitoring. The Department shall continue to identify, implement, and support monitoring needed to assess the status of each ESU and the Chinook salmon and steelhead populations relative to desired status criteria and evaluate habitat status trends in the Upper Willamette River ESUs, as funding and staffing allow. Monitoring needs at the time of adoption are identified in the UWR Plan in Chapter 8. Future monitoring needs shall be identified during periodic assessments of the effectiveness of the UWR Plan.

(c) Evaluation. The Department shall identify and support evaluation needed to determine status assessment and the effectiveness of management strategies and actions in achieving their intended outcomes. Evaluation needs at the time of adoption are identified in the UWR Plan in Chapter 8. Future evaluation needs shall be identified during periodic assessments of the effectiveness of the UWR Plan.

(d) Feedback Loop. The Department shall review the results of reports and assessments identified in 635-500-6575(7)(e) and modify management strategies and actions as appropriate and within its statutory authority based on the review results. The Department shall implement the Adaptive Management processes identified in the Oregon UWR Plan and recommend to the UWR Recovery and Oregon Plan Core Teams and other agencies or entities, as necessary, appropriate modifications to management strategies and actions needed to support attainment of the desired status goals for each ESU. This feedback shall include refinement of management actions, research, monitoring and evaluation programs and desired status criteria based on the best available scientific information.

(e) Reporting. Annual and periodic evaluations of Plan implementation and ESU status shall be made available to the public. The Department shall participate in the preparation of annual and 5 year (2016) status reports, the 12 year (2023) ESU assessment of the effectiveness of the UWR Plan, and additional assessments as necessitated by new information or significant population declines.

(f) Modifications to the UWR Plan are required if the fish become listed as endangered under the federal ESA or by the direction of the UWR Recovery Team in periodic UWR Plan status reports. These reports by the Recovery Team will serve as an early warning system that will direct additional monitoring, evaluation, or management actions, if needed, based on annual review of monitoring data.

(8) Impact on Other Native Fish Species. Management strategies identified in the UWR Plan are likely to be beneficial to other native fish species present in the ESUs because they focus on restoring natural processes. New or modified actions shall consider impacts to other native species, as appropriate, to minimize harm and optimize benefits.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 110-2011, f. & cert. ef. 8-9-11

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Rule Caption: Revised Public Process for Angling Regulation Development.

Adm. Order No.: DFW 111-2011
Filed with Sec. of State: 8-10-2011
Certified to be Effective: 8-31-11
Notice Publication Date: 7-1-2011
Rules Amended: 635-011-0050

Subject: This amended rule, 635-011-0050, revised the 5-step public process and procedures for developing Oregon's angling regulations. Development of the new 5-step public process for angling regulation development has involved the public from the onset. Public comments were used to develop the initial draft process which was presented to the Warmwater Working Group (WWG), Inland Sports Fishing Advisory Committee (ISFAC), Fish Conservation Groups and interested members of the public. A draft of the new 5-step public process was presented to the Oregon Fish and Wildlife Commission at its June 3, 2011 meeting. Subsequent guidance from the Oregon Fish & Wildlife Commission has led to, among other things, the inclusion of a new proposal review process; revised public proposal review criteria; and adjusted timelines for public proposal submission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-011-0050 Procedures for Promulgation of Angling Regulations

(1) In accordance with ORS 496.162, Department staff shall continually monitor the status of fish, shellfish, and marine invertebrates and report promptly to the Director and Commission any serious or abnormal changes in health or abundance of the resource.

(2) Except as provided in subsections (2)(a) and (2)(b), the Commission shall adopt annually those rules prescribing seasons, bag limits, method of harvest, and specific restrictions considered necessary to provide optimum recreational and aesthetic benefits to anglers and other citizens;

(a) In the event more restrictive rules are needed to protect or preserve a species or stock experiencing depletion or drastic decline in health or abundance the Commission shall consider adopting rules at its earliest opportunity to prevent further depletion or decline;

(b) In the event more liberal rules are needed to allow anglers to harvest stocks which become more abundant than expected or which would otherwise be wasted, the Commission shall consider adopting rules at its earliest opportunity to prevent waste and provide additional public recreation.

(3) In order to facilitate incorporation of all available information relating to angling regulations, and to reduce the costs associated with promulgating rules to establish regulations and making those regulations available to the public, it is desirable that major changes in seasons, bag limits, methods of harvest and specific regulations be made during Major Public Process Cycles which will take place every four years or at such intervals as determined by staff to best incorporate public input and that during interim years, angling regulations be adopted annually without substantive change. In order to so limit substantive changes to angling regulations to the degree practicable, during Major Public Process Cycles starting in 2013 the following standards and procedures shall be followed:

(a) The Department will request proposals for new or modified regulations during Major Public Process Cycles. Such proposals shall include: identity of sponsor, name of waterbody or species, proposed wording, a stated reason the rule is considered necessary. Actions intended to change fishing opportunities must clearly identify need, benefit and rationale for change; must clearly demonstrate the benefit of changing regulations, must clearly acknowledge impacts to other anglers and social support for change, and demonstrate that changes do not cause or increase risk to fish populations, reproduction or recruitment, or maintaining future fisheries. If intended to conserve fish populations, regulation changes must demonstrate a conservation benefit, demonstrate that current regulations do not adequately protect populations. A standard form for submitting proposals will be available from Department offices by January 1 the year of the Major Public Process Cycle;

(b) Absent extenuating circumstances only proposals received by February 28 will be included in the process described in subsections (3)(c), (3)(d), (3)(e), and (3)(f);

(c) Proposals received by February 28 shall be reviewed by Department staff and enforcement personnel. Reviews will be based on criteria listed in subsection (3)(g). Like proposals may be grouped or consolidated. Proposals not passing department reviews will be eliminated from

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the process prior to Commission meetings. By May 15 the Department will provide to sponsor, the results of the review and specific basis for rejection or acceptance of the proposal along with relevant comments;

(d) A summary of all angling regulation proposals received by February 28 and passing staff and enforcement personnel reviews described in subsection (3)(c) will be publicized through the news media to identify the issues which are being processed;

(e) Proposals passing staff and enforcement personnel reviews described in subsection (3)(c) may be presented at public meetings to allow public comment on the merits of the proposal and determine levels of public support for proposed rules. Such meetings will be held prior to July 1;

(f) A Commission hearing will be held in late summer or early fall to establish angling regulations. Only properly submitted angling regulation proposals in compliance with subsections (3)(a), (3)(b), and (3)(d) shall be considered; others may be considered at discretion of Commission;

(g) In determining the merits and necessity of a proposed regulation and in making the decision on adoption, the Commission may consider one or all of the following. The proposed rule should be:

(A) Consistent with ODFW fish management and conservation policies and rules;

(B) Consistent with federal fish management plans and mandates;

(C) Consistent with statutory mandates and within ODFW's rule-making authority;

(D) Based on an established need;

(E) Consistent with biologically sound principles and biologically feasible;

(F) Supported by affected citizens and address an established social need;

(G) Easily understood with clearly defined limits or boundaries;

(H) Enforceable.

(h) Proposed regulations which fail to meet these conditions may be eliminated from the Major Public Process prior to Commission consideration.

(4) Nothing in this rule shall in any way limit any rights conferred under ORS 183.390 and OAR 137-001-0070.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 6-1987, f. & ef. 2-20-87; FWC 26-1987, f. & ef. 6-18-87; FWC 69-1994, f. 9-28-94, cert. ef. 10-1-94; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 111-2011, f. 8-10-11, cert. ef. 8-31-11

Rule Caption: Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan.

Adm. Order No.: DFW 112-2011

Filed with Sec. of State: 8-10-2011

Certified to be Effective: 8-10-11

Notice Publication Date: 7-1-2011

Rules Adopted: 635-500-6625

Subject: The adopted rule, 635-500-6625, implements the Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan (Plan). The Plan provides a framework to manage and conserve the species ensuring a healthy, viable and productive population into the future while providing sustainable harvest opportunities and other ecological and societal benefits. It is also consistent with the Oregon Plan for Salmon and Watersheds, and the Lower Columbia River Conservation and Recovery Plan.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-500-6625

Implementing the Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan

(1) **Policy.** The Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan (LCROC White Sturgeon Plan) (State of Oregon 2011, available at Department offices) implements the State's strategy for protecting and enhancing Oregon white sturgeon in the lower Columbia River and in Oregon coastal and marine habitats, in cooperation with other federal and local partners, including Oregon Plan natural resource agencies. The LCROC White Sturgeon Plan is consistent with the Oregon Plan for Salmon and Watersheds and the Lower Columbia River Conservation and Recovery Plan. This rule describes the Commission's contribution toward this collective effort and directs the Department's implementation of the LCROC White Sturgeon Plan. This rule describes the Department's role in implementing the LCROC White Sturgeon Plan consistent with the Department's statutory authorities and the Native Fish Conservation Policy (OAR 635-007-0502 thru 635-007-0505). The rule is

not intended to be a rigid recipe but rather to identify the range of opportunities the Department should pursue and how the effectiveness of those opportunities should be evaluated, following the template first established in the Native Fish Conservation Policy.

(2) Description of the Species Management Unit and Populations.

All white sturgeon in Oregon are represented by one Species Management Unit (SMU) and one population. However, there are seven population segments within the SMU that are managed as more discrete units: Lower Columbia/Oregon Coast; Bonneville Reservoir; The Dalles Reservoir; John Day Reservoir; McNary Reservoir; Middle Snake River (downstream from Hells Canyon Dam); and Mid Snake Reservoirs (upstream from Hells Canyon Dam). The LCROC White Sturgeon Plan addresses the Lower Columbia/Oregon Coast population segment (LCROC white sturgeon), which is comprised of white sturgeon inhabiting the mainstem lower Columbia River downstream from Bonneville Dam, adjacent Oregon freshwater habitats (including the Willamette River downstream from Willamette Falls), and Oregon coastal and marine habitats. It also addresses white sturgeon in the Willamette River upstream from Willamette Falls, although this area is not part of the SMU.

(3) Desired Status.

(a) **Broad Sense Goals.** The goals of the LCROC White Sturgeon Plan are to avoid any substantial reductions in the Lower Columbia/Oregon Coast white sturgeon population segment; to maintain a naturally reproducing population segment that makes full use of natural habitats and provides ecological, economic, and cultural benefits to Oregon residents; and to provide sustainable commercial and recreational fishing opportunities. LCROC white sturgeon are important to Oregon and the region as a whole. Ensuring persistence and genetic diversity of the species and its ecological niche, now and for future generations, is necessary to maintain the social, cultural and economic benefits this population segment currently provides.

(b) **Measurable criteria for biological attributes** are defined in Section 6 of the LCROC White Sturgeon Plan. Primary Biological Attributes include:

(A) **Abundance:** number of individuals at a given life stage.

(B) **Distribution:** where and when individuals at each life stage are found throughout their historic range.

(C) **Diversity:** the level of genetic variation and how that variation is expressed within the population segment.

(D) **Productivity:** how well the population segment is able to sustain and/or increase its abundance over time.

(E) **Habitat:** the quantity, quality and distribution of habitat types important to various life stages.

(F) **Persistence:** the likelihood that the population segment will maintain its existence and remain viable over time.

(4) **Current Status.** The current status of LCROC white sturgeon at the time of the adoption of this rule is described in Section 7 of the LCROC White Sturgeon Plan. The biological attributes, criteria and metrics used to assess current status are adopted by reference into this rule. The Department shall update current status periodically consistent with timelines described in Section 12 (Adaptive Management) of the LCROC White Sturgeon Plan. These updates do not require rule modification of current status, but rather will serve as a measurement of progress toward desired status.

(5) Principal Limiting Factors.

(a) Numerous factors that contribute to the gap between current and desired status of LCROC white sturgeon are described in Section 9 of the LCROC White Sturgeon Plan.

(b) Factors of particular concern are:

(A) Predation by Marine Mammals;

(B) River Flow and Flow Variation;

(C) Habitat Quality and Quantity; and

(D) Overharvest.

(c) Staff will continue to work with others to refine existing and identify new management actions that address the limiting factors identified in the LCROC White Sturgeon Plan. Staff may analyze the limiting factors at a finer, more localized scale when selecting or prioritizing management actions for specific areas. These analyses may find primary and secondary factors different at a local scale than those for the entire Lower Columbia/Oregon Coast white sturgeon population segment.

(6) **Management Strategies.** Management strategies to address limiting factors for LCROC white sturgeon are identified in Section 11 of the LCROC White Sturgeon Plan. Staff shall advocate for the implementation of, and where appropriate endeavor to implement these management strategies as mechanisms to reach the desired status. Strategies to address factors

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generally causing the gap between current and desired status for LCROC white sturgeon include:

(a) *Short-term Strategies* (1 to 5 years).

(A) Minimize marine mammal predation.

(B) Optimize the configuration and operations of the Columbia River hydropower system to best mimic a natural hydrograph and normative river conditions.

(C) Minimize incidental mortality associated with hydrosystem operations.

(D) Protect and restore high-quality habitat in the lower Columbia River and adjacent waters, including the Willamette River and coastal bays, estuaries and rivers.

(E) Maintain water quality in the lower Columbia River.

(F) Prevent, and when unavoidable, mitigate for impacts associated with in-water work activity.

(G) Manage lower Columbia River white sturgeon sport and commercial fisheries to not exceed sustainable harvest levels.

(b) *Additional Long-term strategies* (1 to 25 years).

(A) Restore Columbia River connectivity by providing improved passage at hydropower projects.

(B) Minimize the impacts of piscine predation.

(7) **Adaptive Management.** The Department shall employ adaptive management principles within its statutory authority in support of achieving the desired status goal for LCROC white sturgeon by participating in the adaptive management and implementation processes defined in Section 12 of the LCROC White Sturgeon Plan. Pursuant to the adaptive management framework, a White Sturgeon Technical Management Team (WSTMT) will be formed to monitor the status of LCROC white sturgeon. The WSTMT will be made up of representatives from the Department, Washington Department of Fish and Wildlife, other regional natural resource managers, and sturgeon experts. The Department's contribution to adaptive management of LCROC white sturgeon will include five elements: research, monitoring, evaluation, a feedback loop, and reporting.

(a) *Research.* The Department shall support high-priority research identified in the LCROC White Sturgeon Plan that addresses uncertainties related to management strategies and actions needed to achieve desired status. Research needs at the time of adoption (but which are not intended to be an exclusive list of research projects to be pursued) are identified in the LCROC White Sturgeon Plan in Section 11. Future research needs shall be identified by the WSTMT during periodic assessments of the effectiveness of the LCROC White Sturgeon Plan.

(b) *Monitoring.* The Department shall continue to identify, implement, and support monitoring needed to assess the status of LCROC white sturgeon relative to desired status criteria and habitat status trends as funding allows. Monitoring needs at the time of adoption are identified in the LCROC White Sturgeon Plan in Section 11. Future monitoring needs shall be identified by the WSTMT during periodic assessments of the effectiveness of the LCROC White Sturgeon Plan.

(c) *Evaluation.* The Department shall continue to identify and support evaluation needed to assess the status of LCROC white sturgeon and the effectiveness of management strategies and actions in achieving their intended outcomes. Evaluation needs at the time of adoption are identified in the LCROC White Sturgeon Plan in Section 11. Future evaluation needs shall be identified by the WSTMT during periodic assessments of the effectiveness of the LCROC White Sturgeon Plan.

(d) *Feedback Loop.* The Department shall review the results of reports and assessments identified in 635-500-6625(7)(e) and modify management strategies and actions as appropriate and within its statutory authority based on the review results. The Department shall recommend to other agencies or entities, as necessary, appropriate modifications to management strategies and actions needed to support attainment of the desired status goals and avoid conservation status for LCROC white sturgeon. This feedback shall include refinement of management actions, research, monitoring and evaluation programs and desired status criteria based on the best available scientific information. In Section 6 of the LCROC White Sturgeon Plan, conservation status thresholds for biological attributes are described, each of which represent conditions in which the future persistence of the population becomes unpredictable without significant management action. These thresholds will be used by the WSTMT to determine if temporary modifications to management strategies or actions are needed. In the event that temporary modifications do not rectify the conservation status of these biological attributes within a reasonable time frame, a review of the status of LCROC white sturgeon and the LCROC White Sturgeon Plan will be conducted by the WSTMT.

(e) *Reporting.* The WSTMT shall meet periodically to review the status of LCROC white sturgeon, especially as it pertains to desired and conservation status. In addition to reviewing the current status, the WSTMT will monitor progress toward addressing the constraints, limiting factors, threats, critical uncertainties, and data gaps. The results of the status review will be published on the Department website as a management report. The WSTMT shall produce an in-depth review of the status of LCROC white sturgeon at five-year intervals. Any reports generated or data collected will be made available to the public.

(8) **Impact on Other Native Fish Species.** Management strategies identified in the LCROC White Sturgeon Plan are likely to be beneficial to other native fish species present in the range of LCROC white sturgeon because they focus on restoring natural processes. New or modified actions shall consider impacts to other native species, as appropriate, to minimize harm and optimize benefits.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.109

Hist.: DFW 112-2011, f. & cert. ef. 8-10-11

Rule Caption: 2011 Fall Commercial Seasons Set for Columbia River Select Area Fisheries.

Adm. Order No.: DFW 113-2011(Temp)

Filed with Sec. of State: 8-10-2011

Certified to be Effective: 8-15-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-042-0160, 635-042-0170, 635-042-0180

Subject: Amended rules to set 2011 Fall commercial gill net salmon seasons for the Columbia River Select Areas including: Blind and Knappa sloughs, Tongue Point/South Channel and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open fishing periods described as the winter fishery and the fall fishery in paragraphs (1)(a)(A) or (1)(a)(B) of this rule in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough only in paragraph (A), and the spring fishery in Blind Slough and Knappa Slough in paragraph (B). The seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough Only: None scheduled.

(B) Blind and Knappa Sloughs:

(i) Monday through Thursday nights, from August 29 through October 28, 2011 (36 nights); and

(ii) Open 7:00 p.m. to 7:00 a.m. nightly (12 hours) from Monday, August 29 through Friday, September 16, 2011 and 6:00 p.m. to 8:00 a.m. nightly (14 hours) thereafter.

(b) The fishing areas for the fall seasons are:

(A) Blind Slough are those waters from markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the periods identified above in (1)(a)(B)(i) and (1)(a)(B)(ii), the Knappa Slough fishing area extends from a line between the northerly most marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c) Gear restrictions are as follows:

(A) During the winter fishery, outlined above in (1)(a)(A), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is less than 7-inches.

(B) During the fall fishery, outlined above in (1)(a)(B)(i) and (1)(a)(B)(ii), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a

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mesh size that is more than 9.75-inches. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(2) Sturgeon may NOT be possessed or sold by participating vessels during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in sections (1)(a)(A) and (1)(a)(B) the weekly white sturgeon prohibition applies to combined possessions and sales for all open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06, cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy "7" thence to a

marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker "10" thence northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3)(a) Salmon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described above in sections (1) and (2) of this rule. Open fishing periods are:

(b) Fall Season. Open nightly Monday through Thursday nights from August 29 through October 28, 2011 (36 nights). Open hours are 7:00 p.m. to 7:00 a.m. (12 hours) during August 29 through September 16, and 4:00 p.m. to 8:00 a.m. thereafter.

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(c) Nets not specifically authorized for use in the fisheries described in sections (1) and (2) above may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(5) White sturgeon may NOT be possessed or sold by participating vessels during the fishing periods identified in section (3)(a) above, the white sturgeon prohibition applies to open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-11-05 thru 10-4-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon may be taken for commercial purposes in the area downstream of the town of Deep River to the mouth, defined by a line from the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore. Concurrent waters extend downstream of the Highway

ADMINISTRATIVE RULES

4 Bridge. Washington State waters extend upstream of the Highway 4 Bridge.

- (2) The fishing seasons are open:
(a) Winter season: None scheduled.
(b) Fall season:

(A) Open 7:00 p.m. to 9:00 a.m. (14 hours) nightly during the following nights and weeks: Monday, August 15 through Tuesday, August 16 (1 night); Thursday, August 18 through Friday, August 19 (1 night); Monday, August 22 through Tuesday, August 23 (1 night); Thursday, August 25 through Friday, August 26 (1 night); Monday, August 29 through Friday, September 2 (4 nights); Monday, September 5 through Friday, September 9 (4 nights); Monday, September 12 through Friday, September 16 (4 nights); and

(B) Open 4:00 p.m. to 9:00 a.m. (17 hours) nightly during the following weeks: Monday, September 19 through Friday, September 23 (4 nights); Monday, September 26 through Friday, September 30 (4 nights); Monday, October 3 through Friday, October 7 (4 nights); Monday, October 10 through Friday, October 14 (4 nights); Monday, October 17 through Friday, October 21 (4 nights); Monday, October 24 through Friday, October 28 (4 nights).

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(a) During the winter season, outlined above in (2)(a), it is *unlawful* to use a gill net having a mesh size that is less than 7-inches;

(b) During the fall season, outlined above in (2)(b) it is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches from August 15 through September 16, 2011 and 6-inches thereafter.

(4) White sturgeon may NOT be possessed or sold by participating vessels during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in section (2)(b) above, the white sturgeon prohibition applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries only.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW

129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 53-2011(Temp), f. & cert. ef. 5-18-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11

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Rule Caption: Oregon Ocean Sport Pacific Halibut Season Changes from Cape Falcon to Humbug Mountain.

Adm. Order No.: DFW 114-2011(Temp)

Filed with Sec. of State: 8-12-2011

Certified to be Effective: 8-12-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule closes the summer all-depth sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Friday, August 12, 2011. Insufficient quota remains for any additional all-depth days without the risk of exceeding the quota. However, enough quota remains to open the nearshore (i.e., 40-fathom) fishery beginning at 12:01 a.m. on Saturday, August 13, 2011. Retention and possession of groundfish with Pacific halibut will be prohibited. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2011 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 039 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2010 ed.), as amended; and

(b) Federal Register Vol. 76, No. 51, dated March 16, 2011 (76 FR 14300).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m., Saturday, June 4, 2011 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(4) Effective 11:59 p.m., Friday, July 1, 2011, the Central Oregon sub-area (Cape Falcon to Humbug Mountain) all-depth spring season is closed to the retention of Pacific halibut.

(5) Effective 11:59 p.m., Wednesday, July 6, 2011, the Central Oregon sub-area (Cape Falcon to Humbug Mountain) nearshore (inside 40 fathoms) season is closed to the retention of Pacific halibut.

(6) Effective at 11:59 p.m. Friday, August 12, 2011, the Central Oregon sub-area (Cape Falcon to Humbug Mountain) all-depth spring season is closed to the retention of Pacific halibut.

(7) Effective at 12:01 a.m. Saturday, August 13, 2011 the Central Oregon sub-area (Cape Falcon to Humbug Mountain) nearshore (inside 40 fathoms) season is open to the retention of Pacific halibut. Groundfish retention and possession is prohibited when Pacific halibut are on board the vessel.

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-

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2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011, f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11

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

Rule Caption: Amendments to Information Assets Access Control Rules.

Adm. Order No.: DHSD 6-2011(Temp)

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-9-11 thru 2-2-12

Notice Publication Date:

Rules Amended: 407-014-0300, 407-014-0305, 407-014-0310, 407-014-0315, 407-014-0320

Subject: These rules apply to anyone who seeks to access the Department of Human Services' (Department) information assets, systems and networks. They establish access controls for all organizations and users and require organizations to establish a risk management plan addressing common safeguards and HIPAA compliance. These rules allow for audits of organizations handling Department information assets, address privilege changes and establish requirements for reporting incidents and resolutions. These rules are being temporarily amended for clarity and defining "user" and "organization." These rules are being filed in conjunction with similar temporary rules for the Oregon Health Authority, OAR 943-014-0300 to 943-014-0320.

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—(503) 947-5250

407-014-0300

Scope

These rules (OAR 407-014-0300 to 407-014-0320) apply to an organization or individual seeking or receiving access to Department information assets or network and information systems for the purpose of carrying out a business transaction between the Department and the user.

(1) These rules are intended to complement, and not supersede, access control or security requirements in the Department's Electronic Data Transmission rules, OAR 407-120-0100 to 407-120-0200, and whichever rule is more specific shall control.

(2) The confidentiality of specific information and the conditions for use and disclosure of specific information are governed by other laws and rules, including but not limited to the Department's rules for the privacy of protected information, OAR 407-014-0000 to 407-014-0070.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 182.122

Hist.: DHSD 14-2007, f. 12-31-07, cert. ef. 1-1-08; DHSD 6-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

407-014-0305

Definitions

For purpose of these rules, the following terms have definitions set forth below. All other terms not defined in this section shall have the meaning used in the Health Insurance Portability and Accountability Act (HIPAA) security rules found at 45 CFR § 164.304:

(1) "Access" means the ability or the means necessary to read, communicate, or otherwise use any Department information asset.

(2) "Access Control Process" means Department forms and processes used to authorize a user, identify their job assignment, and determine the required access.

(3) "Client Records" means any client, applicant, or participant information regardless of the media or source, provided by the Department to the user, or exchanged between the Department and the user.

(4) "Department" means the Department of Human Services.

(5) "Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of any network and information system or Department information asset including, but not limited to unauthorized disclosure of information; failure to protect user's identification (ID) provided by the Department; or, theft of computer equipment that uses or stores any Department information asset.

(6) "Information Asset" means any information, also known as data, provided through the Department, regardless of the source or media, which requires measures for security and privacy of the information.

(7) "Network and Information System" means the State of Oregon's computer infrastructure, which provides personal communications, client records and other sensitive information assets, regional, wide area and local area networks, and the internetworking of various types of networks on behalf of the Department.

(8) "User" means any individual authorized by the Department to access a network and information system or information asset.

(9) "Organization" means any entity authorized by the Department to access a network and information system or information asset.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 182.122

Hist.: DHSD 14-2007, f. 12-31-07, cert. ef. 1-1-08; DHSD 6-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

407-014-0310

Information Access

The organization or user shall utilize the Department access control process for all requested and approved access. The Department shall notify the user of each approval or denial. When approved, the Department shall provide the user with a unique login identifier to access the network and information system or information asset. The Department may authorize the use of a generic login identifier.

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 182.122

Hist.: DHSD 14-2007, f. 12-31-07, cert. ef. 1-1-08; DHSD 6-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

407-014-0315

Security Information Assets

(1) No organization or user shall access an information asset for any purpose other than that specifically authorized by the Department access control process.

(2) Except as specified or approved by the Department, no organization or user shall alter, delete, or destroy any information asset.

(3) The organization shall prohibit unauthorized access by their staff, contractors, agents, or others to the network and information systems, or Department information assets, and shall implement safeguards to prevent unauthorized access in accordance with section (4) of this rule.

(4) The organization shall develop a security risk management plan. The organization shall ensure that the plan includes, but is not limited to the following:

(a) Administrative, technical, and physical safeguards commonly found in the International Standards Organization 27002: 2005 security standard or National Institute of Standards and Technology (NIST) 800 Series;

(b) Standards established in accordance with HIPAA Security Rules, 45 CFR Parts 160 and 164, applicable to an organization or user regarding the security and privacy of a client record, any information asset, or network and information system;

(c) The organization's privacy and security policies;

(d) Controls and safeguards that address the security of equipment and storage of any information asset accessed to prevent inadvertent destruction, disclosure, or loss;

(e) Controls and safeguards that ensure the security of an information asset, regardless of the media, as identified below:

(A) The user keeps Department-assigned access control requirements such as identification of authorized users and access control information (passwords and personal identification numbers (PIN's)), in a secure location until access is terminated;

(B) Upon request of the Department, the organization makes available all information about the user's use or application of the access controlled network and information system or information asset; and

(C) The organization or user ensures the proper handling, storage, and disposal of any information asset obtained or reproduced, and, when the authorized use of that information ends, is consistent with any applicable record retention requirements.

(f) Existing security plans developed to address other regulatory requirements, such as Sarbanes-Oxley Act of 2002 (PL 107-204), Title V of Gramm Leach Bliley Act of 1999, Statement on Auditing Standards (SAS) number 70, will be deemed acceptable as long as they address the above requirements.

(5) The Department may request additional information related to the organization's security measures.

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(6) The organization or user must immediately notify the Department when access is no longer required, and immediately cease access to or use of all information assets or network and information systems.

Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 182.122
Hist.: DHS 14-2007, f. 12-31-07, cert. ef. 1-1-08; DHS 6-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

407-014-0320

User Responsibility

The organization or user shall not make any root level changes to any Department or State of Oregon network and information system. The Department recognizes that some application users have root level access to certain functions to allow the user to diagnose problems (such as startup or shutdown operations, disk layouts, user additions, deletions or modifications, or other operation) that require root privileges. This access does not give the user the right to make any changes normally restricted to root without explicit written permission from the Department.

(1) Use and disclosure of any Department information asset is strictly limited to the minimum information necessary to perform the requested and authorized service.

(2) The organization shall have established privacy and security measures that meet or exceed the standards set forth in the Department privacy and information security policies, available from the Department, regarding the disclosure of an information asset.

(3) The organization or user shall comply with all security and privacy federal and state laws, rules, and regulations applicable to the access granted.

(4) The organization shall make the security risk plan available to the Department for review upon request.

(5) The organization or user shall report to the Department all privacy or security incidents by the user that compromise, damage, or cause a loss of protection to the Department information assets or the network and information systems. The incident report shall be made no later than five business days from the date on which the user becomes aware of such incident. The user shall provide the Department a written report which must include the results of the incident assessment findings and resolution strategies.

(6) Wrongful use of a network and information system, or wrongful use or disclosure of a Department information asset by the organization or user may cause the immediate suspension or revocation of any access granted, at the sole discretion of the Department without advance notice.

(7) The organization or user shall comply with the Department's request for corrective action concerning a privacy or security incident and with laws requiring mitigation of harm caused by the unauthorized use or disclosure of confidential information, if any.

Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 182.122
Hist.: DHS 14-2007, f. 12-31-07, cert. ef. 1-1-08; DHS 6-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

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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 Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 22-2011(Temp)

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11 thru 1-18-12

Notice Publication Date:

Rules Amended: 461-115-0230, 461-115-0690

Subject: OAR 461-115-0230 about client interviews is being amended to change the interview requirements in the SNAP program. The requirement for face-to-face SNAP interviews is also being removed. The SNAP Program received federal approval to waive the face-to-face requirement for all households regardless of the household's circumstances. Interviews for expedited SNAP may no longer be postponed.

OAR 461-115-0690 about verification required of clients and related time limits for SNAP expedited eligibility is being amended

to comply with federal requirement and will no longer indicate that interviews can be postponed.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-115-0230

Interviews

(1) In all programs except the BCCM, HKC, MAA, MAF, OHP, and SAC programs, the Department may conduct a required face-to-face interview by telephone or home visit if an authorized representative (see OAR 461-115-0090) has not been appointed and participating in a face-to-face interview is a hardship (see section (3) of this rule) for the household.

(2) In the SNAP program:

(a) An interview must be scheduled so that the filing group (see OAR 461-110-0370) has at least ten days to provide any needed verification before the deadline under OAR 461-115-0210.

(b) A face-to-face interview must be granted at the applicant's request.

(c) When an applicant misses the first scheduled interview appointment, the Department must inform the applicant by regular mail of the missed interview.

(d) An applicant who fails to attend a scheduled interview must contact the Department no later than 30 days following the filing date (OAR 461-115-0040) to be eligible for benefits.

(e) For each filing group, an adult in the filing group or the authorized representative of the filing group is interviewed once every 12 months.

(3) For the purposes of this rule, "hardship" includes, but is not limited to:

(a) Care of a household member;

(b) A client's age, disability, or illness;

(c) A commute of more than two hours from the client's residence to the nearest branch office (see OAR 461-001-0000);

(d) A conflict between the client's work or training schedule and the business hours of the branch office; and

(e) Transportation difficulties due to prolonged severe weather or financial hardship.

Stat. Auth.: ORS 411.060, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 7-2010(Temp), f. & cert. ef. 4-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 22-2011(Temp), f. & cert. ef. 7-22-11 thru 1-18-12

461-115-0690

Verification For SNAP Expedited Service; Time Limits

This rule establishes verification requirements for expedited services in the SNAP program.

(1) An applicant meeting the SNAP program expedited services criteria under OAR 461-135-0575 and determined eligible for SNAP benefits must provide verification of his or her identity either through a collateral contact or documentary evidence before benefits may be issued. Benefits may not be delayed solely because other eligibility factors are not verified. The filing group (see OAR 461-110-0370) must provide the postponed verification within the timeframes established in section (3) of this rule.

(2) A filing group that was receiving SNAP benefits in another state during the same month the filing group applies for expedited services in Oregon must verify that the filing group will not use SNAP benefits from both the other state and Oregon in the same month. The filing group may provide the verification by signing a statement attesting to the following:

(a) The filing group did not receive SNAP benefits from the other state for the month in which the filing group is applying for SNAP benefits in Oregon; and

(b) If the filing group receives SNAP benefits from the other state for a month in which the filing group receives SNAP benefits in Oregon, the filing group must comply with the following requirements:

(A) The filing group may not use the other state's SNAP benefits; and

(B) The filing group must report receipt of the other state's SNAP benefits and turn them in to the Department within five days of receipt. Failure to comply with this requirement constitutes an intentional program violation.

(3) A filing group that does not provide all necessary postponed verification becomes ineligible as follows:

(a) A filing group applying on or before the 15th of the month becomes ineligible the last day of the month of application.

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(b) A filing group applying after the 15th of the month becomes ineligible the last day of the month following the month of application.

(4) When SNAP benefits under expedited services close or change due to postponed verification, notice is provided in accordance with OAR 461-175-0300.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 22-2011(Temp), f. & cert. ef. 7-22-11 thru 1-18-12

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 23-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11 thru 1-27-12

Notice Publication Date:

Rules Adopted: 461-115-0016

Rules Amended: 461-115-0030, 461-155-0528

Subject: OAR 461-115-0016 is being adopted to establish policies for a reservation list in the Employment Related Day Care program. This rule can be implemented as budget needs arise to keep caseload within budget levels and caps in accordance with legislative funding. This rule indicates which clients remain eligible once the reservation list is in place, which clients are placed on the reservation list, and how clients move from the reservation list into the program.

OAR 461-115-0030 is being amended to align how the Department determines the date of request for purposes of eligibility for current recipients of benefits in the Continuous Eligibility for OHP-CHP Pregnant Women (CEC), Continuous Eligibility for Medicaid (CEM), Extended Medical Assistance (EXT), Healthy KidsConnect (HKC), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), Oregon Supplemental Income Program Medical (OSIPM), Refugee Assistance Medical (REFM), and Medical Coverage for Children in Substitute or Adoptive Care (SAC) programs. This amendment aligns the processes for recipients of these programs who are sent an auto-pend (DHS Form 945) with those who are sent a DHS 6623 at medical redetermination. When either form is sent, the Department or the Oregon Health Authority has established a date of request on behalf of the recipient.

OAR 461-155-0528 about payments for emergency assistance in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to state that effective August 1, 2011, no such payments may be approved.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-115-0016

Application Process; Reservation List for ERDC

Notwithstanding any other rule in Chapter 461 of the Oregon Administrative Rules, in the ERDC program:

(1) Eligibility is subject to the availability of funds. The Department may implement a Child Care Reservation List whenever the Department determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.

(2) Except as provided in section (3) of this rule, the following applicants are subject to placement on the Child Care Reservation List when the Child Care Reservation List is in effect:

(a) New applicants for ERDC when no member of the ERDC filing group (see OAR 461-110-0350) received a partial or full month of REF, SFPSS, or TANF program cash benefits from the State of Oregon in at least one of the preceding three months; and no member of the ERDC program filing group may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.

(b) Individuals who are reapplying for ERDC after a break in child care benefits of two consecutive, calendar months or more.

(3) Except as allowed under OAR 461-165-0030, no member of an ERDC program filing group may be concurrently receiving TANF program benefits. When concurrent benefits are not allowed, the Department sends a decision notice (see OAR 461-001-0000) of ineligibility for the ERDC

program and the filing group is not placed on the Child Care Reservation List.

(4) When the Child Care Reservation List is in effect, the Department must place all applicants who are subject to the Child Care Reservation List under section (2) of this rule on the Child Care Reservation list for future selection. The Department sends these applicants a decision notice of ineligibility for the ERDC program.

(5) Each month, on the basis of an estimate of available funds, an appropriate number of individuals from the reservation list are randomly selected and invited to apply for ERDC.

(6) The processing time frame for the ERDC application is the same as that specified in OAR 461-115-0190, except that:

(a) The date of request is determined by the date the request for benefits is received once the applicant has been selected from the reservation list to apply, and may not be earlier than the first of the month in which the client was selected.

(b) If the Department does not receive a request for benefits within the deadline to apply, the applicant is dropped from the reservation list.

(c) An applicant who requests benefits after the deadline to apply will be returned to the reservation list.

(7) After an applicant is selected from the Child Care Reservation List, the applicant must contact the Department to request child care benefits by the date stated on the selection letter. The applicant may request child care benefits from the Department:

(a) Without completing a new application when the previous application is within 45 days of its date of request (see OAR 461-115-0030); or

(b) By submitting a new application for child care benefits to the Department.

(8) If an applicant does not contact the Department as required by section (7) of this rule, the applicant is removed from the Child Care Reservation List and must re-apply for the ERDC program to be placed back on the Child Care Reservation List with a new reservation number.

(9) An applicant with a valid and selected reservation number from the Child Care Reservation List found eligible for ERDC program benefits remains eligible until one of the circumstances in the following subsections occurs:

(a) The client has a break in ERDC program benefits of more than two calendar months; or

(b) The client no longer meets the ERDC program eligibility requirements, excluding the requirement to have received REF, SFPSS, or TANF program cash benefits from the State of Oregon in the preceding three months.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12

461-115-0030

Date of Request

(1) For all programs covered by Chapter 461 of the Oregon Administrative Rules, the client or someone authorized to act on behalf of the client must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. The request starts the application process.

(2) The date of request is one of the following:

(a) In the EA, ERDC, GA, OSIP, REF, and TANF programs and for support service payments in the JOBS program authorized by OAR 461-190-0211, the date of request is the day the request for benefits is received by the Department.

(b) In the SNAP program, this section does not apply. See OAR 461-115-0040.

(c) In the GAM, HKC, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, for a new applicant, the date of request is determined as follows:

(A) The day the request for medical benefits is received by a Department representative, except as described in paragraphs (B) and (C) of this subsection.

(B) If the request for medical benefits is received by a Department representative no later than the next business day after medical services are received, the date of request is the day these medical services were received.

(C) An individual's request to be placed on the OHP Standard Reservation List (see OAR 461-135-1125) does not establish a date of request for medical benefits.

(d) In the CEC, CEM, EXT, HKC, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, for a current recipient, the date of request is one of the following:

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(A) The date the client reports a change requiring a redetermination of eligibility.

(B) The date the Department initiates a review, except that the automatic mailing of an application only constitutes a Department-initiated review when a CEC, CEM, EXT, MAA, MAF, OHP-OPC, OHP-OP6, OHP-OPP, or OHP-OPU recipient is mailed the DHS 6623 "Client TANF Packet — PA" redetermination packet.

(C) The date the client establishes a date of request by contacting the Department orally or in writing or by submitting an application.

(e) In the SFPSS program:

(A) Except as provided in paragraph (B) of this subsection, the date of request is the day the client signs the program's Interim Assistance Agreement.

(B) The date of request for support service payments is the day the request for benefits is received by the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.831, 414.839

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 2-21-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12

461-155-0528

Special Need; Emergency Assistance; OSIPM

In the OSIPM program, effective August 1, 2011, no payments may be approved under this rule.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706

Hist.: SSP 36-2010(Temp), f. & cert. ef. 10-13-10 thru 4-11-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 3-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12

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Department of Human Services, Children, Adults and Families Division: Vocational Rehabilitation Services Chapter 582

Rule Caption: Amending standards for provision of program services, definitions, and rates of payment.

Adm. Order No.: VRS 2-2011

Filed with Sec. of State: 8-12-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 7-1-2011

Rules Adopted: 582-030-0050

Rules Amended: 582-001-0010, 582-030-0000, 582-030-0005, 582-030-0008, 582-030-0010, 582-030-0020, 582-030-0025, 582-030-0030, 582-030-0040, 582-050-0000, 582-050-0005, 582-050-0010, 582-050-0020, 582-050-0060, 582-060-0010, 582-060-0020, 582-070-0010, 582-070-0020, 582-070-0025, 582-070-0030, 582-070-0040, 582-070-0041, 582-070-0042, 582-070-0043, 582-070-0044

Subject: These proposed rules revise the Office of Vocational Rehabilitation Services (OVRs) provision of services and process for providing transportation, modifying vehicles, requirements for maintaining vehicle insurance, requirements for closing case files and updates definitions. The revisions more precisely describe the general purpose of these services, scope and nature of services, OVRs requirements and individual rights and responsibilities.

Rules Coordinator: Peter Fox—(503) 945-6695

582-001-0010

Definitions for Chapter 582

The following definitions apply to each division in chapter 582 of the Oregon Administrative Rules unless otherwise indicated:

(1) "Act" refers to the federal Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.).

(2) "Assistant Director" refers to the Assistant Director of the Office of Vocational Rehabilitation Services.

(3) "Applicant" refers to an individual who submits an application for vocational rehabilitation services in accordance with 34 CFR 361.41(b)(2).

(4) "Assessment for determining eligibility and vocational rehabilitation needs" refers to, as appropriate in each case:

(a) A review of existing data to determine if an individual is eligible for vocational rehabilitation services; and to assign priority for an order of selection if in effect; and

(b) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and priority assignment;

(c) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment:

(A) Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

(B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements: Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection for the individual; and Information that can be provided by the individual and, if appropriate, by the family of the individual;

(C) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual; and

(D) May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;

(d) Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

(e) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

(5) "Assistive technology device" refers to 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 an individual with a disability.

(6) "Assistive technology service" refers to any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

(a) The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;

(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 an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and

(f) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.

(7) "CFR" refers to the Code of Federal Regulations.

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(8) "Client Assistance Program" or "CAP" refers to a federally-funded program authorized under 34 CFR 370 that is independent of OVRS and whose purpose is to provide information, advocacy, and legal representation to individuals seeking OVRS services.

(9) "Representative" refers to any person identified by the individual as being authorized to speak or act on behalf of the individual or to assist the individual any matter pertaining to services of OVRS, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

(10) "Community Rehabilitation Program" or "CRP" refers to:

(a) A program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

(A) Medical, psychiatric, psychological, social, and vocational services that are provided under one management.

(B) Testing, fitting, or training in the use of prosthetic and orthotic devices.

(C) Recreational therapy.

(D) Physical and occupational therapy.

(E) Speech, language, and hearing therapy.

(F) Psychiatric, psychological, and social services, including positive behavior management.

(G) Assessment for determining eligibility and vocational rehabilitation needs, including technicians for assessment tests.

(H) Rehabilitation technology.

(I) Job development, placement, and retention services.

(J) Evaluation or control of specific disabilities.

(K) Orientation and mobility services for individuals who are blind.

(L) Extended employment.

(M) Psychosocial rehabilitation services.

(N) Supported employment services and extended services.

(O) Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(P) Personal assistance services.

(Q) Services similar to the services described in subsections (A) through (P) of this definition, including vendors who provide training, write resumes, consult on self-employment plans, assist with a self-employed business, or write PASS plans.

(b) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions. It does not include the prospective employer of the individual.

(11) "Comparable services and benefits" refers to:

(a) Services and benefits that are:

(A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;

(B) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with 34 CFR 361.53; and

(C) Commensurate to the services that the individual would otherwise receive from OVRS.

(b) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

(12) "Competitive employment" refers to work:

(a) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(b) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(13) "DHS" refers to the Department of Human Services.

(14) "Eligible individual" refers to an applicant for vocational rehabilitation services who meets the eligibility requirements of 34 CFR 361.42(a).

(15) "Employment outcome" refers to, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in OAR 582-001-0010(12), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(16) "Extended employment" refers to work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

(17) "Extended services" refers to ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after an individual with a most significant disability has made the transition from support provided by OVRS.

(18) "Extreme medical risk" refers to a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

(19) "Family member," for purposes of receiving vocational rehabilitation services in accordance with 34 CFR 361.48(i), refers to an individual:

(a) Who either:

(A) Is a relative or guardian of an applicant or eligible individual; or

(B) Lives in the same household as an applicant or eligible individual;

(b) Who has a substantial interest in the well-being of that individual;

and

(c) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(20) "Impartial hearing officer" refers to an individual who:

(a) Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education) -- an individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer;

(b) Is not a member of the State Rehabilitation Council for OVRS;

(c) Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;

(d) Has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services;

(e) Has received training with respect to the performance of official duties; and

(f) Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

(21) "Individual with a disability" refers to an individual:

(a) Who has a physical or mental impairment; and

(b) Whose impairment constitutes or results in a substantial impediment to employment; and

(c) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(22) "Individual with a most significant disability" refers to an eligible individual who:

(a) Has a severe mental or physical impairment that seriously limits two or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(b) Is expected to require two or more vocational rehabilitation services over an extended period of time to achieve or maintain a successful employment outcome.

(23) "Individual with a significant disability" refers to an eligible individual who does not qualify as an individual with a most significant disability as defined at OAR 582-001-0010(22); and

(a) The individual is currently receiving or eligible to receive Social Security Income or Social Security Disability Insurance payments; or

(b) The individual:

(A) Has a severe mental or physical impairment that seriously limits one functional capacity (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(B) Is expected to require two or more vocational rehabilitation services over an extended period of time to achieve or maintain a successful employment outcome.

(24) "Integrated setting":

(a) With respect to the provision of services, refers to a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;

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(b) With respect to an employment outcome, refers to a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(25) "Maintenance" refers to monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

(26) "Mediation" refers to the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies. Mediation under the program must be conducted in accordance with the requirements in 34 CFR 361.57(d) by a qualified and impartial mediator as defined in 34 CFR 361.5(b)(43).

(27) "OAR" refers to the Oregon Administrative Rules.

(28) "Ongoing support services," as used in the definition of "Supported employment"

(a) Refers to services that are:

(A) Needed to support and maintain an individual with a most significant disability in supported employment;

(B) Identified based on a determination by OVRs of the individual's need as specified in an individualized plan for employment; and

(C) Furnished by OVRs from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment;

(b) Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:

(A) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or

(B) If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;

(c) Consist of:

(A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs;

(B) The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

(C) Job development and training;

(D) Social skills training;

(E) Regular observation or supervision of the individual;

(F) Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) Facilitation of natural supports at the worksite;

(H) Any other service identified in the scope of vocational rehabilitation services for individuals, described in 34 CFR 361.48; or

(I) Any service similar to the foregoing services.

(29) "ORS" refers to the Oregon Revised Statutes.

(30) "OVRs" refers to the Office of Vocational Rehabilitation Services.

(31) "Parent or Guardian" refers to a person or persons having legal responsibility for the overall welfare and well-being of an individual under age 18 or a individual who, if over age 18, is considered legally incompetent.

(32) "Personal assistance services" refers to a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

(33) "Qualified Personnel" means an individual licensed or certified by the state or an individual who maintains an equivalent licensure or certification from another state to make the diagnosis of an applicant's impairment.

(34) "Physical and mental restoration services" refers to:

(a) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

(b) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(c) Dentistry;

(d) Nursing services;

(e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(f) Drugs and supplies;

(g) Prosthetic and orthotic devices;

(h) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws;

(i) Podiatry;

(j) Physical therapy;

(k) Occupational therapy;

(l) Speech or hearing therapy;

(m) Mental health services;

(n) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment;

(o) Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

(p) Other medical or medically related rehabilitation services.

(35) "Physical or mental impairment" refers to:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(b) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(36) "Post-employment services" refers to one or more of the services identified in 34 CFR 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(37) "Provider of community rehabilitation services" refers to any CRP, business, or independent contractor that is paid by OVRs to provide any service listed in OAR 582-001-0010(10).

(38) "Qualified and impartial mediator" refers to an individual who:

(a) Is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a State office of mediators, or employee of an institution of higher education) — an individual serving as a mediator is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by a public agency to serve as a mediator;

(b) Is not a member of the State Rehabilitation Council for OVRs;

(c) Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;

(d) Is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services;

(e) Has been trained in effective mediation techniques consistent with any State-approved or -recognized certification, licensing, registration, or other requirements; and

(f) Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual requesting mediation during the mediation proceedings.

(39) "Rehabilitation engineering" refers to the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

(40) "Rehabilitation technology" refers to the systematic application of technologies, engineering methodologies, or scientific principles to meet

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the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(41) "Severe mental or physical impairment" refers to the use of this term in the federal Rehabilitation Act of 1973, as amended.

(42) "State plan" refers to the State plan for vocational rehabilitation services submitted by OVRS under 34 CFR 361.10.

(43) "Substantial impediment to employment" refers to a physical or mental impairment that (in light of medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities and capabilities.

(44) "Supported employment" refers to:

(a) Competitive employment in an integrated setting, or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities:

(A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

(B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from OVRS and extended services after transition as described in OAR 582-001-0010(17) to perform this work; or

(b) Transitional employment, as defined OAR 582-001-0010(47), for individuals with the most significant disabilities due to mental illness.

(45) "Supported employment services" refers to ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by OVRS:

(a) For a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and

(b) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

(46) "Transition services" refers to a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

(47) "Transitional employment," as used in the definition of "Supported employment," refers to a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

(48) "Transportation" refers to travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

(49) "Vocational rehabilitation services":

(a) If provided to an individual, refers to those services listed in 34 CFR 361.48; and

(b) If provided for the benefit of groups of individuals, also refers to those services listed in 34 CFR 361.49.

(50) "Vocational rehabilitation training" means skill training in which the basis and focus of the training are individualized or customized. Vocational rehabilitation training may include focus on disability related issues as those issues impact the skills training. Vocational rehabilitation training can include, but is not limited to:

(a) Supported employment;

(b) Disability and related Skills training;

(c) On the job training;

(d) One-on-one specialized business training - training provided to individuals who are working to establish their own business;

(e) Customized training -- training offered by an employer to a group of individuals for the purpose of training and possibly hiring the individuals.

(51) "Vocational training" means skills training for a specific occupation.

(52) "Informed Choice" means that individuals who are applicants for vocational rehabilitation services or eligible individuals receiving such services must be active and full partners throughout the vocational rehabilitation process. Program participants must have the opportunity to make meaningful decisions during assessment for eligibility and in the selection of the employment outcome, services needed to achieve the outcome, service providers, and method of securing services. OVRS shall provide information and support services sufficient to inform each applicant and eligible individual about the availability of and opportunity to exercise informed choice.

(53) "The Individualized Plan for Employment" (IPE) is a blueprint or action plan for attaining the individual's vocational objective. The IPE identifies services necessary to assist the individual to prepare for, secure, retain, or regain an employment outcome consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. The IPE identifies the employment objective, approved service providers, all program costs, time frames, and the individual's responsibilities under the plan.

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

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.530, 344.550, 344.560, 344.570 & 344.590

Hist.: VRS 5-2004, f. & cert. ef. 8-5-04; VRS 2-2005, f. 4-20-05, cert. ef. 7-1-05; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 2-2008, f. & cert. ef. 3-3-08; VRS 3-2008, f. & cert. ef. 4-10-08; VRS 4-2008(Temp), f. 12-18-08, cert. ef. 12-19-08 thru 6-16-09; VRS 2-2009, f. & cert. ef. 3-27-09; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0000

General Provisions

The purposes of this division are to:

(1) Implement policies and procedures for the protection, use and release of personal information about individuals applying for or receiving OVRS services, consistent with federal statutes and regulations for vocational rehabilitation;

(2) Implement the confidentiality statutes for vocational rehabilitation in ORS 344.530(1)(b) and 344.600; and

(3) Clarify how these regulations incorporate and supplement other applicable federal and state laws and regulations.

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0005

Definitions

The following definitions apply to each Rule in Division 30 unless otherwise indicated.

(1) "Administrator" means the Administrator of the Office of Vocational Rehabilitation Services.

(2) "Individual" means any person who has provided information to OVRS as part of his or her application process for OVRS services or subsequent to an application

(3) "Confidential Information" means any personally identifiable information acquired or developed by OVRS, its staff or its representatives or that identifies an individual as someone applying for or receiving services from OVRS.

(4) "Representative" means any person identified by the individual as being authorized to speak or act on behalf of the individual or to assist the individual in any matter pertaining to services of OVRS, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

(5) "Cooperative Agreement" means a written agreement between OVRS and another agency or organization which includes terms protecting confidentiality of individual's information in keeping with the statutory and regulatory requirements of all parties to the agreement.

(6) "Designee" means any officer or employee appointed by the Director of the Department of Human Services to respond to requests for reduction or waiver of fees for public records of the Department

(7) "Director" means the Director of the Department of Human Services.

(8) "HIPAA" refers to Title II, Subtitle F of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et seq, and the federal regulations adopted to implement this Act.

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(9) "HIV/AIDS Information" is any information covered by ORS 433.045(3) or that is likely to identify, directly or indirectly, that a client has been tested for the HIV virus or has HIV infection, antibodies to HIV, AIDS (Acquired Immunodeficiency Syndrome) or related infections or illnesses.

(10) "Informed Written Consent" means, after receiving a thorough explanation and understanding of the purposes, limitations, recipients, and specific information to be released, an individual or, if appropriate, individual's representative completes and signs a Department of Human Services Form 2098 (Authorization for Use and Disclosure of Non-Health Information) or DHS Form 2099 (Authorization for Use and Disclosure of Health Information), or the successors to these forms or other sufficient written authorization, releasing personal information from or to OVRs.

(11) "Parent or Guardian" means a person or persons having legal responsibility for the overall welfare and well-being of a individual under age 18 or an individual who, if over age 18, is adjudicated legally incompetent.

(12) "Parent Locator Service" means a service authorized by 42 USC 653 seeking information for the purpose of establishing parentage or establishing, setting, modifying or enforcing child support.

(13) "Person" includes any natural person, corporation, partnership, firm or association.

(14) "Photocopy(ing)" includes a photograph, microphotograph and any other reproduction on paper or film in any scale, or the process of reproducing, in the form of a photocopy, a public record.

(15) "Public Officer Privilege" means, as provided in ORS 40.270, a public officer shall not be examined as to public records determined to be exempt from disclosure under ORS 192.502(8) and (9).

(16) "Public Record" includes any writing that contains information relating to the conduct of the public's business that is prepared, owned, used or retained by the Department regardless of physical form or characteristics.

(17) "Requestor" means a person requesting inspection, copies, or other reproduction of a public record of the Department.

(18) "Subpoena" means a written order for a witness to appear and give testimony and/or deliver named material issued.

(19) "Substance Abuse Information" means any information regulated under 42 CFR 2.1 — 2.67.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 344.530 & 344.570
Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730
Hist.: VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0008

Billing Policy and Procedures

(1) An individual or an individual's representative and the Oregon Advocacy Center staff person representing that individual may request a copy of information from their files at no cost once every 12 months. If the individual requests another copy of the same information, written summary, or explanation more frequently than once every 12 months, then OVRs may impose a reasonable, cost-based fee.

(2) OVRs shall charge for the cost of making the record available to the extent permitted by OAR 407-003-0010.

(3) All moneys received shall be handled and recorded under approved state accounting procedures.

(4) If OVRs denies an initial verbal request for waiver or reduction of fees, the requestor will submit a written request. If OVRs subsequently denies the written request for a waiver or reduction of fees, the requestor may petition the Attorney General for a review of the denial pursuant to the provisions of ORS 192.440(5) and 192.450.

(5) At the option of the Branch office that processes the requested material, the Branch manager as the Director designee may waive assessment of a fee.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 344.530 & 344.570
Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730
Hist.: VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0010

Program Uses and Disclosures by OVRs

(1) All personally identifiable information regarding a individual that is obtained, generated by, or made available to OVRs, its representative or employees, shall be protected, held confidential, and is the property of OVRs and may only be used and disclosed as permitted by OAR chapter

582, division 30. Such information may not be used or disclosed in violation of any of the following laws where those laws are applicable:

(a) Oregon Administrative Rules, chapter 410, division 14, concerning Privacy of Protected Information for clients of the Department of Human Services and concerning the implementation of HIPAA;

(b) ORS 179.505 concerning written treatment records;

(c) Federal laws concerning substance abuse information as set out in 42 CFR part 2;

(d) State laws concerning HIV information as set out in ORS 433.045;

(e) State laws concerning DNA and genetic information as set out in ORS 192.537 and 192.539.

(2) Confidential information may be used and disclosed by OVRs for purposes directly connected with the administration of the vocational rehabilitation program unless prohibited by law. Except for purposes directly connected with the administration of vocational rehabilitation or as required by law, OVRs will not use or disclose any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation services. Permitted disclosures under ORS 344.600 and OAR 582-030-0010 shall include disclosures made with informed written consent of the client for the purpose of assisting the financial capacity of OVRs or the individual to pay for the rehabilitation of the individual.

(3) Except as directed by the individual under informed written consent, the individual's information will not be disclosed outside OVRs unless:

(a) Required by federal or state law, including the exceptions to written consent requirements described in OAR 582-030-0040;

(b) Ordered by a judge, magistrate or other authorized judicial officer;

or
(c) Authorized by these rules.

(4) Any information about a crime committed by any individual, or suspected abuse or neglect, or that poses a threat to the safety of the individual or others is not confidential except as provided by law.

(5) Identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, unless the individual gives written consent.

(6) Each affected individual shall be informed that discussion of work related information with potential employers, in connection with the job placement of an individual, is considered to be within the scope of the administration of the vocational rehabilitation program and such information may be used or disclosed to the extent allowed by law. Such information shall be limited to that which the counselor determines to be necessary to the placement process and directly related to the individual's abilities to perform, retain, or acquire the skills to perform, specific employment.

(7) Unless prohibited by law, individual information may be released to other agencies which have cooperative agreements with OVRs without the written consent of the individual only if providing such information has a bearing on administration of the OVRs program and/or the provision of OVRs services. At time of application and at other times that individual information is being collected, OVRs shall inform the individual about situations where information is routinely released and identify the involved agencies.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 344.530 & 344.570
Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730
Hist.: VRD 22, f. & ef. 3-5-76; VRD 3-1981, f. & ef. 12-1-81; VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0020

Release of Information to Other Agencies, Organizations, Authorities or Individuals

(1) DHS Form 2098 Authorization for Use and Disclosure of Non-Health Information or Form 2099 Authorization for Use and Disclosure of Health Information, or the equivalent, shall be utilized to obtain client permission to release or obtain client information. Before the client or client's representative signs this form it must be completed so as to indicate informed consent, involved parties and timelines for obtaining or releasing specified information. For a client who has been adjudicated legally incapacitated, the parent or legal guardian must also sign the form.

(2) Each page of any document, record, or report containing OVRs client information released to any other agency, organization or person shall be imprinted with a statement that reads:

CONFIDENTIAL

This information cannot be released to any other person, agency, or organization without the prior written approval of the Office of Vocational Rehabilitation Services.

ADMINISTRATIVE RULES

(3) Release to other agencies or programs. Upon receiving the informed written consent of the individual, OVRS may release individual information to another agency or organization to assist with vocational rehabilitation services or administration -- including the financial capacity of OVRS or the individual to pay for the rehabilitation of the individual. OVRS may restrict disclosure of individual information believed to be harmful if released directly to an individual until OVRS secures written agreement from the requester that the information will be used only for the purposes authorized and will not be further released to the individual.

(4) Release for audit, evaluation, or research. OVRS may release confidential information to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities and only when OVRS is assured that:

(a) The information will be used only for the purposes authorized;

(b) The information will be released only to persons officially connected with the authorized activity;

(c) The information will not be released to the involved individual;

(d) The information will be managed in a manner to safeguard confidentiality; and

(e) The final product will not reveal the identity of any involved individual without his/her, or his/her representative's written consent.

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

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 22, f. & ef. 3-5-76; VRD 3-1981, f. & ef. 12-1-81; VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0025

Subpoenas

(1) The administrator of OVRS is the official custodian of all records for OVRS. Any subpoena for release of an OVRS records must be directed to the administrator of OVRS at OVRS central administration.

(2) A subpoena generated or authorized by an OVRS individual or individual's attorney to testify or release individual information is deemed to be an informed written consent from the individual, except as prohibited by law.

(3) Upon verification that an individual's attorney is authorized to issue the subpoena on behalf of the individual, OVRS employees may communicate with the individual's attorney within the scope of the request to the extent provided under OAR 582-030-0030.

(4) Without a valid written authorization from the individual or an order issued by a judge, magistrate or other authorized judicial officer, OVRS employees may not provide the individual information in response to a subpoena not generated by or authorized by an individual or his/her attorney.

(5) Any OVRS employee who appears in response to a subpoena not generated by or authorized by the individual or his/her attorney and without a valid written authorization must read the following statement at the start of the appearance instead of providing documents or testifying about an individual: "Confidentiality policy imposed by state law, including ORS 344.600, and federal regulation requires OVRS to invoke public officer privilege under ORS 40.270 — Evidence Rule 509, with respect to the release of client information or provision of testimony not requested or authorized by the client or the client's representative." If after making this statement to a judge, magistrate or other authorized judicial officer, the judge, magistrate or other judicial officer issues an order, the OVRS employee shall comply with the order, including providing any documents or testimony within the scope of the order.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.530, 344.540(1) & 344.600

Hist.: VRS 3-2004, f. & cert. ef. 3-12-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0030

Release to Clients, Parents, Guardians and Legal Representatives

(1) Upon written request using DHS Form 2093, its equivalent, or its successor, the requested information from the OVRS case file shall be released to the individual or, as appropriate, the individual's representative, in a timely manner, with the following exceptions:

(a) Case file information obtained from another agency or organization, treatment records, and psychological evaluations may only be released under the conditions established by the treatment provider or source of the records or under the conditions established by agreement between OVRS and the treatment provider or source of the records.

(b) If an individual or (as appropriate) a parent, guardian, or other representative presents a written request to review medical or psychological reports from the individual's OVRS file and the counselor believes direct release of such information to any of the above persons may be harmful to the individual, the following procedures must be followed:

(A) The counselor will contact the practitioner(s) who wrote the report(s) to request an opinion as to whether the practitioner believes direct release of the information would be harmful to the individual; or, if a practitioner is unavailable;

(B) The counselor will obtain an opinion from the appropriate office medical or psychological consultant as to whether the consultant believes direct release of the information would be harmful to the individual; the consultant is to record his/her opinion on the Medical/Psychological Review Record in the medical jacket (R-114);

(C) If the practitioner or consultant states that direct release would not be harmful, the counselor will release the requested OVRS information directly to the individual or (as appropriate) to the individual's parent, guardian, or designated representative;

(D) If the practitioner or consultant states that direct release would be harmful, the counselor will request but not require the individual to designate an appropriate and qualified physician or psychologist of the individual's choosing for the purpose of reviewing and interpreting the contents of the report(s) to the individual. If the individual agrees, the counselor will schedule the appointment, mail copies of the report(s) to the practitioner, and if the individual so requests, execute an Authorization for Purchase to pay the practitioner for an office visit at the OVRS current approved rate of payment.

(E) Medical, psychological, or other information that OVRS determines may be harmful to the individual may not be released directly to the individual, but if release is allowed under these rules, must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, a qualified medical or mental health professional, unless a representative has been appointed by court to represent the individual in which case the information must be released to the court-appointed representative.

(2) Informed written consent from the individual is required for the release of mental health or substance abuse information to a parent or guardian for any individual age 14 or over.

(3) Informed written consent from the individual is required for the release of general medical information to a parent or guardian for any individual age 15 or over.

(4) Informed written consent from the individual is required for the release of any information about sexually transmitted diseases or birth control to a parent or guardian for any individual regardless of age.

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 22, f. & ef. 3-5-76; VRD 3-1981, f. & ef. 12-1-81; VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0040

Exceptions to Written Consent Requirements

(1) Required Reporting and Response to Investigations:

(a) OVRS employees must report to the appropriate authorities abuse of individuals age 65 and over, ORS 124.060, under the age of 18, ORS 419B.010, individuals 18 age or over with developmental disabilities or mental illness, ORS 430.765, and residents of long-term care facilities, ORS 441.640;

(b) OVRS must release the individual's information if required by federal law or in response to investigations in connection with law enforcement, fraud or abuse (unless expressly prohibited by federal or state laws or regulations, such as OAR 410-014-0020(2)(j) which identifies limits on disclosures of protected health information to law enforcement) or in response to an order issued by a judge, magistrate or other authorized judicial officer.

(2) Response to Child Support Enforcement. A person authorized under federal law may access information for the Federal Parent Locator Service under ORS 25.265.

(3) OVRS may release an individual's information to protect the individual or others when the individual poses a threat to his or her safety or to the safety of others.

(4) For Deceased Persons:

(a) Vital Statistics. These rules do not restrict the disclosure of OVRS identifying information relating to the death of an individual under laws requiring the collection of such vital statistics or permitting inquiry into the cause of death;

ADMINISTRATIVE RULES

(b) Consent by Personal Representative. Other requirements of these rules notwithstanding, if written consent to such disclosure is required, that consent may be given by an executor, administrator or other personal representative appointed under applicable state law. If there is no such appointment, consent may be given by the spouse or other responsible member of the individual's family.

(5) Participation in State Agency Information Exchange: OVRS will participate in the State Shared Information System (SIS) or Performance Reporting Information System (PRISM), and DHS information sharing to the extent allowed by and consistent with state and federal law and/or regulations. Where the individual's authorization is required, OVRS may obtain informed written consent using forms specific to these information exchanges.

(6) OVRS may disclose the minimum information necessary for internal OVRS administrative purposes to the Department of Human Services; federal Rehabilitation Services Administration; or other state or federal agencies with regulatory authority over OVRS or administrative responsibilities necessary for OVRS services.

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

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 4-1991, f. & cert. ef. 12-13-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 3-2004, f. & cert. ef. 3-12-04; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-030-0050

The Individual's Right to Amend Records

An individual who believes that information in the record of services is inaccurate or misleading may request that OVRS amend the information. OVRS is not required to amend the record of services. If OVRS does not amend the information, the participant may prepare an amending statement and request that OVRS insert the statement into the record of services.

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-050-0000

Referrals and Applications

(1) Referrals to and applications for vocational rehabilitation services provided by OVRS shall be handled promptly and equitably.

(2) OVRS shall establish timelines for making a good faith effort to inform individuals referred to or seeking services from OVRS of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

(3) Assessment to determine eligibility and priority for services shall commence as soon as an application for services is received and to the maximum extent possible shall be expedited through use of existing information, including school, Social Security, medical and family member records.

(4) An individual is considered to have submitted an application only when all the following conditions have been satisfied:

(a) The individual or the individual's representative, as appropriate, has completed and signed an agency application form or has otherwise requested services;

(b) The individual or the individual's representative, as appropriate, has provided the information necessary to initiate an assessment for eligibility; and

(c) The individual is available to complete the assessment process.

(5) Once OVRS has received an application for vocational rehabilitation services, including applications for vocational rehabilitation services made through common intake procedures in One-Stop centers established under section 121 of the federal Workforce Investment Act of 1998, an eligibility determination must be made within 60 days, unless:

(a) Exceptional and unforeseen circumstances beyond the control of OVRS preclude making an eligibility determination within 60 days and OVRS and the individual agree to a specific extension of time; or

(b) A trial work experience or exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with 34 CFR 361.42(e) or, if appropriate, an extended evaluation is carried out in accordance with 34 CFR 361.42(f).

(6) OVRS shall not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and OVRS has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative, to encourage the applicant's participation.

(7) The length of time between eligibility determination and the signing of the Individualized Plan for Employment (IPE) by the VR counselor

and the individual or the individual's representative as appropriate shall not exceed 180 days (365 days if the plan goal is occupation through self-employment). If the State invokes an Order of Selection, the length of time begins once the client individual is pulled from the waitlist. The counselor must obtain supervisor approval to extend the time beyond 180 days (365 days if the plan goal is occupation through self-employment) and document in the case record the reason and expected length of time for the extension. Exceptions to this time frame include:

(a) Mutual agreement by the individual and counselor to extend the time, taking into consideration the unique needs of the individual;

(b) Unforeseen circumstances beyond the control of either the counselor or individual;

(c) The need for extended planning and assessment for IPE development for Youth Transition Program students.

(d) Individual involvement in the office dispute resolution process addressing issues critical to plan development;

(e) Lack of cooperation by the individual; or

(f) Lack of agreement by either the individual or counselor over the proposed IPE.

(8) OVRS shall make information regarding application requirements and forms available statewide.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.570

Hist.: VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 2-2006, f. & cert. ef. 8-1-06; VRS 3-2009, f. & cert. ef. 3-27-09; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-050-0005

Trial Work Experiences and Extended Evaluations

(1) Trial work experiences for individuals with significant disabilities.

(a) Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, OVRS shall conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination.

(b) OVRS shall develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences, which must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(c) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings.

(d) Trial work experiences must be of sufficient variety and over a sufficient period of time for OVRS to determine that:

(A) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

(e) OVRS shall provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

(2) Extended evaluation for certain individuals with significant disabilities.

(a) Under limited circumstances if an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before OVRS is able to make the determinations described in OAR 582-050-0005(1)(d), OVRS will conduct an extended evaluation to make these determinations.

(b) During the extended evaluation period, vocational rehabilitation services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(c) During the extended evaluation period, OVRS will develop a written plan for providing services necessary to make a determination under OAR 582-050-0005(1)(d).

(3) During the extended evaluation period, OVRS provides only those services that are necessary to make the determinations described in OAR 582-050-0005(1)(d). Extended evaluation is used only until the eligibility determination can be made and may not exceed 18 months.

Stat. Auth.: ORS 344.530 & 344.570

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

ADMINISTRATIVE RULES

Hist.: VRD 3-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-050-0010

General Provisions

(1) Eligibility requirements are applied without regard gender, race, creed, color, religion, ethnicity or national origin, nature or severity of disability, age, sexual orientation, residency or political ideology. Unless otherwise stated in the context, the rules in OAR 582-050 pertain only to Vocational Rehabilitation Services.

(2) Except for individuals whose impairments fall within the definition of legal blindness, or are of a rapidly progressive nature leading to legal blindness, OVRS shall not exclude any group of individuals from eligibility for services solely on the basis of type of disability or impairment.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 3-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-050-0020

Criteria

Applicants must meet the following conditions before they may be "eligible" for Vocational Rehabilitation Services:

(1) A determination by qualified personnel that the applicant has a physical or mental impairment.

(2) A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(3) A determination by a qualified vocational rehabilitation counselor employed by OVRS that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(4) A presumption, in accordance with OAR 582-050-0020(5), that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(5) Presumption of benefit. OVRS presumes that an applicant who meets the eligibility requirements OARS 582-050-0020(1) and (2) can benefit in terms of an employment outcome unless OVRS demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.

(6) Presumption of eligibility for Social Security recipients and beneficiaries. Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is:

(a) Presumed eligible for vocational rehabilitation services under OAR 582-050-0020(1) and (2); and

(b) Considered an individual with a significant disability as defined in 34 CFR 361.5(b) (31).

(7) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under OAR 582-050-0020(6)), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, OVRS must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables OVRS to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with 34 CFR 361.41(b)(2).

(8) Any applicant who is presumed eligible under OAR 582-050-0020(6) must require vocational rehabilitation services and intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(9) Interim Eligibility for Supported Employment recipients: OVRS may make an interim determination of eligibility for an applicant eligible for, or receiving, Supported Employment services when:

(a) The applicant was referred expressly for Supported Employment Services; The applicant clearly demonstrates a high likelihood of eligibility for vocational rehabilitation services based on available data (e.g. records from county mental health programs, Seniors and Persons with Disabilities or other sources);

(b) The applicant is someone who has not maintained, or is not expected to maintain, competitive employment through the provision of traditional rehabilitation services.

(c) There is reasonable expectation that the applicant will be competitively employable with provision of rehabilitation services and on-going support;

(d) The supported-service provider has accepted the applicant; and

(e) There is evidence in writing of the availability of on-going support services adequate to maintain employment for the applicant. Services provided during interim eligibility are those available within the Supported Employment Program (e.g. community based situational assessment, job development, job training, transportation and other goods or services required to secure and maintain employment). If OVRS cannot establish eligibility within 60 days, services may be interrupted or the case may be closed. If information is insufficient to determine eligibility after 60 days, OVRS shall either place the case in delayed status, with the agreement of the participant, or close the case as appropriate. OVRS may reopen closed supported employment cases in the general program and enter extended evaluation.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 3-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-050-0060

Residency

(1) There is no requirement for duration of residence in Oregon as part of the determination of eligibility.

(2) OVRS may provide services to an otherwise eligible individual, available and able to participate in services leading to an employment outcome, if the individual is:

(a) Currently living in the State of Oregon, regardless of duration; or

(b) Currently and legally employable in the State of Oregon and seeking services to retain or advance in employment with the same employer; or

(c) All of the following apply:

(A) The individual is currently living in a state not in an Order of Selection;

(B) The vocational rehabilitation office closest to the individual's residence is an OVRS office; and

(C) The individual is not in the state for the sole purpose of receiving vocational rehabilitation services.

(3) OVRS may, through mutual agreement, cooperate with another state's Vocational Rehabilitation Agency in the implementation or supervision of planned services of an Individualized Plan for Employment.

(4) Reasonable effort is made to assure that duplicate services are not provided concurrently in more than one state VR Agency nor shall more than one file per individual be open and active within OVRS.

(5) When an individual in open plan status establishes residence in another state and is no longer available to participate actively with the Oregon case-carrying counselor in the provision of services, the counselor may:

(a) Negotiate with the Vocational Rehabilitation Agency of the new state-of-residence to obtain assistance in supervision of the OVRS services needed to complete the plan and obtain employment; or

(b) Close the case file 'other than rehabilitated' due to the individual being 'unavailable for services.' If requested by the individual, the office may provide copies of appropriate in-file data to the vocational rehabilitation agency of the new state-of-residence.

(6) The office may close an individual's case file when the individual relocates outside the state of Oregon if:

(a) The individual is not in plan status; or

(b) The individual does not meet Residency criteria.

(7) OVRS may retain the case file of an individual who relocates outside of Oregon if the individual is in open plan status at the time of relocation and remains available to participate actively with the Oregon case-carrying counselor.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 4-1981, f. & ef. 12-1-81; VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2005, f. & cert. ef. 1-11-05; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

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Termination of Services Because of Ineligibility

(1) Case closure shall occur when OVRS determines that the individual does not meet one or more of the following eligibility criteria:

- (a) No disabling condition;
- (b) No impediment to employment;
- (c) Does not require vocational rehabilitation services; or
- (d) Disability too severe to benefit from services.

(2) OVRS shall make the ineligibility determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative.

(3) Ineligibility due to 'too severe to benefit'. Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services, OVRS shall conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination.

(a) OVRS shall develop a written plan to assess the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences.

(b) Trial work experiences:

(i) Shall be in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual;

(ii) Include supported employment, on-the-job training, and other experiences using realistic work settings; and

(iii) Shall be of sufficient variety and over a sufficient period of time for the designated State unit to determine that:

(A) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services.

(c) OVRS shall provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

(4) OVRS shall notify the individual in writing of file closure due to ineligibility. As necessary the office shall supplement notification by other appropriate modes of communication consistent with the informed choice of the individual. Notification shall include:

(a) Notice that the office is closing the individual's case file;

(b) The rationale for the ineligibility determination; and

(c) Dispute resolution information regarding the mediation and impartial fair hearing appeal process, as well as contact information about the Client Assistance Program (CAP).

(5) The office shall refer the individual to other available programs under the Workforce Investment Act that address the individual's training or employment-related needs.

(6) If the office determines the individual to be incapable of achieving an employment outcome, the office shall:

(a) Refer the individual to local extended employment providers; and

(b) Review the individual's file within 12 months. The individual or, if appropriate the individual's representative, may thereafter request subsequent annual reviews. The office needs not conduct the review if:

(A) The individual has refused the review;

(B) The individual is no longer present in the State;

(C) The individual's whereabouts are unknown; or

(D) The individual's medical condition is rapidly progressive or terminal.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 2-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1991, f. & cert. ef. 9-11-91; VRD 2-1993, f. & cert. ef. 9-15-93; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-060-0020

Termination of Services After Eligibility

(1) Termination of Services — 'Other Than Rehabilitated'.

(a) The office may close an individual's file when the individual fails to achieve an employment outcome for the following reasons:

(A) Death;

(B) Ineligibility;

(C) Extended services for Supported Employment not available despite exploration of all types of extended supports;

(D) Individual fails to cooperate with or fails to make suitable progress toward developing or completing necessary steps in the IPE within the agreed-upon timeframes;

(E) Individual is institutionalized or otherwise unavailable for services;

(F) Individual received VR services and was placed in non-integrated, non-competitive work setting;

(G) The office is unable to locate or contact the individual;

(H) Individual has refused necessary services or chooses not to participate in necessary OVRS programs;

(I) Individual is receiving services from another agency and no longer requires the office's services; or

(J) Other reason as documented by the office.

(b) The office may close the file of a presumed-eligible individual if:

(A) The file documents clear and convincing evidence that the individual is incapable of benefiting from services; or

(B) The individual meets the criteria for termination of services under 582-060-0020(1)(a).

(c) The office shall make a closure determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative. The individual's involvement is not required when:

(A) The individual refuses to participate;

(B) The individual is no longer present in the state;

(C) The individual's whereabouts are unknown; or

(D) The individual's medical condition is rapidly progressive or terminal.

(d) All notifications of closure shall include:

(A) Notice that the office is closing the case;

(B) The rationale for the closure; and

(C) Dispute resolution information regarding the mediation and impartial fair hearing appeal process, as well as referral to information about the Client Assistance Program (CAP).

(2) Termination of Services — Rehabilitated:

(a) Closure of an individual's file as 'Rehabilitated' requires documentation that:

(A) The individual has achieved the employment outcome identified in by the IPE, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;

(B) The individual has maintained the employment outcome for an appropriate period of time, not less than 90 days, sufficient to ensure stability in the position without further vocational rehabilitation services;

(C) The individual and counselor consider the employment outcome to be satisfactory and agree that the individual is performing consistent with goal identified in the IPE; and

(D) The office informs the individual in writing, supplemented through other appropriate modes of communication as necessary, of the availability of post-employment services.

(b) The office shall provide notice to an individual that OVRS is closing the file 'Rehabilitated'. The notification shall:

(A) Be in writing supplemented, as necessary, through appropriate modes of communication;

(B) Inform the individual that OVRS is closing the case as 'Rehabilitated';

(C) Provide the rationale for the decision; and

(D) Include dispute resolution information regarding the mediation and impartial fair hearing appeal process and the Client Assistance Program (CAP)

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 2-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1991, f. & cert. ef. 9-11-91; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0010

General Policy

NOTE: For community rehabilitation programs and medical or related services refer also to OAR 582-010, 582-075 and 582-080.

It is the policy of the OVRS to reimburse vendors who provide previously-authorized services and/or supplies to persons who qualify for such services.

(1) Vendors shall be paid in accordance with the lesser of:

(a) The vendor's usual charge for such service, i.e., that fee for service which the vendor under ordinary circumstances charges to the general public for such services; or

(b) A pre-determined charge that has been negotiated between the vendor and an agency person authorized to consummate agreements between this agency and the vendor.

(2) In addition to any such general contracts or agreements, actual services to individuals must be specifically prior authorized and are not

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considered approved or billable until the vendor receives a completed Agency Authorization for Purchase (AFP) form or its equivalent, listing specific prior authorized services and estimated billable amounts, signed by the appropriate agency representative(s):

(a) Only in extreme emergencies may services be prior authorized verbally and any such verbal authorization must be documented promptly and followed with a written AFP within 72 hours;

(b) Apparent fraud, misrepresentation or substantial discrepancies between services rendered and billed amounts shall be investigated and, as appropriate, legal steps taken to prevent or recover overpayments.

(3) Except as specified in OAR 582-070-0010(4), Rehabilitation Services funds will not be expended before OVRs determines that "comparable benefits and services" are not available to meet, in whole or in part, the cost of such services, unless such a determination would interrupt or delay:

(a) The progress of the individual toward achieving the employment outcome identified in the Individualized Plan for Employment;

(b) An immediate job placement; or

(c) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by appropriate qualified medical personnel.

(4) The following vocational rehabilitation services are exempt from a determination of the availability of comparable services and benefits:

(a) Assessment for determining eligibility and vocational rehabilitation needs;

(b) Counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(c) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available from OVRs;

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(e) Rehabilitation Technology, including telecommunications, and other technological aids and devices.

(f) Post-employment services consisting of any of the services in OAR 582-070-0010(4)(a)-(e); and

(5) Purchases shall be of the most reasonable and satisfactory quality at the lowest available cost, subject to supervisory and/or administrative review and/or approval prior to authorization; accordingly, OVRs reserves the right to establish upper limits on the utilization of existing services, subject to an exception process.

(6) Preliminary diagnostic assessment is limited to a review of existing data and such additional data as is necessary to determine eligibility or, for Rehabilitation Services, to assign priority for order of selection for service (when appropriate). Comprehensive assessment and/or extended evaluation services may be provided only until eligibility/ineligibility or nature and scope of needed Rehabilitation Services can be determined. Additionally, other services are available (including the use of Rehabilitation Technology services, as appropriate) to determine the nature, scope and types of services needed to attain a specific vocational rehabilitation objective of the eligible individual. Continued eligibility is contingent upon reasonable progress by the individual toward attainment of measurable intermediate objectives within time-lines arrived at and agreed to through joint counselor/individual development of the plan and any amendments thereto.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRS 2-2004, f. & cert. ef. 3-9-04; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2009(Temp), f. & cert. ef. 2-11-09 thru 8-9-09; Administrative correction 8-21-09; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0020

Specific Policies

Specific rules pertain to the provision of the following services:

(1) On-the-Job Training:

(a) Payment to on-the-job trainers/employers for training services shall be negotiated at the lowest reasonable level and shall always be considered as reimbursement for actual expenses and/or trainer time; the trainer/employer cannot expect to make a profit from such payments;

(b) Offset against an individual's wages shall be negotiated with the trainer/employer on a mutual sharing basis at the lowest reasonable level to adequately pay the individual for his/her productive work efforts with the trainer/employer ultimately paying the entire wage. Total length of the training program and length of OVRs involvement in payments shall be negotiated on the basis of the complexity of the training and the amount of

relevant skill and knowledge the individual possesses prior to entering training.

(2) Training: Educational and training services, except on-the-job training, must be purchased from public educational organizations in Oregon. Exceptions are authorized only when:

(a) No publicly-supported school provides the courses necessary for the individual's needs in order to reach the vocational objective; or

(b) The individual cannot utilize publicly-supported schools because of his or her disability; or

(c) OVRs's financial participation in the plan is no greater than if the individual had enrolled at the nearest appropriate publicly-supported school; or

(d) The net cost to Oregon governmental agencies is significantly less; or

(e) The training services for the individual will be significantly delayed.

(3) Vocational training: Referrals for vocational training may be made only to the following schools or programs:

(a) A school that has accreditation recognized by the United States Department of Education;

(b) A school has been approved by the Oregon Student Assistance Commission through the Office of Degree Authorization to offer and confer degrees in Oregon;

(c) A community college;

(d) A state institution of higher education within the Oregon University System;

(e) The Oregon Health and Science University.

(f) A career school licensed under ORS 345.010 to 345.450

(g) An apprenticeship program that is registered with the State Apprenticeship and Training Council

(4) Maintenance: OVRs shall only pay or provide for maintenance expenses consistent with the definition of this term at OAR 582-001-0010(25) and 34 CFR 361.5(b) (35).

(5) Clothing Purchases: Clothing purchases may be authorized if the need is a result of participation by the individual in a rehabilitation program and the individual does not possess sufficient financial resources to provide for these expenses. These must be appropriate in type and in a price range, comparable to clothing items normally used by persons engaged in similar rehabilitation, training or employment settings.

(6) Transportation Services:

(a) OVRs may provide transportation services if the services are necessary to enable the applicant or eligible individual to participate in required rehabilitation services.

(b) Selection of transportation services shall:

(A) Give preference to the most inexpensive alternative as determined by OVRs; and

(B) Take into consideration the circumstances and special needs of the individual.

(d) Moving and relocation expenses. OVRs may authorize moving and relocation expenses when the office has determined that it is less costly than having the individual commute for employment or training.

(e) Routine vehicle maintenance. It is the owner's responsibility to maintain a private vehicle. OVRs does not pay for routine costs associated with maintenance of a vehicle. OVRs may make an exception if OVRs determines circumstances justify vehicle maintenance.

(f) Travel and related expenses for personal assistance. OVRs may provide travel and related expenses for personal assistance services if such services are necessary to enable the individual to travel to participate in a vocational rehabilitation assessment or service.

(7) Vehicle Insurance: OVRs does not generally pay for vehicle insurance. Oregon law requires insurance to operate a vehicle and it is an ongoing maintenance expense.

(a) OVRs does not pay for vehicle insurance unless exceptional circumstances necessitate assistance to reduce a transportation barrier. OVRs may authorize full or partial payment only if the office determines auto liability insurance is necessary for participation in vocational rehabilitation services and supports the least expensive transportation option.

(b) The individual shall be responsible for insurance for a vehicle purchased or modified by OVRs and for insurance on vehicular adaptive equipment

(c) If the insurance premium increases, or will increase, OVRs may pay for an increase in the premium for minimum vehicle liability insurance coverage required under Oregon law.

(d) OVRs may pay for the full premium amount for minimum vehicle liability insurance coverage required under Oregon state law if the office

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determines that payment is appropriate. OVRS may pay the full premium amount for up to 60 days from the start of employment.

(e) Authorization of full or partial payment for vehicle insurance requires that:

(A) Payment for vehicle insurance supports the least expensive transportation alternative for the individual;

(B) The individual owns the insured vehicle. If the individual is a minor the individual's parents or legal guardians shall own the insured vehicle; and

(C) The individual, or minor individual's parents or guardians, has a current valid Oregon driver's license.

(8) Travel: When an individual's travel requires lodging and meals, payment for lodging and meals shall be based on the definition of maintenance under 582-001-0010(25) and shall not exceed the current federal GSA domestic per diem rates for the state in which the lodging occurred.

(a) The per diem rate used shall be based on the rate for the city in which the individual lodges, or the rate for the city closest to where the individual lodges.

(b) Unless the individual uses a personal vehicle for the needed transportation, reservations shall be made through the state travel agency.

(c) If the individual utilizes a service animal; OVRS may provide payment for the lodging of the service animal.

(d) In those instances in which the federal per diem rate is insufficient to cover the cost of lodging, or the individual has a legitimate need for more costly lodging, payment may exceed the federal per diem rate.

(9) Community Rehabilitation Programs' (CRP) Services.

NOTE: Refer also to OAR 582-010.

(a) State-wide rates are intended to pay only the anticipated cost of standard rehabilitation services. This fee schedule may be adjusted for a specific CRP to reflect non-standard types or levels of service, or statewide for standard service, if a significant increase or decrease in the actual cost of serving individuals occurs;

(b) For a CRP operated under private auspices, fees may be negotiated taking into consideration costs such as buildings, staffing and equipment. For a publicly owned and operated CRP (e.g., state or county owned or operated) fees, if any, must be based upon and not exceed actual costs.

(10) Extended Evaluation: OVRS shall provide only those services authorized under OAR 582-050-0005.

(11) Personal Care Assistance (PCA). A personal care assistant is provided only when necessary to allow an individual to benefit from other rehabilitation services, including assessment, and when the individual is not entitled to PCA services from another source:

(a) Participant as Employer: The participant, in most cases, as the employer of the personal care assistant may be reimbursed for necessary PCA services required to participate in rehabilitation services;

(b) Third Party Vendor: Direct payment to the PCA vendor by OVRS requires prior approval in addition to the requirements of Oregon Administrative Rules Chapter 582, Office 10;

(c) Written Contract: In most instances the individual is to be the employer of his/her own personal care assistant. OVRS may assist the individual to establish an appropriate written contract with the provider.

(12) Interpreter Service: OVRS provides interpreter service only when necessary to assist the individual to derive full benefit from other rehabilitation services:

(a) Limitation: To be provided by OVRS only when "comparable benefits" are not available;

(b) For the Deaf and Hearing Impaired: OVRS gives preference to using interpreters certified by the National Registry of Interpreters for the Deaf and/or one who is on the approved vendor list of the State Association of the Deaf. When deemed mutually acceptable by the individual and the counselor, another interpreter may be utilized;

(c) Regional Resources: Oregon Deaf and Hard of Hearing Services (ODHHS) may be used as a resource to both individuals and staff for securing interpreters.

(13) Other Support Services Providers: May be selected for specific skills needed. Where provider licenses, insurance, certificates and state or local codes are indicated OVRS reasonably attempts to assure that appropriate levels are met before authorizing services from the provider. (See OAR 582-080 for additional rules on vendor selection.)

(14) Vendor Insurance: Providers of services shall obtain and maintain insurance as required by law for that provider; additionally, where OVRS is providing for services, appropriate levels of personal, automobile, professional and general liability insurance may be required, depending on the type of service.

(15) Private vehicle maintenance is primarily the responsibility of the owner. The office does not pay for insurance or associated expenses such as

registration costs. In exceptional circumstances, as determined by OVRS, the office may make an exception.

(16) Occupational Licenses, Tools and Equipment for Training and/or Employment:

(a) May be provided when required for either extended evaluation or when an individual is in plan status, including post employment. OVRS accepts no responsibility for individual lease/rental agreements or the leased/rented items other than to reimburse the individual for such prior authorized expenditures;

(b) Repossessed items shall be used whenever appropriate and available;

(c) Except for personally prescribed items, title/ownership of an OVRS purchased (or jointly purchased) item is held by OVRS (or jointly with OVRS) until case closure when ownership may be transferred to the individual for non-expendable items deemed by OVRS to be needed for continued success in the individual's program.

(17) Land and/or Stationary Buildings: Are never purchased by OVRS as a service to an individual. Existing buildings may be modified when necessary to enable an eligible individual to attain a vocational plan goal. No permanent additions or weight bearing partitions are to be erected as services to individuals.

(18) Rehabilitation Technology Services: May be applied at any time during rehabilitation services to address barriers to the individual's participation in evaluation, training, and employment:

(a) OVRS shall ensure that rehabilitation technology service providers are qualified in the areas of engineering skills and/or technology required for a given service. Selected Community Rehabilitation Programs' Approvals may include rehabilitation technology services, when State Standards for Approvals are met for rehabilitation technology services;

(b) Rehabilitation technology services are exempt from a determination of the availability of comparable benefits. All reasonably available comparable services shall be used before authorizing expenditure by OVRS. Personal services contracts for rehabilitation technology services require field services manager approval prior to implementation.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRD 1-1996(Temp), f. 2-26-96, cert. ef. 3-1-96; VRS 1-2003, f. & cert. ef. 9-23-03; VRS 2-2003, f. & cert. ef. 12-31-03; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 2-2008, f. & cert. ef. 3-3-08; VRS 3-2008, f. & cert. ef. 4-10-08; VRS 1-2009(Temp), f. & cert. ef. 2-11-09 thru 8-9-09; Administrative correction 8-21-09; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0025

Vehicle Purchase/Vehicle Modification

(1) The following definitions apply to this rule:

(a) "Approved Vendor" means a dealer recognized by OVRS as an approved retailer or installer of specified devices;

(b) "Qualified Mechanic" means; American Standard Automotive or American Standard Engineering certified;

(c) "Qualified Vehicle Modification Evaluation" means an evaluation performed by a licensed occupational therapist;

(d) "Reasonable transportation alternatives" include but are not limited to:

(A) Car repairs to a vehicle already owned;

(B) Use of mass transit or community transportation;

(C) Moving the individual to a new area;

(D) Assistance from family members, volunteers, paid drivers or attendants;

(E) Car pools; or

(F) Accommodations made by individual's employer.

(e) "Vehicle modifications" are services involving the purchase and installation of adaptations or devices intended to meet the employment-related transportation needs of individuals.

(2) OVRS does not provide funds for individuals to lease or purchase motor vehicles that require a license to operate. The OVRS administrator may grant an exception if no reasonable transportation alternatives are available and the office has made the following determinations:

(a) The exception is not prohibited by state or federal statute, rule or regulation;

(b) The individual is eligible for vocational rehabilitation services and is in plan or post-employment status;

(c) Assessments, evaluations and tests demonstrate the purchase is necessary to remove a transportation related barrier;

(d) The purchase is in support of a specific vocational goal (identified in the individual's IPE);

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(e) At closure the individual will have sufficient income and resources to meet daily living expenses and cost of vehicle operation and replacement;

- (f) The individual possesses or can obtain a valid driver's license; and
- (g) The individual can safely operate the vehicle.

(3) OVRS may deny purchase of vehicle modification services if:

(a) The individual fails to cooperate with required evaluations, assessments or tests; or

(b) It is determined the individual is unable to drive safely. OVRS may permit an exception when a qualified driver other than the individual will be operating the vehicle.

(4) When OVRS authorizes payment toward a purchase, the primary lien holder must be the office.

(5) OVRS shall transfer ownership only when required for employment and successful file closure. OVRS must repossess, reassign or otherwise dispose of the vehicle when it has determined transfer to the individual is not justified. Disposal must occur according to department or office property disposition guidelines.

(6) Scope of Vehicle Modifications: OVRS shall only authorize a vehicle modification when the office determines modification is the most cost effective and appropriate means of providing necessary employment-related transportation for the individual. Purchase of a vehicle modification shall be the least costly necessary to accomplish the goal of enabling the individual to enter, maintain or regain employment.

(a) As Rehabilitation Technology, defined as necessary to address vocational barriers confronted by individuals with disabilities in the area of transportation, OVRS may not purchase the following:

(A) Modifications to a van if it would be possible to modify a sedan style automobile to meet the individual's need for transportation;

(B) Modifications to a vehicle if the individual owns or has use of another vehicle that would meet the individual's transportation needs; or

(C) Modifications to a vehicle if a qualified vehicle modification evaluation indicates that the individual is not capable of driving due to the individual's disability. OVRS may permit an exception when a qualified driver other than the individual will be operating the vehicle.

(b) OVRS may provide vehicle modifications if:

(A) The exception is not prohibited by state or federal statute, rule or regulation;

(B) The individual does not own another vehicle which meets the individual's employment-related transportation needs;

(C) The individual is capable of safely operating a motor vehicle; and

(D) The individual requires the proposed modification, as documented and recommended in by a qualified vehicle modification evaluation.

(7) Vehicle requirements for OVRS participation in the cost of modifications are as follows:

(a) the vehicle to be modified has been judged safe and is in reasonably good condition, as determined by a qualified mechanic;

(b) All proposed modifications are consistent with applicable vehicle safety laws;

(c) OVRS shall preauthorize any payment for a modification in a new or used vehicle acquired by the individual. The individual shall be responsible for the costs of any modification not recommended by a qualified vehicle modification evaluation. The individual is responsible for the costs of any modification-equipment not covered by the office;

(d) Preinstalled modifications in used vehicles. OVRS shall preauthorize any payment for preinstalled modifications in a used vehicle acquired by the individual. The individual shall be responsible for all payment for any modification equipment not recommended by the qualified vehicle modification evaluation and/or any modification equipment costs not covered by the office;

(e) Unmet modification requirements. Where new or used pre-existing vehicle modification equipment is insufficient to meet the individual's needs, as documented by the qualified vehicle modification evaluation, the office shall direct negotiate or bid out the unmet minimum necessary modification requirements;

(f) OVRS shall not provide such optional equipment as may generally be purchased through an automobile dealer at the time the vehicle is purchased unless such equipment is required as a result of the individual's disability and is categorized in the Occupational Therapists driver's evaluation as necessary to the modification of the vehicle;

(8) OVRS conditions for vendor selection are as follows:

(a) Vehicle modifications shall be purchased from vendors or dealers who are listed and on file with OVRS as an approved vendor of the devices;

(b) Such purchases must be made in accordance with State procurement regulations and OVRS purchase policy and procedures.

(9) OVRS is not obligated to purchase any service negotiated or contracted by the individual or individual's family. The office shall authorize all vehicle modification services through the standard State and OVRS procurement and purchasing process.

(10) Maintaining a private vehicle is the responsibility of the owner.

(11) OVRS assumes no warranty responsibility.

(12) Second or subsequent modifications are limited to those needed to accommodate changes in the individual's medical condition.

(13) The individual shall be the primary driver of the modified vehicle. The office may make an exception permitting a qualified driver other than the individual to operate the modified vehicle;

(14) The individual must register or co-register the modified vehicle in the individual's own name. A minor individual must register the modified vehicle in the name of the individual's parents or guardian. The office may authorize an exception to register the modified vehicle in a name other than the name of the individual and/or individual's parent or guardian.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 2-1996, f. & cert. ef. 8-28-96; VRS 1-2003, f. & cert. ef. 9-23-03; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0030

Limitations of Payments

NOTE: For medical and related services refer also to OAR 582-075 and 582-080; and, for providers of community rehabilitation services refer also to OAR 582-010.

(1) Payment in Full: Vendors providing any services authorized by OVRS shall not make any charge to or accept any payment from the individual or his/her family for such services unless the amount of the service charge or payment to be borne by the individual is previously agreed to by the individual or his/her family, known to and, where applicable, approved by OVRS.

(2) Client Financial Participation and the Financial Needs Test: Except as expressly exempted, services funded by OVRS are subject to Client Financial Participation. Individuals shall be allowed or required to contribute financially as set forth in OAR 582-070-0030. The contribution requirements apply starting July 1, 2004 for individuals submitting applications for services, requests for post-employment services, and for annual IPE reviews.

(a) The purpose of individual participation in service costs is to encourage the commitment of the individual to their vocational rehabilitation goal, create a cooperative relationship with the individual, and conserve limited OVRS resources.

(b) Except as provided in OAR 582-070-0030(2) (j) and (k), the following individuals are exempted from the Financial Needs Test and Client Financial Participation:

(A) Any individual who has been determined eligible for and is currently the recipient/beneficiary of Social Security Benefits under Title II (Social Security Disability Insurance, SSDI) or Title XVI (Supplemental Security Income, SSI) of the Social Security Act;

(B) Recipients of qualifying needs-based public assistance programs, including Self Sufficiency Cash Benefits, Oregon Health Plan, Temporary Assistance for Needy Families, and Food Stamps, and excluding financial aid for post-secondary education;

(C) Homeless or transient individuals.

(c) Except as provided in OAR 582-070-0030(2)(j) and (k), the following services are exempt from Client Financial Participation:

(A) Assessment for determining eligibility, vocational rehabilitation needs, or priority for services, including assessment by personnel skilled in rehabilitation technology;

(B) Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(C) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise those individuals about client assistance programs;

(D) Job related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(E) Personal assistance services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability;

(F) Auxiliary aids or services required to participate in the vocational rehabilitation program, such as interpreter services including sign language and oral interpreter services for individuals who are deaf or hard of hearing; or tactile interpreting services for individuals who are deaf-blind.

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(d) Under the Financial Needs Test, individuals with annual family income of less than either 250 percent of the federal poverty guidelines or \$60,000 are not subject to Client Financial Participation and are exempt from the guidelines set out in OAR 582-070-0030(2)(c).

(e) Client Financial Participation shall be determined on an annual basis, not to exceed the annual cost of non-exempt services to OVRS, applying the following contribution schedule:

(A) Individuals with family income between \$60,000 and \$69,999 are subject to a mandatory financial contribution of \$700.

(B) Individuals with family income between \$70,000 and \$79,999 are subject to a mandatory financial contribution of \$900.

(C) Individuals with family income between \$80,000 and \$89,999 are subject to a mandatory financial contribution of \$1300.

(D) Individuals with family income between \$90,000 and \$99,999 are subject to a mandatory financial contribution of \$1700.

(E) Individuals with family income between \$100,000 and \$109,999 are subject to a mandatory financial contribution of \$2100.

(F) Individuals with family income between \$110,000 and \$119,999 are subject to a mandatory financial contribution of \$2900.

(G) Individuals with family income between \$120,000 and \$129,999 are subject to a mandatory financial contribution of \$3700.

(H) Individuals with family income at \$130,000 or higher are subject to a mandatory financial contribution of \$3700 plus ten percent of their family income in excess of \$130,000.

(f) OVRS shall use the following definitions to calculate Client Financial Participation:

(A) "Income" is determined by the adjusted gross income from the most recent federal tax return, unless unusual circumstances merit other documentation.

(B) "Family income" consists of income from the individual, the spouse of the individual if residing with the individual, and includes parents if the individual is under 18 and living with parents, or the parents claim the individual as a dependent on federal taxes, or the individual maintains dependent status for financial aid reasons.

(C) "Federal poverty guidelines" are the current poverty guidelines of the United States Department of Health and Human Services.

(D) "Size of the family unit" for purposes of selecting the appropriate federal poverty guideline includes those family members residing with the individual or claimed on federal taxes as dependents; but if the individual is under 18 and living with parents, or the parents claim the individual as a dependent on federal taxes, or the individual maintains dependent status for financial aid reasons, the family unit may include those family members residing with the parents or claimed on the federal taxes of the parents as dependents

(g) If the individual or their family choose not to share information about their income as part of the calculation of the financial needs test, an annual, mandatory individual contribution of \$3700 shall be established, not to exceed the annual cost of non-exempt services to OVRS, unless OVRS concludes that the annual family income of a individual may exceed \$130,000 in which case the individual contribution shall be established at 100 percent for items and services subject to Client Financial Participation.

(h) Subsequent Financial Needs Tests shall be conducted with the annual review of the Individualized Plan for Employment, and may also be conducted if there is a change in the financial situation of either the individual or the family unit.

(i) "Extenuating Circumstances" shall be considered when the counselor identifies other information related to the individual's financial situation that negatively affects the individual's ability to participate in the cost of the rehabilitation program or if requiring the expected financial contribution will result in undue delay in the rehabilitation program. In determining whether to make an adjustment for extenuating circumstances, OVRS may consider the individual's current income and the reasons for the request. If there are extenuating circumstances that justify an exception, OVRS may delay or waive all or part of the individual's financial contribution. In such cases the counselor shall:

(A) Obtain written approval of their supervisor;

(B) Provide documentation of the reasons for the exception;

(C) Maintain both the signed exception and the documentation of circumstances in the client individual file record.

(j) If an individual prefers an upgrade, enhancement, optional feature, or more expensive vendor of essentially the same service, equipment or item available from a less expensive vendor, and this preference is not required to satisfy the vocational rehabilitation goals that justify the expenditure, OVRS and the individual may agree that the individual shall pay the difference in cost between the service or item purchased and the service or

item available that would have satisfied the vocational rehabilitation goals that justify the expenditure. In this situation, payment is required regardless of whether the financial needs test authorizes payments by the individual; and any payments by the individual in this situation do not count toward the individual's mandated financial contribution.

(k) An Individualized Plan for Employment (IPE) may include voluntary client contributions. An agreement in an IPE to make a voluntary contribution is not enforceable.

(3) Student Financial Aid: OVRS assures that "maximum" effort is made by OVRS and the individual to secure student financial aid for any approved training in institutions of higher education. "Maximum" effort includes making timely application for such grant assistance on a consistent basis and utilizing such benefits as are available in lieu of Vocational Rehabilitation funding:

(a) Coverage: All individuals, including graduate students, must apply for all financial aid benefits each academic year. All need based grants, including Pell Grants and Student Employment Opportunity Grants, must be used to pay for educational costs, including tuition and books, before an individual may utilize VR funds for this purpose. This requirement does not apply to merit based grants, including scholarships or loans. However, individuals may voluntarily elect to use these funds, as well as work study and loans for this purpose.

(b) Other Comparable Benefits or Services: If a third party (e.g., employer, insurance company, WCD) is required to or agrees to pay or reimburse to OVRS all of the case service rehabilitation costs of the individual, the financial aid grant offer need not be applied against the plan costs nor treated as a "comparable benefit;"

(c) Late Applications: Pending determination of student aid by the financial aid officer, OVRS funds can be expended for education-related expenses between the date of application for financial aid and determination of the individual's eligibility for federal student aid provided that such expenditures are reduced by any amounts of comparable benefits subsequently received, excepting student loans;

(d) Duplicate Payments: When student financial aid is approved, arrangements must be made promptly to reduce projected OVRS payments and/or recover duplicate payments;

(e) Parent Non-Participation: With the Field Services Manager's approval, the counselor may fund the parental contribution portion of the student's budget (as prepared by the college or university FAO) if the parents refuse or are unable to contribute.

(4) For Industrially-Injured Workers: OVRS shall provide only for the cost of those rehabilitation services which are not the responsibility of the employer, insurer or the Oregon Worker's Compensation Office.

(5) Increased Cost Maintenance: OVRS shall not provide maintenance except for additional costs incurred while participating in authorized services, such as when the individual must maintain a second residence away from the regular household in order to achieve a rehabilitation goal. Such maintenance shall be provided according to the provisions under OAR 582-070-0020(4), 582-001-0010(25), and 34 CFR 361.5(b) (35).

(6) Physical and Mental Restoration Services: Are provided only to ameliorate a diagnosed physical or mental condition that presents a substantial impediment to employment for the eligible individual. The services must be essential for the individual's achievement of a vocational goal:

(a) Drugs:

(A) When a physician (MD or OD) or dentist recommends prescription medication, if practical, the lowest price (e.g., generic) shall be obtained prior to issuing an authorization;

(B) Controlled substances require a prescription; an attending physician's statement under ORS 475.309(2)(a) does not qualify as a prescription.

(b) Dental Services: Dental care may be provided by OVRS when the condition of teeth or gums imposes a major impediment to employment (e.g., endangers health, emergency needs, or serious cosmetic needs). Dentures may be purchased from licensed dentists or certified denturists;

(c) Eye Glasses: Eye glasses may be purchased when determined essential for evaluation of eligibility or the achievement of the vocational goal, limited to basic frames and lenses unless other features are medically required (e.g., sun glasses, tints, contact lenses);

(d) Wheelchairs: OVRS may purchase a wheelchair when the equipment is required to reduce or eliminate a disability related functional limitation that is a substantial impediment to employment. Wheelchairs must be prescribed by a qualified medical specialist;

(e) Hearing Aids. OVRS may provide hearing aides only when:

(A) Essential to complete an evaluation;

(B) Necessary to reduce or eliminate a barrier to employment; or

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(C) The participant requires the hearing aids to retain employment. OVRS shall document the need for a hearing aid. All hearing services must be performed by licensed audiologists.

(f) Other Prosthetic Devices: Prosthetic devices may be purchased only upon the authorization of the counselor and with a written prescription by a qualified professional;

(g) Psychotherapy: Group or individual psychotherapy may be provided in those instances when required for a person to reach a vocational goal and when an immediate and positive goal related impact is anticipated. A specific number of sessions or a specified time limit is required. OVRS may limit these services to those recommended by an OVRS psychological or psychiatric consultant;

(h) Physical or mental restoration services shall not be provided by OVRS for the treatment of an acute or chronic medical complication or emergency unless these are associated with or arise out of the provision of physical or mental restoration services in the IPE, or are inherent in the condition under treatment as described in the IPE.

(i) Corrective surgery or therapeutic treatment shall not be provided or funded by OVRS if it is not likely within a reasonable period of time to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

(7) Services Not Provided: OVRS shall not authorize or provide funding for the following services:

(a) Any individual-incurred debt;

(b) Any services obtained by the individual prior to the date of application;

(c) Purchase of land or stationary buildings;

(d) Fines or penalties, such as traffic violations, parking tickets, library fines, etc;

(e) Breakage fees and other refundable deposits;

(f) Contributions and donations;

(g) Entertainment costs;

(h) Payments to credit card companies;

(i) Authorization to supermarkets or grocery stores for food items;

(j) Basic Maintenance;

(k) Gender reassignment surgery;

(l) Except for eye glasses or hearing aids essential to completing diagnostic/evaluation services (to determine Rehabilitation Services eligibility) in applicant status, or occupational tools or licenses essential to Extended Evaluation Services, the following may never be authorized for an individual who has applied but has not yet been found eligible for rehabilitation services:

(A) Prosthetic devices;

(B) Occupational tools and licenses;

(C) Placement services.

(8) OVRS shall not contract with individuals receiving OVRS services, except in the following circumstances:

(a) The individual is a current OVRS vendor and is receiving services from or through OVRS; or,

(b) The individual's Individualized Plan for Employment provides for the development of a business where there is no known competition in the region of the state in which the business will be or is located. In addition, the individual's case has been reviewed by a branch manager who concurs there is no known competition to the business or proposed business.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1981, f. & ef. 12-1-81; VRD 2-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRS 2-2004, f. & cert. ef. 3-9-04; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0040

Repossession/Disposition of Non-Expendable Property

(1) For tools, supplies, equipment, vehicles, etc., funded by OVRS and needed by the individual for employment at time of closure as employed (from Individualized Plan for Employment or post-employment services), ownership or title is transferred to the individual.

(2) If an individual is closed as 'other than rehabilitated', or if tools, supplies, equipment, vehicles, etc., are not needed while the individual is receiving plan services or not needed by the individual employed at the time of a successful closure, where practical and appropriate, such property shall be repossessed and reassigned or otherwise disposed of by OVRS if this property was funded by OVRS and has a current aggregate value of \$1000 or more:

(a) For such property with a current aggregate value under \$1000, the counselor may agree to transfer the property to the ownership of the indi-

vidual. Such agreements are only valid if the agreement is written. If there is no such agreement, the counselor shall make a reasonable effort to repossess the property through voluntary cooperation by the involved individual, individual's family or other individual who may be in current possession of said property, including small claims court; and

(b) For property with current values estimated to be \$1000 or more in the aggregate, OVRS may pursue, if necessary, other available legal means to regaining such property, or its equivalent value, including obtaining advice or assistance from the office of the attorney general.

(3) Any property funded by OVRS that has been purchased via prescription (such as glasses, hearing aids, wheelchairs) may be retained by the individual, with justification at closure documented in the individual's record.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 2-1992, f. & cert. ef. 4-20-92; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2005, f. & cert. ef. 1-11-05; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0041

Self Employment Including Micro-Enterprises

Self-employment is an employment option that offers people with disabilities an opportunity to enter the labor market and contributes to self-sufficiency and independence. Self-employment, including micro-enterprises, should be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests, providing the individual full opportunity to exercise informed choice in the selection of their employment outcome.

Stat. Auth.: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-2000, f. & cert. ef. 7-24-00; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0042

Definitions

The following definitions apply to Rules 582-070-0041 through 582-070-0044:

(1) "Business plan" means a document that describes the organization and operation of the proposed business. It is prepared by the individual, with assistance, as needed, from the counselor and/or Small Business Development Center at a local community college, a micro-enterprise organization, private business consultant, consultant from the Service Corps of Retired Executives (SCORE) or other similar source(s). The business plan shall be used by the counselor and the individual, in consultation with a qualified expert, to evaluate the viability of the business, as well as provide the individual with a blue print for the business. The business plan shall outline the financial projections of the business, the business marketing plan, and the method and schedule of ongoing record keeping and analysis that shall be used to evaluate the progress of the business. If the plan is viable, it can also be used to apply for any needed funding.

(2) "Self-employment" means working for oneself, in a business that sells goods or services. Self-employment may be a sole proprietorship, partnership, or corporation. If the business plan includes a partnership or corporation, and OVRS funding is requested, the individual must be the owner, controlling partner or controlling shareholder of the corporation.

(3) "Start-up costs" mean those costs as described in the business plan required in order for a business to begin operation. Start up costs that are considered reasonable and necessary shall only be considered for funding by OVRS after all comparable services and benefits have been applied. Reasonable and necessary start-up costs required to establish the business may be provided by the OVRS in accordance with applicable purchasing rules and regulations.

(4) "Viable" when used with "business plan" means a business plan that has a reasonable chance of success leading to self sufficiency, based upon a market feasibility study; financial review of projected revenue, expenditures and assets; and the demonstrated technical and business management skills and abilities of the individual. An analysis of the ongoing costs required for the operation of the business and the resources that will cover those expenses will also be necessary to determine whether the projected resources will be sufficient to cover ongoing operational costs of the business. In order to be "viable" the individual's technical skills must be commensurate with those required of the self-employment venture. A business plan, to be viable, has been reviewed, in consultation with the individual and the OVRS counselor, by an individual or organization with a credible background in business planning. Although OVRS does not require that an individual utilize loan funds as a comparable benefit, a business plan may require loan funding or additional funding sources other than OVRS (e.g., family, friends) in order to be considered viable.

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Stat. Auth: ORS 344.530(2)
Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730
Hist.: VRD 1-2000, f. & cert. ef. 7-24-00; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0043

Nature and Scope of OVRS Services/Role of the Vocational Rehabilitation Counselor and the Individualized Plan for Employment

(1) The primary role of the Vocational Rehabilitation Counselor when assisting the individual in obtaining self-employment is to address the individual's disability-related barriers to employment. The Vocational Rehabilitation Counselor shall ensure the individual's business plan and the Individualized Plan for Employment (IPE) incorporates the strengths, resources, priorities, concerns, abilities, capabilities, and interests identified in a comprehensive assessment. In order to ensure the individual is provided full opportunity to exercise informed choice, OVRS may:

(a) Help the individual evaluate his or her abilities, and interest in managing a business, including both formal evaluation, as well as observation and assessment of the individual's planning skills, ability to formulate a marketing and business plan, aptitudes to perform skills intrinsic in the operation of the business, initiative, commitment, and follow-through on tasks;

(b) Help the individual develop a viable business plan;

(c) Help the individual research and obtain the resources necessary for the business plan;

(d) Identify, in full consultation with the individual, the measurements that shall be used to determine progress toward the planned outcome.

(e) Work with the individual to understand the risks and responsibilities of owning and operating a business, especially when funds are borrowed to capitalize and support ongoing business needs; and

(f) Assist with reasonable and necessary start-up costs of viable business plans when appropriate.

(2) If the individual's formal business plan is determined to be viable, the counselor and the individual shall complete the individual's Individualized Plan for Employment (IPE). The IPE must:

(a) Specify needed services and costs, including training in specific skill areas in starting and owning a business, if the individual lacks skills necessary for successful business management;

(b) Identify Assistive Technology and any other accommodations required;

(c) Identify all resources available to fund the business plan, as described in OAR 582-070-0044(2).

(d) Include a plan to monitor and evaluate the success of the business through scheduled reviews with the individual, and individual provided financial and marketing activity reports, as defined in the business plan.

Stat. Auth: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-2000, f. & cert. ef. 7-24-00; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

582-070-0044

Funding Requirements for a Viable Business Plan

(1) Under most circumstances, OVRS should not be considered a primary resource for the capital required for a self-employment venture. When no comparable benefits and services are available, OVRS may fund reasonable and necessary start up costs for a business as part of a individual's Individualized Plan for Employment. In order for a plan to be viable, other funding sources may be necessary to cover costs identified in the business plan that would not be covered by OVRS.

(2) Funding for the business plan may include, but is not limited to, the individual's own resources; comparable services and benefits; loans from banks, finance companies or venture capitalists; grants; foundations; loans or loan guarantees from the Small Business Administration; local and state economic development funds; help from family or friends; a Social Security Plan for Achieving Self Support (PASS); or other such resources.

(3) The individual is not required to accept a loan or utilize a PASS plan to fund the business plan. However, to be viable, a business plan may require additional funding such as that in a subsection (2) to cover the cost of the business venture.

(4) Except for reasonable and necessary initial start-up costs, OVRS shall not pay for ongoing functions intrinsic to the operations of the business. Any request for initial start-up costs must include:

(a) The determination that OVRS and the individual have explored all reasonable self-employment funding options, as identified in subsection (2); and

(b) The determination that available financial resources, as identified in subsection (2), will not meet the reasonable and necessary start-up costs for the business.

(c) Verification from the qualified expert approving the business plan that the requested start up costs are reasonable, necessary, and representative of what would be required for a start up business to begin operations.

(5) OVRS shall assume no financial liability for debts, including existing debt. Any loss shall not be reimbursed by OVRS.

(6) If additional funding such as that in subsection (2) is required to cover the cost of the business venture, the individual shall decide, based upon informed choice about the funding options available, whether to proceed with the business plan. This may include deciding to accept a loan for capitalization and ongoing business expenses.

Stat. Auth: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-2000, f. & cert. ef. 7-24-00; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2011(Temp), f. 2-15-11, cert. ef. 3-1-11 thru 8-28-11; VRS 2-2011, f. 8-12-11, cert. ef. 9-1-11

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

Rule Caption: Long-Term Support for Children with Developmental Disabilities.

Adm. Order No.: SPD 20-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 6-1-2011

Rules Amended: 411-308-0020, 411-308-0050, 411-308-0060, 411-308-0070, 411-308-0080, 411-308-0090, 411-308-0120

Rules Repealed: 411-308-0020(T), 411-308-0050(T), 411-308-0060(T), 411-308-0070(T), 411-308-0080(T), 411-308-0090(T), 411-308-0120(T)

Subject: The Department of Human Services is permanently amending the long-term support for children with developmental disabilities rules in OAR chapter 411, division 308 to:

- Implement a limitation on the maximum amount of support available to each child;
- Clarify the requirement to fully utilize all appropriate alternate resources, prior to and during enrollment, to reduce per case costs; and
- Clarify that the eight hours of unpaid support the child's family is expected to provide excludes sleeping hours.

The permanent rulemaking allows the Department to continue to provide long-term support. Long-term support allows children to remain in their family homes and prevents out of home placement.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-308-0020

Definitions

(1) "Abuse" means abuse of a child as defined in ORS 419B.005.

(2) "Administrator" means the administrator of the Department, or that person's designee. For the purpose of these rules, "administrator" is synonymous with "assistant director".

(3) "Activities of Daily Living (ADL)" mean activities usually performed in the course of a normal day in the child's life such as eating, dressing and grooming, bathing and personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition and behavior (play and social development).

(4) "Annual Support Plan" means the written details of the supports, activities, costs, and resources required for a child to be supported by the family in the family home. The child's Annual Support Plan articulates decisions and agreements made through a child- and family-centered process of planning and information-gathering conducted or arranged for by the child's services coordinator that involves the child (to the extent normal and appropriate for the child's age) and other persons who have been identified and invited to participate by the child's parent or guardian. The child's Annual Support Plan is the only plan of care required by the Department for a child receiving long-term support.

(5) "Child" means an individual under the age of 18 and eligible for long-term support.

(6) "Children's Intensive In-Home Services" means, for the purpose of these rules, the services described in:

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(a) OAR chapter 411, division 300, Children's Intensive In-Home Services, Behavior Program;

(b) OAR chapter 411, division 350, Medically Fragile Children Services; or

(c) OAR chapter 411, division 355, Medically Involved Children's Program.

(7) "Community Developmental Disability Program (CDDP)" means an entity that is responsible for the planning and delivery of services for individuals with developmental disabilities in a specific geographic service area of the state operated by or under contract with the Department or a local mental health authority.

(8) "Cost Effective" means that a specific service or support meets the child's service needs and costs less than, or is comparable to, other service options considered.

(9) "CPMS" means the Client Processing Monitoring System.

(10) "Crisis" means the risk factors described in OAR 411-320-0160 are present for which no appropriate alternative resources are available and the child meets the eligibility requirements for crisis diversion services in OAR 411-320-0160.

(11) "Department" means the Department of Human Services (DHS). For the purpose of these rules, "Department" is synonymous with "Division".

(12) "Developmental Disability" as defined in OAR 411-320-0020.

(13) "Employer-Related Supports" mean activities that assist a family with directing and supervising provision of services described in a child's Annual Support Plan. Supports to a family assuming the role of employer include but are not limited to:

(a) Education about employer responsibilities;

(b) Orientation to basic wage and hour issues;

(c) Use of common employer-related tools such as job descriptions; and

(d) Fiscal intermediary services.

(14) "Family" for determining a child's eligibility for long-term support as a resident in the family home, for identifying persons who may apply, plan, and arrange for a child's supports, and for determining who may receive family training, means a unit of two or more persons that includes at least one child with developmental disabilities where the primary caregiver is:

(a) Related to the child by blood, marriage, or legal adoption; or

(b) In a domestic relationship where partners share:

(A) A permanent residence;

(B) Joint responsibility for the household in general (e.g. child-rearing, maintenance of the residence, basic living expenses); and

(C) Joint responsibility for supporting a child in the household with developmental disabilities and the child is related to one of the partners by blood, marriage, or legal adoption.

(15) "Family Home" means a child's primary residence that is not licensed, certified by, and under contract with the Department as a foster home, residential care facility, assisted living facility, nursing facility, or other residential support program site.

(16) "Fiscal Intermediary" means a person or entity that receives and distributes long-term support funds on behalf of the family of an eligible child according to the child's Annual Support Plan.

(17) "Founded Reports" means the Department's Children, Adults, and Families Division or Law Enforcement Authority (LEA) determination, based on the evidence, that there is reasonable cause to believe that conduct in violation of the child abuse statutes or rules has occurred and such conduct is attributable to the person alleged to have engaged in the conduct.

(18) "General Business Provider" means an organization or entity selected by the parent or guardian of an eligible child, and paid with long-term support funds that:

(a) Is primarily in business to provide the service chosen by the child's parent or guardian to the general public;

(b) Provides services for the child through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the child.

(19) "Guardian" means a person or agency appointed and authorized by the courts to make decisions about services for the child.

(20) "Incident Report" means a written report of any injury, accident, act of physical aggression, or unusual incident involving a child.

(21) "Independent Provider" means a person selected by a child's parent or guardian and paid with long-term support funds that personally provide services to the child.

(22) "Individual" means a person with developmental disabilities for whom services are planned and provided.

(23) "Long-Term Support" means individualized planning and service coordination, arranging for services to be provided in accordance with Annual Support Plans, and purchase of supports that are not available through other resources that are required for children with developmental disabilities who are eligible for crisis diversion services to live in the family home. Long-term supports are designed to:

(a) Prevent unwanted out-of-home placement and maintain family unity; and

(b) Whenever possible, reunite families with children with developmental disabilities who have been placed out of the home.

(24) "Long-Term Support Funds" mean public funds contracted by the Department to the community developmental disability program (CDDP) and managed by the CDDP to assist families with the purchase of supports for children with developmental disabilities according to each child's Annual Support Plan. Long-term support funds are available only to children for whom the Department designates funds to the CDDP by written contracts that specify the children by name.

(25) "Mandatory Reporter" means any public or private official who comes in contact with and has reasonable cause to believe a child has suffered abuse, or comes in contact with any person whom the official has reasonable cause to believe abused a child, regardless of whether or not the knowledge of the abuse was gained in the reporter's official capacity. Nothing contained in ORS 40.225 to 40.295 shall affect the duty to report imposed by this section, except that a psychiatrist, psychologist, clergyman, attorney, or guardian ad litem appointed under ORS 419B.231 shall not be required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295.

(26) "Nurse" means a person who holds a current license from the Oregon Board of Nursing as a registered nurse or licensed practical nurse pursuant to ORS chapter 678.

(27) "Nursing Care Plan" means a plan of care developed by a nurse that describes the medical, nursing, psychosocial, and other needs of a child and how those needs shall be met. The Nursing Care Plan includes which tasks shall be taught, assigned, or delegated to the qualified provider or family.

(28) "OHP" means the Oregon Health Plan.

(29) "Oregon Intervention System (OIS)" means a system of providing training to people who work with designated individuals to intervene physically or non-physically to keep individuals from harming self or others. OIS is based on a positive approach that includes methods of effective evasion, deflection, and escape from holding.

(30) "Plan Year" means twelve consecutive months used to calculate what long-term support funds may be made available annually to support an eligible child.

(31) "Positive Behavioral Theory and Practice" means a proactive approach to individual behavior and behavior interventions that:

(a) Emphasizes the development of functional alternative behavior and positive behavior intervention;

(b) Uses the least intervention possible;

(c) Ensures that abusive or demeaning interventions are never used; and

(d) Evaluates the effectiveness of behavior interventions based on objective data.

(32) "Provider Organization" means an entity selected by a child's parent or guardian, and paid with long-term support funds that:

(a) Is primarily in business to provide supports for individuals with developmental disabilities;

(b) Provides supports for the individual through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the individual.

(33) "Quality Assurance" means a systematic procedure for assessing the effectiveness, efficiency, and appropriateness of services.

(34) "Regional Process" means a standardized set of procedures through which a child's Annual Support Plan and funding to implement the Annual Support Plan are reviewed for approval. The process includes review of the potential risk of out-of-home placement, the appropriateness of the proposed supports, and cost effectiveness of the Annual Support Plan.

(35) "Services Coordinator" means an employee of the community developmental disability program or other agency that contracts with the county or Department, who plans, procures, coordinates, and monitors

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long-term support, and acts as a proponent for children with developmental disabilities and their families.

(36) "Substantiated" means an abuse investigation has been completed by the Department or the Department's designee and the preponderance of the evidence establishes the abuse occurred.

(37) "Support" means assistance eligible children and their families require, solely because of the effects of developmental disability on the child, to maintain the child in the family home.

(38) "These Rules" mean the rules in OAR chapter 411, division 308.

(39) "Volunteer" means any person providing services without pay to a child receiving long term supports.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.670

Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0050

Financial Limits of Long-Term Support

(1) In any plan year, long-term support funds used to purchase supports for a child must be limited to the amount of long-term support funds specified in the child's Annual Support Plan. The amount of long-term support funds specified in the child's Annual Support Plan may not exceed the maximum allowable monthly plan amount published in the Department's rate guidelines in any month during the plan year.

(2) Payment rates used to establish the limits of financial assistance for specific service in the child's Annual Support Plan must be based on the Department's rate guidelines for costs of frequently-used services. Department rate guidelines notwithstanding, final costs may not exceed local usual and customary charges for these services as evidenced by the CDDP's own documentation.

Stat. Auth.: ORS 409.050, 410.070

Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.670

Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0060

Eligibility for Long-Term Support

(1) ELIGIBILITY. The CDDP of a child's county of residence may find a child eligible for long-term support when the child:

(a) Is determined eligible for developmental disability services by the CDDP;

(b) Is under the age of 18;

(c) Is experiencing a crisis as defined in OAR 411-308-0020 and may be safely served in the family home;

(d) Has exhausted all appropriate alternative resources, including but not limited to natural supports and children's intensive in-home services as defined in OAR 411-308-0020;

(e) Does not receive or may stop receiving other Department-paid in-home or community living services other than state Medicaid plan services, adoption assistance, or short-term assistance, including crisis services provided to prevent out-of-home placement; and

(f) Is at risk of out-of-home placement and requires long-term support to be maintained in the family home; or

(g) Requires long-term support to return to the family home and resides in a Department-paid residential service.

(2) CONCURRENT ELIGIBILITY. Children are not eligible for long-term support from more than one CDDP unless the concurrent service:

(a) Is necessary to affect transition from one county to another with a change of residence;

(b) Is part of a collaborative plan developed by both CDDPs; and

(c) Does not duplicate services and expenditures.

Stat. Auth.: ORS 409.050, 410.070

Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.670

Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0070

Long-Term Support Entry, Duration, and Exit

(1) ENTRY. An eligible child may enter long-term support only when long-term support needs are authorized through a regional process specifically to provide supports required to prevent out-of-home placement of the eligible child, or to provide supports required for an eligible child to return to the family home from a community placement. Long-term support funding must be reauthorized on an annual basis, prior to the beginning of a new Annual Support Plan.

(2) DURATION OF SERVICES. Once a child has entered long-term support, the child and family may continue receiving services from that CDDP through the last day of the month during which the child turns 18, as long as the supports continue to be necessary to prevent out-of-home placement, the child remains eligible for long-term support, and long-term support funds are available at the CDDP and authorized by the Department to continue services. The child's Annual Support Plan must be developed each year and kept current.

(3) CHANGE IN SUPPORTS. All increases in the child's Annual Support Plan, excluding statewide cost of living increases, must be approved through a regional process. Redirection of more than 25 percent of the long-term support funds in the child's Annual Support Plan to purchase different supports than those originally authorized must be approved through a regional process.

(4) CHANGE OF COUNTY OF RESIDENCE. If a child and family move outside the CDDP's area of service, the originating CDDP must arrange for services purchased with long-term support funds to continue, to the extent possible, in the new county of residence. The originating CDDP must:

(a) Provide information about the need to apply for services in the new CDDP and assist the family with application for services if necessary; and

(b) Contact the new CDDP to negotiate the date on which the long-term support, including responsibility for payments, shall transfer to the new CDDP.

(5) EXIT. A child must leave a CDDP's long-term support:

(a) When the child no longer resides in the family home;

(b) At the written request of the child's parent or guardian to end the long-term supports;

(c) When the long-term supports are no longer necessary to prevent out-of-home placement due to either:

(A) The risk of out of home placement no longer exists due to changes in either the child's support needs or the family's ability to provide the support; or

(B) Appropriate alternative resources become available, including but not limited to supports through children's intensive in-home services as defined in OAR 411-308-0020.

(d) At the end of the last day of the month during which the child turns 18;

(e) When the child and family moves to a county outside the CDDP's area of service, unless transition services have been previously arranged and authorized by the CDDP as required in section (4) of this rule; or

(f) No less than 30 days after the CDDP has served written notice, in the language used by the family, of intent to terminate services because:

(A) The child's family either cannot be located or has not responded to repeated attempts by CDDP staff to complete the child's Annual Support Plan development and monitoring activities and does not respond to the notice of intent to terminate; or

(B) The CDDP has sufficient evidence that the family has engaged in fraud or misrepresentation, failed to use resources as agreed upon in the child's Annual Support Plan, refused to cooperate with documenting expenses, or otherwise knowingly misused public funds associated with long-term support.

Stat. Auth.: ORS 409.050, 410.070

Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.670

Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0080

Annual Support Plan

(1) The CDDP must provide or arrange for an annual planning process to assist families in establishing outcomes, determining needs, planning for supports, and reviewing and redesigning support strategies for all children eligible for long-term support. The planning process must occur in a manner that:

(a) Identifies and applies existing abilities, relationships, and resources while strengthening naturally occurring opportunities for support at home and in the community; and

(b) Is consistent in both style and setting with the child's and family's needs and preferences, including but not limited to informal interviews, informal observations in home and community settings, or formally structured meetings.

(2) The CDDP, the child (as appropriate), and the child's family must develop a written Annual Support Plan for the child as a result of the planning process prior to purchasing supports with long-term support funds and

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annually thereafter. The child's Annual Support Plan must include but not be limited to:

- (a) The eligible child's legal name and the name of the child's parent (if different than the child's last name), or the name of the child's guardian;
- (b) A description of the supports and the reason the support is necessary to prevent out-of-home placement or to return the child from a community placement outside the family home;
- (c) Beginning and end dates of the plan year as well as when specific activities and supports are to begin and end;
- (d) The type of provider, quantity, frequency, and per unit cost of supports to be purchased with long-term support funds;
- (e) Total annual cost of supports;
- (f) The schedule of the child's Annual Support Plan reviews; and
- (g) Signatures of the child's services coordinator, the child's parent or guardian, and the child (as appropriate).

(3) The child's Annual Support Plan or records supporting development of each child's Annual Support Plan must include evidence that:

- (a) Long-term support funds are used only to purchase goods or services necessary to prevent the child from out-of-home placement, or to return the child from a community placement to the family home;
- (b) The services coordinator has assessed the availability of other means for providing the supports before using long-term support funds, and other public, private, formal, and informal resources available to the child have been applied and new resources have been developed whenever possible;
- (c) Basic health and safety needs and supports have been addressed including but not limited to identification of risks including risk of serious neglect, intimidation, and exploitation;
- (d) Informed decisions by the child's parent or guardian regarding the nature of supports or other steps taken to ameliorate any identified risks; and

(e) Education and support for the child and the child's family to recognize and report abuse.

(4) The services coordinator must obtain and attach a Nursing Care Plan to the child's written Annual Support Plan when long-term support funds are used to purchase care and services requiring the education and training of a nurse.

(5) The services coordinator must obtain and attach a Behavior Support Plan to the child's written Annual Support Plan when the Behavior Support Plan shall be implemented by the child's family or providers during the plan year.

(6) Long-term supports may only be provided after the child's Annual Support Plan is developed in accordance with sections (1), (2), (3), (4), and (5) of this rule, authorized by the CDDP, and signed by the child's parent or guardian.

(7) The services coordinator must review and reconcile receipts and records of purchased supports authorized by the child's Annual Support Plan and subsequent Annual Support Plan documents, at least quarterly during the plan year.

(8) At least annually or more frequently if required by the region, the services coordinator must conduct and document reviews of the child's Annual Support Plan and resources with the child's family as follows:

- (a) Evaluate progress toward achieving the purposes of the child's Annual Support Plan;
- (b) Record actual long-term support fund costs;
- (c) Note effectiveness of purchases based on services coordinator observation as well as family satisfaction; and
- (d) Determine whether changing needs or availability of other resources have altered the need for specific supports or continued use of long-term support funds to purchase supports. This must include a review of the child's continued risk for out-of-home placement and the availability of alternate resources, including eligibility for children's intensive in-home services as defined in OAR 411-308-0020.

(9) When the family and eligible child move to a county outside its area of service, the originating CDDP must assist long-term support recipients by:

- (a) Continuing long-term support fund payments authorized by the child's Annual Support Plan which is current at the time of the move, if the support is available, until the transfer date agreed upon according to OAR 411-308-0070(4)(b); and

(b) Transferring the unexpended portion of the child's long-term support funds to the new CDDP of residence.

Stat. Auth.: ORS 409.050, 410.070
Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.670
Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0090

Managing and Accessing Long-Term Support Funds

(1) Funds contracted to a CDDP by the Department to serve a specifically-named child must only be used to support that specified child. Services must be provided according to each child's approved Annual Support Plan. The funds may only be used to purchase supports described in OAR 411-308-0120. Continuing need for services must be regularly reviewed according to the Department's procedures described in these rules.

(2) No child receiving long-term support may concurrently receive services through:

- (a) Children's intensive in home services as defined in OAR 411-308-0020;
- (b) Direct assistance or immediate access funds under family support; or

(c) Long-term support from another CDDP unless short-term concurrent services are necessary when a child moves from one CDDP to another and the concurrent supports are arranged in accordance with OAR 411-308-0060(2).

(3) Children receiving long-term support may receive short-term crisis diversion services provided through the CDDP or region. Children receiving long-term support may utilize family support information and referral services, other than direct assistance or immediate access funds, while receiving long-term support. The CDDP must clearly document the services and demonstrate that the services are arranged in a manner that does not allow duplication of funding.

Stat. Auth.: ORS 409.050, 410.070
Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.670
Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

411-308-0120

Supports Purchased with Long-Term Support Funds

(1) When conditions of purchase are met and provided purchases are not prohibited under OAR 411-308-0110, long-term support funds may be used to purchase a combination of the following supports based upon the needs of the child consistent with the child's Annual Support Plan and available funding:

- (a) Specialized consultation including behavior consultation and nursing delegation;
- (b) Environmental accessibility adaptations;
- (c) Family caregiver supports;
- (d) Family training;
- (e) In-home daily care;
- (f) Respite; and
- (g) Specialized equipment and supplies.

(2) SPECIALIZED CONSULTATION — BEHAVIOR CONSULTATION. Behavior consultation is the purchase of individualized consultation provided only as needed in the family home to respond to a specific problem or behavior identified by the child's parent or guardian and the services coordinator. Behavior consultation services must be documented in a Behavior Support Plan prior to final payment for the services.

(a) Behavior consultation shall only be authorized to support a primary caregiver in their caregiving role, not as a replacement for an educational service offered through the school.

- (b) Behavior consultation must include:
 - (A) Working with the family to identify:
 - (i) Areas of a child's family home life that are of most concern for the family and child;

(ii) The formal or informal responses the family or provider has used in those areas; and

(iii) The unique characteristics of the family that could influence the responses that would work with the child.

(B) ASSESSING THE CHILD. The behavior consultant utilized by the family must conduct an assessment and interact with the child in the family home and community setting in which the child spends most of their time. The assessment must include:

- (i) Specific identification of the behaviors or areas of concern;
- (ii) Identification of the settings or events likely to be associated with or to trigger the behavior;
- (iii) Identification of early warning signs of the behavior;
- (iv) Identification of the probable reasons that are causing the behavior and the needs of the child that are being met by the behavior, including the possibility that the behavior is:
 - (I) An effort to communicate;

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(II) The result of a medical condition;
(III) The result of an environmental cause; or
(IV) The symptom of an emotional or psychiatric disorder.
(v) Evaluation and identification of the impact of disabilities (i.e. autism, blindness, deafness, etc.) that impact the development of strategies and affect the child and the area of concern;

(vi) An assessment of current communication strategies; and
(vii) Identification of possible alternative or replacement behaviors.

(C) Developing a variety of positive strategies that assist the family and provider to help the child use acceptable, alternative actions to meet the child's needs in the most cost effective manner. These strategies may include changes in the physical and social environment, developing effective communication, and appropriate responses by a family and provider to the early warning signs.

(i) Positive, preventive interventions must be emphasized.
(ii) The least intrusive intervention possible must be used.
(iii) Abusive or demeaning interventions must never be used.
(iv) The strategies must be adapted to the specific disabilities of the child and the style or culture of the family.

(D) Developing emergency and crisis procedures to be used to keep the child, family, and provider safe. When interventions in the behavior of the child are necessary, positive, preventative, non-aversive interventions that conform to OIS must be utilized. The Department does not pay a provider to use physical restraints on a child receiving long-term support.

(E) Developing a written Behavior Support Plan consistent with OIS that includes the following:

(i) Use of clear, concrete language and in a manner that is understandable to the family and provider; and
(ii) Describes the assessment, recommendations, strategies, and procedures to be used.

(F) Teaching the provider and family the recommended strategies and procedures to be used in the child's natural environment.

(G) Monitoring, assessing, and revising the Behavior Support Plan as needed based on the effectiveness of implemented strategies. If protective physical intervention techniques are included in the Behavior Support Plan for use by the family, monthly practice of the technique must be observed by an OIS approved trainer.

(c) Behavior consultation does not include:

(A) Mental health therapy or counseling;
(B) Health or mental health plan coverage; or

(C) Educational services including but not limited to consultation and training for classroom staff, adaptations to meet the needs of the child at school, assessment in the school setting for the purposes of an Individualized Education Program, or any service identified by the school as required to carry out the child's Individualized Education Program.

(3) SPECIALIZED CONSULTATION — NURSING DELEGATION.

(a) Nursing delegation is the purchase of individualized consultation from a nurse in order to delegate tasks of nursing services in select situations. Tasks of nursing care are those procedures that require nursing education and licensure of a nurse to perform as described in OAR chapter 851, division 047.

(b) The Department requires nursing delegation for unlicensed providers paid with long-term support funds when a child requires tasks of nursing care.

(4) ENVIRONMENTAL ACCESSIBILITY ADAPTATIONS.

(a) Environmental accessibility adaptations include:

(A) Physical adaptations to a family home that are necessary to ensure the health, welfare, and safety of the child in the family home due to the child's developmental disability or that are necessary to enable the child to function with greater independence around the family home and in family activities;

(B) Environmental modification consultation to determine the appropriate type of adaptation to ensure the health, welfare, and safety of the child; and

(C) Motor vehicle adaptations for the primary vehicle used by the child that are necessary to meet the unique needs of the child and ensure the health, welfare, and safety of the child.

(b) Environmental accessibility adaptations exclude:

(A) Adaptations or improvements to the family home that are of general utility and are not for the direct safety, remedial, or long term benefit to the child;

(B) Adaptations that add to the total square footage of the family home; and

(C) General repair or maintenance and upkeep required for the family home or motor vehicle, including repair of damage caused by the child.

(c) Funding for environmental accessibility adaptations is one time funding that is not continued in subsequent plan years. Funding for each environmental accessibility adaptation must be specifically approved through a regional process to ensure the specific adaptation is necessary to prevent out-of-home placement or to return the child to the family home, and to ensure that the proposed adaptation is cost effective. Environmental accessibility adaptations may only be included in a child's Annual Support Plan when all other public and private resources for the environmental accessibility adaptation have been exhausted.

(d) The CDDP must ensure that projects for environmental accessibility adaptations involving building renovation or new construction in or around a child's home costing \$5,000 or more per single instance or cumulatively over several modifications:

(A) Are approved by the Department before work begins and before final payment is made;

(B) Are completed or supervised by a contractor licensed and bonded in the State of Oregon; and

(C) That steps are taken as prescribed by the Department for protection of the Department's interest through liens or other legally available means.

(e) The CDDP must obtain written authorization from the owner of a rental structure before any environmental accessibility adaptations are made to that structure. This does not preclude any reasonable accommodation required under the Americans with Disabilities Act.

(5) FAMILY CAREGIVER SUPPORTS. Family caregiver services assist families with unusual responsibilities of planning and managing provider services for their children.

(a) Family caregiver supports include:

(A) Child and family-centered planning facilitation and follow-up;

(B) Fiscal intermediary services to pay vendors and to carry out payroll and reporting functions when providers are domestic employees of the family; and

(C) Assistance with development of tools such as job descriptions, contracts, and employment agreements.

(b) Family caregiver supports exclude application fees and the cost of fingerprinting or other background check processing fee requirements.

(6) FAMILY TRAINING. Family training services include the purchase of training, coaching, counseling, and support that increase the family's ability to care for and maintain the child in the family home.

(a) Family training services include:

(A) Counseling services that assist the family with the stresses of having a child with a developmental disability.

(i) To be authorized, the counseling services must:

(I) Be provided by licensed providers including but not limited to psychologists licensed under ORS 675.030, professionals licensed to practice medicine under ORS 677.100, social workers licensed under ORS 675.530, and counselors licensed under ORS 675.715;

(II) Directly relate to the child's developmental disability and the ability of the family to care for the child; and

(III) Be short-term.

(ii) Counseling services are excluded for:

(I) Therapy that could be obtained through OHP or other payment mechanisms;

(II) General marriage counseling;

(III) Therapy to address family members' psychopathology;

(IV) Counseling that addresses stressors not directly attributed to the child;

(V) Legal consultation;

(VI) Vocational training for family members; and

(VII) Training for families to carry out educational activities in lieu of school.

(B) Registration fees for organized conferences, workshops, and group trainings that offer information, education, training, and materials about the child's developmental disability, medical, and health conditions.

(i) Conferences, workshops, or group trainings must be prior authorized and include those that:

(I) Directly relate to the child's developmental disability; and

(II) Increase the knowledge and skills of the family to care for and maintain the child in the family home.

(ii) Conference, workshop, or group trainings costs exclude:

(I) Registration fees in excess of \$500 per family for an individual event;

(II) Travel, food, and lodging expenses;

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(III) Services otherwise provided under OHP or available through other resources; or

(IV) Costs for individual family members who are employed to care for the child.

(b) Funding for family training is one time funding that is not continued in subsequent plan years. Funding for each family training event must be specifically approved through a regional process to ensure the family training event is necessary to prevent out-of-home placement or to return the child to the family home, and to ensure the family training event is cost effective. Family training may only be included in a child's Annual Support Plan when all other public and private resources for the event have been exhausted.

(7) IN-HOME DAILY CARE. In-home daily care services include the purchase of direct provider support provided to the child in the family home or community by qualified individual providers and agencies. Provider assistance provided through in-home daily care must support the child to live as independently as appropriate for the child's age and must be based on the identified needs of the child, supporting the family in their primary caregiving role. Primary caregivers are expected to be present or immediately available during the provision of in-home daily care.

(a) In-home daily care services provided by qualified providers or agencies include:

(A) Basic personal hygiene — Assistance with bathing and grooming;

(B) Toileting, bowel, and bladder care — Assistance in the bathroom, diapering, external cleansing of perineal area, and care of catheters;

(C) Mobility — Transfers, comfort, positioning, and assistance with range of motion exercises;

(D) Nutrition — feeding and monitoring intake and output;

(E) Skin care — Dressing changes;

(F) Physical healthcare including delegated nursing tasks;

(G) Supervision — Providing an environment that is safe and meaningful for the child and interacting with the child to prevent danger to the child and others, and maintain skills and behaviors required to live in the home and community;

(H) Assisting the child with appropriate leisure activities to enhance development in and around the family home and provide training and support in personal environmental skills;

(I) Communication — Assisting the child in communicating, using any means used by the child;

(J) Neurological — Monitoring of seizures, administering medication, and observing status; and

(K) Accompanying the child and family to health related appointments.

(b) In-home daily care services must:

(A) Be previously authorized by the CDDP before services begin;

(B) Be necessary to resolve the crisis and documented in the child's Annual Support Plan;

(C) Be delivered through the most cost effective method as determined by the services coordinator; and

(D) Only be provided when the child is present to receive services.

(c) In-home daily care services exclude:

(A) Hours that supplant the natural supports and services available from family, community, other government or public services, insurance plans, schools, philanthropic organizations, friends, or relatives;

(B) Hours to allow a primary caregiver to work or attend school;

(C) Hours that exceed what is necessary to resolve the crisis;

(D) Support generally provided at the child's age by parents or other family members;

(E) Educational and supportive services provided by schools as part of a free and appropriate education for children and young adults under the Individuals with Disabilities Education Act;

(F) Services provided by the family; and

(G) Home schooling.

(d) In-home daily care services may not be provided on a 24-hour shift-staffing basis. The child's primary caregiver is expected to provide at least eight hours of care and supervision for the child each day with the exception of overnight respite. The eight hours of care and supervision may not include hours when the child's primary caregiver is sleeping.

(8) RESPITE. Respite services are provided to a child on a periodic or intermittent basis furnished because of the temporary absence of, or need for relief of, the primary caregiver.

(a) Respite may include both day and overnight services that may be provided in:

(A) The family home;

(B) A licensed, certified, or otherwise regulated setting;

(C) A qualified provider's home. If overnight respite is provided in a qualified provider's home, the CDDP and the child's parent or guardian must document that the home is a safe setting for the child; or

(D) Disability-related or therapeutic recreational camp.

(b) The CDDP shall not authorize respite services:

(A) To allow primary caregivers to attend school or work;

(B) That are ongoing and occur on more than a periodic schedule, such as eight hours a day, five days a week;

(C) On more than 14 consecutive overnight stays in a calendar month;

(D) For more than 10 days per individual plan year when provided at a specialized camp;

(E) For vacation travel and lodging expenses; or

(F) To pay for room and board if provided at a licensed site or specialized camp.

(9) SPECIALIZED EQUIPMENT AND SUPPLIES. Specialized equipment and supplies include the purchase of devices, aids, controls, supplies, or appliances that are necessary to enable a child to increase their abilities to perform and support activities of daily living, or to perceive, control, or communicate with the environment in which they live.

(a) The purchase of specialized equipment and supplies may include the cost of a professional consultation, if required, to assess, identify, adapt, or fit specialized equipment. The cost of professional consultation may be included in the purchase price of the equipment.

(b) To be authorized by the CDDP, specialized equipment and supplies must:

(A) Be in addition to any medical equipment and supplies furnished under OHP and private insurance;

(B) Be determined necessary to the daily functions of the child; and

(C) Be directly related to the child's disability.

(c) Specialized equipment and supplies exclude:

(A) Items that are not necessary or of direct medical or remedial benefit to the child;

(B) Specialized equipment and supplies intended to supplant similar items furnished under OHP or private insurance;

(C) Items available through family, community, or other governmental resources;

(D) Items that are considered unsafe for the child;

(E) Toys or outdoor play equipment; and

(F) Equipment and furnishings of general household use.

(d) Funding for specialized equipment with an expected life of more than one year is one time funding that is not continued in subsequent plan years. Funding for each specialized equipment purchase must be specifically approved through a regional process to ensure the support is necessary to prevent out-of-home placement or to return the child to the family home, and to ensure the support is cost effective. Specialized equipment may only be included in a child's Annual Support Plan when all other public and private resources for the equipment have been exhausted.

(e) The CDDP must secure use of equipment or furnishings costing more than \$500 through a written agreement between the CDDP and the child's parent or guardian that specifies the time period the item is to be available to the child and the responsibilities of all parties should the item be lost, damaged, or sold within that time period. Any equipment or supplies purchased with long-term support funds that are not used according to the child's Annual Support Plan, or according to an agreement securing the state's use, may be immediately recovered.

Stat. Auth.: ORS 409.050, 410.070

Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.670

Hist.: SPD 7-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 20-2009, f. 12-23-09, cert. ef. 12-28-09; SPD 4-2011(Temp), f. & cert. ef. 2-1-11 thru 7-31-11; SPD 20-2011, f. & cert. ef. 8-1-11

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Add technical rescuer definition; Update contest case procedures; Decrease fees.

Adm. Order No.: DPSST 12-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 7-1-2011

Rules Amended: 259-009-0005, 259-020-0031, 259-060-0500

Rules Repealed: 259-020-0031, 259-060-0500

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Subject: 259-009-0005: Define NFPA Dive Rescue and NFPA Surf Rescue.

259-020-0031: Amend rule to reflect current contested case procedures as prescribed by the Administrative Procedures Act.

259-060-0500: Decrease private security licensing and certification fees.

Rules Coordinator: Linsay Bassler—(503) 378-2431

259-009-0005

Definitions

(1) “Authority having jurisdiction” means the Department of Public Safety Standards and Training.

(2) “Agency Head” means the chief officer of a fire service agency directly responsible for the administration of that unit.

(3) “Board” means the Board on Public Safety Standards and Training.

(4) “Cargo Tank Specialty” means a person who provides technical support pertaining to cargo tank cars, provided oversight for product removal and movement of damaged cargo tanks, and acts as liaison between technicians and outside resources.

(5) “Chief Officer” means an individual of an emergency fire agency at a higher level of responsibility than a company officer. A chief officer supervises two or more fire companies in operations or manages and supervises a particular fire service agency program such as training, communications, logistics, prevention, emergency medical services provisions and other staff related duties.

(6) “Community College” means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including but not limited to vocational or technical education programs or lower division collegiate programs.

(7) “Company Officer” means a fire officer who supervises a company of fire fighters assigned to an emergency response apparatus.

(8) “Content Level Course” is a course that includes an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(9) “Department” means the Department of Public Safety Standards and Training.

(10) “Director” means the Director of the Department of Public Safety Standards and Training.

(11) “Entry Level Fire Fighter” means an individual at the beginning of his/her fire service involvement. During the probationary period an entry level fire fighter is in a training and indoctrination period under constant supervision by a more senior member of a fire service agency.

(12) “Field Training Officer” means an individual who is authorized by a fire service agency of by the Department to sign as verifying completion of tasks required by task books.

(13) “Fire Company” means a group of fire fighters, usually 3 or more, who staff and provide the essential emergency duties of a particular emergency response apparatus.

(14) “Fire Fighter” is a term used to describe an individual who renders a variety of emergency response duties primarily to save lives and protect property. This applies to career and volunteer personnel.

(15) “Fire Ground Leader” means a Fire Service Professional who is qualified to lead emergency scene operations.”

(16) “Fire Inspector” means an individual whose primary function is the inspection of facilities in accordance with the specific jurisdictional fire codes and standards.

(17) “Fire Service Agency” means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire protection services.

(18) “Fire Service Professional” means a paid (career) or volunteer fire fighter, an officer or a member of a public or private fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. “Fire service professional” does not include forest fire protection agency personnel.

(19) “Fire Training Officer” means a fire service member assigned the responsibility for administering, providing, and managing and/or supervising a fire service agency training program.

(20) “First Responder” means an “Operations Level Responder”

(21) “Hazardous Materials Safety Officer” means a person who works within an incident management system (IMS) (specifically, the hazardous

materials branch/group) to ensure that recognized hazardous materials/WMD safe practices are followed at hazardous materials/weapons of mass destruction (WMD) incidents.

(22) “Hazardous Materials Technician” means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents using a risk-based response process by which they analyze a problem involving hazardous materials/weapons of mass destruction (WMD), select applicable decontamination procedures, and control a release using specialized protective and control equipment.

(23) “Incident Commander” (IC) means a person who is responsible for all incidents activities, including the development of strategies and tactics and the ordering and release of resources.

(24) “Intermodal Tank Specialty” means a person who provides technical support pertaining to intermodal tanks, provided oversight for product removal and movement of damaged intermodal tanks, and acts as a liaison between technicians and outside resources.

(25) “Marine Tank Vessel Specialty” means a person who provides technical support pertaining to marine tank vessels, provided oversight for product removal and movement of damaged marine tank vessels, and acts as a liaison between technicians and outside resources.

(26) “NFPA” stands for National Fire Protection Association which is a body of individuals representing a wide variety of professions, including fire protection, who develop consensus standards and codes for fire safety by design and fire protection agencies.

(27) “NFPA Aircraft Rescue and Fire-Fighting Apparatus” means a Fire Service Professional who has met the requirements of Fire Fighter II as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, NFPA Airport Fire Fighter as specified in NFPA 1003 and the job performance requirements defined in NFPA 1002 Sections 9.1 and 9.2.

(28) “NFPA Airport Firefighter” means a member of a Fire Service Agency who has met job performance requirements of NFPA Standard 1003.

(29) “NFPA Apparatus Equipped with an Aerial Device” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 6.1 and 6.2.

(30) “NFPA Apparatus Equipped with a Tiller” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, Apparatus Equipped with an Aerial Device as specified in NFPA 1002 Chapter 6 and the job performance requirements defined in NFPA 1002 Sections 7.2.

(31) “NFPA Apparatus Equipped with Fire Pump” means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 5.1 and 5.2.

(32) “NFPA Confined Space Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 7 sections 7.1 and 7.2.

(33) “NFPA Dive Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 13 sections 13.1 and 13.2.

(34) “NFPA Fire Apparatus Driver/Operator” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1002, Chapter 4 sections 4.2 and 4.3.

(35) “NFPA Fire Fighter I” means a member of a fire service agency who has met the Level I job performance requirements of NFPA standard 1001. Sometimes referred to as a journeyman fire fighter.

(36) “NFPA Fire Fighter II” means a member of a fire service agency who met the more stringent Level II job performance requirements of NFPA Standard 1001. Sometimes referred to as a senior fire fighter.

(37) “NFPA Fire Inspector I” means an individual who conducts basic fire code inspections and has met the Level I job performance requirements of NFPA Standard 1031.

(38) “NFPA Fire Inspector II” means an individual who conducts complicated fire code inspections, reviews plans for code requirements, and recommends modifications to codes and standards. This individual has met the Level II job performance requirements of NFPA standard 1031.

(39) “NFPA Fire Inspector III” means an individual at the third and most advanced level of progression who has met the job performance requirements specified in this standard for Level III. The Fire Inspector III

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performs all types of fire inspections, plans review duties, and resolves complex code-related issues.

(40) "NFPA Fire Investigator" means an individual who conducts post fire investigations to determine the cause and the point of origin of fire. This individual has met the job performance requirements of NFPA Standard 1033.

(41) "NFPA Fire Officer I" means the fire officer, at the supervisory level, who has met the job performance requirements specified in NFPA 1021 Standard Fire Officer Professional Qualifications. (Company officer rank)

(42) "NFPA Fire Officer II" means the fire officer, at the supervisory/managerial level, who has met the job performance requirements in NFPA Standard 1021. (Station officer, battalion chief rank)

(43) "NFPA Fire Officer III" means the fire officer, at the managerial/administrative level, who has met the job performance requirements in NFPA Standard 1021. (District chief, assistant chief, division chief, deputy chief rank)

(44) "NFPA Fire Officer IV" means the fire officer, at the administrative level, who has met the job performance requirements in NFPA Standard 1021. (Fire Chief)

(45) "NFPA Instructor I" means a fire service instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized; and meet the record-keeping requirements of authority having jurisdiction.

(46) "NFPA Instructor II" means a fire service instructor who, in addition to meeting Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for a specific topic including learning objectives, instructional aids, and evaluation instruments; schedule training sessions based on overall training plan of authority having jurisdiction; and supervise and coordinate the activities of other instructors.

(47) "NFPA Instructor III" means a fire service instructor who, in addition to meeting Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies.

(48) "NFPA Marine Land-Based Fire Fighter" means a member of a fire service agency who meets the job performance requirements of NFPA 1005.

(49) "NFPA Mobile Water Supply Apparatus" means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 10.1 and 10.2.

(50) "NFPA Rope Rescue — Level I" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.1.

(51) "NFPA Rope Rescue — Level II" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.2.

(52) "NFPA Surf Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 15 sections 15.1 and 15.2.

(53) "NFPA Surface Water Rescue — Level I" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.1.

(54) "NFPA Surface Water Rescue — Level II" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.2.

(55) "NFPA Swiftwater Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 sections 6.1 and 6.2, Chapter 11 sections 11.1 and 11.2, and Chapter 12 sections 12.1 and 12.2.

(56) "NFPA Trench Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 8 sections 8.1 and 8.2.

(57) "NFPA Structural Collapse Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 9 sections 9.1 and 9.2.

(58) "NFPA Vehicle and Machinery Rescue" means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 10 sections 10.1 and

(59) "NFPA Wildland Fire Apparatus" means a Fire Service Professional who has met the requirements of Fire Apparatus

Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 8.1 and 8.2.

(60) "Operations Level Responder" means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents for the purpose of implementing or supporting actions to protect nearby persons, the environment, or property from the effects of the release.

(61) "Service Delivery" means to be able to adequately demonstrate, through job performance, the knowledge, skills, and ability of a certification level.

(62) "Staff" means those employees occupying full-time, part-time, and/or temporary positions with the Department.

(63) "Tank Car Specialty" means a person who provides technical support pertaining to tank cars, provided oversight for product removal and movement of damaged tank cars, and acts as a liaison between technicians and outside resources.

(64) "Task Performance" means to be able to demonstrate the ability to perform the tasks, of a certification level, in a controlled environment while being evaluated.

(65) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(66) "Topical Level Course" is a course that does not include an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(67) "Track" means a field of study required for certification.

(68) "Waiver" means to refrain from pressing or enforcing a rule.

(69) "Wildland Interface Crew Boss" means a person who is in supervisory position in charge of 16 to 21 fire fighters and is responsible for their performance, safety, and welfare.

(70) "Wildland Interface Division/Group Supervisor" means a person who is responsible to act in an ICS position responsible for commanding and managing resources on a particular geographic area of a wildland fire. Reports to a Branch Director or Operations Section Chief.

(71) "Wildland Interface Engine Boss" means a person who is in supervisory position who has demonstrated the skills and depth of knowledge necessary to function under general supervision while operating a piece of apparatus such as an engine.

(72) "Wildland Interface Fire Fighter" means a person at the first level of progression who demonstrated the knowledge and skills necessary to function safely as a member of a wildland fire suppression crew whose principal function is fire suppression. This position has direct supervision.

(73) "Wildland Interface Strike Team Leader Crew" means a person who is responsible to act in an ICS position and is responsible for the direct supervision of a crew strike team.

(74) "Wildland Interface Strike Team Leader Engine" means a person who is responsible to act in an ICS position and is responsible for the direct supervision of an engine strike team.

(75) "Wildland Interface Structural Group Supervisor" means a person who is responsible to act in an ICS position responsible for supervising equipment and personnel assigned to a group. Groups are composed of resources assembled to perform a special function not necessarily within a single geographic division. Groups, when activated, are located between branches and resources in the operations section. Reports to a Branch Director or Operations Section Chief.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. & cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. & cert. ef. 3-28-11, cert. ef. 5-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11

259-020-0031

Procedure for Complaints, Denial, Suspension or Revocation

(1) The Department may deny, revoke, or suspend any polygraph examiner or trainee license after written notice and a hearing, if requested, based upon a violation of any provision of The Act.

(2) Citizen request: When a citizen submits a complaint on any polygraph examiner or trainee license to the Department, including the basis for the complaint and all factual information supporting the complaint, it will be the responsibility of the Polygraph Licensing Advisory Committee to review and investigate the complaints and make a recommendation to the Director on all allegations against the licensed polygraph examiner or trainee.

(a) The Director will review the complaint, the Committee recommendation, and the supporting factual information to determine if the com-

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plaint and recommendation meet statutory and administrative rule requirements.

(b) If the issues of the complaint do not meet the statutory and administrative rule requirements, the Department will so notify the citizen.

(c) If the complaint and the Committee recommendation meets statutory and administrative rule requirements, but are not supported by adequate factual information, the Department may request further information from the requesting citizen or Polygraph Licensing Advisory Committee.

(d) The Department may choose to conduct its own investigation of the matter separate from, or in conjunction with, that of the Polygraph Licensing Advisory Committee.

(3) **Initiation of Proceedings:** Upon determination that the reason for denial, suspension, or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(4) **Contested Case Notice:** The "Contested Case Notice" will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department will have a copy of the Notice served on the person whose license is being affected.

(5) **Response Time:**

(a) If the Department is seeking denial, a party who has been served with the "Contested Case Notice of Intent to Deny Licensure" will have 60 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(b) If the Department is seeking revocation, a party who has been served with the "Contested Case Notice of Intent to Revoke Licensure" will have 20 days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(c) If the Department is seeking suspension, a party who has been served with the "Contested Case Notice of Intent to Suspend Licensure" will have 10 calendar days from the date of the mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(6) **Default Order:** If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying, revoking, or suspending licensure pursuant to OAR 137-003-0672.

(7) **Stipulated Order Revoking Licensure:** The Department may enter a stipulated order revoking the licensure of a polygraph examiner or trainee upon the person's voluntary agreement to terminate an administrative proceeding to revoke licensure, or to relinquish licensure, under the terms and conditions outlined in the stipulated order.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Hist.: PS 3-1987, f. & cert. ef. 10-26-87; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 9-2001, f. & cert. ef. 9-19-01; BPSST 14-2002, f. & cert. ef. 7-1-02; DPSST 5-2011(Temp), f. & cert. ef. 6-13-11 thru 12-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11

259-060-0500

License Fees

(1) Payments to the Department are non-refundable, and must be paid by business check, money order, cashier's check or credit card. No personal checks or cash will be accepted.

(2) The Department will charge the following fees:

(a) The fee of \$65 for the issuance of each two-year certification as a private security professional.

(b) Appropriate fees must be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

(c) The fee of \$75 for the issuance of a two-year license as a supervisory manager.

(d) The fee of \$250 for the issuance of a two-year license as an executive manager.

(e) The fee of \$90 for the issuance of a two-year certification as a private security instructor.

(f) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.

(g) The late submission penalty fee of \$25 may be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate. If an applicant provides documented proof, such as payroll data, that he or she has not been employed to pro-

vide private security services since the prior certification or licensure expired, the late penalty may be waived by the Department's designated staff.

(h) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 6-02010(T), f. 6-14-10, cert. ef. 7-1-10 thru 12-27-10; DPSST 12-2010, f. & cert. ef. 11-12-10; DPSST 6-2011(Temp), f. 6-14-11, cert. ef. 7-1-11 thru 12-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11

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

Rule Caption: Eligibility for a Hardship or Probationary Driver Permit.

Adm. Order No.: DMV 9-2011

Filed with Sec. of State: 7-22-2011

Certified to be Effective: 7-22-11

Notice Publication Date: 6-1-2011

Rules Amended: 735-064-0020

Subject: OAR 735-064-0020 establishes who may apply for a hardship or probationary permit and lists those suspensions or revocations that disqualify a person from being issued a hardship or probationary permit. Under ORS 807.240(3)(d), to qualify for a hardship permit a person must show that he or she "is not incompetent to drive nor a habitual incompetent, reckless or criminally negligent driver as established by the person's driving record." A person who is convicted of driving under the influence of intoxicants is required to install an ignition interlock device (IID) to prevent the person from driving after consuming alcohol. ORS 813.602(6) requires DMV to suspend a person's driving privileges for tampering with an IID. Tampering with an IID shows the person is a reckless driver and does not qualify for a hardship permit. Currently, DMV will not issue a hardship permit to a person whose driving privileges are suspended due to tampering with an IID. DMV has amended OAR 735-064-0020 to specify in administrative rule that a person whose driving privileges are suspended for tampering with an IID may not apply for a hardship permit.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-064-0020

Who Can Apply for a Hardship or Probationary Permit

(1) Any Oregon resident whose driving privileges are suspended may apply for a hardship permit unless the person's driving privileges are revoked for any reason or suspended under:

(a) ORS 25.780 for failure to pay child support because ORS 807.250(3) does not allow the issuance of a hardship permit;

(b) ORS 809.260 for court denial of juvenile driving privileges because a person suspended for this reason is eligible for an emergency driver permit per ORS 807.220(4);

(c) ORS 809.280(10) for a controlled substance conviction because ORS 807.250(2) does not allow the issuance of a hardship permit;

(d) ORS 809.419(1) for failure to appear for or pass required tests because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(e) ORS 809.419(2) for failure to obtain a required medical clearance because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(f) ORS 809.419(3) for a mental or physical condition because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

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(g) ORS 809.421(1) for habitual incompetence, recklessness or criminal negligence or committing a serious violation of the motor vehicle laws because ORS 809.421(1)(b) states this suspension is subject to any conditions the department determines necessary. The department has determined that a person suspended under this subsection may not be issued a hardship permit;

(h) ORS 809.419(5) upon notification by the superintendent of a hospital because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(i) ORS 809.419(6) when a person charged with a traffic offense has been found guilty except for insanity because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(j) ORS 813.400 and 813.403, and the person fails to install or use an IID in a vehicle(s) the person intends to operate, because under ORS 813.602(1)(a) an IID must be installed before the person is eligible for a hardship permit;

(k) ORS 813.602(6) for tampering with an ignition interlock device because tampering with an ignition interlock device shows the person is a reckless driver and does not qualify for a hardship permit under ORS 807.240(3)(d).

(L) ORS 809.280(5) or 809.416(1) for failure to appear in court, because ORS 807.250(4) does not allow the issuance of a hardship permit; or

(m) ORS 809.416(2) for failure to pay a fine or obey a court order, because 807.250(4) does not allow the issuance of a hardship permit.

(2) DMV will not issue a hardship permit that authorizes a person to operate a commercial motor vehicle because ORS 807.240(2) does not allow the issuance of a hardship permit to drive a commercial motor vehicle.

(3) Any Oregon resident whose driving privileges are revoked as a habitual traffic offender may apply for a probationary permit unless the person's driving privileges are also revoked for any reason other than being a habitual traffic offender or are also suspended for any of the reasons listed in section (1) of this rule. DMV will not issue a probationary permit that authorizes a person to operate a commercial motor vehicle because ORS 807.270(4) does not allow the issuance of a probationary permit to drive a commercial motor vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.240, 807.252 & 807.270
Stats. Implemented: ORS 807.062, 807.240, 807.250, 807.270, 809.265, 809.380, 809.390, 809.419, 809.421, 813.500 & 813.602
Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0085; MV 12-1989, f. & cert. ef. 3-20-89; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 4-1999(Temp), f. & cert. ef. 10-13-99 thru 4-9-00; DMV 1-2000, f. & cert. ef. 3-10-00; DMV 27-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-29-02; DMV 11-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 25-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 12-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 12-2009, f. & cert. ef. 6-25-09; DMV 9-2011, f. & cert. ef. 7-22-11

***** Employment Department Chapter 471

Rule Caption: Revises prevailing rate of pay to use median instead of average wage.

Adm. Order No.: ED 6-2011

Filed with Sec. of State: 8-3-2011

Certified to be Effective: 8-3-11

Notice Publication Date: 6-1-2011

Rules Amended: 471-030-0037, 471-030-0038

Rules Repealed: 471-030-0037(T), 471-030-0038(T)

Subject: The proposed change replaces "average" with "median" for the rate of pay of an individual, as used in determining suitable work. using the average rate of pay takes into account wages paid over all individuals for a particular occupation. This can result in an average not being representative for wages in a field, as it can be skewed by a few highly paid workers. The median wage provides a better estimate of the prevailing rate of pay for a particular occupation.

Rules Coordinator: Courtney Brooks—(503) 947-1724

471-030-0037

Prevailing Rate of Pay

(1) For the purposes of ORS 657.176(2)(d), and for the purposes of ORS 657.195(1)(b), work is not suitable if the rate of pay is substantially less favorable than the rate prevailing in the locality. A rate of pay is substantially less favorable than the rate prevailing in the locality when the rate

of pay is at least ten percent lower than the median rate of pay for similar work in the locality. The median rate of pay prevailing in the locality shall be determined by employees of the Employment Department adjudicating office using available research data compiled by the department.

(2) In applying the provisions of ORS 657.176(2)(e), and for the purposes of 657.195(1)(b), if inadequate rate of pay was one of the reasons for refusing to accept new work, the work is not suitable if the rate of pay is substantially less favorable than the rate of pay prevailing in the locality. A rate of pay is substantially less favorable than the rate prevailing in the locality when the rate of pay is at least ten percent lower than the median rate of pay for similar work in the locality. The median rate of pay prevailing in the locality shall be determined by employees of the Employment Department adjudicating office using available research data compiled by the department.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.176(2)(d) & 657.176(2)(e) & 657.195(1)(b)

Hist.: IDE 151, f. 9-28-77, ef. 10-4-77; ED 2-1991, f. & cert. ef. 10-14-91; ED 2-1992, f. & cert. ef. 6-29-92; ED 4-2004, f. 7-30-04, cert. ef. 8-1-04; ED 2-2011(Temp), f. 2-18-11, cert. ef. 3-1-11 thru 8-28-11; ED 6-2011, f. & cert. ef. 8-3-11

471-030-0038

Work Separations, Job Referrals and Job Refusals

(1)(a) As used in ORS 657.176(2)(a), (b) and (c) and sections (1) through (5) of this rule the term "work" means the continuing relationship between an employer and an employee. An employment relationship exists even in circumstances where the work performed is not subject employment as set forth in ORS Chapter 657. This section does not apply where no employment relationship exists because the worker is an independent contractor or operating an independently established business. With the exception of the provisions of ORS 657.221(2)(a), the date an individual is separated from work is the date the employer-employee relationship is severed. In the case of individuals working for temporary agencies or employee leasing companies, the employment relationship shall be deemed severed at the time that a work assignment ends.

(b) In the case of absence due to labor dispute, the employee is separated from work on the date there is a complete dissociation from all participation in the labor dispute and no re-employment rights are claimed.

(c) As used in this rule, "wantonly negligent" means indifference to the consequences of an act or series of actions, or a failure to act or a series of failures to act, where the individual acting or failing to act is conscious of his or her conduct and knew or should have known that his or her conduct would probably result in a violation of the standards of behavior which an employer has the right to expect of an employee.

(d) As used in this rule, the following standards apply to determine whether an "isolated instance of poor judgment" occurred:

(A) The act must be isolated. The exercise of poor judgment must be a single or infrequent occurrence rather than a repeated act or pattern of other willful or wantonly negligent behavior.

(B) The act must involve judgment. A judgment is an evaluation resulting from discernment and comparison. Every conscious decision to take an action (to act or not to act) in the context of an employment relationship is a judgment for purposes of OAR 471-030-0038(3).

(C) The act must involve poor judgment. A decision to willfully violate an employer's reasonable standard of behavior is poor judgment. A conscious decision to take action that results in a wantonly negligent violation of an employer's reasonable standard of behavior is poor judgment. A conscious decision not to comply with an unreasonable employer policy is not misconduct.

(D) Acts that violate the law, acts that are tantamount to unlawful conduct, acts that create irreparable breaches of trust in the employment relationship or otherwise make a continued employment relationship impossible exceed mere poor judgment and do not fall within the exculpatory provisions of OAR 471-030-0038(3).

(e) For purposes of this rule, "compelling family reasons" means:

(A) Domestic violence, as defined in OAR 471-30-0150, which causes the individual reasonably to believe that the individual's continued employment would jeopardize the safety of the individual or a member of the individual's immediate family; or

(B) The illness or disability of a member of the individual's immediate family necessitates care by another and the individual's employer does not accommodate the employee's request for time off; or

(C) The need to accompany the individual's spouse or domestic partner;

(i) To a place from which it is impractical for such individual to commute; and

(ii) Due to a change in location of the spouse's or domestic partner's employment.

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(f) As used in OAR 471-030-0150 and this rule, “a member of the individual’s immediate family” includes spouses, domestic partners, parents, and minor children under the age of 18, including a foster child, stepchild or adopted child.

(2) The distinction between voluntary leaving and discharge is:

(a) If the employee could have continued to work for the same employer for an additional period of time the separation is a voluntary leaving of work;

(b) If the employee is willing to continue to work for the same employer for an additional period of time but is not allowed to do so by the employer the separation is a discharge.

(3)(a) As used in ORS 657.176(2)(a) and (b) a willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee is misconduct. An act or series of actions that amount to a willful or wantonly negligent disregard of an employer’s interest is misconduct.

(b) Isolated instances of poor judgment, good faith errors, unavoidable accidents, absences due to illness or other physical or mental disabilities, or mere inefficiency resulting from lack of job skills or experience are not misconduct.

(c) The willful or wantonly negligent failure to maintain a license, certification or other similar authority necessary to the performance of the occupation involved is misconduct, so long as such failure is reasonably attributable to the individual.

(d) Discharge for “compelling family reasons,” when the individual has made the attempt to maintain the employer-employee relationship, is not misconduct.

(4) Good cause for voluntarily leaving work under ORS 657.176(2)(c) is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work. For an individual with a permanent or long-term “physical or mental impairment” (as defined at 29 CFR 1630.2(h)) good cause for voluntarily leaving work is such that a reasonable and prudent person with the characteristics and qualities of such individual, would leave work. Except as provided in OAR 471-030-0038(5)(g), for all individuals, the reason must be of such gravity that the individual has no reasonable alternative but to leave work.

(5) In applying section (4) of this rule:

(a) If an individual leaves work to accept an offer of other work good cause exists only if the offer is definite and the work is to begin in the shortest length of time as can be deemed reasonable under the individual circumstances. Furthermore, the offered work must reasonably be expected to continue, and must pay:

(A) An amount equal to or in excess of the weekly benefit amount; or
(B) An amount greater than the work left.

(b) Leaving work without good cause includes, but is not limited to:

(A) Leaving suitable work to seek other work;
(B) Leaving work rather than paying union membership dues;

(C) Refusing to join a bona fide labor organization when membership therein was a condition of employment;

(D) Leaving to attend school, unless required by law;

(E) Willful or wantonly negligent failure to maintain a license, certification or other similar authority necessary to the performance of the occupation involved, so long as such failure is reasonably attributable to the individual;

(F) Resignation to avoid what would otherwise be a discharge for misconduct or potential discharge for misconduct;

(G) Leaving work for self employment.

(c) Good cause for voluntarily leaving work while on layoff status shall be determined solely under the provisions of section (4) of this rule without regard to the provisions of subsections (a) and (b) of this section;

(d) Reduction in rate of pay: If an individual leaves work due to a reduction in the rate of pay, the individual has left work without good cause unless the newly reduced rate of pay is ten percent or more below the median rate of pay for similar work in the individual’s normal labor market area. The median rate of pay in the individual’s labor market shall be determined by employees of the Employment Department adjudicating office using available research data compiled by the department.

(A) This section applies only when the employer reduces the rate of pay for the position the individual holds. It does not apply when an employee’s earnings are reduced as a result of transfer, demotion or reassignment.

(B) An employer does not reduce the rate of pay for an employee by changing or eliminating guaranteed minimum earnings, by reducing the percentage paid on commission, or by altering the calculation method of the commission.

(C) An employer does not reduce the rate of pay by loss or reduction of fringe benefits.

(D) If the Employment Department cannot determine the median rate of pay, the provisions of OAR 471-030-0038(4) apply.

(e) Reduction in hours: If an individual leaves work due to a reduction in hours, the individual has left work without good cause unless continuing to work substantially interferes with return to full time work or unless the cost of working exceeds the amount of remuneration received;

(f) Where the gravity of the situation experienced by the individual results from his or her own deliberate actions, to determine whether good cause exists, the actions of the individual in creating the grave situation must be examined in accordance with the provisions of section (4) of this rule.

(g) Leaving work with good cause includes, but is not limited to, leaving work due to compelling family reasons.

(6) As used in ORS 657.176(2)(d) and (e), the term “work” means the performance of services for which remuneration, compensation or wages is intended to be received or earned. Good cause as used in ORS 657.176(2)(d) and (e) is such that a reasonable and prudent person, exercising ordinary common sense, would refuse to apply for available suitable work when referred by the employment office or accept suitable work when offered by the employer. For an individual with a permanent or long-term “physical or mental impairment” (as defined at 29 CFR Sec. 1630.2(h)) good cause is such that a reasonable and prudent person with the characteristics and qualities of such individual, would refuse to apply for available suitable work when referred by the employment office or accept suitable work when offered by the employer. In determining disqualification under this section, consideration shall be given to suitable work factors and exceptions as set forth in ORS 657.190 and 657.195.

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

Stat. Auth.: ORS 657.176, 657.260, 657.265 & 657.610

Stats. Implemented: ORS 657.176

Hist.: 1DE 1-1979(Temp), f. & ef. 4-30-79; 1DE 5-1979, f. & ef. 8-27-79; 1DE 1-1984, f. & ef. 3-21-84; 1DE 2-1986, f. & ef. 4-14-86; ED 5-1992, f. & cert. ef. 12-14-92; ED 2-1993(Temp), f. & cert. ef. 8-12-93; ED 4-1993, f. & cert. ef. 11-22-93; ED 6-1999, f. 9-23-99, cert. ef. 9-26-99; ED 7-2001(Temp), f. 5-17-01, cert. ef. 5-20-01 thru 11-11-01; ED 13-2001, f. 11-2-01, cert. ef. 11-4-01; ED 8-2004, f. 12-17-04, cert. ef. 12-19-04; ED 1-2009(Temp), f. 6-25-09, cert. ef. 6-29-09 thru 12-26-09; ED 6-2009, f. 10-30-09, cert. ef. 11-1-09; ED 2-2011(Temp), f. 2-18-11, cert. ef. 3-1-11 thru 8-28-11; ED 6-2011, f. & cert. ef. 8-3-11

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Rule Caption: Employer notification requirements in amended monetary determinations.

Adm. Order No.: ED 7-2011

Filed with Sec. of State: 8-3-2011

Certified to be Effective: 8-3-11

Notice Publication Date: 7-1-2011

Rules Amended: 471-030-0048

Rules Repealed: 471-030-0048(T)

Subject: Adds additional consideration for employer notification during amended monetary determination.

Rules Coordinator: Courtney Brooks—(503) 947-1724

471-030-0048

Amended Monetary Determinations

(1) An individual who receives a monetary claim determination under ORS 657.266(2) may request that the determination be amended. The Director upon receipt of such a request will examine wage records submitted to the Department by employers in an attempt to locate wages and/or hours of work alleged by the claimant to be missing. If the discrepancy involves only hours of work and the claimant has provided documentary evidence of hours sufficient to make the claim valid, the Director may issue a redetermination.

(2) If as the result of an investigation additional subject wages or hours of work are made available which either allow a non-valid claim to become valid, or increase the weekly benefit amount of a valid claim, a redetermination will be issued.

(3) If as the result of an investigation all or part of the requested wages or hours of work are not included in the claim determination, the Director will so notify the claimant. If the claimant requested an amended monetary determination as provided in section (1) of this rule within the period specified by ORS 657.266(5), such notice will be given by a determination amending or affirming the initial determination. Such notice shall be subject to appeal as provided in 657.266(5).

(4) An employer is affected by an amended determination issued under ORS 657.266(3) if it is found to have paid wages to a claimant, and

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is potentially affected if a claimant alleges wages were paid to him or her by that employer.

(5) If, during a hearing on an initial or amended determination issued under ORS 657.266(2) or (3), an issue arises as to whether wages at issue were actually paid to claimant by an employer that was not given notice of the initial or amended determination, that employer will become a party to that hearing. If the hearing has already commenced, it will be continued to allow reasonable time for the employer to be notified of the hearing.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.266

Hist.: 1DE 2-1981(Temp), f. & ef. 2-16-81; 1DE 4-1981, f. & ef. 4-1-81; ED 2-1995, f. 8-29-95, cert. ef. 9-3-95; ED 2-2005, f. 4-29-05, cert. ef. 5-1-05; ED 3-2011(Temp), f. 5-13-11, cert. ef. 7-1-11 thru 12-26-11; ED 7-2011, f. & cert. ef. 8-3-11

Landscape Contractors Board Chapter 808

Rule Caption: Clarifies planting in outdoor pots and containers when they can be moved without the assistance of power equipment as landscape maintenance.

Adm. Order No.: LCB 8-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 808-002-0200, 808-002-0620

Subject: 808-002-0200 – Adds planting in outdoor pots and containers that are part of a structure or require power equipment to move when empty to the definition of casual, minor or inconsequential.

808-002-0620 – Adds planting in outdoor pots and containers when the pots and containers can be moved without the assistance of power equipment when empty to landscape maintenance.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-002-0200

Casual, Minor, or Inconsequential

“Casual, Minor, or Inconsequential” work, as used in ORS 671.540(3)(c), includes:

- (1) The replacement of shrubs, vines, trees and nursery stock with varieties that are similar in habit and culture;
- (2) The replacement of existing lawns;
- (3) The planting of annuals, perennials and bulbs in existing beds and outdoor pots and containers that are part of a structure or require power equipment to be placed when empty or filled. This does not include the commercial production of nursery stock;
- (4) The replacement of non-concrete landscape edging;
- (5) In an irrigation system, the replacement of three or fewer malfunctioning sprinkler heads with heads of the same or of a similar type and hydraulic equivalency;
- (6) “Casual, minor or inconsequential” work does not include:
 - (a) The construction of new planting areas;
 - (b) The construction or repair of arbors, decks, driveways, fences, retaining walls, walkways, patios, concrete landscape edging, or ornamental water features, drainage systems or irrigation systems; or
 - (c) The maintenance of irrigation systems with the use of compressed air.
- (d) The placement of outdoor pots and containers where the use of powered equipment is required when the pots or containers are empty or filled.

Stat. Auth.: ORS 183.325 - 183.410, 670.310 & 671.670

Stats. Implemented: ORS 671.520 & 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. 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 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 3-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 12-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 8-2011, f. 7-26-11, cert. ef. 8-1-11

808-002-0620

Landscape Maintenance

“Landscape Maintenance” means the regular and practical care of existing landscapes and would include, but is not limited to:

- (1) The mowing, trimming and edging of lawns;

(2) Pruning of trees to a height of no more than 15 feet above ground level, removal of trees up to 15 feet in height where the diameter of the tree is 4 inches or less when measured at 6” to 12” above soil line. Limbs may be removed when the diameter of the limb is 3 inches or less at its origin;

(3) The placement of mulching materials including, but not limited to, bark dust, chips, husks, shells or compost; or

(4) The application of fertilizer to lawns, trees and shrubs using fertilizer as defined in ORS 633.311.

(5) The planting of outdoor pots and containers when the pots and containers can be placed without the assistance of power equipment when empty or filled.

(6) In an irrigation system;

(a) The adjustment of sprinkler head nozzles; or

(b) The programming of irrigation controllers.

Stat. Auth.: ORS 183.325 - 183.410, 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 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 12-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 8-2011, f. 7-26-11, cert. ef. 8-1-11

Rule Caption: Clarifies a landscape contracting business license is required for planting on structures and adds requirements and clarifies landscaping work is outdoors.

Adm. Order No.: LCB 9-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 808-002-0455, 808-002-0500

Subject: 808-002-0455 – Clarifies the definition of install is for nursery stock installed outdoors and landscaping work on structures must be approved by the structural engineer, architect, or building code official.

808-002-0500 – Clarifies the definition of landscaping work to include nursery stock installed outdoors and the installation of root penetration preventions materials and other planting media.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-002-0455

Install

(1) For the purpose of ORS 671.520 “install” means the planting of lawns, trees, shrubs, vines and nursery stock outdoors. For the purpose of this rule, planting includes, but is not limited to, the excavation of the planting pit or hole, physically moving the plant into the pit or hole, backfilling the pit or hole, compacting the backfill and staking the plant if necessary.

(2) Installing does not include:

(a) the placement of mulching materials which includes, but is not limited to bark dust, chips, husks, shells or compost; and

(b) the planting of nursery stock for commercial sale or reforestation.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.520(1)

Hist.: LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 9-2011, f. 7-26-11, cert. ef. 8-1-11

808-002-0500

Landscaping Work

“Landscaping Work,” as used in ORS 671.540, 671.570 671.660(5) and 671.690, means:

(1) The planning or installing of lawns, shrubs, vines, trees, and nursery stock outdoors including the preparation of property on which the vegetation is to be installed. For the purposes of this rule, “preparation of property” includes, but is not limited to the installation of root penetration prevention materials, the placement of containers and pots that require the use of power equipment to move, the adding and incorporating of soil amendments, importation of topsoil and other planting media, removal of soil, and final grading to the specified aesthetic and drainage needs of a site on which landscaping work is to be performed;

(2) The construction or repair of ornamental water feature or drainage systems;

(3) The construction or repair of irrigation systems for lawns, shrubs, vines, trees and nursery stock;

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- (4) The maintenance of irrigation systems with the use of compressed air;
- (5) The planning and installing of fences, decks, arbors, patios, landscape edging, driveways, walkway and retaining walls.
- (6) Landscaping work does not include structural work, waterproofing or work with waterproof membranes, flashing, or other work involving the building envelope that is outside the scope of license of a landscape contracting business.

Stat. Auth.: ORS 183.325 - 183.410, 670.310 & 671.670
Stats. Implemented: ORS 671.520, 671.530, 671.540 & 671.660
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; LC 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LC 1-1991, f. & cert. ef. 7-22-91; LC 3-1991(Temp), f. & cert. ef. 12-3-91; LC 1-1992, f. 1-27-92, cert. ef. 2-1-92; LC 2-1992, f. 7-14-92, cert. ef. 7-15-92; LC 3-1992(Temp), f. & cert. ef. 7-16-92; LC 1-1993, f. & cert. ef. 1-19-93; LC 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LC 1-1998, f. & cert. ef. 2-6-98; LC 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LC 1-1999, f. & cert. ef. 2-11-99; LC 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LC 1-2001, f. 12-4-01, cert. ef. 1-1-02; LC 3-2004, f. 1-27-04, cert. ef. 2-1-04; LC 6-2005, f. 12-30-05, cert. ef. 1-1-06; LC 3-2006, f. & cert. ef. 8-2-06; LC 4-2007, f. 12-19-07, cert. ef. 1-1-08; LC 12-2009, f. 12-23-09, cert. ef. 1-1-10; LC 9-2011, f. 7-26-11, cert. ef. 8-1-11

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Rule Caption: Removes outdated requirements; clarifies managing employee requirements; requires verification form; adds penalty for violation of agency's rules.

Adm. Order No.: LC 10-2011

Filed with Sec. of State: 7-26-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 808-030-0015, 808-030-0018

Rules Amended: 808-003-0015, 808-005-0020, 808-030-0010

Subject: 808-003-0015 — Requires verification form from designated managing employee who is not an owner of the business.

808-030-0010 — Removes outdated requirements.

808-030-0015 — Clarifies managing employee requirements.

808-030-0018 — Clarifies managing owner requirements.

808-005-0020 — Adds penalty for failure to comply with agency's administrative rules and failure of managing employee to notify the board when the managing employee ceases to act in the role of managing employee.

Rules Coordinator: Kim Gladwill-Rowley — (503) 378-5909

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.

(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.

(g) A completed, signed and notarized Verification form (provided by the board) for the designated managing employee who is not an owner of the landscape contracting business.

(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.

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(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; LCB 10-2011, f. 7-26-11, cert. ef. 8-1-11

808-005-0020

Schedule of Civil Penalties

Sections 1-4, 21 & 22 may be adjusted per the terms of a settlement agreement for the first offense:

(1) 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) 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) Operating as a landscape construction professional in violation of ORS 671.530(1), \$1,000.

(4) 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) 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) 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) 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) 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
- (b) \$500 for subsequent offenses occurring after action taken on first offense.

(9) 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) 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) 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) 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 licensee provides the agency with proof of conformance; and

(b) \$1,000 for subsequent offenses occurring after action taken on first offense and suspension of the license until the licensee provides the agency with proof of conformance.

(15) Violating an order to stop work as authorized by ORS 671.510 to 671.710, \$1,000 per day.

(16) 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(5)(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 808-003-0125:

- (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 808-003-0125:

- (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;

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(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 prop- er bond is received in the State Landscape Contractors Board office.

(25) Failure to notify the LCB of a new business name (including any new assumed business name) or, in the case of a sole proprietor, any per- sonal surname under which the business is conducted, in violation of OAR 808-003-0020:

(a) \$200 for first offense; and
(b) \$500 for subsequent offenses occurring after action taken on first offense.

(26) Failure to respond to the continuing education audit as required under OAR 808-040-0060(3):

(a) For the first offense:
(A) \$200; and
(B) Suspension of the license until the CEH documentation is received by the agency. For purposes of subsection 26(a) only, if the CEH documentation as required by OAR 808-040-0060(3) is received by the agency on or before the 21st day after the date of the contested case notice, the contested case will be withdrawn without prejudice.

(b) For subsequent offenses occurring after action taken on the first offense:

(A) \$500; and
(B) Suspension of the license until the CEH documentation is received by the agency.

(27) Failure to submit complete documentation as required under OAR 808-040-0060(3), (4), (5) or (6):

(a) For the first offense:
(A) \$200; and
(B) Suspension of the license until the CEH documentation is received by the agency. For purposes of subsection 27(a) only, if the CEH documentation as required by OAR 808-040-0060(3), (4), (5) or (6) is received by the agency on or before the 21st day after the date of the con- tested case notice, the contested case will be withdrawn without prejudice.

(b) For subsequent offenses occurring after action taken on the first offense:

(A) \$500; and
(B) Suspension of the license until the CEH documentation is received by the agency.

(28) Failure to complete the continuing education hours by the dead- line as required under OAR 808-040-0020(1):

(a) For the first offense, \$200; and
(b) For subsequent offenses occurring after action taken on the first offense, \$500.

(29) Failure to comply with any part of OAR Chapter 808:

(a) \$500 for the first offense and suspension of the license until the licensee provides the agency with proof of conformance; and
(b) \$1,000 for subsequent offenses occurring after action taken on first offense and suspension of the license until the licensee provides the agency with proof of conformance.

(30) Failure of a managing employee to notify the board when the managing employee ceases to act as the managing employee in violation of OAR 808-030-0015:

(a) \$200 for the first offense; and
(b) \$500 for subsequent offenses occurring after action taken on first offense.

(31) Failure of a managing owner to notify the board when the man- aging owner ceases to act as the managing owner in violation of OAR 808- 030-0018:

(a) \$200 for the first offense; and
(b) \$500 for subsequent offenses occurring after action taken on first offense.

(32) Failure of a landscape contracting business to notify the board when the managing owner or managing employee ceases to act as the man- aging owner or managing employee in violation of OAR 808-003-0125(5):

(a) \$200 for the first offense; and
(b) \$500 for subsequent offenses occurring after action taken on first offense.

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;

LCB 1-2010, f. & cert. ef. 1-27-10; LCB 3-2010, f. & cert. ef. 6-1-10; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 10-2011, f. 7-26-11, cert. ef. 8-1-11

808-030-0010

Owner/Managing Employee

(1) As used in these rules, a managing employee has that meaning as provided in OAR 808-002-0625 and owner has the meaning as provided in 808-002-0734

(2) Upon initial application, an applicant for a landscape contracting business license shall designate at least one managing employee or owner and provide evidence that this individual has completed the course and passed the test as provided for in ORS 671.595.

(3) An employee who is not an owner may not be designated as the managing employee of more than one landscape contracting business.

Stat. Auth.: ORS 670.310, 671.670

Stats. Implemented: 2007 OL Ch. 249

Hist.: LCB 5-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 2-2008, f. & cert. ef. 6-2-08; LCB 10- 2011, f. 7-26-11, cert. ef. 8-1-11

808-030-0015

Managing Employee Requirements

(1) An employee that is designated as the managing employee of a landscape contracting business must:

(a) Be a employee of the landscape contracting business.

(b) Manages the day to day activities of the landscape operations of the landscape contracting business which would include but not be limited to:

(A) Planning, bidding and offering landscaping work,

(B) Writing and signing contracts for landscaping work,

(C) Hiring and firing of employees who perform landscaping work,

(D) Signing of checks for payments of labor or materials associated with landscaping work, and

(E) Organizing, scheduling, monitoring and evaluating the perform- ance of landscaping work

(2) In the event a designated managing employee no longer is employed by or fulfills the role of managing employee for a landscape con- tracting business the managing employee must notify the board within 10 days of the change in employment or role. ORS 671.595(1)(a)(B)

Stat. Auth.: ORS 670.310, 671.670

Stats. Implemented: ORS 671.560, 671.595, 671.997

Hist.: LCB 10-2011, f. 7-26-11, cert. ef. 8-1-11

808-030-0018

Managing Owner Requirements

An owner that is designated as the managing owner of a landscape contracting business must manage the day to day activities of the landscape operations of the landscape contracting business which would include but not be limited to:

(1) Planning, bidding and offering landscaping work,

(2) Writing and signing contracts for landscaping work,

(3) Hiring and firing of employees who perform landscaping work,

(4) Signing of checks for payments of labor or materials associated with landscaping work, and

(5) Organizing, scheduling, monitoring and evaluating the perform- ance of landscaping work

(6) In the event a designated managing owner no longer fulfills the role of managing owner for a landscape contracting business the managing owner must notify the board within 10 days of the change in role. ORS 671.595(1)(b)(B)

Stat. Auth.: ORS 670.310, 671.670

Stats. Implemented: ORS 671.560, 671.595, 671.997

Hist.: LCB 10-2011, f. 7-26-11, cert. ef. 8-1-11

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Mortuary and Cemetery Board Chapter 830

Rule Caption: Clarifies/updates industry practices, removes repet- itive rules, reflects statute changes, reorganizes rules by topic; plain language.

Adm. Order No.: MCB 1-2011

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 6-1-2011

Rules Amended: 830-011-0000, 830-011-0010, 830-011-0020, 830- 011-0050, 830-011-0070, 830-011-0080, 830-020-0000, 830-020- 0010, 830-020-0020, 830-020-0030, 830-020-0040, 830-030-0000, 830-030-0004, 830-030-0030, 830-030-0070, 830-030-0090, 830-

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030-0100, 830-040-0000, 830-040-0005, 830-040-0010, 830-040-0020, 830-040-0030, 830-040-0050, 830-040-0060, 830-040-0070, 830-050-0050

Rules Repealed: 830-011-0030, 830-050-0000

Subject: The rules recognize industry changes in practices, reflects apprenticeship period statutory changes in ORS 692; removes rules sufficiently addressed in statute; reorganizes rules by relevant topics; implements plain language statutory mandates (spelling, grammar, etc.).

Rules Coordinator: Michelle Gaines—(971) 673-1502

830-011-0000

Definitions

(1) “At Need” As used in this chapter, means arrangements entered into after a death has occurred, “at the time of need”.

(2) “Authorizing Agent(s)” The authorizing agent(s) is (are) the person(s) legally entitled to order the disposition of human remains and cremated remains.

(3) “Burial Vault” A burial vault is a receptacle designed to protect the casket from the intrusion of outside elements, the weight of the surrounding earth, and the weight of maintenance equipment.

(4) “Certificate of Authority” A Certificate of Authority is a certificate issued to an individual or corporation who is responsible for the operation of either a cemetery or crematory. If the crematory or cemetery is a corporation, the Certificate of Authority shall be issued to the corporation.

(5) “Cremated Remains” Cremated remains are the remaining ash and bone fragments after the act of cremation is completed.

(6) “Cremated Remains Container” As used in this chapter, a cremated remains container means any container in which processed cremated remains can be placed and closed to prevent leakage. At a minimum, this would be a plastic-lined cardboard container.

(7) “Cremation” Cremation is the technical heating process that reduces human remains to ash and bone fragments.

(8) “Cremation Chamber” A cremation chamber is the enclosed space in which the cremation process takes place.

(9) “Cremation Container” A cremation container is the container in which the human remains are placed in the cremation chamber for a cremation. The container shall meet all the requirements of the crematorium.

(10) “Crematory Authority” The crematory authority is the legal entity or the authorized representative of the legal entity who conducts the cremation.

(11) “Crematory or Crematorium” A crematory or crematorium is any person, partnership, or corporation with a Certificate of Authority to operate a cremation chamber.

(12) “Death Care Consultant” As used in this chapter, a “death care consultant” means an individual who provides consultations related to funeral or final disposition arrangements, for payment, to the person or persons who are acting as a funeral service practitioner under ORS Chapter 432. For purposes of this definition, the consultations include any conference, information, guidance or advice either at the time of death or when the death is soon to occur.

(13) “Death Care Industry” As used in this chapter death care industry means the funeral service and final disposition practitioners and facilities.

(14) “Disinfectant Solution” A disinfectant solution is a chemical agent capable of destroying pathogens or their product when applied with sufficient time and concentration.

(15) “Disposition” Disposition is burial, entombment, burial at sea or cremation.

(16) “Embalmed” Human remains shall be considered embalmed when sufficient disinfectant solution or preservative fluid has been injected into the circulatory system and/or applied externally to render it not a hazard to public health.

(17) “Endowment Care Funds” Endowment care funds are principal amounts deposited from which the revenue on the principal is used for the care and maintenance of a cemetery.

(18) “Final Processing” Final Processing is the processing of cremated bone fragments to an unidentifiable dimension.

(19) “Grave Liner” A grave liner is a burial receptacle either in sectional or box form, built and designed to be installed in a grave to assist in preventing the ground from collapsing.

(20) “Holder of a Certificate of Registration” As used in this chapter a “Holder of a Certificate of Registration” means the same as “Certified Provider” as defined in ORS 97.923(2).

(21) “Holding Room” A holding room is a suitable room constructed in accordance with OAR 830-040-0020(2), (4), and (5) which licensed funeral establishments use for the care, storage, or holding of human remains prior to effecting disposition. This room shall be of sufficient size to accommodate at least one table for a casketed remains and an attendant. The room may be used by the funeral establishment to care for or repair remains in those facilities which do not offer on premises embalming. This room would be other than a chapel, viewing or visitation room, office supply room, closet or a room normally open to the public.

(22) “Human Remains” Human remains means a dead human body.

(23) “Identification Viewing” Identification viewing means viewing the remains for the purpose of identifying the remains, regardless of whether the remains have been washed or otherwise prepared.

(24) “Identifying Metal Disc” An identifying metal disc is a metal disc, approximately one inch in diameter with a number assigned by the State Registrar’s office, each with a different number, for the purpose of accompanying dead human remains through the disposition process and to serve as a means of permanent identification of those remains.

(25) “Intern Apprentice” An intern apprentice is any student enrolled in an accredited funeral service education program who is serving his/her three-month internship under the supervision of a combination-licensed funeral service practitioner/embalmer at a participating funeral establishment.

(26) “Licensed Facility” A licensed facility is any licensed business governed by ORS Chapter 692, either cemetery, crematory, immediate disposition company or funeral establishment.

(27) “Licensee” Licensee means any individual or facility licensed under ORS Chapter 692 and any preneed salesperson registered under ORS 97.931.

(28) “Minimum Preparation of Human Remains” As used in this rule minimum preparation of human remains means the human remains are completely washed as defined in this section.

(29) “Offensive Treatment of Human Remains” As used in this rule and in ORS Chapter 692, offensive treatment of human remains is treatment offensive to the generally accepted standards of the community.

(30) “Prearrangement” As used in this chapter, means sales or agreements for undelivered goods or services to be delivered at an unspecified date in the future, entered into before a death has occurred, i.e., “before the time of need”. Prearrangements by this definition do not include the sale of interment rights purchased before a death when the property is developed.

(31) “Preneed Funds” Preneed funds are specified amounts paid for goods and/or services that are sold in advance of need but not delivered.

(32) “Preneed salesperson” As used in these rules, “preneed salesperson” means an individual registered under ORS 97.931 and employed by a certified provider to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.

(33) “Preparation Room” As used in these rules, preparation room means the same as embalming facility as used in ORS Chapter 692.

(34) “Principal” Principal means a persons who has controlling authority over the licensed facility, including but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General Partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and

(f) Members of a Limited Liability Company.

(35) “Processed Cremated Remains” As used in this chapter, processed cremated remains are the result of pulverization, where the residual from the cremation process is cleaned leaving bone fragments reduced to unidentifiable dimensions.

(36) “Public Viewing” Public viewing means the human remains have, at minimum, been washed, as defined in this section, and the remains are placed in a viewing room, church, chapel or other suitable place for viewing of the remains.

(37) “Receptacle” As used in this chapter, a receptacle means a rigid container for human remains.

(38) “Refrigeration Unit” As used in this chapter, a refrigeration unit is one used in licensed facilities to store dead human remains that meet commercial standards.

(39) “Registration” As used in this chapter, registration may refer to the registration of a cemetery that does not fall under the category of

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“Operating Cemetery” as defined in ORS 692.010(7) or it may refer to the “registration” of preneed salespersons. Registration of non-operating cemeteries, and preneed salespersons is required for compliance with Oregon Laws.

(40) “Sanitary Condition” Sanitary means clean from dirt, foreign particles, blood stains, offensive odors, insects, etc.

(41) “Sealed Casket” A sealed casket is one that is designed by a manufacturer to be sealed prior to final disposition.

(42) “Solicitation” Solicitation is defined as actively endeavoring to obtain business or clientele through means such as telephone or personal contact.

(43) “Visitation” Visitation means a specific time and place to gather where the human remains are present, except for graveside service.

(44) “Washed” A human remains shall be considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and when necessary packed with cotton saturated with a disinfectant solution.

Stat. Auth.: ORS 97.931 & 692.320

Stats. Implemented: ORS 97.931 & 692.320

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; Renumbered from 830-030-0010(1)(a) - (k) & 830-030-0020; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-011-0010

Employees, Meetings, Officers of the Board

(1) The Board shall employ an executive director, investigator, inspector and other office personnel to maintain the office of the Board, answer correspondence, and perform those duties necessary in carrying out the provisions of the law and of these rules.

(2) The Board shall meet at least six times per year, at a date, time, and place determined by the Board. Special meetings may be called by the president as deemed applicable.

(3) The Board, at its regular meeting in January of each year, shall elect from its members a president, a vice-president, and a secretary-treasurer to serve until the next election. Special elections may be held at the discretion of the Board. The president, or, in his absence, the vice-president, shall preside at all meetings, appoint all committees, and perform all functions incidental to the president of the Board.

(4) The executive director shall act under instruction of the president of the Board, and in his/her absence the vice-president and shall be responsible for supervising and monitoring the activities of the Board’s office and staff. The executive director is authorized by the Board to sign correspondence, legal documents and other necessary papers to carry out Board mandates.

Stat. Auth.: ORS 692.300, 692.310 & 692.320

Stats. Implemented: ORS 676.300, 676.306, 692.300, 692.310 & 692.320

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; FDB 16, f. & ef. 6-30-77; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0005; MCB 2-1988, f. & cert. ef. 9-9-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-011-0020

Apprenticeship — Generally

(1) Apprenticeship for embalmer, funeral service practitioner, or intern apprentice must be served under persons licensed and working in Oregon who have been licensed and working in Oregon for at least one year.

(a) A funeral service practitioner may supervise only one apprentice at a time and an embalmer may supervise only one apprentice at a time.

(b) Notwithstanding (a), a combination embalmer/funeral service practitioner may supervise up to three intern apprentices from an accredited funeral service education provider in addition to an apprentice embalmer; or may supervise an apprentice funeral service practitioner and an apprentice embalmer.

(c) The licensee who supervises an apprentice must be working and located in the same licensed facility or facilities as the apprentice he or she is supervising.

(2) To qualify for a license as an embalmer, an apprentice embalmers must assist in the embalming of at least 35 human remains during the apprenticeship period under the personal supervision of a licensed embalmer.

(a) An apprentice embalmer shall maintain a record of embalming under supervision, with accurate and current entries, and the apprentice and

his or her supervisor shall furnish this record to the Board upon request. The record shall include the following:

(A) The name of the deceased;

(B) The date of death;

(C) The date and place of embalming;

(D) The name of licensed facility making the embalming arrangements;

(E) The supervising embalmer’s written confirmation for each apprentice’s embalming; and

(F) The number of hours worked per week.

(b) Apprentice embalmers must work a minimum of 1440 hours within a calendar year.

(3) To qualify for a license as a funeral service practitioner an apprentice funeral service practitioners must work a minimum of 1440 hours within a calendar year, and must assist in the planning of at least 25 funerals or dispositions per year through some form of direct contact with the family or representative of the deceased.

(a) Apprentice funeral service practitioners shall not be accredited for time served in their funeral service practitioner apprenticeship while enrolled in a full-time funeral service education program. For the purpose of this chapter, full-time is considered 12 or more credit hours per quarter. If the apprentice is enrolled in 11 or less credit hours per quarter, he or she will be considered a part-time student and could qualify for a funeral service practitioner apprenticeship providing he or she can meet the minimum requirements set forth above. Apprentice funeral service practitioners who are planning to become part-time students shall submit a letter to the Board clearly explaining their ability to attend classes and still meet the minimum requirements of this section. The board will review each request individually based on the submission of all appropriate paperwork, fees and letters of explanation. No credit will be granted for apprenticeship time served unless prior approval by the Board has been granted.

(b) An apprentice funeral service practitioner shall keep a log book, on the premises of the licensed facility where he or she is apprenticed, showing all arrangements made or participated in by the apprentice and be available upon request. The apprentice, under supervision, shall make accurate and current entries. The apprentice and his or her supervisor shall furnish the log book to the Board upon request.

(c) The log book shall be retained for a period of one year after completion of the apprenticeship and shall include the following:

(A) Name of deceased and person authorizing final disposition arrangements;

(B) Date of death;

(C) Date and place arrangements were made;

(D) Description of apprentice’s direct participation with family;

(E) Number of days and hours worked per week;

(F) Supervisor’s written confirmation of each of their apprentice’s arrangements; and

(G) Name of the licensed facility responsible for the final disposition arrangements.

(4) Intern apprentices shall serve their apprenticeships in accordance with the internship guidelines established by an accredited funeral service education program. A copy of the guidelines is available from the Board upon request.

(a) Intern apprentices are only required to intern at a funeral home for a minimum of 15 hours per week.

(b) An intern apprentice funeral service practitioner who completes the three-month internship earns 180 hours toward the 1440 hour per calendar year requirement of a funeral service practitioner apprenticeship. If the intern apprentice is also serving an embalmer apprenticeship and is meeting the 1440 hours per calendar year requirement set forth in section (2) and in section (4) of this rule then full credit (360 hours) shall accrue toward completion of the embalmer apprenticeship.

(c) If the intern is performing the functions of an intern funeral service practitioner in addition to an intern apprentice then the apprentice shall also receive credit of 180 hours for the three-month period toward the 1440 hours per calendar year requirement for a funeral service practitioner license.

(5) Applicants for an apprentice certificate shall make application in accordance with ORS Chapter 692. The application must be accompanied by the fee prescribed by OAR 830-020-0040, a certified copy of the applicant’s birth certificate, and satisfactory proof of high school graduation or equivalency. If an applicant for an apprentice certificate does not have a high school diploma, he or she must present satisfactory evidence that he or she possesses the equivalent of a high school education received in some private, public, or trade school, or he or she must successfully pass the high

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school equivalency test (General Education Development Test) given by the local high school, or some similar equivalency test conducted by a similar agency. Prior to becoming licensed as a funeral service practitioner, apprentices shall provide a certified copy of a transcript from a school accredited by an Association of Schools and Colleges demonstrating completion of an Associate's degree or higher degree. Prior to becoming licensed as an embalmer, apprentices shall provide proof of completion of an accredited course of funeral service education.

(6) The effective date of the apprenticeship shall be the date the completed application, fee, and the required certificates are received and validated in the office of the Board. A letter will be sent notifying the apprentice of the status of his or her apprenticeship.

(7) The certificate of apprenticeship shall be issued to the applicant as an apprentice to a specified licensee. If the apprentice intends to change the licensee to whom apprenticed, he or she shall immediately file a request for approval of the transfer with the Board and pay the required fee. A certificate shall be reissued upon payment of an administrative charge. When an apprentice ceases to work under a specific licensee, the apprenticeship certificate shall become null and void. It is the responsibility of the supervising licensee to notify the Board's office of any termination in employment or supervision of the apprentice.

(8) Apprentice funeral service practitioner and embalmer certificates shall not be granted to any person for a longer period than 48 aggregate months. When an apprentice has completed his or her apprenticeship, he or she will no longer be licensed as an apprentice, but must qualify either as a licensed embalmer or licensed funeral service practitioner.

(9) If a funeral service practitioner's apprentice makes any arrangements for a deceased person the licensed funeral service practitioner supervising the apprentice is responsible for any arrangements made by the apprentice.

(10) In lieu of meeting apprenticeship requirements, an applicant for Oregon funeral service practitioner or embalmer licensure shall be deemed to have satisfied the respective apprenticeship requirement upon submitting proof satisfactory to the Board that the person has practiced, respectively, as a funeral service practitioner or embalmer licensed in good standing in this state or another state:

- (a) For three years of the past five years; or
- (b) For a total of ten years.

(11) Embalmer applicants who meet the requirements set forth in section (10) of this rule may be required to demonstrate competency by way of a practical examination at a time and place designated by the Board.

(12) Funeral service practitioner applicants who meet the requirements set forth in section (10) of this rule shall be required to successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.045, 692.070, 692.105, 692.130 & 692.190

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0050; MCB 2-1988, f. & cert. ef. 9-9-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-011-0050

Background Investigation Required Prior to Oregon Licensure

(1) All applicants for individual or facility licenses and principals of facilities seeking or holding a license must submit to a background investigation. The background investigation may include, but is not limited to, information solicited from the Law Enforcement Data Systems, other government agencies or courts, personal references, former employers, and credit checks. The Board may require the applicant or principal to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when a condition exists in relation to any principal of a licensed facility which constitutes grounds for refusing to issue or renew a license or certificate or for suspension of a license.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-011-0070

Registration of Preened Salespersons and Endowment Care Cemetery Salespersons

(1) Applicants for registration as a "preneed salesperson" must apply on a form provided by the Board, pay the preneed salesperson fees set forth

in OAR 830-020-0040 and submit to a background investigation. The background investigation may include but is not limited to information solicited from the Department of State Police, Law Enforcement Data System, Oregon Department of Motor Vehicles, other government agencies including local law enforcement agencies, the courts and prior employers.

(2) A certificate of registration will be issued to an approved preneed salesperson applicant. An applicant may not make preneed sales or engage in preneed sales activity, including but not limited to marketing and participating in sales presentations, until a certificate of registration has been issued to the applicant by the Board. It is the responsibility of the salesperson to provide written notice to the Board of any address changes within 30 days of the change.

(3) All preneed salesperson certificates of registration will expire on March 1 in even-numbered years unless renewed as provided in this section.

(4) On or before December 31 of each odd numbered year, the Board will mail to each registered preneed salesperson a form containing notice that the renewal fee is due and payable. The renewal form will be mailed to the most current address filed with the Board by the preneed salesperson. If the renewal form is not returned and the renewal fee is not paid by the renewal date the certificate of registration will lapse.

(5) Upon lapse of a preneed salesperson certificate of registration, the Board will send notice of the lapse by registered or certified mail to the most current address filed with the Board by the preneed salesperson.

(6) The Board may reinstate a certificate of registration if the preneed salesperson applies for reinstatement on a form provided by the Board not later than the 90th day after the lapse and pays the renewal fee as well as the reinstatement fee established in OAR 830-020-0040.

Stat. Auth.: ORS 97.931

Stats. Implemented: ORS 97.931

Hist.: MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-011-0080

Grounds for Civil Penalty, Revocation, Suspension or Refusal to Issue or Renew a Preened Salespersons Registration

(1) In accordance with ORS 97.933(5), the Holder of a Certificate of Registration is responsible for the conduct of their preneed salespersons. Therefore, the Board may take disciplinary action against a licensee that is the Holder of the Certificate of Registration for the misconduct of their preneed salespersons. It is the responsibility of the Holder of the Certificate of Registration to insure that sound sales and business practices are used in the training and supervision of their preneed salespersons.

(2) Upon complaint or upon its own motion, the Board may investigate any complaint concerning a preneed salesperson, a preneed salesperson applicant or an individual engaged in preneed sales activity without registration. For any of the causes described in ORS 692.180(1) or OAR 830-050-0050, or upon a determination that a registered preneed salesperson, applicant or unregistered individual has not complied with the provisions of ORS 97.923 to 97.949 or ORS Chapter 692 or any rules adopted thereunder, the Board may impose a civil penalty of up to \$1000 per violation or suspend, revoke or refuse to issue or renew a registration.

Stat. Auth.: ORS 97.931 & 692.320

Stats. Implemented: ORS 97.931

Hist.: MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0000

Applications and Examinations for Funeral Service Practitioner and Embalmer Licenses

(1) All applications for funeral service practitioner and embalmer licenses by examination, accompanied by the examination fee prescribed by ORS Chapter 692, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.

(2) The examinations for a funeral service practitioner, and embalmer shall be given at least twice each year:

(a) Applicants for a funeral service practitioner license shall be required to successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions;

(b) Applicants for an embalmer's license shall be required to successfully complete a written examination that will include two sections, funeral service arts and funeral service sciences, and must receive an average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections; and

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(c) If the Board deems it necessary, the applicant for an embalmer's license may also be required to pass an examination testing his or her qualifications as to the practical application of his knowledge.

(3) Upon successful completion of the funeral service practitioner's examination, an appropriate license for the current year will be issued to the examinee after fulfilling the apprenticeship and upon payment of the annual license fee prescribed by ORS Chapter 692. An applicant for an embalmer's license may be examined by the Board after first providing evidence of graduation from a funeral service program accredited by the American Board of Funeral Service Education, but shall not receive an embalmer's license until he or she has fulfilled his or her apprenticeship and paid the required fee as prescribed in ORS Chapter 692.

(4) If an applicant for a funeral service practitioner's, or embalmer's license fails to satisfactorily complete the examination, he or she may retake the examination the next time it is given upon payment of the full examination fee. Such fee must be received in the office of the Board at least 14 days before the examination is given.

(5) The examination fee shall not be returned to an examinee once he takes the examination.

(6) Test results will be mailed to examinees within 30 days after completion of the examination. Exams are not reviewable by examinee, pursuant to the Public Records Act, ORS Chapter 192.

Stat. Auth.: ORS 692.160 & 692.320
Stats. Implemented: ORS 692.045, 692.070, 692.105, 692.130, 692.140 & 692.320
Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0100; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0010

License Fee Due After Examination

A license fee which is not received at the office of the Board within 30 days following receipt of notice of successful completion of the examination and completion of the apprenticeship for funeral service practitioner or embalmer shall be considered delinquent and shall be subject to the reinstatement provisions of ORS 692.170 for lapsed licenses.

Stat. Auth.: ORS 692.320
Stats. Implemented: ORS 692.148 & 692.160
Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0101; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0020

Funeral Service Practitioner and Embalmer Licenses; Military Leave

(1) Funeral service practitioners and embalmers shall be licensed only after compliance with ORS Chapter 692, and rules adopted thereunder. Licenses for funeral service practitioner and embalmer will not be issued or renewed unless assessed civil penalties have been paid.

(2) A license issued pursuant to ORS Chapter 692 shall not be transferable.

(3) The Board shall publish, on its internet website, a list of the Board's licensees.

(4) A person licensed under ORS Chapter 692 shall not be required to renew his or her individual funeral service practitioner or embalmer license while in active military service unless the person is required by that branch of the military service to maintain an active license from the state in which he or she is licensed in order to perform those services for that branch of the service. Such person shall notify the Board in writing of the date he or she will begin active military duty. The Board will not require this person to pay renewal licensing fees until completion of military duty. After release from active duty under honorable conditions, this person shall notify the Board in writing within 60 days of such discharge and may then be restored to former status. The Board shall not impose any fees until the following renewal period.

Stat. Auth.: ORS 692.320
Stats. Implemented: ORS 692.190
Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0105; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0030

Reciprocal Licensure

(1) An applicant for reciprocal licensure shall apply to the Board on a form provided by the Board. The application shall be accompanied by the following:

- (a) The reciprocal fee as prescribed by OAR 830-020-0040;
- (b) A certified copy of the applicant's birth certificate;
- (c) A certified copy of transcripts from a school accredited by an Association of Schools and Colleges demonstrating completion of an

Associate's degree or higher degree (for funeral service practitioner licensure) or proof of passing an accredited course of funeral service education (for embalmer licensure);

(d) A certification from the state(s) the applicant is or was licensed in that includes: Length of apprenticeship, if any, examination score, date licensed, status of license at the present time, and whether the applicant's license has ever been suspended or revoked or other disciplinary action taken;

(e) Proof that the applicant is or was licensed and has practiced, respectively, as a funeral service practitioner or an embalmer in another state for three of the past five years immediately preceding the respective application date; and

(2) An applicant for reciprocal funeral service practitioner license shall be required to pass the Board's funeral service practitioner examination as a means of providing satisfactory proof to the Board that the applicant has the requisite qualifications for licensing as a funeral service practitioner in this state. The examination shall include Oregon and federal laws, rules and regulations relating to the care, preparation, disposition and transportation of human remains and to survivor death benefits. Reciprocal applicants for funeral service practitioner license shall be required to receive a score of not less than 75 percent, based on the total number of questions, in order to pass the examination. Reciprocal applicants shall be eligible to take the examination at the regularly scheduled examination dates if their applications are received at least 14 days prior to the examination date.

(3) Applicants for reciprocal embalmer licensure shall be required to show evidence satisfactory to the Board that the applicant has successfully passed the National Board Examination as administered by the Conference of Funeral Service Examining Boards or an equivalent examination written by the Conference of Funeral Service Examining Boards that shall include two sections, funeral service arts and funeral service sciences, and must receive an average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections.

(4) At no time shall a license be issued to a reciprocal applicant before a complete background check has been performed and Board approval has been received.

Stat. Auth.: ORS 692.160 & 692.320
Stats. Implemented: ORS 692.140
Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0040

License, Certificate and Registration Fees

(1) Initial application fees:

(a) Funeral establishment, immediate disposition company, crematory or cemetery that performs more than five interments per year — \$150 (includes first principal) plus \$50 for each additional principal;

(b) Cemetery that performs ten or fewer interments annually — \$100 (includes first principal) plus \$50 for each additional principal;

(c) Change of principal — \$50 per licensed facility;

(d) Apprentice funeral service practitioner or apprentice embalmer — \$50;

(e) Reciprocal funeral service practitioner or reciprocal embalmer — \$160;

(f) Intern Apprentice — \$25;

(g) Preneed Salesperson — \$150;

(h) Certificate of Removal Registration — \$30;

(i) Funeral Service Practitioner — \$80 per year;

(j) Embalmer — \$80 per year;

(k) Death Care Consultant — \$80 per year.

(2) Renewal application fees:

(a) Funeral establishment or immediate disposition company — \$350 per year, payable biennially;

(b) Crematory — \$100 per year plus \$2 per cremation performed during the two calendar years preceding the year in which the current license expires, payable biennially;

(c) Cemetery — \$4 per interment performed during the two calendar years preceding the year in which the current license expires up to a maximum of 150 interments or \$600 per year, payable biennially; (Cemeteries with ten or fewer interments annually are not required to pay a renewal fee in accordance with ORS 692.275.)

(d) Funeral service practitioner — \$80 per year, payable biennially;

(e) Embalmer — \$80 per year, payable biennially;

(f) Combination funeral service practitioner/embalmer — \$160 per year, payable biennially;

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- (g) Apprentice funeral service practitioner — \$25 per year, payable annually;
- (h) Apprentice embalmer — \$25 per year, payable annually;
- (i) Preneed salesperson — \$25 per year, payable biennially.
- (j) Death care consultant — \$80 per year, payable biennially;
- (3) Exam fees:
- (a) Funeral service practitioner exam — \$100;
- (b) Embalmer exam (written or practical) — \$130 to \$400 (depending on the cost to the Board).
- (c) Death care consultant exam — \$100
- (4) License, certificate and registration reissue fees:
- (a) Transfer of apprenticeship, replacement license, name change or manager change — \$25;
- (b) Licensed facility location change — \$250.
- (5) Reinstatement of lapsed license, certificate or registration — \$50 each.
- (6) Funeral service practitioners, embalmers, and preneed salespersons shall renew their licenses on even numbered years. Funeral establishments, immediate disposition companies, cemeteries, and crematoriums shall renew on odd numbered years.

(7) Fees paid under this section are not refundable or transferable. Notwithstanding the above, a registrant for the funeral service practitioner examination may notify the Board in writing that he or she is withdrawing and request a fee refund at any time before the date of the examination.

Stat. Auth.: ORS 692.160, 692.320 & 97.931
Stats. Implemented: ORS 692.160 & 97.931

Hist.: SMB 1-1984, f. & ef. 10-22-84; MCB 1-1985(Temp), f. & ef. 7-3-85; MCB 2-1985(Temp), f. & ef. 11-5-85; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0110; MCB 2-1989(Temp), f. 10-2-89, cert. ef. 11-1-89; MCB 3-1989, f. 12-4-89, cert. ef. 12-1-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 3-1993, f. 10-28-93, cert. ef. 11-1-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2004, f. 9-30-04, cert. ef. 11-1-04; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0000

In General

(1) No licensee, operator of a licensed facility, or their agent shall interfere with another licensee, operator of a licensed facility, or their agent who has been legally called to take care of human remains, or perform services relating to the disposition of human remains. The choice of licensed funeral homes, cemeteries, crematories or immediate disposition companies, or licensed person shall be left entirely to the individual with the legal right to control final disposition.

(2) It shall be the responsibility of the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11) to ensure that an identifying metal disc with a number assigned by the State Registrar's Office imprinted on the disc is attached to the casket or other receptacle containing human remains.

(a) When human remains are to be cremated, the identifying metal disc shall be secured to the top of the head end of the casket, receptacle or alternative container at all times until the remains are placed in the cremation chamber.

(b) When human remains are going to be buried or entombed, the identifying metal disc shall be attached to the head end of the casket or receptacle.

(c) The number on the identifying metal disc shall be written or typed on the certificate of death and final disposition permit by the responsible funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11).

(3) It shall be the responsibility of the Crematory Authority to see that the identifying metal disc shall accompany remains through the cremation process.

(4) It shall be the responsibility of the Cemetery Authority or Crematory Authority to see that the identifying metal disc is properly secured to each receptacle containing human remains when remains are delivered to the Cemetery Authority or Crematory Authority and that the number on the identifying metal disc is the number recorded on the final disposition permit. The Cemetery Authority or Crematory Authority shall sign the final disposition permit verifying this fact prior to accepting the remains. At no time shall the Cemetery Authority or Crematory Authority accept remains without the proper identifying metal disc unless death occurred in a state other than Oregon.

(5) If, when the remains are delivered to the crematory or cemetery, no metal disc is attached to the remains as required, or the disc number does not match the permit number as required, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS

Chapter 432.005(11) shall retain responsibility for the proper care and storage of the remains until the correct disc is obtained and ensure it is affixed to the casket, receptacle or remains. If the discrepancy cannot be resolved prior to any scheduled service, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11), shall take responsibility for notifying the person with the legal right to control final disposition that the disposition is postponed.

(6) When a licensee arranges for the scattering of cremated remains at a licensed facility, the licensee shall make the identifying metal disc a part of the licensee's permanent record.

(7) It shall be the responsibility of the funeral establishment or immediate disposition company licensee the disposition of human remains to pay the death certificate filing fee as required in ORS 432.312(1). This fee shall be paid within 30 days after the billing, and in no case, longer than 90 days after the billing. Failure to pay death certificate filing fees shall be cause for disciplinary action by the Board.

(8) It shall be the responsibility of the funeral establishment licensee, immediate disposition company, Cemetery Authority, and Crematory Authority to assign a manager for each funeral establishment, immediate disposition company, cemetery or crematory and to notify the Board in writing within 30 days of the assignment. In the case of funeral establishments and immediate disposition companies, the manager shall be an Oregon licensed funeral service practitioner.

(9) Upon providing written notification to the Board, a funeral service practitioner may be permitted to manage two funeral establishments or two immediate disposition companies, or one of each. A funeral service practitioner may be authorized by the Board to manage more than two funeral establishments or immediate disposition companies, or a combination of same, upon providing a written request to the Board which describes the basis for the request. The Board may approve the request after consideration of relevant facts or circumstances including but not limited to information that the Board may request from the funeral service practitioner.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.180 & 692.405

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0150; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0004

Scope of Practice

The purpose of this rule is to establish an acceptable scope of practice for licensed funeral service practitioners, embalmers, and preneed salespersons.

(1) Only a funeral service practitioner or funeral service practitioner apprentice shall:

(a) Work directly with at need persons to arrange for the disposition of human remains; and

(b) Coordinate and direct the various tasks associated with performing funeral services for at need persons including but not limited to: taking all vital information on the deceased for the purpose of filing the death certificate; arranging for transportation of the remains; coordinating the services for final disposition; supervising or otherwise controlling the care, preparation, processing and handling of human remains.

(2) Only a registered preneed salesperson or other funeral service licensee shall engage in prearrangement or preconstruction sales.

(3) A preneed funeral service salesperson shall not engage in at need funeral arrangements or sales.

(4) Only a licensed embalmer or embalmer apprentice may provide the necessary handling and preparation of human remains, e.g. washing, disinfecting, setting features, embalming, repair and supervising dressing.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025

Hist.: MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0030

Removal and Identification of Human Remains

(1) In accordance with the identifying requirements established in ORS 692.405, the crematory authority shall, immediately upon taking custody of human remains, verify that the human remains bear a means of identification attached thereto as described in OAR 830-030-0000(2), (3), (4) and (5). A crematory authority shall not cremate human remains without an identifying metal disc unless death occurred in a state other than Oregon.

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(2) Documents identifying the human remains placed in the custody of a crematory authority prior to cremation shall contain the following information:

- (a) Name of deceased;
- (b) Date of death;
- (c) Place of death;
- (d) Name and relationship of authorizing agent; and
- (e) Name of authorizing agent or firm engaging crematory services.

(3) If the crematory authority takes custody subsequent to the human remains being placed within a cremation container, the crematory authority shall satisfy itself that identification has been made as described in section (2) of this rule, and thereafter shall place a similar appropriate identification upon the exterior of the cremation container.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.405

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0070

Transportation and Care of Persons Who Have Died of or With Communicable Diseases

(1) Except for transportation of remains from place of death to a licensed facility or other holding facility, transportation of persons who have died of or with communicable diseases specified by the Oregon State Health Division shall be permitted only under the following conditions: the human remains shall be thoroughly embalmed with approved disinfectant solution; all orifices shall be closed with absorbent cotton; and the body shall be washed.

(2) Communicable diseases which apply to this section are as follows:

- (a) Acquired immunodeficiency syndrome;
- (b) Diphtheria;
- (c) Hemorrhagic fevers (e.g., Ebola);
- (d) Hepatitis B;
- (e) Hepatitis C;
- (f) Hepatitis, delta;
- (g) Human immunodeficiency virus;
- (h) Plague;
- (i) Rabies;
- (j) Tularemia; and
- (k) Tuberculosis.

(3) If religious custom or the conditions of the remains prohibit embalming, a human remains shall be received for transportation by a common carrier if the human remains are placed in a sealed impervious container enclosed in a strong transportation case or in a sound container designed for that that purpose enclosed in a sealed impervious transportation case.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.025

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0090

Standards of Practice

Every licensee or agent of a licensed facility of the Oregon Mortuary and Cemetery Board (Board) shall abide by the accepted standards of the Death Care Industry and the minimum standards, including but not limited to the following standards of practice set forth by the Board. Violations of the following may be cause for Board action.

(1) Every licensee or agent of a licensed facility shall:

(a) Comply with Oregon Revised Statutes relating to death care in ORS Chapters 97, 432 and 692; and comply with the Oregon Public Health Laws;

(b) Implement and follow through with contractual arrangements with the person with the legal right to control final disposition;

(c) Assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties;

(d) Supervise apprentices and unlicensed persons to whom tasks regulated by this Board are assigned;

(e) Report conduct violating paragraphs (1)(a) by any death care industry licensee to the Board or the appropriate law enforcement agency;

(f) Respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual preference, national origin, or disability; and

(g) Respect the dignity of dead human remains by appropriate handling, including but not limited to, refrigerating, embalming, dressing, cremating, and burial.

(2) Principals are responsible for the actions of employees related to the operation of a licensed facility;

(3) A licensed embalmer or embalmer apprentice shall supervise and be responsible for the required sanitizing of the preparation room or holding room including, but not limited to, embalming tables, work surfaces, sinks, floors, instruments, and handling and properly disposing of contaminated waste. A preparation room or holding room must be sanitized after the use of the room.

(4) Unacceptable conduct by a licensee or agent of a licensed facility includes:

(a) Abusing a corpse, as defined in ORS 166.085 and 166.087;

(b) Abusing a client. The definition of abuse includes but is not limited to causing physical or emotional discomfort or intimidating, threatening or harassing a client;

(c) Failing to report actual or suspected incidents of client or corpse abuse through the proper channels in the work place and to the Board or appropriate law enforcement agencies;

(d) Using the death care industry practitioner/client relationship to exploit the client by gaining property or items of value from the client for personal gain beyond the compensation for services;

(e) Aiding, abetting, or assisting any individual to violate or circumvent any law, rule or regulation intended to guide the conduct of the death care industry;

(f) Failing to perform death care services for the living or the deceased without discrimination on the basis of age, race, religion, gender, gender identity, sexual preference, national origin, nature of health problems or disability;

(g) Inaccurate or incomplete record keeping as required by the Board;

(h) Providing false information on funeral service, cemetery or crematory records including but not limited to filling in another person's omissions without consent, signing another person's name or on their behalf without authority, recording services or merchandise not provided or that a party did not agree to, or falsifying data;

(i) Altering a funeral service, cemetery or crematory record; including but not limited to, changing the words, letters, or numbers from the original document except in the case of a contract modified in accord with the terms of the contract;

(j) Destroying any document related to a death care service that must be preserved by law; or

(k) Directing another person to modify, alter or destroy any document related to death care without legal authority to do so.

(5) No licensee shall:

(a) Practice without an appropriate, Oregon license/certificate or registration;

(b) Allow another person to use one's license, certificate or registration;

(c) Use another's license, certificate or registration;

(d) Make false or misleading statements, or use fraud or misrepresentation in communications with the Board.

(e) Disclose the contents of the licensure examination or solicit, accept or compile information regarding the contents of the examination, before, during or after its administration.

(f) Fail to provide the Board with requested documents within the Board's jurisdiction;

(g) Fail to cooperate or answer truthfully or completely inquiries regarding matters within the Board's jurisdiction; or

(h) Have an impairment as defined in ORS 676.303.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.320

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0170; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-030-0100

Misleading Business Practices

The following practices are prohibited and shall be considered misrepresentation in the conduct of doing business:

(1) Any sales presentation or practice which conceals or misstates a material fact shall be considered a misrepresentation in the conduct of doing business.

(2) Any guarantee or representation that the prospective purchase would realize a profit by reselling at a later date.

(3) Any use of interment space used for the interment of human remains including cremated remains, other than those of the owner of that space or interment rights thereto, or placement of other materials belonging

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to a person other than the owner, without the prior written authorization by the owner of such space or interment rights. If the person authorizing such interment or placement of materials represents that he or she has authority to direct the interment or placement a licensee is not in violation of this rule if, after due diligence, the licensee reasonably believes such person may direct the interment or placement of materials.

(4) Any failure to comply with the terms of the sales contracts, or state or local law requirements, with respect to irrevocable permanent care, and failure to comply with any other applicable laws and regulations relating to cemeteries.

(5) Any advertising or other presentation or indication that a licensee is in any way connected with the federal government, any other government agency, or any veterans' or other organization. If a veterans' organization or government agency is referred to in any advertisement, sales program or presentation the licensee must include a disclaimer in bold type to the effect that "This facility is not financed or connected in any manner with any government agency or veteran's or other organization".

(6) Any use of advertisements, printed materials, forms, or any other materials that resemble or suggest official government documents or publications.

(7) Licensees shall, in their sales contracts, include a reasonable period of not less than five days during which purchasers may canceling their funeral or cemetery contracts for undelivered goods and services and for delivered goods that are unused or undamaged, or any contract for interment rights.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025 & 692.180

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0000

General Principles

(1) Every licensee operating under ORS Chapter 692 shall be responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries and crematoriums.

(2) The Board may refuse to allow use of any facility name which is misleading as to the nature of the facility's purpose.

(3) When a person, firm, partnership or corporation applies to the Board for a facility license, the name on the application shall identify of the primary activity of the facility if a license is granted (e.g. funeral, immediate disposition, cemetery or crematory service). This name shall be the registered name with the Board and shall also be used as the advertised name of the facility.

(4) Each licensed facility shall provide the Board with its true corporate, firm or individual name. Applications for all licensed facilities shall specify the names of all principals. If the principal is a corporation, the application shall include the names of all principals of that corporation.

(5) When there is a change in any principal of the licensed facility, the licensee shall provide the Board with the name of the new principal(s) on a form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee shall provide the names of the principals of that corporation to the Board on a form provided by the Board.

(6) All licensees and licensed facilities shall keep a detailed, accurate, and permanent record of all transactions that are performed for the care and preparation and final disposition of human remains. The record shall set forth as a minimum:

(a) Name of decedent and, when applicable, the identifying metal disc number provided by the State Registrar's office;

(b) Date of death;

(c) Name of person arranging for delivery of goods and services and the person authorizing the final disposition;

(d) Name of place wherein remains are to be interred or cremated. In cemetery records, the "name of place" means exact location of the interment of remains by crypt, niche, or by grave, lot and plot;

(e) The name of the funeral service practitioner or cemetery or crematory personnel responsible for making or for executing the arrangements pertaining to the delivery of goods and services;

(f) The name of the embalmer responsible for embalming performed by the licensee and funeral establishment; and

(g) Written documentation of permission to embalm or cremate a human remains is required from the person who has the right to control disposition of the remains pursuant to ORS 97.130(1) and (2). The record of such authorization shall include as a minimum: The name and phone num-

ber of the authorizing individual and relationship to the deceased, date and time contacted, and name of the licensee or funeral establishment or immediate disposition company representative acquiring the authorization.

(7) In the case of cremation, the licensee responsible for making the cremation arrangements shall require the person making the cremation arrangements to provide the licensee with a signed statement specifying the action to be taken regarding delivery of the cremated remains. A copy of this statement shall be retained by the responsible licensee and be made a part of the permanent record.

(8) If cremated remains are not retained by the licensee accepting initial responsibility, the licensee shall upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual. The receipt shall state the name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of such cremated remains. The individual receiving the cremated remains shall sign the receipt. The licensee or the licensee's representative releasing the cremated remains shall also sign the receipt and a copy of that receipt shall remain a part of the permanent record.

(9) No licensee or operator of a licensed facility or a licensee's agent shall:

(a) Fail to preserve required records for inspection by the Board; or

(b) Alter, cancel or obliterate entries in records required by law to be made, maintained or preserved.

(10) After human remains are released to the cemetery authority, they shall be placed in their designated grave, crypt or vault within 24 hours after taking possession of the remains unless exigent circumstances exist. After human remains are released to the crematory authority, those remains shall be cremated and processed within 48 hours unless exigent circumstances exist. In such exigent circumstances, the cemetery/crematory authority shall notify both the funeral service practitioner responsible for the arrangements and the office of the Board. The funeral service practitioner responsible for the arrangements for that deceased shall notify the family of such exigent circumstances and, at the request of the cemetery authority or crematory, pick up and arrange for proper storage of the remains within 24 hours.

(11) No licensee or employee or agent of a licensed facility, shall pay, cause to be paid or offer to pay, and no person, firm or corporation shall receive, directly or indirectly, any commission, bonus, rebate or other thing of value in consideration for recommending or causing a human remains to be taken to any specific funeral establishment.

(12) When the Board issues to any person a certificate of authority to operate, license or certificate of apprenticeship the licensee shall post the certificate in a conspicuous location for public viewing. Individual licenses other than apprenticeships will be available for inspection upon request.

(13) Every cemetery authority and crematory authority shall keep the Board's office informed of the location of their permanent records. These records shall be made available for random inspections by the Board at any reasonable time.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.025 & 692.160

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0200; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0005

Contract Requirements

(1) It is the responsibility of each licensed facility entering into contracts, either at need, prearrangement or preconstruction, for death care goods and services to have printed (in a minimum 10-point print) at the bottom of each contract "This facility is licensed and regulated by the Oregon Mortuary and Cemetery Board" followed immediately by the current area code and phone number of the Oregon Mortuary and Cemetery Board.

(2) Each licensed facility must ensure that all contracts (at need, prearrangement or preconstruction) for death care goods and services have the physical location of the facility printed, in a minimum 10-point font, on the front of the contract.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.320

Hist.: MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

ADMINISTRATIVE RULES

830-040-0010

Inspection of Licensed Facilities or Location Where Records Are Kept: Investigations

(1) All funeral establishments, cemeteries and crematories shall keep their premises sanitary at all times.

(2) Every licensee shall accommodate the inspector or investigator of the Board in making his or her inspections unless the licensee can clearly demonstrate that such accommodations will negatively impact the ability to provide scheduled services to consumers or that exigent circumstances exist. In such cases and upon the request of the Board, the licensee shall make the reasons known to the Board in writing within ten days following the attempted inspection. When entry is refused under this section, the Board may obtain and execute warrant for inspection.

(3) No licensee or employee of a licensed facility shall give false or misleading information to an inspector, investigator or any other member of the Board while investigating a possible violation of law or administrative rules.

(4) Every licensee shall provide the Oregon Mortuary and Cemetery Board inspector or investigator a copy of all documents as requested relevant to inspection or investigation.

(5) No person, licensee, or any agent of a licensee, shall interfere with any inspection or investigation conducted by an agent of the Board.

(6) The Board may inform a licensee of the nature of any complaint against the licensee that is being investigated except when the Board finds that disclosure of the potential violation would impede the effectiveness of the investigation or that a serious danger to the public health or safety exists.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.180

Hist.: MCB 1-1986, f. & ef. 10-21-86; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0020

Requirements and Specifications for Preparation Rooms

(1) The preparation room shall be of sufficient size to accommodate an operating or embalming table, a sink with running water and proper sewerage connections or systems, an instrument table, and a cabinet or shelves.

(2) The following is required of preparation and holding rooms:

(a) The interior of the room, all furnishings, and equipment shall be finished with materials that are impervious to hazardous materials.

(b) Outside ventilation shall be provided for by windows or transoms or forced air ventilation. The installation must be so arranged that it shall not be a menace to public health or offensive to the public.

(c) The room must be private and the entry door must be locked at all times. The entry door must be labeled as "private" or "authorized entry only". This sign must be conspicuous and readable and must be permanently affixed to the door. The lettering on the sign shall not be smaller than one inch high.

(d) All windows and exterior doors are to be screened or permanently closed and must be installed in such a way that the room shall be obstructed from view from the outside and so that fumes and odors are prevented from entering other parts of the building.

(3) The equipment for preparation rooms shall include the following:

(a) An operating or embalming table, which provides suitable drainage;

(b) A covered waste can and a sink with running water and sewerage connections, disinfectants and antiseptics;

(c) A first aid emergency kit for personnel use which shall contain the minimum first aid supplies as specified under the Oregon Safe Employment Act and implementing regulations; and

(d) The Board requires at least one eye wash station meeting the requirements of the Oregon Safe Employment Act and implementing regulations and any additional stations as may be required under those laws.

(4) Instruments used during an embalming or other preparation shall be cleaned and sterilized (either in a steam sterilizer or by chemicals) after each embalming or preparation. Instruments shall be free of stains and foreign particles.

(5) The preparation room or holding room shall be kept in a sanitary condition at all times.

(6) All facilities shall have a mortuary or hospital refrigeration unit available which is suitable for the storage of human remains. The refrigeration unit shall be in good operating condition and shall be maintained in a sanitary condition at all times. The refrigeration shall be no more than 45 miles from the licensed facility and must comply with all death care laws.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.025

Hist.: FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0205; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0030

Name Registered with Board

Each licensed facility shall be registered with the State Mortuary and Cemetery Board by its true corporate, firm or individual name. In addition, one assumed business name, as registered with the Secretary of State Corporation Division, may be used by such licensed facility and shall be promptly reported to the Board.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025

Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0210; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0050

Advertising

(1) Any licensed facility advertising through any media (including but not limited to telephone books, newspapers, direct mail, bill Boards, etc.) shall include the licensed facility's registered name and physical address as it appears on the Board's records.

(2) No person, firm or corporation shall advertise, promote, or market at need or preneed funeral arrangements without first having received a license from the Board.

(3) No cemetery or cremation facility, or person, firm or corporation shall advertise, promote, or market at need or preneed cemetery or cremation plans without first having received either a certificate of authority to operate that cemetery or crematorium.

(4) No person, firm or corporation shall advertise, promote, or market at need or preneed immediate disposition arrangements without having first registered with the Board.

(5) Any advertisement or marketing materials which intentionally conceals or misstates a material fact shall be considered misrepresentation.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.160

Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0220; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0060

Listing of Employees — Name

(1) All licensed facilities shall report to the Board, on a form provided for such purpose, a complete list of all licensed employees (full-time, part-time, and licensed independent contractors) at the time of renewal of license.

(2) Any listing of names of licensed employees of a licensed facility in connection with that facility shall use the facility's registered name as it appears on the Board's records.

Stat. Auth.: ORS 692.160 & 692.320

Stats. Implemented: ORS 692.025

Hist.: FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0225; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0070

Multiple Establishments at Single Location

The following criteria shall apply to the operation of more than one funeral establishment at a single location:

(1) One or more of the establishments shall give prompt written notice to the Board of the commencement of the use of the single location and shall give such further notice thereof as the Board deems reasonable in the circumstances to apprise interested persons thereof.

(2) For purposes of funeral establishment inspection sheets, each of the establishments shall be considered as if they constituted a single establishment.

(3) In issuing a license to each establishment, the other establishments shall be named as associated therewith.

Stat. Auth.: ORS 692.320

Stats. Implemented: ORS 692.025 & 692.180

Hist.: FDB 1-1978, f. & ef. 6-30-78; FDB 1-1979, f. & ef. 2-21-79; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0230; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-050-0050

Cause for Disciplinary Action

The following circumstances may be considered grounds for reprimand, assessment of civil penalty, or refusal to grant, refusal to renew, revocation, or suspension of an applicant's or a licensee's license, certificate, or registration.

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(1) Conviction of a crime whose facts and circumstances have a demonstrable bearing upon the standards of the profession.

(2) Inability to appropriately conduct duties for which license or registration was issued.

(3) Disciplinary action by Oregon or another state against a person or a personal, professional or business license, including but not limited to a death care industry license, where the conduct upon which the disciplinary action was based bears a demonstrable relationship to death care industry practices or operations.

(4) Violating any provision of ORS Chapter 692, or any rule adopted by the Board, a Board Order, or failing to comply with a Board request.

(5) Directly or indirectly causing any person or licensee to be in violation of any section of applicable law related to the death care industry.

(6) Allowing an unlicensed, uncertificated or non-registered individual to perform the duties of licensed individuals including but not limited to, making arrangements with consumers, making preneed arrangements, assisting with embalmings, etc.

Stat. Auth.: ORS 692.320 & ORS 97.931

Stats. Implemented: ORS 97.931, 692.180 & 692.320

Hist.: MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

Oregon Health Authority Chapter 943

Rule Caption: Authority control process for organizations and users seeking or receiving access to Authority information assets.

Adm. Order No.: OHA 16-2011(Temp)

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-9-11 thru 2-2-12

Notice Publication Date:

Rules Adopted: 943-014-0300, 943-014-0305, 943-014-0310, 943-014-0315, 943-014-0320

Subject: These rules apply to anyone who seeks access to the Oregon Health Authority's (Authority) information assets, systems, and networks. It establishes access controls for all organizations and users and requires organizations to establish a risk management plan addressing common safeguards and HIPAA compliance. These rules allow for audits of organizations handling Authority information assets, address privilege changes, and establish requirements for reporting incidents and resolutions.

Rules Coordinator: Suzanne Hoffman—(503) 881-6897

943-014-0300

Scope

These rules (OAR 943-014-0300 through 943-014-0320) apply to an organization or individual seeking or receiving access to Authority information assets or network and information systems for the purpose of carrying out a business transaction between the Authority and the user.

(1) These rules are intended to complement, and not supersede, access control or security requirements in the Authority's Electronic Data Transmission rules, OAR 943-120-0100 to 943-120-0200, and whichever rule is more specific shall control.

(2) The confidentiality of specific information and the conditions for use and disclosure of specific information are governed by other laws and rules, including but not limited to the Authority's rules for the privacy of protected information, OAR 943-014-0000 to 943-014-0070.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 182.122

Hist.: OHA 16-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

943-014-0305

Definitions

For purpose of these rules, the following terms have definitions set forth below. All other terms not defined in this section shall have the meaning used in the Health Insurance Portability and Accountability Act (HIPAA) security rules found at 45 CFR § 164.304:

(1) "Access" means the ability or the means necessary to read, communicate, or otherwise use any Authority information asset.

(2) "Access Control Process" means Authority forms and processes used to authorize a user, identify their job assignment, and determine the required access.

(3) "Authority" means the Oregon Health Authority.

(4) "Client Records" means any client, applicant, or participant information regardless of the media or source, provided by the Authority to the user, or exchanged between the Authority and the user.

(5) "Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of any network and information system or Authority information asset including, but not limited to unauthorized disclosure of information; failure to protect user's identification (ID) provided by the Authority; or, theft of computer equipment that uses or stores any Authority information asset.

(6) "Information Asset" means any information, also known as data, provided through the Authority, regardless of the source or media, which requires measures for security and privacy of the information.

(7) "Network and Information System" means the State of Oregon's computer infrastructure, which provides personal communications, client records and other sensitive information assets, regional, wide area and local area networks, and the internetworking of various types of networks on behalf of the Authority.

(8) "User" means any individual authorized by the Authority to access a network and information system or information asset.

(9) "Organization" means any entity authorized by the Authority to access a network and information system or information asset.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 182.122

Hist.: OHA 16-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

943-014-0310

Information Access

The organization or user shall utilize the Authority access control process for all requested and approved access. The Authority shall notify the user of each approval or denial. When approved, the Authority shall provide the user with a unique login identifier to access the network and information system or information asset. The Authority may authorize the use of a generic login identifier.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 182.122

Hist.: OHA 16-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

943-014-0315

Security Information Assets

(1) No organization or user shall access an information asset for any purpose other than that specifically authorized by the Authority access control process.

(2) Except as specified or approved by the Authority, no organization or user shall alter, delete, or destroy any information asset.

(3) The organization shall prohibit unauthorized access by their staff, contractors, agents, or others to the network and information systems, or Authority information assets, and shall implement safeguards to prevent unauthorized access in accordance with section (4) of this rule.

(4) The organization shall develop a security risk management plan. The organization shall ensure that the plan includes, but is not limited to the following:

(a) Administrative, technical, and physical safeguards commonly found in the International Standards Organization 27002: 2005 security standard or National Institute of Standards and Technology (NIST) 800 Series;

(b) Standards established in accordance with HIPAA Security Rules, 45 CFR Parts 160 and 164, applicable to an organization or user regarding the security and privacy of a client record, any information asset, or network and information system;

(c) The organization's privacy and security policies;

(d) Controls and safeguards that address the security of equipment and storage of any information asset accessed to prevent inadvertent destruction, disclosure, or loss;

(e) Controls and safeguards that ensure the security of an information asset, regardless of the media, as identified below:

(A) The user keeps Authority-assigned access control requirements such as identification of authorized users and access control information (passwords and personal identification numbers (PIN's)), in a secure location until access is terminated;

(B) Upon request of the Authority, the organization makes available all information about the user's use or application of the access controlled network and information system or information asset; and

(C) The organization or user ensures the proper handling, storage, and disposal of any information asset obtained or reproduced, and, when the authorized use of that information ends, is consistent with any applicable record retention requirements.

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(f) Existing security plans developed to address other regulatory requirements, such as Sarbanes-Oxley Act of 2002 (PL 107-204), Title V of Gramm Leach Bliley Act of 1999, Statement on Auditing Standards (SAS) number 70, will be deemed acceptable as long as they address the above requirements.

(5) The Authority may request additional information related to the organization's security measures.

(6) The organization or user must immediately notify the Authority when access is no longer required, and immediately cease access to or use of all information assets or network and information systems.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 182.122

Hist.: OHA 16-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

943-014-0320

User Responsibility

The organization or user shall not make any root level changes to any Authority or State of Oregon network and information system. The Authority recognizes that some application users have root level access to certain functions to allow the user to diagnose problems (such as startup or shutdown operations, disk layouts, user additions, deletions or modifications, or other operation) that require root privileges. This access does not give the user the right to make any changes normally restricted to root without explicit written permission from the Authority.

(1) Use and disclosure of any Authority information asset is strictly limited to the minimum information necessary to perform the requested and authorized service.

(2) The organization shall have established privacy and security measures that meet or exceed the standards set forth in the Authority privacy and information security policies, available from the Authority, regarding the disclosure of an information asset.

(3) The organization or user shall comply with all security and privacy federal and state laws, rules, and regulations applicable to the access granted.

(4) The organization shall make the security risk plan available to the Authority for review upon request.

(5) The organization or user shall report to the Authority all privacy or security incidents by the user that compromise, damage, or cause a loss of protection to the Authority information assets or the network and information systems. The incident report shall be made no later than five business days from the date on which the user becomes aware of such incident. The user shall provide the Authority a written report which must include the results of the incident assessment findings and resolution strategies.

(6) Wrongful use of a network and information system, or wrongful use or disclosure of an Authority information asset by the organization or user may cause the immediate suspension or revocation of any access granted, at the sole discretion of the Authority without advance notice.

(7) The organization or user shall comply with the Authority's request for corrective action concerning a privacy or security incident and with laws requiring mitigation of harm caused by the unauthorized use or disclosure of confidential information, if any.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 182.122

Hist.: OHA 16-2011(Temp), f. & cert. ef. 8-9-11 thru 2-2-12

Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services Chapter 309

Rule Caption: Handling Patient Mail in State Institutions.

Adm. Order No.: MHS 5-2011

Filed with Sec. of State: 8-3-2011

Certified to be Effective: 8-3-11

Notice Publication Date: 5-1-2011

Rules Adopted: 309-102-0100, 309-102-0110, 309-102-0120, 309-102-0130, 309-102-0140, 309-102-0150

Rules Repealed: 309-102-0000, 309-102-0005, 309-102-0010, 309-102-0015, 309-102-0020, 309-102-0025

Subject: These rules reflect a comprehensive review of the prior permanent rules, which are being repealed. These rules relate to mail being sent from and received by patients residing in each Oregon

State Hospital campus and the Blue Mountain Recovery Center. These rules accomplish the following:

- Protect patient rights related to the posting and receipt of mail.
- Specify the circumstances under which staff of state institutions may confiscate a piece of mail arriving for, or being sent by a patient.
- Specify the procedures to be used when a piece of mail is confiscated.
- Protects the safety and security of citizens and the state institution buildings.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-102-0100

Purpose and Scope

(1) Purpose. These rules prescribe the standards for handling mail belonging to patients in state institutions, including mail arriving for patients and mail patients are sending from the state institution.

(2) Scope. These rules apply to all individuals residing in a state institution as defined in OAR 309-102-0005.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

309-102-0110

Definitions

(1) "Contraband" means any controlled substance, drug paraphernalia, unauthorized currency or any other article which by statute, rule, order or the state institution's policies, is prohibited from being in a patient's possession, and the use of which could endanger the safety or security of the institution.

(2) "Controlled Substance" means a drug or its immediate precursor classified under the federal Controlled Substances Act and as modified under ORS 475.035.

(3) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(4) "Drug Paraphernalia" means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Oregon Revised Statute (ORS) 475.840 to 475.980 (ORS 475.525(2)).

(5) "Electronic Mail" means digital messages transmitted electronically.

(6) "Journalist Mail" means any mail sent to news media organizations such as, but not limited to newspapers, magazines and television station news departments.

(7) "Legal Mail" means any mail received from or addressed to, any attorney, court, tribal official, elected official, disability rights organizations or advocacy group that is part of the system outlined in ORS 192.517.

(8) "Limited Item" means any food, non-prescribed medicine, vitamins, supplements or other article which is allowed for patient use, but which must be held or kept in a specific area for reasons of maintaining public health standards to ensure proper dosage or to limit its ingestion, viewing or other use to the owner of the item.

(9) "Mail" means any letter, post card, periodical or any other type of envelope or package, except for legal mail and journalist mail.

(10) "Patient" means a person who is residing in a state institution.

(11) "Prohibited Item" means:

(a) Alcohol, controlled substances or drug paraphernalia;

(b) Any item that reasonably could be used as or turned into a weapon or instrument of escape;

(c) Any item the possession of which is considered detrimental to the treatment of a specific patient and which is recorded as prohibited with the rationale in the patient's chart by the treating physician; or

(d) Any item the possession of which is disallowed to a clearly defined portion of the patient population or to the entire patient population pursuant to the institution's policies.

(12) "Reasonable Cause" means a person has knowledge or notice of facts or circumstances which would lead a person of ordinary care and prudence to have a strong suspicion that a specific piece of mail contains a prohibited or limited item.

(13) "Safety" means the institution and all patients and others persons within and around it are free from injury, threats, harassment, identity theft or other dangers.

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(14) "Security" means prevention of any patient's potential escape from a state institution or the prevention of damage to institutional or personal property within the grounds of the state institution.

(15) "State Institution" means all Oregon State Hospital campuses including the Blue Mountain Recovery Center.

(16) "Superintendent" means the executive head of any state institution or that person's designee.

(17) "Treatment Care Plan" means an individualized and comprehensive written plan of therapeutic interventions designed, in collaboration between the patient and his or her treatment team, to facilitate rehabilitation of psychiatric symptoms and eventual independence.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

309-102-0120

Patient Rights Related to Mail

(1) Except as outlined in OAR 309-102-0130 through 309-102-0140, all patients in state institutions shall have the right to communicate freely by sending and receiving sealed mail.

(2) All journalist, legal or other mail may be sent or delivered by hand or via any parcel delivery service.

(3) Except as provided in ORS 309-102-0130 through 309-102-0140, no employee or any person acting through or on behalf of the Division shall:

(a) Open, read, censor, inspect or otherwise examine any patient's incoming or outgoing mail without the expressed permission of the patient who is the sender or the receiver of the mail;

(b) Having read or examined a patient's mail, protect the patient's confidentiality by refraining from discussions related to the mail except as required for treatment reasons; and

(c) Prevent, obstruct or delay any patient's outgoing mail from being promptly mailed;

(d) Prevent, obstruct or delay any patient's incoming mail from being promptly delivered to the patient.

(4) A patient shall be promptly informed, verbally and in writing, of:

(a) Any limitation to the right to send or receive sealed mail;

(b) Any item having been opened by staff; and

(c) Any item being held pursuant to these rules.

(5) At the request of a patient with a need, an employee may assist in reading or sending mail. Need for this assistance shall first be documented in the patient's Treatment Care Plan by the physician.

(6) Patients shall be provided a reasonable amount of writing material by the state institution, as defined in policy. Stamps shall be available for purchase by patients with funds. Patients without funds will be provided a reasonable number of stamps by the state institution, as defined in policy.

(7) The exchange of electronic mail is an earned privilege and is related to the patient's recent behaviors, current level of care and other privileges.

(8) The application of these rules may be contested by way of the state institution's grievance procedures.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

309-102-0130

Mail Suspected To Contain Contraband, Limited Items or Evidence of a Crime

(1) The superintendent may designate in writing, certain areas of the state institution as locked high security areas that require additional precautions to protect the safety and security of the facility.

(2) In designated areas, employees of the state institutions may open all except legal mail in the presence of the patient as prescribed in this rule, even though there may not be reasonable cause to believe that a specific piece of mail contains a prohibited or limited item.

(3) In order to ensure the health or safety of individuals or the safety or security of the institution, the superintendent may additionally order:

(a) Incoming and outgoing mail be scanned with non-invasive technology including but not limited to x-rays or metal detectors;

(b) Mailed electronic equipment or other items which may have had contraband placed within, be given additional scrutiny such as, but not limited to turning the item on to ensure it's basic functionality or opening up the item to look inside.

(4) When there is reasonable cause to suspect mail contains a limited item, the superintendent may order the item be opened by staff in the presence of the patient.

(a) If a limited item is found within the mail, the item will be stored and made available to the patient pursuant to the state institution's related policies and procedures.

(b) If there is no limited or prohibited item within, the patient may retain possession of the limited item.

(5) When there is reasonable cause to suspect mail contains evidence of a real or potential crime, the following steps shall occur:

(a) If the real or potential crime may immediately threaten the health or safety of individuals or the safety or security of the institution or the health or safety of any affiliated person, the superintendent may hold, open or otherwise inspect the mail.

(b) If the real or potential crime does not appear to immediately threaten the health or safety of individuals or the safety or security of the institution, the superintendent is authorized to:

(A) Contact a law enforcement agency and request a judicial warrant to open the mail and

(B) Hold the mail until either the judicial warrant is denied or the warrant is received and the item is confiscated by the law enforcement agency.

(c) If the judicial warrant is denied the item must promptly be delivered to the patient.

(d) If the item is confiscated, opened and examined and found to be permissible the item must promptly be delivered to the patient.

(e) If the item is found to contain evidence of a real or potential crime, it will remain in possession of the law enforcement agency for further action.

(6) The intended recipient of any mail withheld pursuant to this rule will be promptly informed of the action unless there is reasonable cause to believe that doing so may:

(a) Increase the potential threat to the health or safety of individuals or the safety or security of the institution or

(b) Destroy or adversely alter the suspected evidence of a real or potential crime.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

309-102-0140

Disposition of Mail Retained or Delivered To Patient

(1) Once opened under staff supervision for inspection, permissible items shall not be read or otherwise further inspected and shall be delivered without undue delay to the patient.

(2) Any item retained from a patient's mail shall be clearly marked to identify, at minimum the date of the inspection and retention, the patient's name, the name and address of the sender, a description of the held items and both the printed name and the signature of the employee conducting the process. The item shall then be handled as provided in the Division's rules related to the handling of personal property of patients in state institutions.

(3) When any item is confiscated by a law enforcement agency, each part of the process shall be documented in the patient's chart with, at minimum, the date of inspection and confiscation, the patient's name, the name and address of the sender, a description of the confiscated item or items and both the printed name and the signature of the employee who witnessed the law enforcement's confiscation.

(4) All documentation related to any held item shall be in writing and kept in the patient's chart. The patient shall receive a legible copy of each document.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

309-102-0150

Notice to Patients and Employees

(1) Upon admission to the state institution, patients shall be informed of these rules and the institution's related policies and procedures, all their legal rights as detailed in ORS 426.385 and instructions on how to obtain a copy of these rules.

(2) The superintendent of the state institution shall ensure these rules and any related policies and procedures are thoroughly explained to each employee upon the commencement of their employment and annually thereafter.

(3) Violation of these rules and any related institutional policies or procedures by an employee of the Division shall constitute cause for disciplinary action.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11

ADMINISTRATIVE RULES

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Re-file due to federal input to implement, administer and audit the Oregon Medicaid EHR Incentive Program.

Adm. Order No.: DMAP 20-2011

Filed with Sec. of State: 7-21-2011

Certified to be Effective: 7-22-11

Notice Publication Date: 7-1-2011

Rules Adopted: 410-165-0060

Subject: The Medicaid Electronic Health Records (EHR) Incentive Program administrative rules govern Division payments for services to certain eligible providers.

The Division adopted the Medicaid Electronic Health Records (HER) Incentive Program effective July 1, 2011, having received approval from the Centers for Medicare and Medicaid Services (CMS). However OAR 410-165-0060 was delayed due to clarification from CMS in section (2) (b) (C) and Table 165-0060-1 related to the eligibility criteria for patient volume requirements of eligible professionals practicing in Federally Qualified Health Centers and Rural Health Clinics. The Division determined this to be a substantive change requiring the need to re-file the rule with the Secretary of State and allow a new Public Comment Period to end July 18 giving the public opportunity to comment on the rule change. The Division adopted the rule effective July 22, 2011.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-165-0060

Eligibility

For the purposes of the Medicaid Electronic Health Record (EHR) Incentive Program Oregon Administrative Rules, chapter 410, division 165, there are three categories of eligibility criteria, which include criteria for a professional, a professional practicing predominately in a Federally Qualified Health Center (FQHC) or a Rural Health Clinic (RHC), and a hospital:

(1) A professional, as listed in Table 165-0060-1, must meet the Medicaid EHR Incentive Program criteria each year to be eligible for a Medicaid EHR incentive payment for the payment year:

(a) The professional types who are eligible for the Medicaid EHR Incentive Program are:

- (A) A physician;
- (B) A dentist; and
- (C) A nurse practitioner, including a nurse-midwife nurse practitioner;

(b) To be eligible for an incentive payment, an eligible professional must, at a minimum:

(A) Meet and follow the scope of practice regulations, as applicable for each professional as defined in 42 CFR Part 440;

(B) Meet the following certified EHR technology and meaningful use requirements for the corresponding payment year:

(i) First payment year: Adopt, implement, or upgrade certified EHR technology; and

(ii) Subsequent payment years: Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use criteria for the payment year as prescribed by 42 CFR 495.6;

(C) Not be hospital-based; and

(D) Meet one of the following criteria:

(i) Have a minimum of 30 percent patient volume attributable to individuals receiving Medicaid; or

(ii) Have a minimum of 20 percent patient volume attributable to individuals receiving Medicaid, and be a pediatrician;

(c) An eligible professional must calculate patient volume, as listed in Table 165-0060-2, by using:

(A) The patient volume calculation method of:

(i) Patient encounter; or

(ii) Patient panel that may only be used when all of the following apply:

(I) The patient panel is appropriate as a patient volume calculation method for the eligible professional; and

(II) There is an auditable data source to support the patient panel data;

(B) The patient volume of the:

(i) Eligible professional; or

(ii) Group that may only be used when all of the following apply:

(I) The group's patient volume is appropriate to use in the patient volume calculation for the eligible professional;

(II) There is an auditable data source to support the group's patient volume data;

(III) All eligible professionals in the group must use the same patient volume calculation method for the payment year;

(IV) The group uses the entire practice or clinic's patient volume, including non-eligible providers who are billing, rendering and ancillary providers, and does not limit patient volume in any way; and

(V) If an eligible professional works inside and outside of the group, then the patient volume calculation includes only those encounters associated with the group, and not the eligible professional's outside encounters;

(C) To calculate Medicaid patient volume using the patient encounter calculation method based on:

(i) The eligible professional's patient volume, the eligible professional must divide the total Medicaid encounters of the eligible professional in any representative, continuous 90-day period in the preceding calendar year by the total patient encounters of the eligible professional in the same 90-day period; or

(ii) The group's patient volume, the eligible professional must divide the total Medicaid encounters of the group in any representative, continuous 90-day period in the preceding calendar year by the total patient encounters of the group in the same 90-day period;

(D) To calculate Medicaid patient volume using the patient panel calculation method based on:

(i) The eligible professional's patient volume, the eligible professional must divide the total Medicaid patients assigned to the eligible professional's panel in any representative, continuous 90-day period in the preceding calendar year when at least one Medicaid encounter took place with the Medicaid patient in the preceding calendar year plus the eligible professional's unduplicated Medicaid encounters in the same 90-day period by the total patients assigned to the eligible professional's panel in that same 90-day period with at least one encounter taking place with the patient during the preceding calendar year plus all of the unduplicated patient encounters of the eligible professional in the same 90-day period; or

(ii) The group's patient volume, the eligible professional must divide the total Medicaid patients assigned to the group's panel in any representative, continuous 90-day period in the preceding calendar year when at least one Medicaid encounter took place with the Medicaid patient in the preceding calendar year plus the group's unduplicated Medicaid encounters in the same 90-day period by the total patients assigned to the group's panel in that same 90-day period with at least one encounter taking place with the patient in the preceding calendar year plus all of the unduplicated patient encounters of the group in the same 90-day period.

(2) To be eligible for a Medicaid EHR incentive payment for the payment year, a professional practicing predominately in an FQHC or an RHC, as listed in Table 165-0060-1, must meet the Medicaid EHR Incentive Program professional eligibility criteria each year, by meeting either the above section (1) of this rule or by meeting the following FQHC- and RHC-specific criteria:

(a) The professional types who are eligible for the Medicaid EHR Incentive Program are:

- (A) A physician;
- (B) A dentist;
- (C) A nurse practitioner, including a nurse-midwife nurse practitioner; and

(D) A physician assistant practicing in an FQHC or RHC that is so led by a physician assistant;

(b) To be eligible for an incentive payment, an eligible professional must, at a minimum:

(A) Meet and follow the scope of practice regulations, as applicable for each professional as prescribed by 42 CFR Part 440;

(B) Meet the following certified EHR technology and meaningful use requirements for the corresponding payment year:

(i) First payment year: Adopt, implement, or upgrade certified EHR technology; and

(ii) Subsequent payment years: Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use requirements for the payment year as prescribed by 42 CFR 495.6; and

(C) Have a minimum of 30 percent patient volume attributable to needy individuals;

(c) An eligible professional must calculate patient volume, as listed in Table 165-0060-3, by using:

(A) The patient volume calculation method of:

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- (i) Patient encounter; or
- (ii) Patient panel that may only be used when all of the following apply:

(I) The patient panel is appropriate as a patient volume calculation method for the eligible professional; and

- (II) There is an auditable data source to support the patient panel data;
- (B) The patient volume of the:

- (i) Eligible professional; or
- (ii) Group that may only be used when all of the following apply:

(I) There is an auditable data source to support the group's patient volume data;

(II) All eligible professionals in the group must use the same patient volume calculation method for the payment year;

(III) The group uses the entire practice or clinic's patient volume, including non-eligible providers who are billing, rendering and ancillary providers, and does not limit patient volume in any way; and

(IV) If an eligible professional works inside and outside of the group, then the patient volume calculation includes only those encounters associated with the group, and not the eligible professional's outside encounters;

(C) To calculate needy individual patient volume using the patient encounter calculation method based on:

(i) The eligible professional's patient volume, the eligible professional must divide the total needy individual encounters of the eligible professional in any representative, continuous 90-day period in the preceding calendar year by the total patient encounters of the eligible professional in the same 90-day period; or

(ii) The group's patient volume, the eligible professional must divide the total needy individual encounters of the group in any representative, continuous 90-day period in the preceding calendar year by the total patient encounters of the group in the same 90-day period;

(D) To calculate needy individual patient volume using the patient panel calculation method based on:

(i) The eligible professional's patient volume, the eligible professional must divide the total needy individual patients assigned to the eligible professional's panel in any representative, continuous 90-day period in the preceding calendar year with at least one encounter taking place with the needy individual patient in the preceding calendar year plus unduplicated needy individual encounters in the same 90-day period by the total patients assigned to the eligible professional's panel in that same 90-day period with at least one encounter taking place with the patient in the preceding calendar year plus all unduplicated patient encounters of the eligible professional in the same 90-day period; or

(ii) The group's patient volume, the eligible professional must divide the total needy individual patients assigned to the group's panel in any representative, continuous 90-day period in the preceding calendar year when at least one encounter took place with the needy individual patient in the preceding calendar year plus unduplicated needy individual encounters of the group in the same 90-day period by the total patients assigned to the group's panel in that same 90-day period with at least one encounter taking place with the patient during the preceding calendar year plus all unduplicated patient encounters of the group in the same 90-day period.

(3) An eligible hospital must meet the Medicaid EHR Incentive Program criteria each year to be eligible for a Medicaid EHR incentive payment for the payment year:

(a) The hospital types that are eligible for the Medicaid EHR Incentive Program are:

- (A) A children's hospital; and
- (B) An acute care hospital;

(b) To be eligible for an incentive payment, an eligible hospital must, at a minimum:

(A) Meet the certified EHR technology and meaningful use requirements for the corresponding payment year:

(i) First payment year: Adopt, implement, or upgrade certified EHR technology; and

(ii) Subsequent payment years: Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use criteria for the payment year as prescribed by 42 CFR 495.6; and

(B) Meet one of the following:

(i) Be an acute care hospital with at least a 10 percent Medicaid patient volume; or

(ii) Be a children's hospital that is exempt from meeting a patient volume threshold;

(c) An eligible acute care hospital must calculate patient volume by dividing the total eligible hospital Medicaid encounters in any representa-

ive, continuous 90-day period in the preceding federal fiscal year by the total encounters in the same 90-day period.

(4) **Table 165-0060-1**

(5) **Table 165-0060-2**

(6) **Table 165-0060-3**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 409.010, 413.042 & 414.033

Hist.: DMAP 20-2011, f. 7-21-11, cert. ef. 7-22-11

Rule Caption: Align with OAR chapter 461, division 155 medical eligibility rules.

Adm. Order No.: DMAP 21-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11 thru 1-11-12

Notice Publication Date:

Rules Amended: 410-120-0006

Rules Suspended: 410-120-0006(T)

Subject: The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department), temporary revision of medical eligibility rules in chapter 461, the Division temporarily amended OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 to reflect the most current effective date. The Division intends to file this rule permanently on or before January 11, 2012.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-0006

Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020, the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461, and in effect August 1, 2011, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the Department" are hereby incorporated as references to the "Authority."

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.065

Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12

Rule Caption: Legislatively-approved budget with provider rate changes.

Adm. Order No.: DMAP 22-2011(Temp)

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11 thru 1-25-12

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 410-120-1340, 410-121-0160, 410-122-0186, 410-122-0630, 410-127-0060, 410-130-0595

Subject: The Division of Medical Assistance Program administrative rules govern payments for services provided to eligible clients. The General Rules, Pharmaceutical Services, DMEPOS, Home Health Services and Medical-Surgical Services temporarily amended rules listed above to implement rate changes to specified fee-for-service providers to comply with budget limitations required by the 2011 Legislative Assembly in SB 5529. Implementation of these amendments is subject to approval by the Centers for Medicare and Medicaid Services (CMS).

The Division amended the following:

- 410-120-1340 – Relative Value Units (RVU) and anesthesia conversion factor
- 410-121-0160 – Pharmacy dispensing fee claim volume schedule
- 410-122-0186 – DMEPOS fee schedule and utilization limits
- 410-122-0630 – Incontinence
- 410-127-0060 – Home Health rates (including medical supply daily maximum)
- 410-130-0595- Maternity Case Management – Eliminate reimbursement for both Case Management and High Risk Case Management; and, change Telephone CM Visit to outside home.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-1340

Payment

(1) The Division of Medical Assistance Programs (Division) shall make payment only to the enrolled provider who actually performs the service or to the provider's enrolled billing provider for covered services rendered to eligible clients. Any contracted billing agent or billing service submitting claims on behalf of a provider but not receiving payment in the name of or on behalf of the provider does not meet the requirements for billing provider enrollment. If billing agents and billing services intend to submit electronic transactions they must register and comply with the Oregon Health Authority (Authority) Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. Division reimbursement for services may be subject to review prior to reimbursement.

(2) The Division (Division of Medical Assistance Programs or another Division within the Authority) that is administering the program under which the billed services or items are provided sets fee-for-service (FFS) payment rates.

(3) The Division uses FFS payment rates in effect on the date of service that are the lesser of:

- (a) The amount billed;
- (b) The Division maximum allowable amount or;
- (c) Reimbursement specified in the individual program provider rules:

(A) Amount billed may not exceed the provider's "usual charge" (see definitions);

(B) The Division's maximum allowable rate setting process uses the following methodology. The rates are updated periodically and posted on the Authority web site at http://www.oregon.gov/Department/healthplan/data_pubs/feeschedule/main.shtml.

(C) For all CPT/HCPCS codes assigned a Relative Value Unit (RVU) weight and reflecting services not typically performed in a facility, the Division shall continue to use the 2010 Transitional Non-Facility Total RVU weights published in the Federal Register, Vol. 74, November 25, 2009 with technical corrections published Dec. 10, 2009, to be effective for dates of services beginning January 1, 2011. For CPT/HCPCS codes for professional services typically performed in a facility the Transitional Facility Total RVU weight shall be adopted:

(i) The conversion factor for labor and delivery (59400-59622) is \$41.61;

(ii) CPT codes 92340-92342 and 92352-92353 remain at a flat rate of \$26.81;

(iii) The conversion factor for Primary care providers and services is 27.82. A current list of Primary care CPT, HCPCS and provider specialty codes is available at http://www.oregon.gov/OHA/healthplan/data_pubs/feeschedule/main.shtml The document dated:

(I) August 1, 2011, is effective for dates of service on or after August 1, 2011.

(iv) All remaining RVU weight based CPT/HCPCS codes have a conversion factor of \$26.00;

(B) Surgical assist reimburses at 20% of the surgical rate;

(C) The base rate for anesthesia services 00100-01996 is \$ 21.20 and is based on per unit of service;

(D) Clinical lab codes are priced at 70% of the Medicare clinical lab fee schedule;

(E) All approved Ambulatory Surgical Center (ASC) procedures are reimbursed at 80% of the Medicare fee schedule;

(F) Physician administered drugs, billed under a HCPCS code, are based on Medicare's Average Sale Price (ASP). When no ASP rate is listed the rate shall be based upon the Wholesale Acquisition Price (WAC) plus 6.25%. If no WAC is available, then the rate shall be reimbursed at Acquisition Cost. Pricing information for WAC is provided by First Data Bank. These rates may change periodically based on drug costs;

(G) All procedures used for vision materials and supplies are based on contracted rates that include acquisition cost plus shipping and handling;

(c) Individual provider rules may specify reimbursement rates for particular services or items.

(4) The Division reimburses inpatient hospital service under the DRG methodology, unless specified otherwise in the Division's Hospital Services Program administrative rules (chapter 410, division 125). Reimbursement for services, including claims paid at DRG rates, shall not exceed any upper limits established by federal regulation.

(5) The Division reimburses all out-of-state hospital services at Oregon DRG or FFS rates as published in the Hospital Services Program rules (OAR chapter 410, division 125) unless the hospital has a contract or service agreement with the Division to provide highly specialized services.

(6) Payment rates for in-home services provided through Department of Human Services (Department) Seniors and People with Disabilities Division (SPD) will not be greater than the current Division rate for nursing facility payment.

(7) The Division sets payment rates for out-of-state institutions and similar facilities, such as skilled nursing care facilities, psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service; or

(c) The rate established by SPD for out-of-state nursing facilities.

(8) The Division shall not make payment on claims that have been assigned, sold, or otherwise transferred or when the billing provider, billing agent or billing service receives a percentage of the amount billed or collected or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a provider for accounts receivable.

(9) The Division shall not make a separate payment or copayment to a nursing facility or other provider for services included in the nursing facility's all-inclusive rate. The following services are not included in the all-inclusive rate (OAR 411-070-0085) and may be separately reimbursed:

(a) Legend drugs, biologicals and hyperalimentation drugs and supplies, and enteral nutritional formula as addressed in the Pharmaceutical Services Program administrative rules (chapter 410, division 121) and Home Enteral/Parenteral Nutrition and IV Services Program administrative rules, (chapter 410, division 148);

(b) Physical therapy, speech therapy, and occupational therapy provided by a non-employee of the nursing facility within the appropriate program administrative rules, (chapter 410, division 129 and 131);

(c) Continuous oxygen which exceeds 1,000 liters per day by lease of a concentrator or concentrators as addressed in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122);

(d) Influenza immunization serum as described in the Pharmaceutical Services Program administrative rules, (chapter 410, division 121);

(e) Podiatry services provided under the rules in the Medical-Surgical Services Program administrative rules, (chapter 410, division 130);

(f) Medical services provided by a physician or other provider of medical services, such as radiology and laboratory, as outlined in the Medical-Surgical Services Program rules, (chapter 410, division 130);

(g) Certain custom fitted or specialized equipment as specified in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122).

(10) The Division reimburses hospice services based on CMS Core-Based Statistical Areas (CBSA's). A separate payment will not be made for services included in the core package of services as outlined in OAR chapter 410, division 142.

ADMINISTRATIVE RULES

(11) Payment for Division clients with Medicare and full Medicaid:

(a) The Division limits payment to the Medicaid allowed amount less the Medicare payment up to the Medicare co-insurance and deductible, whichever is less. The Division's payment cannot exceed the co-insurance and deductible amounts due;

(b) The Division pays the Division allowable rate for Division covered services that are not covered by Medicare.

(12) For clients with third-party resources (TPR), the Division pays the Division allowed rate less the TPR payment but not to exceed the billed amount.

(13) The Division payments, including contracted Prepaid Health Plan (PHP) payments, unless in error, constitute payment in full, except in limited instances involving allowable spend-down or copayments. For the Division, such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding Division allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain payment authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual provider rules.

(14) Payment by the Division does not restrict or limit the Authority or any state or federal oversight entity's right to review or audit a claim before or after the payment. Claim payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 413.042

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

Hist.: PWC 683, f. 7-19-74, ef. 8-11-78; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; Renumbered from 461-013-0061; PWC 833, f. 3-18-77, ef. 4-1-77; Renumbered from 461-013-0061; AFS 5-1981, f. 1-23-81, ef. 3-1-81; Renumbered from 461-013-0060, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 50-1985, f. 8-16-85, ef. 9-1-85; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0081, 461-013-0085, 461-013-0175 & 461-013-0180; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0040, 410-120-0220, 410-120-0200, 410-120-0240 & 410-120-0320; HR 2-1994, f. & cert. ef. 2-1-94; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 35-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

410-121-0160

Dispensing Fees

(1) Effective August 1, 2011 professional dispensing fees allowable for services shall be reimbursed as follows:

(a) All enrolled chain affiliated pharmacies shall be reimbursed at a rate of \$9.68 per claim;

(b) Independently owned pharmacies in communities that are the only enrolled pharmacy within a fifteen (15) mile radius from another pharmacy shall be reimbursed at a dispensing fee of \$14.01 per claim;

(c) All other enrolled independently owned pharmacies excluding those in 410-121-0160(b) shall be reimbursed based on an individual pharmacy's annual claims volume as follows:

(A) Less than 29,999 claims a year = \$14.01;

(B) Between 30,000 and 49,999 claims per year = \$10.14;

(C) 50,000 or more claims per year = \$9.68.

(2) All Division enrolled independent pharmacies shall be required to complete an annual survey that collects claim volumes from enrolled pharmacies and other information from the previous 12 month period to determine the appropriate dispensing fee reimbursement:

(a) Claims volume shall be stated by total OHP covered prescriptions and claims from all payer types;

(b) Survey activities shall be conducted by either the Division or its contractor and must be completed and returned by pharmacies within 14 days of receipt;

(c) Completed surveys must be signed with a letter of attestation by the store owner or majority owner;;

(d) Pharmacies that fail to respond to the survey or do not include the letter of attestation shall default to the lowest dispensing tier;

(e) Once a tier is established for a calendar year, the pharmacy's dispensing fee shall remain in that tier until the next annual claims volume survey is conducted;

(f) Newly enrolled independent pharmacies shall be defaulted to the lowest dispensing tier until the next claims volume survey is conducted.

(3) All chain affiliated pharmacies shall be exempt from completing the annual claims volume survey.

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

Stat. Auth.: ORS 184.750, 184.770, 409.050 & 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 51-1983(Temp), f. 9-30-83, ef. 10-1-83; AFS 56-1983, f. 11-17-83, ef. 12-1-83; AFS 41-1984(Temp), f. 9-24-84, ef. 10-1-84; AFS 1-1985, f. & ef. 1-3-85; AFS 54-1985(Temp), f. 9-23-85, ef. 10-1-85; AFS 66-1985, f. 11-5-85, ef. 12-1-85; AFS 13-1986(Temp), f. 2-5-86, ef. 3-1-86; AFS 36-1986, f. 4-15-86, ef. 6-1-86; AFS 52-1986, f. & ef. 7-2-86; AFS 12-1987, f. 3-3-87, ef. 4-1-87; AFS 28-1987(Temp), f. & ef. 7-14-87; AFS 50-1987, f. 10-20-87, ef. 11-1-87; AFS 41-1988(Temp), f. 6-13-88, cert. ef. 7-1-88; AFS 64-1988, f. 10-3-88, cert. ef. 12-1-88; AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89, Renumbered from 461-016-0101; AFS 63-1989(Temp), f. & cert. ef. 10-17-89; AFS 79-1989, f. & cert. ef. 12-21-89; HR 20-1990, f. & cert. ef. 7-9-90, Renumbered from 461-016-0260; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90; HR 21-1993(Temp), f. & cert. ef. 9-1-93; HR 12-1994, f. 2-25-94, cert. ef. 2-27-94; OMAP 5-1998(Temp), f. & cert. ef. 2-11-98 thru 7-15-98; OMAP 22-1998, f. & cert. ef. 7-15-98; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 50-2001(Temp), f. 9-28-01, cert. ef. 10-1-01 thru 3-1-02; OMAP 60-2001, f. & cert. ef. 12-11-01; OMAP 32-2003(Temp), f. & cert. ef. 4-15-03 thru 9-15-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 7-2004, f. 2-13-04 cert. ef. 3-15-04; OMAP 19-2004(Temp), f. & cert. ef. 3-15-04 thru 4-14-04; OMAP 21-2004, f. 3-15-04, cert. ef. 4-15-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 14-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

410-122-0186

Payment Methodology

(1) The Division of Medical Assistance Programs (Division) utilizes a payment methodology for covered durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) which is generally based on the 2010 Medicare fee schedule.

(a) Division fee schedule amount is 80.0% of 2010 Medicare Fee Schedule for items covered by Medicare and the Division, except for:

(i) Ostomy supplies fee schedule amounts are 95.4% of 2010 Medicare Fee Schedule (See Table 122-0186-1 for list of codes subject to this pricing); and

(ii) Prosthetic and Orthotic fee schedule amounts (L-codes) 83% of 2010 Medicare Fee Schedule; and

(iii) Complex Rehabilitation/Wheelchair fee schedule amounts are 90.5% of 2010 Medicare Fee Schedule (See Table 122-0186-2 for list of codes subject to this pricing);

(b) For items that are not covered by Medicare, but covered by the Division, the fee schedule amount will be calculated by reducing the Division's latest published rates for the year 2010 by 7.6%.

(2) Payment is calculated using the Division fee schedule amount, or the actual charge submitted, whatever is lowest.

(3) The Division reimburses for the lowest level of service, which meets medical appropriateness. See OAR 410-120-1280 Billing and 410-120-1340 Payment.

(4) Reimbursement for durable medical equipment, miscellaneous (E1399) and other wheelchair accessories (K0108) is capped as follows:

(a) E1399 – \$5772.00;

(b) K0108 – \$11,913.41.

(5) Reimbursement for codes E1399 and K0108 and any code that requires manual pricing is determined as the lowest amount, verifiable with documentation submitted by DME provider to Division, of the following, plus 20 percent:

(a) Manufacturer's invoice; or

(b) Manufacturer's bill to provider;

(6) When requesting prior authorization (PA) for items billed at or above \$150, the DMEPOS provider:

(a) Must submit a copy of:

(A) The items from (5)(a) or (b) that will be used to bill; and,

(B) Name of the manufacturer, description of the item, including product name/model name and number, serial number if applicable and technical specifications;

(b) May be required to submit a picture of the item.

(7) The DMEPOS provider must submit verification for items billed with codes A4649 (surgical supply; miscellaneous), E1399 (durable medical equipment, miscellaneous) and K0108 (wheelchair component or accessory, not otherwise specified) when no specific Healthcare Common Procedure Coding System (HCPCS) code is available and an item category is not specified in chapter 410, division 122 rules. Verification can come from an organization such as the Medicare Pricing, Data Analysis and Coding (PDAC) contractor.

(8) The Division may review items that exceed the maximum allowable/cap on a case-by-case basis. For these situations, the provider must submit the following documentation:

ADMINISTRATIVE RULES

(a) Documentation that supports the client meets all of the coverage criteria for the less costly alternative; and

(b) A comprehensive evaluation by a licensed clinician (who is not an employee of or otherwise paid by a provider) which clearly explains why the less costly alternative is not sufficient to meet the client's medical needs, and;

(c) The expected hours of usage per day, and;

(d) The expected outcome or change in client's condition.

(9) For codes A4649, E1399 and K0108 when \$150.00 or less per each unit:

(a) Only items that have received an official product review coding decision from an organization such as PDAC with codes A4649, E1399 or K0108 may be billed to the Division. These products may be listed in the PDAC Durable Medical Equipment Coding System Guide (DMECS) DMEPOS Product Classification Lists;

(b) Subject to service limitations of the Division's rules;

(c) PA is not required.

(d) Billed charge to Division must not exceed manufacturer's invoice, or manufacturer's bill to provider plus 20 percent. Provider is required to retain documentation of invoice or bill to allow Division to verify.

(10) Table 122-0186-1: Ostomy Codes priced at 95.4% of 2010 Medicare.

(11) Table 122-0186-2: Complex Rehabilitation/Wheelchair Codes priced at 90.5% of 2010 Medicare Fee Schedule.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: OMAP 44-2004, f. & cert. ef. 7-1-04; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05;

OMAP 47-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 12-2007, f. 6-29-07, cert. ef. 7-1-07;

DMAP 17-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 15-2009 f. 6-12-09, cert. ef. 7-1-09;

DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

410-122-0630

Incontinent Supplies

(1) The Division of Medical Assistance Programs (Division) may cover incontinent supplies for urinary or fecal incontinence as follows:

(a) Category I Incontinent Supplies – For up to 200 units (any code or product combination in this category) per month, unless documentation supports the medical appropriateness for a higher quantity. For quantities over this limit a prior authorization will be required;

(b) Category II Underpads:

(A) Disposable underpads (T4541 and T4542): For up to 100 units (any combination of T4541 and T4542) per month, unless documentation supports the medical appropriateness for a higher quantity, up to a maximum of 150 units per month;

(B) Reusable/washable underpads: (T4537 and T4540) For up to eight units (any combination of T4537 and T4540) in a 12 month period;

(C) Category II Underpads are separately payable only with Category I Incontinent Supplies;

(D) T4541 and T4542 are not separately payable with T4537 and T4540 for the same dates of service or anticipated coverage period. For example, if a provider bills and is paid for eight reusable/washable underpads on a given date of service, a client would not be eligible for disposable underpads for the subsequent 12 months;

(c) Category III Washable Protective Underwear:

(A) For up to 12 units in a 12 month period;

(B) Category III Washable Protective Underwear are not separately payable with Category I Incontinent Supplies for the same dates of service or anticipated coverage period. For example, if a provider bills and is paid for 12 units of T4536 on a given date of service, a client would not be eligible for Category I Incontinent Supplies for the subsequent 12 months;

(d) The following services require prior authorization (PA):

(A) A4335 (Incontinence supply; miscellaneous); and

(B) A4543 (Disposable incontinence product, brief/diaper, bariatric, each);

(C) Quantity of supplies greater than the amounts listed in this rule as the maximum monthly utilization (e.g., more than 200 units/month of Category I Incontinent Supplies, or 100 gloves/month).

(2) Incontinent supplies are not covered:

(a) For nocturnal enuresis; or

(b) For children under the age of three.

(3) A provider may only submit A4335 when there is no definitive Healthcare Common Procedure Coding System (HCPCS) code that meets the product description.

(4) Documentation requirements:

(a) The client's medical records must support the medical appropriateness for the services provided or being requested by the medical equip-

ment, prosthetics, orthotics and supplies (DMEPOS) provider, including, but not limited to:

(A) For all categories, the medical reason and condition causing the incontinence; and

(B) When a client is using urological or ostomy supplies at the same time as codes specified in this rule, information which clearly corroborates the overall quantity of supplies needed to meet bladder and bowel management is medically appropriate;

(C) When requesting PA for T4543 (Bariatric Brief/Diaper) submit product information showing that item is size XXL or larger. The request shall also include client weight and measurements that support the use of the bariatric incontinence product. (e.g. client weight, waist/hip size) These items are manually priced and follow payment methodology outlined in OAR 410-122-0186.

(b) For services requiring PA, submit documentation as specified in (4)(a)(A), (B) and (C);

(c) The DMEPOS provider is required to keep supporting documentation on file and make available to the Division on request.

(5) Quantity specification:

(a) For PA and reimbursement purposes, a unit count for Category I-III codes is considered as single or individual piece of an item and not as multiple quantity;

(b) If an item quantity is listed as number of boxes, cases or cartons, the total number of individual pieces of that item contained within that respective measurement (box, case or carton) must be specified in the unit column on the PA request. See table 122-0630-2;

(c) For gloves (Category IV Miscellaneous), 100 gloves equal one unit.

(6) **Table 122-0630-1**

(7) **Table 122-0630-2**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: OMAP 37-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 32-2001, f. 9-24-01, cert. ef. 10-1-01;

OMAP 64-2001, f. 12-28-01, cert. ef. 1-1-02; OMAP 47-2002, f. & cert. ef. 10-1-02;

OMAP 21-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 76-2003, f. & cert. ef. 10-1-03; OMAP

44-2004, f. & cert. ef. 7-1-04; OMAP 94-2004, f. 12-30-04, cert. ef. 1-1-05; OMAP 11-2005,

f. 3-9-05, cert. ef. 4-1-05; OMAP 44-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 35-2006, f. 9-

15-06, cert. ef. 10-1-06; DMAP 37-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 13-2010, f. 6-

10-10, cert. ef. 7-1-10; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

410-127-0060

Reimbursement and Limitations

(1) Reimbursement. The Division of Medical Assistance Programs (Division) reimburses home health services on a fee schedule by type of visit (see home health rates and copayment chart on the Oregon Health Authority (OHA) Web site at: <http://www.dhs.state.or.us/policy/healthplan/guides/homehealth/main.html>).

(2) The Division shall reimburse home health services at a level of 74% of Medicare costs reported on the audited or most recently accepted Medicare Cost Reports that were available to the Division in November of 2009.

(3) At the Division's discretion, the Division may recalculate its home health rates every other year. The Division may request the Medicare Cost Reports from home health agencies with a due date, and may recalculate rates based on the Medicare Cost Reports received by the requested due date. It is the responsibility of the home health agency to submit requested cost reports by the date requested.

(4) The Division reimburses only for service which is medically appropriate.

(5) Limitations:

(a) Limits of covered services:

(A) Skilled nursing visits are limited to two visits per day with payment authorization;

(B) All therapy services are limited to one visit or evaluation per day for physical therapy, occupational therapy or speech and language pathology services. Therapy visits require payment authorization;

(C) The Division will authorize home health visits for clients with uterine monitoring only for medical problems, which could adversely affect the pregnancy and are not related to the uterine monitoring;

(D) Medical supplies must be billed at acquisition cost and the total of all medical supply revenue codes may not exceed \$50 per day. Only supplies that are used during the visit or the specified additional supplies used for current client/caregiver teaching or training purposes as medically necessary are billable. Client visit notes must include documentation of supplies used during the visit or supplies provided according to the current plan of care;

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(E) Durable medical equipment must be obtained by the client by prescription through a durable medical equipment provider.

(b) Not covered service:

(A) Service not medically appropriate;

(B) A service whose diagnosis does not appear on a line of the Prioritized List of Health Services which has been funded by the Oregon Legislature (OAR 410-141-0520);

(C) Medical Social Worker service;

(D) Registered dietician counseling or instruction;

(E) Drug and or biological;

(F) Fetal non-stress testing;

(G) Respiratory therapist service;

(H) Flu shot;

(I) Psychiatric nursing service.

ED. NOTE: Tables referenced are available from the agency.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: PWC 682, f. 7-19-74, ef. 8-11-74; PWC 798, f. & ef. 6-1-76; PWC 854(Temp), f. 9-30-77, ef. 10-1-77 thru 1-28-78; Renumbered from 461-019-0420 by Chapter 784, Oregon Laws 1981 & AFS 69-1981, f. 9-30-81, ef. 10-1-81; SSD 4-1983, f. 5-4-83, ef. 5-5-83; SSD 10-1990, f. 3-30-90, cert. ef. 4-1-90; HR 28-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 411-075-0010; HR 14-1992, f. & cert. ef. 6-1-92; HR 15-1995, f. & cert. ef. 8-1-95; OMAP 19-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 77-2003, f. & cert. ef. 10.1.03; DMAP 16-2007, f. 12-5-07, cert. ef. 1-1-08; DMAP 33-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

410-130-0595

Maternity Case Management

(1) The primary purpose of the Maternity Case Management (MCM) program is to optimize pregnancy outcomes, including reducing the incidence of low birth weight babies. MCM services are tailored to the individual client needs. These services are provided face-to-face throughout the client's pregnancy, unless specifically indicated in this rule.

(2) This program:

(a) Is available to all pregnant clients receiving Medical Assistance Program coverage;

(b) Expands perinatal services to include management of health, economic, social and nutritional factors through the end of pregnancy and a two-month postpartum period;

(c) Must be initiated during the pregnancy and before delivery;

(d) Is an additional set of services over and above medical management of pregnant clients;

(e) Allows billing of intensive nutritional counseling services.

(3) Any time there is a significant change in the health, economic, social, or nutritional factors of the client, the prenatal care provider must be notified.

(4) Only one provider at a time may provide MCM services to the client. The provider must coordinate care to ensure that duplicate claims for MCM services are not submitted to the Division.

(5) Definitions:

(a) Case Management – An ongoing process to assist and support an individual pregnant client in accessing necessary health, social, economic, nutritional, and other services to meet the goals defined in the Client Service Plan (CSP)(defined below);

(b) Case Management Visit – A face-to-face encounter between a Maternity Case Manager and the client that must include two or more specific training and education topics, address the CSP and provide an ongoing relationship development between the client and the visiting provider.

(c) Client Service Plan (CSP) – A written systematic, client coordinated plan of care which lists goals and actions required to meet the needs of the client as identified in the Initial Assessment (defined below) and includes a client discharge plan/summary;

(d) High Risk Case Management – Intensive level of services provided to a client identified and documented by the Maternity Case Manager or prenatal care provider as being high risk;

(e) High Risk Client – A client who has a current (within the last year) documented alcohol, tobacco or other drug (ATOD) abuse history, or who is 17 or under, or has other conditions identified by the case manager any time during the course of service delivery;

(f) Home/Environmental Assessment – A visit to the client's primary place of residence to assess the health and safety of the client's living conditions;

(g) Initial Assessment – Documented, systematic collection of data with planned interventions as outlined in a CSP to determine current status and identify needs and strengths in physical, psychosocial, behavioral, developmental, educational, mobility, environmental, nutritional, and emotional areas;

(h) Nutritional Counseling – Intensive nutritional counseling for clients who have at least one of the conditions listed under Nutritional Counseling (12)(a)(A-I) in this rule;

(i) Prenatal/Perinatal care provider – The physician, licensed physician assistant, nurse practitioner, certified nurse midwife, or licensed direct entry midwife providing prenatal or perinatal (including labor and delivery) and/or postnatal services to the client;

(j) Case Management Visit Outside the Home – An encounter outside the client's home between a Maternity Case Manager and the client where identical services of a Case Management Home Visit (G9012) are provided.

(6) Maternity case manager qualifications:

(a) Maternity case managers must be currently licensed as a:

(A) Physician;

(B) Physician assistant;

(C) Nurse practitioner;

(D) Certified nurse midwife;

(E) Direct entry midwife;

(F) Social worker; or

(G) Registered nurse;

(b) The maternity case manager must be a Division enrolled provider or deliver services under an appropriate Division enrolled provider. See provider qualifications in the Division's General Rule 410-120-1260.

(c) All of the above must have a minimum of two years of related and relevant work experience;

(d) Other paraprofessionals may provide specific services with the exclusion of the Initial Assessment (G9001) while working under the supervision of one of the practitioners listed above in this section;

(e) The maternity case manager must sign off on all services delivered by a paraprofessional;

(f) Specific services not within the recognized scope of practice of the provider of MCM services must be referred to an appropriate discipline.

(7) Nutritional counselor qualifications – nutritional counselors must be:

(a) A licensed dietician (LD) licensed by the Oregon Board of Examiners of Licensed Dietitians; and

(b) A registered dietician (RD) credentialed by the Commission on Dietetic Registration of the American Dietetic Association (ADA).

(8) Documentation requirements:

(a) Documentation is required for all MCM services in accordance with Division General Rule 410-120-1360; and

(b) A correctly completed Division form 2470, 2471, 2472 and 2473 or their equivalents meet minimum documentation requirements for MCM services.

(9) G9001 – Initial Assessment must be performed by a licensed maternity case manager as defined under (6)(a)(A-G) in this rule:

(a) Services include:

(A) Client assessment as outlined in the "Definitions" section of this rule;

(B) Development of a CSP that addresses identified needs;

(C) Making and assisting with referrals as needed to:

(i) A prenatal care provider;

(ii) A dental health provider;

(D) Forwarding the Initial Assessment and the CSP to the prenatal care provider;

(E) Communicating pertinent information to the prenatal care provider and others participating in the client's medical and social care;

(b) Data sources relied upon may include:

(A) Initial Assessment;

(B) Client interviews;

(C) Available records;

(D) Contacts with collateral providers;

(E) Other professionals; and

(F) Other parties on behalf of the client;

(c) The client's record must reflect the date and to whom the Initial Assessment was sent;

(d) The Initial Assessment (G9001) is billable once per pregnancy per provider and must be performed before providing any other MCM services. Only a Home/Environmental Assessment (G9006) and a Case Management Home Visit (G9012) or Case Management Visit Outside the Home (G9011) may be performed and billed on the same day as an Initial Assessment.

(10) G9002 – Case Management includes:

(a) Face-to-face client contacts;

(b) Implementation and monitoring of a CSP;

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(A) The client's records must include a CSP and written updates to the plan;

(B) The CSP includes determining the client's strengths and needs, setting specific goals and utilizing appropriate resources in a cooperative effort between the client and the maternity case manager;

(c) Care coordination as follows:

(A) Contact with Department of Human Services (Department) case worker, if assigned;

(B) Maintain contact with prenatal care provider to ensure service delivery, share information, and assist with coordination;

(C) Contact with other community resources/agencies to address needs;

(d) Linkage to client services indicated in the CSP:

(A) Make linkages, provide information and assist the client in self-referral;

(B) Provide linkage to labor and delivery services;

(C) Provide linkage to family planning services as needed;

(e) Ongoing nutritional evaluation with basic counseling and referrals to nutritional counseling, as indicated;

(f) Utilization and documentation of the "5 As" brief intervention protocol for addressing tobacco use (US Public Health Service Clinical Practice Guideline for Treating Tobacco Use and Dependence, 2008). Routinely:

(A) Ask all clients about smoking status;

(B) Advise all smoking clients to quit;

(C) Assess for readiness to try to quit;

(D) Assist all those wanting to quit by referring them to the Quitline and/or other appropriate tobacco cessation counseling and provide motivational information for those not ready to quit;

(E) Arrange follow-up for interventions;

(g) Provide training and education on all mandatory topics – Refer to Table 130-0595-2 in this rule;

(h) Provide client advocacy as necessary to facilitate access to benefits or services;

(i) Assist client in achieving the goals in the CSP;

(j) G9002 is billable when three months or more of services were provided. Services must be initiated during the prenatal period and carried through the date of delivery;

(k) G9002 is billable once per pregnancy.

(11) G9005 – High Risk Case Management:

(a) Enhanced level of services that are more intensive and are provided in addition to G9002;

(b) A client can be identified as high risk at any time when case management services are provided, therefore G9005 can be billed after 3 months of case management services.

(c) G9005 is billable only once per pregnancy per provider.

(d) G9002 can not be billed in addition to G9005.

(12) S9470 – Nutritional counseling:

(a) Is available for clients who have at least one of the following conditions:

(A) Chronic disease such as diabetes or renal disease;

(B) Hematocrit (Hct) less than 34 or hemoglobin (Hb) less than 11 during the first trimester, or Hct less than 32 or Hb less than 10 during the second or third trimester;

(C) Pre-gravida weight under 100 pounds or over 200 pounds;

(D) Pregnancy weight gain outside the appropriate Women, Infants and Children (WIC) guidelines;

(E) Eating disorder;

(F) Gestational diabetes;

(G) Hyperemesis;

(H) Pregnancy induced hypertension (pre-eclampsia); or

(I) Other identified conditions;

(b) Documentation must include all of the following:

(A) Nutritional assessment;

(B) Nutritional care plan;

(C) Regular client follow-up;

(c) Can be billed in addition to other MCM services;

(d) S9470 is billable only once per pregnancy.

(13) G9006 – Home/Environmental Assessment:

(a) Includes an assessment of the health and safety of the client's living conditions with training and education of all topics as indicated in Table 130-0595-1 in this rule;

(b) G9006 may be billed only once per pregnancy, except an additional Home/Environmental Assessments may be billed with documentation of problems which necessitate follow-up assessments or when a client

moves. Documentation must be submitted with the claim to support the additional Home/Environment Assessment.

(14) G9011 – Case Management Visit Outside the Home:

(a) A face-to-face encounter between a maternity case manager and the client in a place other than the home which meets all requirements of a Case Management Home Visit (G9012) or a telephone encounter when a face-to-face Case Management Visit is not possible or practical;

(b) G9011 is billable in lieu of a Case Management Home Visit and counted towards the total number of Case Management Home Visits (see G9012 for limitations).

(15) G9012 – Case Management Home Visit:

(a) Each Case Management Home Visit must be performed in the client's home and must include:

(A) An evaluation and/or revision of objectives and activities addressed in the CSP; and

(B) At least two training and education topics listed in Table 130-0595-2 in this rule;

(b) Four Case Management Home Visits (G9012) may be billed per pregnancy. Case Management Visits Outside the Home (G9011) are included in this limitation;

(c) Six additional Case Management Home Visits may be billed if the client is identified as high risk;

(A) These additional six visits may only be billed with or after High Risk Case Management (G9005) has been billed. Case Management Visits Outside the Home (G9011) are included in this limitation.

(19) Table 130-0595-1

(20) Table 130-0595-2

[ED. NOTE: Tables & Forms referenced are available from the agency.]

Stat. Auth.: ORS 409.050 & 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 57-1987, f. 10-29-87, ef. 11-1-87; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89, Renumbered from 461-014-0200 & 461-014-0201; AFS 54-1989(Temp), f. 9-28-89, cert. ef. 10-1-89; AFS 71-1989, f. & cert. ef. 12-1-89; HR 10-1990, f. 3-30-90, cert. ef. 4-1-90, Renumbered from 461-014-0580; HR 19-1991, f. 4-12-91, cert. ef. 5-1-91; HR 43-1991, f. & cert. ef. 10-1-91; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 34-1998, f. & cert. ef. 10-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 40-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 51-2002, f. & cert. ef. 10-1-02; OMAP 23-2003, f. 3-26-03, cert. ef. 4-1-03; Renumbered from 410-130-0100, OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 8-2010(Temp), f. 4-13-10, cert. ef. 4-15-10 thru 10-1-10; DMAP 24-2010, f. & cert. ef. 9-1-10; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12

Oregon Health Authority, Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Amendments to the Health Care Acquired Infection Reporting and Public Disclosure Rules.

Adm. Order No.: OHP 4-2011(Temp)

Filed with Sec. of State: 7-28-2011

Certified to be Effective: 8-1-11 thru 1-25-12

Notice Publication Date:

Rules Amended: 409-023-0000, 409-023-0010, 409-023-0012, 409-023-0015

Subject: The Oregon Health Authority, Office for Oregon Health Policy and Research in implementing amendments to the health care acquired infection (HAI) reporting. The rules implement health care acquired infection (HAI) reporting, public disclosure, and other applicable mandates of ORS 442.420 and Ch. 838 section 1-6 and 12, which was enacted by the 74th Legislative Assembly. The proposed rules are intended to fulfill the mandates by prescribing the HAIs that are reported, how they are reported, the health care facilities that report them, and how they are publicly disclosed.

These temporary rules are available on the OHPR website: <http://www.oregon.gov/OHA/OHPR/rulemaking/index.shtml>.

Rules Coordinator: Zarie Haverkate—(503) 373-1574

409-023-0000

Definitions

The following definitions apply to OAR 409-023-0000 to 409-023-0035:

(1) "Administrator" means the administrator of the Office for Oregon Health Policy and Research as defined in ORS 442.011, or the administrator's designee.

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- (2) "ASC" means ambulatory surgical center as defined in ORS 442.015(3) and that is licensed pursuant to ORS 441.015.
- (3) "CBGB" means coronary bypass graft surgery with both chest and graft incisions, as defined in the NHSN Manual.
- (4) "CDC" mean the federal Centers for Disease Control and Prevention.
- (5) "CDI" means Clostridium difficile infection as defined in the NHSN Manual.
- (6) "CLABSI" means central line associated bloodstream infection as defined in the NHSN Manual.
- (7) "CMS" mean the federal Centers for Medicare and Medicaid Services.
- (8) "COLO" means colon procedures as defined in the NHSN Manual.
- (9) "Committee" means the Health Care Acquired Infections Advisory Committee as defined in notes following ORS 442.851 relating to Health Care Acquired Infections.
- (10) "Dialysis facility" means outpatient renal dialysis facility as defined in ORS 442.015(20).
- (11) "Follow-up" means post-discharge surveillance intended to detect CBGB, COLO, HPRO, HYST, KRPO, and LAM surgical site infection (SSI) cases occurring after a procedure.
- (12) "HAI" means health care acquired infection as defined in notes following ORS 442.851 relating to Health Care Acquired Infections.
- (13) "Health care facility" means a facility as defined in ORS 442.015(10).
- (14) "Hospital" means a facility as defined in ORS 442.015(13) and that is licensed pursuant to ORS 441.015.
- (15) "Hospital Inpatient Quality Reporting Program" means the initiative administered by CMS and formerly referred to as RHQDAPU.
- (16) "HPRO" means hip prosthesis procedure as defined in the NHSN Manual.
- (17) "HYST" means abdominal hysterectomy procedure as defined in the NHSN Manual.
- (18) "ICU" means an intensive care unit as defined in the NHSN Manual.
- (19) "KPRO" means knee prosthesis procedure as defined in the NHSN Manual.
- (20) "Lab ID" means laboratory-identified event as defined in the NHSN Manual.
- (21) "LAM" means laminectomy procedure as defined in the NHSN Manual.
- (22) "LTC facility" means long term care facility as defined in ORS 442.015(16).
- (23) "MDS" mean the Centers for Medicare and Medicaid Services' minimum data set nursing home resident assessment and screening tool, version 2.0 or its successor, including but not limited to manuals, forms, software, and databases.
- (24) "Medical ICU" means a non-specialty intensive care unit that serves 80% or more adult medical patients.
- (25) "Medical/Surgical ICU" means a non-specialty intensive care unit that serves less than 80% of either adult medical, adult surgical, or specialty patients.
- (26) "NHSN" means the CDC's National Healthcare Safety Network.
- (27) "NHSN Inpatient" means a patient whose date of admission to the healthcare facility and the date of discharge are different days as defined in the NHSN Manual.
- (28) "NHSN Manual" means the Patient Safety Component Protocol of the NHSN manual, version March 2009 or its successor, as amended, revised, and updated from time to time.
- (29) "NICU" means a specialty intensive care unit that cares for neonatal patients.
- (30) "Office" means the Office for Oregon Health Policy and Research.
- (31) "Oregon HAI group" means the NHSN group administered by the Office.
- (32) "Overall-facility wide" means data is collected for the entire facility as defined in the NHSN Manual.
- (33) "Patient information" means individually identifiable health information as defined in ORS 179.505(c).
- (34) "Person" has the meaning as defined in ORS 442.015(21).
- (35) "Procedure" means an NHSN operative procedure as defined in the NHSN Manual.
- (36) "Provider" means health care services provider as defined in ORS 179.505(b).

- (37) "QIO" means the quality improvement organization designated by CMS for Oregon.
- (38) "RHQDAPU" means the Reporting Hospital Quality Data for Annual Payment Update initiative administered by CMS.
- (39) "SCIP" means the Surgical Care Improvement Project.
- (40) "SCIP-Inf-1" means the HAI process measure published by SCIP defined as prophylactic antibiotic received within one hour prior to surgical incision.
- (41) "SCIP-Inf-2" means the HAI process measure published by SCIP defined as prophylactic antibiotic selection for surgical patients.
- (42) "SCIP-Inf-3" means the HAI process measure published by SCIP defined as prophylactic antibiotics discontinued within 24 hours after surgery end time (48 hours for cardiac patients).
- (43) "SCIP-Inf-4" means the HAI process measure published by SCIP defined as cardiac surgery patients with controlled 6 a.m. postoperative serum glucose.
- (44) "SCIP-Inf-6" means the HAI process measure published by SCIP defined as surgery patients with appropriate hair removal.
- (45) "SCIP-Inf-9" means urinary catheter removed on postoperative day 1 or postoperative day 2 with day of surgery being day zero.
- (46) "SCIP-Inf-10" means the HAI process measure published by SCIP defined as surgery patients with perioperative temperature management.
- (47) "Specialty ICU" mean an intensive care unit with at least 80% of adults are specialty patients including but not limited to oncology, trauma, and neurology.
- (48) "SSI" means a surgical site infection event as defined in the Patient Safety Component Protocol of the NHSN manual, version January 2008.
- (49) "Staff" means any employee of a health care facility or any person contracted to work within a health care facility.
- (50) "State agency" shall have the meaning as defined in ORS 192.410(5).
- (51) "Surgical ICU" means a non-specialty intensive care unit that serves 80% or more adult surgical patients.
- Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 & 12
Stats. Implemented: ORS 179.505, 192.410, 192.496, 192.502, 441.015, 442.011, 442.400, 442.405, & OL 2007, Ch. 838 § 1-6 & 12
Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2010, f. 6-30-10, cert. ef. 7-1-10; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12
- 409-023-0010**
HAI Reporting for Hospitals
- (1) Hospitals shall begin collecting data for HAI outcome and process measures for the HAI reporting program for services provided on and after January 1, 2009, except:
- (a) NICU shall begin collecting data for HAI outcome and process measures for the HAI reporting program for services provided on and after January 1, 2010.
- (b) Hospitals shall report the SCIP-Inf-6 process measure for the HAI reporting program for services provided on and after January 1, 2010.
- (c) Hospitals shall report the SCIP-4-Inf and SCIP-10-Inf process measures for services provided on and after January 1, 2011.
- (d) Hospitals shall report the NHSN Inpatient COLO, HPRO, HYST, and LAM outcome measures for services provided on and after January 1, 2011.
- (e) Hospitals shall report facility-wide NHSN Inpatient CDI data using the Lab-ID method for CDI in NHSN for services provided on or after January 1, 2012.
- (f) Hospitals shall report SCIP-Inf-9 performance measures for services provided on or after January 1, 2012.
- (2) Reportable HAI outcome measures are:
- (a) SSIs for NHSN Inpatient CBGB, COLO, HPRO, HYST, KPRO, and LAM procedures.
- (b) CLABSI in medical ICUs, surgical ICUs, and combined medical/surgical ICUs.
- (c) NHSN Inpatient CDI facility-wide.
- (3) The infection control professional (ICP), as defined by the facility, shall actively seek out infections defined in sections (2)(a) and (b) of this rule during a patient's stay by screening a variety of data that may include but is not limited to:
- (a) Laboratory;
- (b) Pharmacy;
- (c) Admission;
- (d) Discharge;
- (e) Transfer;
- (f) Radiology;

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Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2010, f. 6-30-10, cert. ef. 7-1-10; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12

- (g) Imaging;
- (h) Pathology; and
- (i) Patient charts, including history and physical notes, nurses and physicians notes, and temperature charts.

(4) The ICP shall use follow-up surveillance methods to detect SSIs for procedures defined in section (2)(a) of this rule using at least one of the following:

- (a) Direct examination of patients' wounds during follow-up visits to either surgery clinics or physicians' offices;
 - (b) Review of medical records, subsequent hospitalization records, or surgery clinic records;
 - (c) Surgeon surveys by mail or telephone;
 - (d) Patient surveys by mail or telephone; or
 - (e) Other facility surveys by mail or telephone.
- (5) Others employed by the facility may be trained to screen data sources for these infections, but the ICP must determine that the infection meets the criteria established by these rules.

(6) The HAI reporting system for HAI outcome measures shall be NHSN. Each Oregon hospital shall comply with processes and methods prescribed by CDC for NHSN data submission. This includes but is not limited to definitions, data collection, data reporting, and administrative and training requirements. Each Oregon hospital shall:

- (a) Join the Oregon HAI group in NHSN.
- (b) Authorize disclosure of NHSN data to the Office as necessary for compliance of these rules including but not limited to summary data and denominator data for all SSIs, the annual hospital survey and data analysis components for all SSIs, and summary data and denominator data for all medical ICUs, surgical ICUs, and combined medical/surgical ICUs.

(c) Report its data for outcome measures to NHSN no later than 30 days after the end of the collection month. The NHSN field "Discharge Date" is mandatory for all outcome measures.

(7) Each hospital shall report on a quarterly basis according to 409-023-0010(1) the following HAI process measures:

- (a) SCIP-Inf-1;
- (b) SCIP-Inf-2;
- (c) SCIP-Inf-3;
- (d) SCIP-Inf-4;
- (e) SCIP-Inf-6;
- (f) SCIP-Inf-9; and
- (g) SCIP-Inf-10.

(8) The reporting system for HAI process measures shall be the Hospital Inpatient Quality Reporting Program, formerly referred to as the RHQDAPU program as configured on July 1, 2008. Each Oregon hospital shall:

(a) Comply with reporting processes and methods prescribed by CMS for the RHQDAPU program. This includes but is not limited to definitions, data collection, data reporting, and administrative and training requirements; and

(b) Report data quarterly for HAI process measures. Data must be submitted to and successfully accepted into the QIO clinical warehouse no later than 11:59 p.m. central time, on the 15th calendar day, four months after the end of the quarter.

(9) For NICUs, the HAI reporting system for outcome measures shall be NHSN. Each Oregon hospital with a NICU shall comply with processes and methods prescribed by NHSN for the CLABSI reporting including but not limited to definitions, data collection, data submission, and administrative and training requirements. Each Oregon hospital shall:

- (a) Authorize disclosure of NHSN data to the Office as necessary for compliance with these rules, including but not limited to facility identifiers.
- (b) Submit NICU data to be NHSN according to the NHSN Manual.

(10) Each hospital shall complete an annual survey, as defined by the Office, of influenza vaccination of staff and submit the completed survey to the Office. The survey shall include but not be limited to questions regarding influenza vaccine coverage of facility staff:

- (a) Number of staff with a documented influenza vaccination during the previous influenza season.
- (b) Number of staff with a documented medical contraindication to influenza vaccination during the previous influenza season.
- (c) Number of staff with a documented refusal of influenza vaccination during the previous influenza season.
- (d) Facility assessment of influenza vaccine coverage of facility staff during the previous influenza season and plans to improve vaccine coverage of facility staff during the upcoming influenza season.

Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 & 12
Stats. Implemented: ORS 179.505, 192.410, 192.496, 192.502, 441.015, 442.011, 442.400, 442.405, & OL 2007, Ch. 838 § 1-6 & 12

409-023-0012

HAI Reporting for Ambulatory Surgery Centers

(1) Each ASC shall complete a survey of evidenced-based elements of patient safety performance as defined by the Office.

(2) The survey shall be submitted annually by each ASC to the Office no later than 30 days after receipt of survey.

(3) Starting with the 2011-2012 influenza season, each ASC shall complete an annual survey, as defined by the Office, of influenza vaccination of staff and submit the completed survey to the Office. The survey shall include but not be limited to questions regarding influenza vaccine coverage of facility staff:

(a) Number of staff with a documented influenza vaccination during the previous influenza season.

(b) Number of staff with a documented medical contraindication to influenza vaccination during the previous influenza season.

(c) Number of staff with a documented refusal of influenza vaccination during the previous influenza season.

(d) Facility assessment of influenza vaccine coverage of facility staff during the previous influenza season and plans to improve vaccine coverage of facility staff during the upcoming influenza season.

Stat. Auth.: ORS 442.420(3)(d) & OL 2007, Ch. 838 § 1-6 and 12

Stats. Implemented: ORS 442.405 & OL 2007, Ch. 838 § 1-6 and 12

Hist.: OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12

409-023-0015

HAI Reporting for Other Health Care Facilities

Dialysis facilities shall begin collecting data for the HAI reporting program for services provided on and after January 1, 2013 pursuant to rules amended no later than July 1, 2012.

Stat. Auth.: ORS 442.420(3)(d) & OL 2007, Ch. 838 § 1-6 and 12

Stats. Implemented: ORS 442.405 & OL 2007, Ch. 838 § 1-6 and 12

Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12

Oregon Health Authority, Office of Private Health Partnerships Chapter 442

Rule Caption: Eliminate open enrollment periods.

Adm. Order No.: OPHP 8-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11 thru 1-26-12

Notice Publication Date:

Rules Amended: 442-010-0020, 442-010-0060, 442-010-0075

Subject: Healthy KidsConnect is amending 442-010-0020 to eliminate the open enrollment periods.

Healthy KidsConnect is amending 442-010-0060 to eliminate the open enrollment periods.

Healthy KidsConnect is amending 442-010-0075 to eliminate the open enrollment periods.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-010-0020

Definitions

(1) "Appeal" means a process for requesting a formal change to an official decision (ref. 442-010-0250).

(2) "Benchmark" means a specific minimum level of health insurance benefits that qualify for subsidy. The benchmark is:

(a) Established by the Office in agreement with the Health Insurance Reform Advisory Committee; and

(b) Sent to and approved by the federal government.

(3) "Carrier" means an insurance company or health care service contractor holding a valid certificate of authority from the Director of the Department of Consumer and Business Services that authorizes the transaction of health insurance. Carrier also includes the Oregon Medical Insurance Pool established under ORS 735.610.

(4) "Contracted HKC carrier" means a carrier hired by OPHP (see OAR 442-010-0030 "Carrier and Plan Selection") to take part in the HKC program.

(5) "Federal poverty level" means the poverty income guidelines as defined by the United States Department of Health and Human Services. The Oregon Health Authority adopts these guidelines no later than May 1 each year.

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(6) "Healthy Kids (HK)" is also known as the Health Care for All Oregon Children program. (ref. ORS 414.231)

(7) "Healthy KidsConnect (HKC)" is part of the Oregon Healthy Kids program providing health care to Oregon children through the private insurance market.

(8) "HKC" also refers to the benefit plans offered through the HK private insurance option. For subsidized members the benefit plans must:

(a) Meet or exceed the requirements for a federal standard benchmark described in ORS 414.856;

(b) Be comparable to the health services provided to children receiving Oregon Health Plan Plus medical assistance, including mental health, vision, pharmacy, and dental services;

(c) Not exclude or delay coverage for preexisting conditions;

(d) Limit subsidized family's cost sharing to no more than 5 percent of the family's annual income; and

(e) Qualify for federal financial participation.

(9) "HK ESI" means Employer Sponsored Insurance that is subsidized by HK funds. It is also known as group insurance for families eligible for HK ESI.

(10) "Member" means a child enrolled in HKC or a HK ESI plan or the child's parent or adult representative.

(11) "Member share" means the portion of the health insurance premium a family pays.

(12) "OHP" means the Oregon Health Plan Medicaid program and other programs that include medical assistance provided under 42 U.S.C. section 396a (section 1902 of the Social Security Act).

(13) "Overpayment" means any subsidy payment paid to, received by, or on behalf of the member that exceeds the amount for which the member is eligible

(14) "Premium" means the amount charged for health insurance.

(15) "Standard Health Statement" means the Oregon Standard Health Statement described in OAR 836-053-0510.

(16) "Subsidy" means the amount OPHP pays on behalf of the member to offset monthly premium costs. Subsidy is also known as "premium assistance."

(a) HKC subsidies are paid directly to the HKC carriers; and

(b) HK ESI subsidies are paid by reimbursing the member's portion of the premium.

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

Stat. Auth.: ORS 414.231 & 414.826

Stats. Implemented: ORS 414.231, 414.826, 414.828 & 414.839

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10; OPHP 2-2011, f. & cert. ef. 1-18-11; OPHP 4-2011, f. & cert. ef. 3-8-11; OPHP 8-2011(Temp), f. & cert. ef. 8-1-11 thru 1-26-12

442-010-0060

Enrollment In HKC

(1) To enroll in HKC members must complete, sign and return all paperwork included in the HKC welcome packet within the program time frames, including the: Plan Selection and Participation Agreement, Consent form, and "Standard Health Statement."

(a) Subsidized members have at least 45 days to choose a plan. If the member does not choose a plan within the established timeframe, DHS will close the eligibility case file. OPHP may request that DHS extend the enrollment timeframe for administrative issues.

(b) Children approved for HKC must select a plan by the 23rd of the month or the last business day before the 23rd of the month for insurance to be effective the 1st of the following month. OPHP may approve an extension for administrative issues.

(2) A family may choose to enroll approved children into HKC or HK ESI. Families are not required to enroll all their children in health insurance. Those who receive a state subsidy, however, must choose a plan within the same market (not split between HKC and HK ESI) for all enrolled children. Subsidized and non-subsidized families choosing HKC must choose the same plan insurance carrier for all eligible children.

(3) Newborn children are covered on the date of birth if the child is born to a:

(a) Covered HKC member; or

(b) Family in which there is a covered HKC sibling.

(4) A newborn will not be covered any earlier than children from the same family enrolled in the plan.

(a) Premiums are due for the full birth month no matter what date the child was born. Premiums will not be prorated.

(b) OPHP will pay the first month's premium for children in subsidized families.

(5) Non-member pregnant teens who want their unborn to be covered effective the date of birth, must:

(a) Apply for HK;

(b) Be determined eligible and enroll in HKC; and

(c) Be covered under the selected HKC plan before the child is born.

(6) Adults who want their unborn child to be covered on the date of birth, must:

(a) Apply for HK; and

(b) Choose a plan and complete enrollment documents by the 23rd of the month or the last business day prior to the 23rd.

(c) Coverage for newborns who have been pre-enrolled will be effective the first of the month following enrollment or the date of birth, whichever is later.

(7) HKC members may not be enrolled in or receiving benefits from other private, government, or public health options while receiving benefits from a HKC plan, except:

(a) During the brief overlap period when the child is moving between OHP and HKC; or

(b) If the child has end stage renal disease and needs dialysis or a kidney transplant.

(A) These children may enroll in both Medicare and a Healthy KidsConnect plan

(B) It is not mandatory for the child to be enrolled in Medicare. If there is coordination of benefits, the HKC carrier is secondary.

(8) If a carrier elects to discontinue participation in HKC, members served by that carrier will have to select another HKC carrier within 60 days of notification. Members who do not enroll within 60 days must reapply through DHS.

(a) Members electing coverage through a new plan must select the plan by the 23rd of the month to be covered the first of the following month. OPHP may extend the enrollment timeframe for administrative issues.

(b) Carriers who elect to discontinue participation in HKC will not be responsible for any claims incurred after the HKC contract period ends.

(c) If a member does not timely enroll in a new plan, the member will be responsible to pay for services received during any period of uninsurance.

(9) Members may only change HKC carriers:

(a) At their next eligibility determination;

(b) If they move out of the carrier's service area; or

(c) If the member's carrier terminates their contract with HKC.

Stat. Auth.: ORS 414.231 & 414.826

Stats. Implemented: ORS 414.231, 414.826, 414.828 & 414.839

Hist.: OPHP 2-2010(Temp), f. & cert. ef. 3-23-10 thru 9-18-10; OPHP 4-2010, f. & cert. ef. 8-31-10; OPHP 2-2011, f. & cert. ef. 1-18-11; OPHP 4-2011, f. & cert. ef. 3-8-11; OPHP 8-2011(Temp), f. & cert. ef. 8-1-11 thru 1-26-12

442-010-0075

Cost Sharing Out of Pocket Maximum

(1) Out of Pocket (OOP) expenses for the purposes of subsidized HKC members include: copayments, coinsurance and member premiums.

(2) Annual OOP expenses for subsidized HKC members are limited to five percent of the family's annual income.

(3) Accumulated OOP expenses are re-set to zero on January 1 each year for all HKC members, regardless of income level.

(4) When a member reapplies or at annual redetermination:

(a) If the member remains eligible at the same subsidy level and chooses to stay with the same carrier, OOP expenses will continue to accumulate until the end of the calendar year. The OOP limit will reset in January of the next calendar year.

(b) If the member remains eligible but the subsidy level changes, OPHP will notify the member and the carrier of the new out of pocket maximum to be used for the remainder of the calendar year.

(5) If a subsidized member chooses to change carriers at annual redetermination, the new carrier is not responsible for OOP costs incurred while covered with the former carrier.

(a) The former carrier will provide OPHP with an estimated year-to-date total of the member's out of pocket costs within 30 days of the member's coverage termination;

(b) The former carrier will report a final corrected total within 90 days of the member's coverage termination.

(c) OPHP will calculate the amount remaining on the member's OOP limit and report that information to the new carrier.

(6) If the member is determined ineligible for a subsidy at redetermination the family may enroll the member in:

(a) A full-cost benefit plan with any HKC carrier;

(b) A portability plan through their current HKC insurance carrier; or

(c) Any insurance carrier in Oregon that issues individual coverage to children under 19 years of age.

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(7) Accumulated OOP costs will not be applied to the full-cost plan's OOP maximum.

(8) When a full-cost member is determined eligible for subsidy, OPHP will calculate the five percent OOP maximum. OOP expenses generated when the member was enrolled in the full cost plan (except premiums) will be applied to the OOP limit.

(a) Premiums paid while the member was enrolled in the full-cost plan are excluded from expenses that apply to the family's new maximum OOP.

(b) Families will continue to pay the member's share of the premium costs.

(c) If the member has exceeded the five percent OOP under the full-cost plan, no additional coinsurance or co payments will be charged to the member.

(d) The member is not eligible for refunds of any amount exceeding the maximum OOP.

Stat. Auth.: ORS 414.231 & 414.826

Stats. Implemented: ORS 414.231, 414.826, 414.828 & 414.839

Hist.: OPHP 4-2011, f. & cert. ef. 3-8-11; OPHP 8-2011(Temp), f. & cert. ef. 8-1-11 thru 1-26-12

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Adopts language for a new benefit offering, health savings accounts, in plan design development and selection.

Adm. Order No.: OEGB 13-2011(Temp)

Filed with Sec. of State: 8-2-2011

Certified to be Effective: 8-2-11 thru 1-28-12

Notice Publication Date:

Rules Adopted: 111-030-0046

Subject: Beginning October 1, 2011, OEGB will be offering health savings accounts (HSAs) as a new benefit offering. 111-030-0046 includes language on this new benefit offering.

Rules Coordinator: April Kelly—(503) 378-6588

111-030-0046

Development of Health Savings Accounts (HSA)

(1) Effective October 1, 2011, OEGB will offer the use of an employer sponsored vendor for Health Savings Accounts (HSA). For purposes of this rule, an HSA vendor will be considered employer sponsored if the Educational Entity offers:

(a) Employer contributions to the HSA; or

(b) Pre-tax or direct deposit of employee contributions to the HSA.

(2) If an Educational Entity chooses to offer an employer sponsored HSA, the Educational Entity may offer this plan through the OEGB-contracted HSA.

(3) Educational Entities may select or allow the HSA option to be available to eligible employees who enroll in OEGB's high-deductible health plan (HDHP) option (currently Medical Plan 9).

(4) Eligible employees who are eligible to enroll in an HSA, and choose the employer sponsored HSA vendor, may do so directly through the HSA vendor or their Educational Entity.

(5) Eligible employees must meet requirements established by the Internal Revenue Service (IRS) to qualify for enrollment in an HSA. Once enrolled in an HSA, members are responsible to adhere to tax requirements of the IRS.

(6) Because IRS requirements for an individual to qualify for enrollment in an HSA include concurrent enrollment in a high-deductible health plan (HDHP), an Educational Entity that offers an employer sponsored HSA must offer its employees the choice of a HDHP option from among OEGB's medical plans (currently Medical Plan 9). If an employee is enrolled in an OEGB medical plan that is not an HDHP option, the employee may not enroll in the OEGB HSA.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.874(5)

Hist.: OEGB 13-2011(Temp), f. & cert. ef. 8-2-11 thru 1-28-12

Rule Caption: Revise definition of eligible employee.

Adm. Order No.: OEGB 14-2011

Filed with Sec. of State: 8-2-2011

Certified to be Effective: 8-2-11

Notice Publication Date: 4-1-2011

Rules Amended: 111-010-0015

Rules Repealed: 111-010-0015(T)

Subject: At the December Board meeting, the OEGB Board approved a request to expand eligibility to certain part-time employees. This revision to OAR 111-010-0015 includes a revised definition of eligible employee to include this group.

Rules Coordinator: April Kelly—(503) 378-6588

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OEGB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Adverse Benefit Determination" means a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part), for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on but not limited to:

(a) a determination of a member's eligibility to participate in the plan;

(b) a determination that the benefit is not a covered benefit; or

(c) a rescission of coverage, whether or not, in connection with rescission, there is an adverse effect on any particular benefit.

(3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (15)(b).

(4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

(a) Medical;

(b) Dental;

(c) Vision;

(d) Life, disability and accidental death;

(e) Long term care;

(f) Flexible spending accounts;

(g) Supplemental medical, dental and vision;

(h) Any other remedial care recognized by state law, and related services and supplies;

(i) Comparable benefits for employees who rely on spiritual means of healing; and

(j) Self insurance programs managed by the Board.

(5) "Benefits" means goods and services provided under benefit plans.

(6) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(7) "Child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son, daughter, stepson, or stepdaughter; adopted child, child placed for adoption, or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Educational Entity or OEGB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEGB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEGB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEGB coverage eligibility.

(D) The person must not have terminated from OEGB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

(8) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEGB plans comparable in design

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to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(9) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(11) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(12) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(13) "Dependent" means and includes the Employee's Spouse or Domestic Partner, or child as defined by OAR 111-010-0010(7) or other person having a relation to the subscriber as defined by the Contractor.

(14) "Documented district policies" means Educational Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Educational Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(15) "Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months immediately preceding the date the Affidavit of Domestic Partnership is signed and submitted to the Educational Entity; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the Educational Entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) The domestic partner must notify the Educational Entity within 31 days of meeting all criteria as defined in 111-010-0015 (15)(b) or obtaining the "Declaration of Domestic Partnership" which is recognized under Oregon law.

(d) Educational Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(16) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

(17) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is:

(A) Employed or is in a job-sharing position on a half time or greater basis; or

(B) Meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008; or

(C) An employee of a community college who is covered under a collectively bargained contract and has worked a class load of between 25 percent and 49 percent for a minimum period of two years and is expected to continue to work a class load of at least 25 percent. Coverage is limited to medical to include Kaiser Medical Plan 1A (where available), ODS Medical Plan 8 (with Plan C pharmacy) and ODS Medical Plan 9. The tiered rate structure will apply to all medical plans.

(b) "Retired eligible employee" means a previously active eligible employee, who is:

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(18) "Employee Group" means employees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Educational Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(19) "Members" means and includes the following:

(a) "Eligible employee" as defined by OAR 111-010-0015(17).

(b) "Child" as defined by OAR 111-010-0015(7).

(c) "Domestic Partner" as defined by OAR 111-010-0015(15).

(d) "Spouse" as defined by OAR 111-010-0015(25).

(20) "Non-subject District" means a community college, district or a charter school if the employees are not considered employees of a school district.

(21) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(22) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(23) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

(a) Was self-insured on December 31, 2006;

(b) Had an independent health insurance trust established and functioning on December 31, 2006; or

(c) Can provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

(24) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event.

(25) "Spouse" means a person of the opposite sex who is a husband or wife. Except as provided in Oregon Constitution Article XV, Section 5a, a relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(26) "Subject District" means a common school district, a union high school district, or an education service district that:

(a) Did not self-insure on January 1, 2007;

(b) Did not have a health trust in effect on January 1, 2007; or

(c) Does not provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

Stat. Auth.: ORS 243.860 - 243.886

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

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 2-2008, f. & cert. ef. 1-4-08; OEBB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEBB 1-2009, f. & cert. ef. 1-30-09; OEBB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEBB 8-2009, f. & cert. ef. 5-1-09; OEBB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 19-2009, f. & cert. ef. 12-17-09; OEBB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 11-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 1-2011, f. & cert. ef. 2-11-11; OEBB 6-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEBB 14-2011, f. & cert. ef. 8-2-11

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Rule Caption: Revised language to include definitions for a new benefit offering.

Adm. Order No.: OEBB 15-2011(Temp)

Filed with Sec. of State: 8-2-2011

Certified to be Effective: 8-2-11 thru 1-28-12

Notice Publication Date:

Rules Amended: 111-010-0015

Subject: The revisions to OAR 111-010-0015, include revised and new definitions for a new benefit offering, health savings accounts (HSAs) beginning October 1, 2011. The revisions include adding "Employee Assistance Program Plans" as defined under "Benefit plan" and defining "Flexible benefit plan".

Rules Coordinator: April Kelly—(503) 378-6588

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OEBB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Adverse Benefit Determination" means a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part), for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on but not limited to:

(a) A determination of a member's eligibility to participate in the plan;

(b) A determination that the benefit is not a covered benefit; or

(c) A rescission of coverage, whether or not, in connection with rescission, there is an adverse effect on any particular benefit.

(3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (15)(b).

(4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

(a) Medical;

(b) Dental;

(c) Vision;

(d) Life, disability and accidental death;

(e) Long term care;

(f) Employee Assistance Program Plans;

(g) Supplemental medical, dental and vision;

(h) Any other remedial care recognized by state law, and related services and supplies;

(i) Comparable benefits for employees who rely on spiritual means of healing; and

(j) Self insurance programs managed by the Board.

(5) "Benefits" means goods and services provided under benefit plans.

(6) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(7) "Child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son, daughter, stepson, or stepdaughter; adopted child, child placed for adoption, or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Educational Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.

(D) The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

(8) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEBB plans comparable in design to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(9) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(11) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(12) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(13) "Dependent" means and includes the Employee's Spouse or Domestic Partner, or child as defined by OAR 111-010-0010(7) or other person having a relation to the subscriber as defined by the Contractor.

(14) "Documented district policies" means Educational Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Educational Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(15) "Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months immediately preceding the date the Affidavit of Domestic Partnership is signed and submitted to the Educational Entity; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the Educational Entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) The domestic partner must notify the Educational Entity within 31 days of meeting all criteria as defined in 111-010-0015 (15)(b) or obtaining the "Declaration of Domestic Partnership" which is recognized under Oregon law.

(d) Educational Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

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(16) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

(17) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is:

(A) Employed or is in a job-sharing position on a half time or greater basis; or

(B) Meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008; or

(C) An employee of a community college who is covered under a collectively bargained contract and has worked a class load of between 25 percent and 49 percent for a minimum period of two years and is expected to continue to work a class load of at least 25 percent. Coverage is limited to medical to include Kaiser Medical Plan 1A (where available), ODS Medical Plan 8 (with Plan C pharmacy) and ODS Medical Plan 9. The tiered rate structure will apply to all medical plans.

(b) "Retired eligible employee" means a previously active eligible employee, who is:

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(18) "Employee Group" means employees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Educational Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(19) "Flexible benefit plan" includes plans that allow contributions on a tax-favored basis including health savings accounts.

(20) "Members" means and includes the following:

(a) "Eligible employee" as defined by OAR 111-010-0015(17).

(b) "Child" as defined by OAR 111-010-0015(7).

(c) "Domestic Partner" as defined by OAR 111-010-0015(15).

(d) "Spouse" as defined by OAR 111-010-0015(26).

(21) "Non-subject District" means a community college, district or a charter school if the employees are not considered employees of a school district.

(22) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(23) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(24) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

(a) Was self-insured on December 31, 2006;

(b) Had an independent health insurance trust established and functioning on December 31, 2006; or

(c) Can provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

(25) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event.

(26) "Spouse" means a person of the opposite sex who is a husband or wife. Except as provided in Oregon Constitution Article XV, Section 5a, a relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(27) "Subject District" means a common school district, a union high school district, or an education service district that:

(a) Did not self-insure on January 1, 2007;

(b) Did not have a health trust in effect on January 1, 2007; or

(c) Does not provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

Stat. Auth.: ORS 243.860 - 243.886

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

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 2-2008, f. & cert. ef. 1-4-08; OEBB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEBB 1-2009, f. & cert. ef. 1-30-09; OEBB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEBB 8-2009, f. & cert. ef. 5-1-09; OEBB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 19-2009, f. & cert. ef. 12-17-09; OEBB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 11-2010(Temp), f. & cert. ef. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 1-2011, f. & cert. ef. 2-11-11; OEBB 6-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEBB 14-2011, f. & cert. ef. 8-2-11; OEBB 15-2011(Temp), f. & cert. ef. 8-2-11 thru 1-28-12

Oregon Health Authority, Public Employees' Benefit Board Chapter 101

Rule Caption: Suspends/adopts rules to sustain program integrity efforts and clarify audit processes for accurate benefit programs enrollments.

Adm. Order No.: PEBB 2-2011(Temp)

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11 thru 1-31-12

Notice Publication Date:

Rules Amended: 101-015-0005, 101-020-0025

Subject: Amends OAR 101-015-0005 and 101-020-0025 for purposes of sustaining PEBB's program integrity efforts and clarifying routine audit processes used to verify accurate benefit programs enrollments at any time of the year.

Rules Coordinator: Cherie Taylor—(503) 378-6296

101-015-0005

Eligible Individuals

(1) The following individuals are eligible to participate in PEBB-sponsored benefit plans:

(a) An eligible employee as defined in OAR 101-010-0005(14).

(b) A seasonal or intermittent employee described as follows:

(A) An individual hired for the first time is eligible for PEBB-sponsored benefit plans if expected to work at least a 90-day continual period and work at least half-time or in a position classified as job share. The eligible employee must enroll within 30 days of his or her hire date or date of eligibility.

(B) An individual hired for the first time, working at least half-time or in a position classified as job share and not expected to work a 90-day or more continual period is eligible for PEBB-sponsored benefit plans if they work more than a 90-day continual period. If the new employee works more than a 90-day continuous work period, the employee can submit enrollment forms and the effective date of the enrollment is retroactive to the first of the month following 30 days from the individual's hire date.

(C) A previously ineligible employee returning to work is eligible for benefit plans once they accumulate a total of 60 calendar days of employment within the current or immediately previous plan year. The 60 calendar days of employment need not be consecutive.

(c) A current spouse, domestic partner, or an eligible dependent child. An eligible spouse, domestic partner, or dependent child is enrolled only after being listed by the eligible employee on the required enrollment form or the electronic equivalent. An ex-spouse or ex-domestic partner is not eligible for active or retired employee PEBB plan coverage.

(d) An appointed or elected official. Eligibility for benefit plans begins on the first day of the month following the date the official takes the oath of office.

(2) The eligible employee is responsible to maintain a valid PEBB enrollment for all eligible individuals receiving coverage. See OAR 101-020-0025.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061-302, 659A.060-066, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08; PEBB 7-2010, f. 12-10-10, cert. ef. 1-1-11; Suspended by PEBB 1-2011(Temp), f. & cert. ef. 3-9-11 thru 8-4-11; PEBB 2-2011(Temp), f. & cert. ef. 8-5-11 thru 1-31-12

101-020-0025

Terminating Coverage due to a Midyear Plan Change Event, Eligibility Verifications, Rescissions, Agency Premium Refunds

(1) An employee can experience a qualified midyear change event that will permit or require the employee to request a termination of coverage for other individuals on their healthcare coverage. The employee's request for

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any coverage termination for an individual must be submitted within 30 days of the qualifying midyear change event, and submitted to the employee's agency on the appropriate forms.

(a) When an employee experiences a qualifying midyear change that permits the employee to remove an individual from coverage, but does not require the employee to terminate the coverage due to a loss of eligibility, the employee's agency must terminate the coverage prospectively. Coverage ends the last day of the month following receipt of the appropriate forms. Submission of the forms beyond 30 days will result in a denial of the termination. The employee must wait until open enrollment and remove the individual at that time.

EXAMPLE: Bill currently provides PEBB coverage for his 22-year-old son, Mark. On May 5th Mark starts a new job that provides him with health care coverage. Bill can continue Mark's PEBB coverage, or based on the qualified midyear event of "Gain of Coverage Eligibility under Another Employer's Plans" Bill can terminate the coverage. Bill decides to terminate coverage for Mark and submits a midyear change form to his agency on June 1. (Within 30 days of the event date) The agency will terminate Mark's coverage effective June 30.

(b) An employee must request termination of coverage for an individual receiving PEBB coverage under their enrollments that becomes ineligible for the coverage. Examples of individuals who no longer meet eligibility and require termination from coverage include, but are not limited to, an ex-spouse, ex-domestic partner, a child by affidavit no longer eligible due to age limitation within the legal responsibility document, or a disabled child who no longer meets either the medical or other eligibility criteria. Agencies will terminate an ineligible individual's coverage prospectively. Coverage ends the last day of the month following receipt of the appropriate forms from the employee. The exception to prospective termination is termination of coverage for an ex-spouse, ex-domestic partner, and their children who are not biological children or adopted children of the employee, in which case PEBB coverage must terminate retroactively to the last day of the month that the eligibility is lost. PEBB must process and complete all retroactive terminations.

EXAMPLE 1: Ann's divorce is final on June 6. On June 22, she submits the correct change form to her agency to remove her ex-spouse from coverage. The agency can process Ann's ex-spouse's termination from PEBB coverage effective June 30.

EXAMPLE 2: Mary's divorce is final on June 15. On July 1, Mary submits the correct change form to her agency to remove her ex-spouse from coverage. The notification to the agency is in the month following the date of divorce; however, it is within the allowable 30 days of the event date. The ex-spouse's coverage must terminate retroactively. The agency will send Mary's forms to PEBB to process and coverage will terminate June 30.

(c) An ineligible individual will receive a COBRA availability notice when the coverage terminates within 60 days from eligibility loss.

(2) PEBB must receive all employee requests for termination of coverage of ineligible individuals beyond the allowable 30 days. PEBB will follow (1)(b) of this rule in determining the correct termination date for the ineligible individual.

(a) When the coverage termination for the ineligible individual is prospective, the employee must pay an imputed value tax for each month of coverage that the ineligible individual received coverage. PEBB will communicate to the agency the imputed value to add to the employee's taxable wages.

(b) When coverage must terminate retroactively:

(A) The agency will receive the following months of premium refunds for the most recent months of coverage received by the ineligible individual, (i) from PEBB up to six months for self-funded plans, (ii) from fully funded plans, up to one year.

(B) An eligible employee may be responsible to repay claims paid by benefit plans for an ineligible individual during any period of ineligibility for which premiums are refunded.

(3) An employee's failure to report a family member's or domestic partner's loss of eligibility during the 12-month period before the start of each annual open enrollment period can result in civil or criminal charges against the employee for fraud or the intent to misrepresent the material facts of enrollment. To the extent allowed by law, PEBB may rescind coverage back to the last day of the month of the plan year when eligibility was lost. Rescission of coverage can occur to an employee, or an individual for whom the employee provides coverage. The following actions will occur during a rescission of coverage action taken by PEBB:

(a) PEBB will provide at least 30 calendar days' advance notice of the rescission date to the ineligible individual. Coverage will rescind to last day of the month and plan year in which the individual lost eligibility.

(b) PEBB will include a notice of appeal rights with the rescission notice to the individual losing coverage.

(c) The agency may request premium refunds as described in (2)(b)(A) of this rule.

(d) An agency may determine that an employee must repay to the agency the premiums paid for coverage during the ineligible period.

(e) As contractually agreed to, a plan may determine that an employee must repay insurance claims paid by a plan for the ineligible individual during the ineligible period.

(f) An employee's agency can take disciplinary action against the employee for the employee's failure to remove an ineligible individual from coverage.

(g) The employee may have imputed value added to their taxable income for premiums not refunded by the plans or repaid by the employee to the agency.

EXAMPLE: Ann's divorce is final on June 6, 2010. Ann submits her update form to her agency a year later on June 1, 2011, after she certified during the October 2010 open enrollment period that all individuals receiving coverage in the new plan year were eligible for coverage. The agency sends Ann's update forms to PEBB. PEBB sends a notice to Ann's ex-spouse at the last known address informing the individual that on July 1, 2011 PEBB will rescind the individual's coverage to June 30, 2010 (the month that eligibility was lost). PEBB includes a notice of appeal rights. The ex-spouse will receive a COBRA unavailability notice due to the employee's late notice of loss of eligibility. Ann's agency can receive premium refunds for the most recent months of allowable premium according to (2)(b)(A) of this rule. When premiums are refunded to the agency, Ann will be responsible for any claims paid by the plans for the ex-spouse during the refund period. For the months of non-refunded premium and according to her agency's policy, Ann may be responsible to repay the agency's premium cost for her ex-spouse or responsible to pay an imposed imputed value tax for the months of coverage not refunded.

(4) PEBB may at any time request information from an individual receiving PEBB coverage or from the eligible employee under whom that individual is enrolled, to verify that the individual is eligible under these rules. Based on the information provided, PEBB will determine the individual's eligibility for coverage under a PEBB sponsored plan.

(a) PEBB's verification process may require submission of any information related to determining eligibility, including but not limited to a written certification or requested verification documents. Verification documents may include, but are not limited to, a birth certificate, adoption order, placement agreement, guardianship order, physician documentation of an overage child's disability, marriage certificate, tax return, certificate of registered domestic partnership, or affidavit of domestic partnership. During the verification process, employees and other persons enrolled to receive PEBB benefits must, within the time period set forth in PEBB's request for information, furnish such information as PEBB may request for the purpose of eligibility verification.

(b) PEBB will terminate coverage for individuals that do not respond as required to verification requests or if the verification process determines that an individual is ineligible to receive PEBB coverage.

(c) PEBB will terminate coverage according to this rule or at any time an ineligible individual is discovered receiving PEBB coverage, whether or not the employee requested termination. Termination of coverage will be retroactive if so required by this rule, except that during a verification process PEBB may announce a period of time during which member-initiated disenrollment of ineligible individuals will be prospective only.

(d) Paragraph (4)(a) of this rule applies only to an individual enrolled in PEBB as a spouse, domestic partner, or dependent child. PEBB may use a contractor to perform any function described in paragraph (4)(a) of this rule. A PEBB member or individual enrollee is not required to pursue any internal appeals process provided by the contractor for relationship eligibility verification before filing an appeal to PEBB under OAR 101-020-0066.

(5) A benefit plan may remove from coverage or deny the claims of an eligible employee, a family member, domestic partner, or domestic partner's dependent child because of fraud, intentional misrepresentation of a material fact as prohibited by the terms of the plan, eligibility violations, or policy term violations. When a plan removes an employee from coverage for violations:

(a) The employee may as a midyear plan change choose an alternative PEBB plan to replace the terminated plan. If no alternative PEBB plan is available in the employee's service area, there is no coverage.

(b) The plan may retain all premiums paid and has the right to recover from the employee, the benefits paid because of such wrongful activity that are in excess of the premiums.

(c) The plan may deny future enrollments of the individual.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 2-2008, f. & cert. ef. 8-1-08; PEBB 3-2009, f. 9-29-09 cert. ef. 10-1-09; Suspended by PEBB 1-2011(Temp), f. & cert. ef. 3-9-11 thru 8-4-11; PEBB 2-2011(Temp), f. & cert. ef. 8-5-11 thru 1-31-12

Rule Caption: Suspension of OEBB OAR 101-015-0025.

Adm. Order No.: PEBB 3-2011(Temp)

Filed with Sec. of State: 8-11-2011

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Certified to be Effective: 8-11-11 thru 2-7-12

Notice Publication Date:

Rules Suspended: 101-015-0025

Subject: Suspends OAR 101-015-0025, allowing OAR 101-015-0026 to become the appropriately guiding rule for domestic partnerships.

Rules Coordinator: Linda Pavis—(503) 378-2349, ext. 325

101-015-0025

Domestic Partnership

(1) Certificate of Registered Domestic Partnership. When a Registered Domestic Partnership exists and the eligible employee wants to enroll the domestic partner or the domestic partner's eligible children in benefit plans, the employee may electronically enroll or submit enrollment update forms to the agency at the appropriate time as defined by PEBB enrollment rules.

(2) PEBB Affidavit of Domestic Partnership. An eligible employee and an individual of the opposite sex, or of the same sex without a Certificate of Registered Domestic Partnership who want enrollment in PEBB plans as Domestic Partners must meet all of the following criteria:

(a) Are both at least 18 years of age;

(b) Are responsible for each other's welfare and are each other's sole domestic partners;

(c) Are not married to anyone;

(d) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(e) Currently share the same regular permanent residence.

(f) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter, and any other expenses of maintaining a household. Financial information must be provided if requested.

(g) Electronically enroll or submit enrollment forms to the agency at the appropriate time as defined by PEBB enrollment rules. The employee and domestic partner must jointly complete and submit to the agency a notarized PEBB Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the agency received the enrollment forms. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(h) To enroll eligible dependent children of a domestic partnership by affidavit in benefit plans, whether or not the enrollment includes the domestic partner, the employee must submit an Affidavit of Domestic Partnership form along with enrollment or update forms to the agency. If the affidavit is not received within 5 business days of the electronic enrollment date or the date the agency received the forms, coverage will terminate for the domestic partner's eligible children retroactive to the effective date.

(3) An imputed value for the fair market value of the domestic partner and domestic partner's dependent children's insurance premium will be added to the eligible employee's taxable wages.

(4) An eligible employee ending a domestic partnership established under the PEBB Affidavit of Domestic Partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the agency within 60 days of the event. If the domestic partnership was established under the Certificate of Registered Domestic Partnership, only enrollment update forms must be submitted to the agency within 60 days of the event. Insurance coverage for the domestic partner and domestic partner's dependent children ends the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. 2-4-08, cert. ef. 2-4-08 thru 8-1-08; PEBB 2-2008, f. & cert. ef. 8-1-08; Suspended by PEBB 5-2010(Temp), f. 9-23-10, cert. ef. 10-1-10 thru 3-29-11; Suspended by PEBB 3-2011(Temp), f. & cert. ef. 8-11-11 thru 2-7-12

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**Oregon Health Authority,
Public Health Division
Chapter 333**

Rule Caption: Amendment of rules that govern accreditation of environmental testing laboratories.

Adm. Order No.: PH 6-2011

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-9-11

Notice Publication Date: 6-1-2011

Rules Amended: 333-064-0005, 333-064-0010, 333-064-0015, 333-064-0025, 333-064-0030, 333-064-0035, 333-064-0050, 333-064-0060, 333-064-0065

Subject: The Oregon Health Authority, Public Health Division, Oregon State Public Health Laboratory is permanently amending Oregon Administrative Rules in chapter 333, division 64 pertaining to accreditation of laboratories. The proposed amendments will: 1) Change the Standard to which ORELAP accredits laboratories from the 2003 National Environmental Laboratory Accreditation Conference (NELAC) Standards to The NELAC Institute (TNI) 2009 Standards; 2) Change from charging assessment fees based on programs to matrices, which matches how laboratories are actually accredited to national standards; 3) Add language concerning the accreditation of mobile laboratories as required by the National Environmental Laboratory Accreditation Program (NELAP); 4) Add new technologies to ORELAP's fields of accreditation; 5) Increase fees to out-of-state laboratories requesting accreditation by Oregon in order to help cover the costs of the program; 6) Make revisions to procedures to reflect revisions to current practices; 7) Add clarifying language to help avoid misinterpretation.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-064-0005

Purpose

These rules are for the purpose of implementing Oregon Revised Oregon Statutes (ORS) 438.605 to 438.620, 448.280 and the Oregon Drinking Water Quality Act of 1981. ORS 438.610 states that the Oregon Health Authority shall by adopting standards in concurrence with the accrediting body, implement an environmental laboratory accreditation program hereafter referred to as the Oregon Environmental Laboratory Accreditation Program (ORELAP). These rules establish requirements for the accreditation of laboratories analyzing environmental samples under the guidance of the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and the Resource, Conservation and Recovery Act (RCRA). The Oregon Health Authority shall accept ORELAP accreditation for 448.150(1) that states that water samples from public water systems shall be analyzed in a laboratory approved by the Oregon Health Authority.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Hist.: OH 7-1999, f. & cert. ef. 10-26-99; OH 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0010

Scope

(1) These rules apply to environmental laboratories seeking accreditation and performing environmental testing.

(2) Accreditation as described in these rules is required for all environmental laboratories reporting drinking water analysis results to the Oregon Health Authority except for Oregon Department of Agriculture Laboratory, Oregon Department of Environmental Quality Laboratory and the Oregon State Public Health Laboratory which must be certified by the United States Environmental Protection Agency for drinking water analysis.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Hist.: OH 7-1999, f. & cert. ef. 10-26-99; OH 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0015

Adoption by Reference

All standards, listings and publications referred to in these rules are, by those references, made a part of these rules as though fully set forth. Copies are available through the Oregon Health Authority, Oregon State Public Health Laboratory.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Hist.: OH 7-1999, f. & cert. ef. 10-26-99; OH 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 6-2011, f. & cert. ef. 8-9-11

ADMINISTRATIVE RULES

333-064-0025

Definitions

As used in these rules, unless the context indicates otherwise:

(1) "Accrediting Body" means the official accrediting authority for the Oregon Environmental Laboratory Accreditation Program comprised of the Administrator of the Oregon State Public Health Laboratory or designee, the Laboratory Administrator of the Department of Environmental Quality or designee and the Laboratory Administrator of the Department of Agriculture or designee.

(2) "Air" as matrix means air samples, which are analyzed for possible contaminants under the guidance of the Clean Air Act.

(3) "Authority" means the Oregon Health Authority.

(4) "Biological Tissue" as matrix means samples of biological tissue, excluding those of human origin, which are analyzed for the presence of possible environmental contamination.

(5) "Clean Air Act (CAA)" means the enabling legislation, **42 U.S.C. 7401 et seq. (1974), Public Law 91-604, 84 Stat. 1676 Public Law 95-95, 91 Stat., 685 and Public Law 95-190, 91 Stat., 1399**, that empowers the EPA to promulgate air quality standards, monitor and enforce them.

(6) "Clean Water Act (CWA)" means the enabling legislation under **33 U.S.C. 1251 et seq., Public Law 92-50086, Stat. 816** that empowers the EPA to set discharge limitations, write discharge permits, monitor and bring enforcement action for non-compliance.

(7) "Drinking Water" as matrix means samples of presumed potable water and source water, which are analyzed for possible contaminants under the guidance of the Safe Drinking Water Act.

(8) "Environmental laboratory" means a fixed location or mobile facility that analyzes environmental samples in a controlled and scientific manner.

(9) "Fields of Accreditation" means those matrix, technology/method, and analyte combinations for which ORELAP offers accreditation.

(10) "Fields of Testing" means those technologies for which ORELAP offers accreditation.

(11)(a) "Mobile Category 1 Laboratory" means any facility, deployed for no more than six consecutive months and no more than six months during a calendar year, that:

(A) Analyzes environmental samples utilizing the staff and equipment from the parent fixed laboratory;

(B) Operates under the quality system of its parent fixed laboratory;

(C) Is capable of moving or being moved from site to site, such as but not limited to vans, trailers and motor coaches; and

(D) May operate under the fixed laboratory's accreditation.

(12)(a) "Mobile Category 2 Laboratory" means any facility that:

(A) Analyzes environmental samples;

(B) Operates under its own quality system;

(C) Is capable of moving or being moved from site to site, such as but not limited to vans, trailers and motor coaches; and

(D) Issues the final reports or is a mobile laboratory operating with a fixed laboratory's quality system, but is deployed for more than six consecutive months or more than six months in a calendar year.

(b) Mobile category 2 laboratories require separate accreditation and are accredited to their vehicle identification numbers (VIN).

(13) "National Environmental Laboratory Accreditation Program (NELAP)" means the program established to oversee the implementation of the TNI Standards.

(14) "NELAP approved accrediting body" means a state or federal department/agency that has been approved by NELAP as being an entity whose accreditation and assessment program meets all of the requirements of the TNI Standards.

(15) "Non-Potable Water" as matrix means aqueous samples, which are analyzed under the guidance of the Clean Water Act or the Resource, Conservation and Recovery Act.

(16) "On-site assessment" means an on-site visit to the environmental laboratory to verify items addressed in the ORELAP application and to evaluate the facility and analytical performance for conformance with the TNI Standards.

(17) "ORELAP approved assessor" means an assessor whose qualification has been evaluated by ORELAP and found to meet TNI Standards for laboratory on-site assessors.

(18) "Primary Accreditation" means accreditation by a NELAP approved accrediting body based on a laboratory's compliance to TNI Standards after a review of the laboratory's application, quality manual, PT results and on-site assessment results as described in the TNI Standards.

(19) "Proficiency testing (PT)" means the analysis of samples obtained from providers that meet the TNI standards for PT providers. The

composition of the sample is unknown to the laboratory performing the analysis, and is used in part to evaluate the ability of the laboratory to produce precise and accurate results.

(20) "Public water system" means a water system as defined in OAR 333-061-0010.

(21) "Quality Manual (QM)" means a document stating the management policies, objectives, principles, organizational structure and authority, responsibilities, accountability, and implementation of a laboratory to ensure the quality of its product and the utility of its product to its users.

(22) "Resource Conservation and Recovery Act (RCRA)" means the enabling legislation, 42 U.S.C. section 6901 et seq. (1976), that requires the EPA to protect human health and protecting and monitoring the environment by regulating hazardous waste disposal practices.

(23) "Safe Drinking Water Act (SDWA)" means the SDWA enacted in 1974 and the Safe Drinking Water Amendments of 1986, 42 U.S.C. 300f et seq., Public Law 93-523, that is the enabling legislation that requires the EPA to protect the quality of drinking water in the U.S. by setting maximum allowable contaminant levels, monitoring, and enforcing violations.

(24) "Secondary Accreditation" means the recognition by reciprocity for the fields of accreditation, methods and analytes for which the laboratory holds current primary accreditation by another NELAP recognized accrediting body.

(25) "Solids" as a matrix means samples of soil, sludge and other non-aqueous compounds analyzed under the guidance of the Resource, Conservation and Recovery Act.

(26) "TNI" means the NELAC (National Environmental Laboratory Accreditation Conference) Institute. TNI is a voluntary organization of state and federal environmental officials and interest groups purposed primarily to establish mutually acceptable standards for accrediting environmental laboratories.

(27) "TNI Standards" means the adopted 2009 TNI Standards (© 2009 The NELAC Institute), which are documents describing the elements of laboratory accreditation that was developed and established by the consensus principles of TNI and meets the approval requirements of TNI procedures and policies.

(28) "These rules" means the Oregon Administrative Rules encompassed by OAR 333-064-0005 through 333-064-0065.

(29) "Third party assessor" means an ORELAP approved assessor who has a current contract with the Oregon Health Authority to perform on-site assessments of laboratories for ORELAP and is not employed by the state agencies comprising ORELAP's accrediting body.

(30) "United States Environmental Protection Agency (EPA)" means the federal government agency with the responsibility for protecting public health and safeguarding and improving the natural environment (i.e., air, water, and land) upon which human life depends.

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

Stat. Auth.: ORS 184, 438.605, 438.610, 438.615, 438.620, 448.131, 448.150(1), 448.280(1)(b) & (2)

Stats. Implemented: ORS 438.605, 438.610, 438.615, 438.620, 448.280(1)(b) & (2)

Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; OHD 1-2001, f. & cert. ef. 1-17-01; OHD 16-2002, f. & cert. ef. 10-10-02; PH 5-2003, f. 5-15-03, cert. ef. 7-1-03; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 23-2004, f. & cert. ef. 7-1-04; PH 8-2005, f. 6-1-05, cert. ef. 7-1-05; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0030

Schedule for Requesting Accreditation, Period of Accreditation

(1) Laboratories in Oregon will be considered to be accredited by ORELAP after the laboratory has requested accreditation, been evaluated by ORELAP and has met all criteria in accordance with OAR 333-064-0035.

(2) The accreditation period for each laboratory is for one year with subsequent accreditation periods beginning from the first day the laboratory is granted accreditation.

(3) Laboratories must reapply for ORELAP approval annually, with the application to be received by ORELAP 120 calendar days prior to the expiration of the current accreditation period and with all appropriate fees paid no less than 60 days prior to the expiration of their current certificate of accreditation.

(4) ORELAP-accredited laboratories may apply for accreditation of additional parameters (analytes, methods, matrices) at any time during their accreditation period with accreditation for such parameters expiring with the current accreditation period.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.610 & 438.615

Stats. Implemented: ORS 438.605, 438.610 & 438.615

Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; OHD 1-2001, f. & cert. ef. 1-17-01; OHD 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 6-2011, f. & cert. ef. 8-9-11

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333-064-0035

Approval Requirements

(1) This rule and the TNI Standards describe the procedure for obtaining and maintaining accreditation.

(2) ORELAP accreditation can be granted, denied, suspended, or revoked in total or in part as described in the TNI Standards.

(3) In no case shall a laboratory be accredited that does not comply with the TNI Standards as specified in this rule.

(4) The elements for accreditation shall include but are not restricted to:

(a) Application for accreditation:

(A) ORELAP will make online, electronic applications available to all laboratories requesting an application.

(B) The laboratory must request ORELAP accreditation by completing and submitting to ORELAP an acceptable application that includes all elements as required by the TNI Standards. For primary accreditation this includes a completed application with all required documents. For secondary accreditation this includes a completed application with all of the required documents plus proof of accreditation from a primary accrediting body.

(b) Laboratory's participation in a biennial on-site assessment(s) as required by the TNI Standards. Environmental testing laboratories seeking initial, primary ORELAP accreditation shall not be granted accreditation prior to an acceptable on-site assessment;

(c) Laboratory's participation in proficiency testing (PT) and the obtaining of acceptable PT results according to the TNI Standards;

(d) A quality manual (QM) that includes all elements as set forth in the TNI Standards;

(e) Laboratory staff members that meet the TNI Standards for training and experience for their responsibilities within the environmental laboratory;

(f) Creation and retention of all records pertaining to samples and analyses, including chain of custody documents, log books, work sheets, raw data, calculations, quality assurance data, and reports according to TNI Standards;

(g) Laboratory's full payment of all appropriate fees as described in OAR 333-064-0060.

Stat. Auth.: ORS 448.150(1), 448.131, 448.280(1)(b)(2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620
Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; OHD 1-2001, f. & cert. ef. 1-17-01; OHD 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 8-2005, f. 6-1-05, cert. ef. 7-1-05; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0050

Accreditation of Out-of-State and Mobile Category 2 Laboratories

(1) ORELAP shall accredit out-of-state laboratories that are eligible for reciprocal accreditation provided:

(a) The laboratory is accredited by a state recognized as a NELAP accrediting body for those fields of testing (analytes, methods, matrices) in which the laboratory is requesting accreditation pursuant to this rule.

(b) The laboratory submits to ORELAP an acceptable application as described in OAR 333-064-0035(4).

(c) The laboratory pays all appropriate fees as described in OAR 333-064-0060.

(2) ORELAP may accredit out-of-state laboratories that are located in states that do not have a NELAP approved accrediting body for the fields of testing and matrices in which the laboratory desires accreditation provided that the laboratory complies with all the requirements in OAR 333-064-0035.

(3) ORELAP may accredit mobile category 2 laboratories that do not operate as an entity of an Oregon fixed base facility as out-of-state laboratories. Such laboratories must meet all of the requirements for out-of-state laboratories pursuant to these rules.

Stat. Auth.: ORS 448.150(1) & 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620
Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0060

Fee Schedule

Fees will be charged to Oregon in-state and out-of-state environmental laboratories according to the following schedule. A mobile category 2 laboratory that operates as an entity of an Oregon fixed base facility will be considered an in-state laboratory, and one that does not operate as an entity of an Oregon fixed base facility will be considered an out-of-state laboratory.

Mobile category 1 laboratories are covered under the parent fixed laboratory's accreditation and are not required to pay an additional fee.

(1) A non-refundable application fee must be paid for each application requesting accreditation for methods.

(a) For laboratories located in Oregon, one of three levels of fees, Tier 1 at \$450, Tier 2 at \$900 and Tier 3 at \$1,600 will be charged. The Tiers will be determined by the total number of points derived from the number of fields of testing requested for accreditation listed in subsections (2)(a) through (c) of this rule.

(A) Each Basic Field of Testing has a multiplier of 1.

(B) Each Moderate Field of Testing has a multiplier of 3.

(C) Each Complex Field of Testing has a multiplier of 5.

(D) The total number of points is determined by first summing the number of fields of testing within each category (Basic, Moderate or Complex) and then multiplying the sums by their appropriate multiplier as given in this rule. The sum of these results determines the total number of points for each laboratory. Laboratories with a total of 1 to 10 points are to be considered Tier 1 laboratories, 11 to 25 points are Tier 2 laboratories and 26 or more points are Tier 3 laboratories.

(b) For each out-of-state laboratory requesting primary or secondary accreditation through ORELAP, one of three levels of fees, Tier 1 at \$1,375, Tier 2 at \$2,200 and Tier 3 at \$3,300 will be charged with each Tier determined according to subsection (1)(a) of this rule.

(c) If a new owner acquires the laboratory and wishes the laboratory to remain accredited, the laboratory must submit a new owner application, and may be required to pay the application fee and be subject to a new on-site assessment and payment of on-site assessment fees as described in this rule.

(2) Upon ORELAP's review of a laboratory's application, each laboratory requesting primary accreditation through ORELAP, when ORELAP personnel will be used for the assessment, the laboratory will be charged an assessment fee based on the number fields of testing and matrices as follows:

(a) Oregon laboratories will be charged \$90 and out-of-state laboratories will be charged \$100 for each of the following Basic Fields of Testing requested for accreditation:

(A) Chromofluorogenic (Microbiology);

(B) Membrane Filter and/or Heterotrophic Plate Count (Microbiology);

(C) Multiple Tube Fermentation/Most Probable Number (MPN) (Microbiology);

(D) Gravimetric;

(E) Physical;

(F) Probe.

(b) Oregon laboratories will be charged \$350 and out-of-state laboratories will be charged \$385 for each of the following Moderate Fields of Testing requested for accreditation:

(A) Inorganic Atomic absorption spectrometry;

(B) Inorganic Atomic fluorescence spectrometry;

(C) Inorganic-non-metals automated colorimetric;

(D) Inorganic-non-metals manual colorimetric;

(E) Inorganic-ion chromatography (IC);

(F) Organic-liquid chromatography (LC);

(G) Organic-gas chromatography (GC) — volatiles;

(H) Organic-gas chromatography (GC) — extractables;

(I) Whole Effluent Toxicity Immunoassay;

(J) Asbestos (bulk);

(K) Asbestos — electron microscopy

(L) Radiochemistry.

(c) Oregon laboratories will be charged \$500 and out-of-state laboratories will be charged \$550 for each of the following Complex Fields of Testing requested for accreditation:

(A) Organic — gas chromatography/mass spectrometry (GC/MS) — volatiles;

(B) Organic — gas chromatography/mass spectrometry (GC/MS) — extractables;

(C) Organic — liquid chromatography/mass spectrometry (LC/MS);

(D) Organic — gas chromatography/tandem mass spectrometry (GC/MS/MS);

(E) Organic — gas chromatography/high resolution mass spectrometry (GC/HRMS);

(F) Inorganic — metals — inductively coupled plasma (ICP);

(G) Inorganic — metals — inductively coupled plasma/mass spectrometry (ICP/MS);

(H) Inorganic — ion chromatography/mass spectrometry (IC/MS);

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(l) X-ray.

(d) An additional fee of \$10 for Basic Fields of Testing, \$40 for Moderate Fields of Testing and \$75 for Complex Fields of Testing will be charged to Oregon laboratories, and an additional fee of \$11 for Basic Fields of Testing, \$44 for Moderate Fields of Testing and \$83 for Complex Fields of Testing will be charged to out-of-state laboratories for each additional matrix per field of testing for which the laboratory has requested accreditation. The matrices are:

- (A) Air;
- (B) Biological tissue;
- (C) Drinking water;
- (D) Non-potable water;
- (E) Solids.

(e) Assessment fees must be paid before a routine on-site assessment will be performed.

(f) All laboratories must pay the appropriate on-site assessment fee per on-site assessment performed due to just cause according to TNI Standards.

(3) All Oregon environmental laboratories requesting primary accreditation through ORELAP where Oregon state assessor(s) will perform the on-site assessment must pay an on-site trip fee for each on-site assessment. For a mobile category 2 laboratory, the trip fees are waived if it is moved to the Oregon State Public Health Laboratory for the on-site assessment, and reduced to the amount in excess of its fixed base facility when moved to the fixed base facility if both are to be assessed at the same time.

(a) On-site trip fees are \$350 for Tier 1, \$500 for Tier 2 and \$1,000 for Tier 3 laboratories with the Tiers determined according to subsection (1)(a) of this rule.

(b) All laboratories must pay the appropriate on-site trip fee for performing each required on-site assessment and additional assessments as requested by the laboratory for accreditation for additional fields of testing and matrices.

(c) All laboratories must pay the appropriate on-site trip fee per on-site assessment performed due to just cause according to TNI Standards.

(4) All environmental laboratories located in Oregon requesting primary accreditation through ORELAP where ORELAP has determined that third party assessors will be used, must pay ORELAP application assessment fees plus all third party assessors costs. ORELAP may require the laboratory to pay the on-site assessment costs directly to the third party assessor according to the schedule of the assessor for all required on-site assessments.

(5) All out of-state environmental laboratories must pay all on-site assessment costs incurred by ORELAP approved assessors to perform the on-site assessment including but not limited to transportation, per diem and wages during travel. For a mobile category 2 laboratory, the travel costs are waived if it is moved to the Oregon State Public Health Laboratory for the on-site assessment, and reduced to the amount in excess of its fixed base facility when moved to the fixed base facility if both are to be assessed at the same time. The excess amount is to be determined by those fields of testing and matrices requested for accreditation by the mobile lab that have not been requested by its fixed based facility. If third party assessors are used, ORELAP may require the lab to pay the on-site assessment costs directly to the assessor according to the schedule of the assessor for all required inspections.

(6) Accredited laboratories requesting additions to their fields of accreditation during the accreditation period must pay:

(a) The difference in cost of the application fee with a minimum fee of \$200;

(b) The difference in cost of the assessment fee;

(c) An on-site trip fee, as described in subsection (3)(a) and section (5) of this rule, based only on the additional parameters if ORELAP determines that an on-site assessment is required.

Stat. Auth.: ORS 438.605 - 438.620 & 448.280(1)(b) & (2)

Stats. Implemented: ORS 438.605 - 438.620

Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; OHD 1-2001, f. & cert. ef. 1-17-01; OHD 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 3-2006(Temp), f. & cert. ef. 2-8-06 thru 7-30-06; PH 5-2006, f. & cert. ef. 4-6-06; PH 6-2011, f. & cert. ef. 8-9-11

333-064-0065

Civil Penalties

(1) In addition to any other penalty provided by law, the Oregon Health Authority, in collaboration with the accrediting body, may impose a civil penalty not to exceed \$500 per day per violation upon any and all laboratories that willfully or negligently commit any of the following:

(a) Falsely purport to be ORELAP accredited;

(b) Improperly use their ORELAP accreditation status in order to mislead;

(c) Use the TNINELAP logo in catalogs, advertisements, business solicitations, proposals, quotations, laboratory reports and other materials without proper authorization.

(2) The Oregon Health Authority reserves the right to pursue other remedies and may take any other disciplinary action against alleged violators.

(3) In establishing the amount of the penalty for each violation, the Oregon Health Authority will consider, but not be limited to the following factors:

(a) The gravity and magnitude of the violation;

(b) The laboratory's previous record of complying or failing to comply with this rule.

(c) The laboratory's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and,

(d) Such other considerations as the Oregon Health Authority may consider appropriate.

(4) The Oregon Health Authority in collaboration the accrediting body may deny, suspend or revoke accreditation of any laboratory that fails to pay on demand a civil penalty that has become due and payable, provided that it first gives the laboratory an opportunity for a hearing as outlined in ORS Chapter 183.

Stat. Auth.: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Stats. Implemented: ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Hist.: OHD 7-1999, f. & cert. ef. 10-26-99; OHD 16-2002, f. & cert. ef. 10-10-02; PH 13-2003(Temp), f. & cert. ef. 9-22-03 thru 3-20-04; PH 20-2003, f. 12-02-03, cert. ef. 12-08-03; PH 6-2011, f. & cert. ef. 8-9-11

Oregon Health Licensing Agency

Chapter 331

Rule Caption: Amend license cycle for athletic trainers from a two year registration to a one year registration.

Adm. Order No.: HLA 5-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11 thru 1-28-12

Notice Publication Date:

Rules Amended: 331-105-0030

Subject: The Oregon Health Licensing Agency (Agency) is amending several programs' authorization cycle from a two year cycle to an annual cycle. The purpose of the revision is to stabilize revenue streams within the Agency and reduce the economic impact of paying a two year registration fee for initial licenses and renewals. Fees will be decreased by half to help reduce barriers to registration for new registrants.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-105-0030

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Registration: \$100.

(B) Registration by reciprocity: \$150.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of registration (including by reciprocity): \$225 for one year.

(d) Permits and waivers: \$150.

(e) Renewal of registration: \$225 for one year.

(f) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(g) Reinstatement: \$150.

(h) Replacement of registration, including name change: \$25.

(i) Duplicate registration document: \$25 per copy with maximum of three.

(j) Affidavit of licensure: \$50.

(k) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10

Stats. Implemented: 1999 OL Ch. 736, Sec. 5(3) & (4) & Sec. 10

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Hist.: HDLB 2-1996, f. 12-13-96, cert. ef. 1-1-97; HDLP 1-2000(Temp), f. 2-14-00, cert. ef. 2-15-00 thru 8-11-00; Administrative correction 3-16-00; HDLP 3-2000, f. 7-26-00, cert. ef. 8-1-00; HLO 3-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 2-2006, f. 11-30-06, cert. ef. 12-1-06; HLA 3-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 5-2011(Temp), f. & cert. ef. 8-1-11 thru 1-28-12

Rule Caption: Amend license cycle for hearing aid specialists from a two year license to a one year license.

Adm. Order No.: HLA 6-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11 thru 1-28-12

Notice Publication Date:

Rules Amended: 331-601-0010

Subject: The Oregon Health Licensing Agency (Agency) is amending several programs' authorization cycle from a two year cycle to an annual cycle. The purpose of the revision is to stabilize revenue streams within the Agency and reduce the economic impact to licensees. Fees will be decreased by half to help reduce barriers to licensure for new licensees.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-601-0010

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$125.

(B) Temporary license: \$150.

(C) Trainee registration: \$100.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$150.

(C) Practical: \$175.

(D) Audiologist: \$50.

(c) Original issuance of license:

(A) License: \$125 for one year.

(B) Temporary license: \$100.

(d) Renewal of license: \$125 for one year.

(e) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 694.155 & 694.185

Stats. Implemented: ORS 676.605, 676.615, 694.155 & 694.185

Hist.: HD 24-1985(Temp), f. & ef. 10-17-85; HD 33-1985, f. & ef. 12-13-85; HD 8-1990, f. 4-4-90, cert. ef. 4-5-90; HD 14-1990, f. 6-1-90, cert. ef. 7-1-90; HD 17-1990(Temp), f. 6-15-90, cert. ef. 7-1-90; HD 21-1990(Temp), f. & cert. ef. 7-3-90; HD 22-1990, f. & cert. ef. 8-15-90; HD 14-1991(Temp), f. 9-30-91, cert. ef. 10-1-91; HD 21-1991, f. & cert. ef. 12-31-91; HD 18-1997, f. 12-12-97, cert. ef. 12-15-97; OHD 9-1999, f. & cert. ef. 11-15-99; OHD 10-2000, f. & cert. ef. 11-15-00; Renumbered from 333-025-0005, HLO 6-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 6-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 6-2011(Temp), f. & cert. ef. 8-1-11 thru 1-28-12

Rule Caption: Amend license cycle for respiratory therapists from a two year license to a one year license.

Adm. Order No.: HLA 7-2011(Temp)

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11 thru 1-28-12

Notice Publication Date:

Rules Amended: 331-705-0060

Subject: The Oregon Health Licensing Agency (Agency) is amending several programs' authorization cycle from a two year cycle to an annual cycle. The purpose of the revision is to stabilize revenue streams within the Agency and reduce the economic impact to licensees. Fees will be decreased by half to help reduce barriers to licensure for new licensees.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-705-0060

Fees

(1) An applicant or licensee are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$150.

(B) Temporary license: \$50.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of authorization to practice:

(A) License: \$50 for one year.

(B) Temporary license (six month, non renewable): \$50.

(d) Renewal of license: \$50 for one year.

(e) Delinquent (late) renewal of license: \$50 for each year in expired status up to three years.

(f) Restoration of license: \$100.

(g) Replacement of license, including name change: \$25.

(h) Duplicate license document: \$25 per copy with maximum of three.

(i) Affidavit of licensure for reciprocity: \$50.

(j) Reactivation: \$150.

(k) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 688.830(9)

Stats. Implemented: ORS 688.830(9)

Hist.: HDLB 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 1-1998(Temp), f. & cert. ef. 3-20-98 thru 4-1-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HDLP 2-2002, f. 12-20-02 cert. ef. 1-1-03; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLA 7-2008, f. 9-15-08, cert. ef. 10-1-08; HLA 2-2009(Temp), f. 11-30-09, cert. ef. 12-1-09 thru 5-15-10; HLA 1-2010, f. 2-26-10, cert. ef. 3-1-10; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 7-2011(Temp), f. & cert. ef. 8-1-11 thru 1-28-12

Rule Caption: Define terms used in ORS 676.612 and active military status protocols for authorization holders.

Adm. Order No.: HLA 8-2011

Filed with Sec. of State: 8-9-2011

Certified to be Effective: 8-15-11

Notice Publication Date: 6-1-2011

Rules Adopted: 331-010-0050

Rules Amended: 331-020-0040, 331-020-0070

Subject: Adopt 331-010-0050 allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Define and clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the Oregon Health Licensing Agency (OHLA), its boards or councils.

Define and clarify the terms incompetence and negligence used in ORS 676.612 in relation to the boards or councils under the OHLA.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-010-0050

Authorization Holders; Military Leave

(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.

(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.

(3) No fees will be due until the following renewal period.

(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.

Stat. Auth.: ORS 676.615

Stats. Implemented: ORS 676.607 & 676.608

Hist.: HLA 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; HLA 2-2011(Temp), f. & cert. ef. 3-17-11 thru 8-28-11; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

ADMINISTRATIVE RULES

331-020-0040

Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

(1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.

(2) The agency investigator(s):

(a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;

(b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;

(c) Will make recommendations for agency action.

(3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.

(4) As used in ORS 676.608(8), to "appear before the agency" includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview or hearing before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include interrogatories, written admissions, other written communications, or voluntary communications.

Stat. Auth.: ORS 183, 676.605, 676.608 & 676.615

Stats. Implemented: ORS 183, 676.605, 676.608 & 676.615

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09; HLA 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; HLA 2-2011(Temp), f. & cert. ef. 3-17-11 thru 8-28-11; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

331-020-0070

Discipline

(1) The Oregon Health Licensing Agency may discipline authorization holders for violations of laws and rules, in accordance with ORS 676.612 and 676.992.

(2) Failure to cooperate with the agency or its agent is unprofessional conduct and is subject to disciplinary sanctions, which may include suspension or revocation and refuse to issue or renew or place on probation and assessment of civil penalties. Failure to cooperate with the agency or its agent includes, but is not limited to, the following:

(a) Failing to provide information within the specified time allotted and as requested by the agency;

(b) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(c) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(d) Interference, use of threats or harassment which delays or obstructs the agency in carrying out its functions under individual programs administered and regulated by the agency as listed in ORS 676.606 and rules adopted thereunder; or

(e) Deceiving or attempting to deceive the agency regarding any matter under investigation including altering or destroying any records.

(3) The agency, at its discretion, may require supplemental training in an appropriate area of study as determined by the agency, board or council, as a disciplinary sanction. Supplemental training may be in addition to assessment of a monetary penalty or the agency, board or council may waive or reduce a penalty, in cases requiring supplemental training.

(4) As used in ORS 676.612(2)(j) incompetence means engaging in conduct which evidences a lack of ability or fitness to perform the holder's professional functions.

(5) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.

Stat. Auth.: ORS 676.607, 676.612, 676.992

Stats. Implemented: ORS 676.607, 676.612, 676.992

Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09; HLA 8-2011, f. 8-9-11, cert. ef. 8-15-11

**Oregon Health Licensing Agency,
Environmental Health Registration Board
Chapter 338**

Rule Caption: Align rules with current statutory authority, industry, agency and rulemaking standards including one year registration cycles.

Adm. Order No.: EHRB 3-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 3-1-2011

Rules Adopted: 338-010-0016, 338-010-0065, 338-010-0070

Rules Amended: 338-005-0020, 338-005-0030, 338-010-0015, 338-010-0017, 338-010-0025, 338-010-0030, 338-010-0033, 338-010-0038, 338-010-0050, 338-020-0030, 338-020-0050

Rules Repealed: 338-010-0035, 338-020-0000, 338-020-0060, 338-030-0020, 338-005-0030(T)

Subject: Align definitions with statutory requirements, reduce number of definitions to avoid duplication and modify for readability.

Amend fees to allow all environmental health specialists (EHS) and waste water specialist (WWS) including trainees to receive an annual registration. Environmental health specialist trainees may be qualified to renew if not employed full-time. Delete trainee extension and restoration to align with statutory requirements.

Amend application requirements for EHS including specific pathways which align with statutory requirements:

- Registration pathway 1 qualification through EHS trainee – qualifying bachelors or graduate degree

- Registration pathway 2 reciprocity

- Registration pathway 3 equivalent education & experience – bachelors degree & 3,840 hours of work experience or graduate degree in public or community health and 1920 hours of work experience

Revise application requirements for WWS including specific pathways which align with statutory requirements.

- Registration pathway 1 qualification through WWS trainee – qualifying bachelors or graduate degree

- Registration pathway 2 reciprocity

- Registration pathway 3 graduate degree and certification as a professional soil scientist

Revise application requirements for EHS trainee to align with statutory requirements by submitting proof of a bachelors degree with 45 science hours or 15 hours in science courses and five years experience. Requiring passage of a board approved examination prior to obtaining trainee registration.

Revise application requirements for WWS trainee to align with statutory requirements by submitting proof of a bachelor degree with 45 soil science hours or a graduate degree in soil science.

Amend general examination requirements including scheduling, languages, approved items available during certain examinations, computer based testing, monitoring, prohibitions and consequences.

Amend retake examinations including scheduling, and number of failed examinations allowed and procedures for retaking. For environmental health specialist applicants, additional training after failing the examination three times is not considered trainee work experience under the 3840 hours.

Amend renewal requirements with agency standards and protocols. Protocol for registration holder include renew, renew inactive registration up to 3 years, and after 3 years inactive the registrant becomes expired and must reapply. Active and inactive registrations must maintain required continuing education hours.

Revise to specify that trainee registrations may be renewed if the trainee has not been employed full-time and has not attained the required 2 years of experience or 3,840 work experience hours. Also requires that the trainee pass the National Environmental Health Association examination before the 5th renewal. Sets timelines for renewal based on original issue date.

Requires that any EHS trainees who renew their registration after August 1, 2011, be required to take and pass the Oregon laws and rules examination prior to receiving a trainee registration.

Adopt new rule to specify who is an equivalent supervisor including education and training requirements.

Adopt new rule to specify qualifying pre-registration work experience for environmental health specialists including food processing, federal work, and management of national chain restaurants. Excludes what is not considered to be qualifying work experience.

Amend continuing education based on agency protocols. Clarify auditing procedure for continuing education including consequences

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for providing incomplete continuing education documentation. Clarify documentation necessary if continuing education has been preapproved by the agency.

Delete investigative authority and exemptions due to redundancy and authority in statute.

Rules Coordinator: Samantha Patnode—(503) 373-1917

338-005-0020

Definitions

The following definitions apply to OAR 338-005-0020 through 338-020-0050.

(1) “Agency” means the Oregon Health Licensing Agency. The agency is responsible for the budget, personnel, performance-based outcomes, consumer protection, fee collection, mediation, complaint resolution, discipline, rulemaking and record keeping.

(2) “CEU” means a continuing education unit and the numerical value determined by the Board to be earned by a renewal applicant by attending a specified training course. The terms “continuing education credit” and “continuing education unit” are synonymous and may be used interchangeably.

(3) “Duties of an environmental health specialist” means activities which include, but are not limited to, the enforcement of regulations and statutes; planning or conducting surveys, investigations, and inspections; interpretation and utilization of data to promote environmental sanitation as it affects the health of the public or the quality of the environment.

(4) “Duties of an environmental health specialist trainee” means the utilization of the same skills, responsibilities and activities as the duties of an environmental health specialist, but in a learning, training capacity and under the supervision of a registered or other qualified person as determined by the board.

(5) “Duties of a waste water specialist” means activities limited to those identified in ORS 700.056(1).

(6) “Duties of a waste water specialist trainee” means the utilization of the same skills, responsibilities and activities as the activities of a waste water specialist, but in a learning, training capacity and under the supervision of an environmental health specialist, waste water specialist or other qualified person as determined by the board.

(7) “Full-time employment or equivalent hours” means employment consisting of a 40 hour work week for a minimum of 96 consecutive weeks not to exceed two years; or a period of employment with a cumulative total of 3,840 clock hours, obtained in no more than 208 consecutive weeks, not to exceed four years.

(8) “NEHA” means National Environmental Health Association.

(9) “Official Transcript” means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by the accredited college or university by mail or courier to the agency in a sealed envelope in accordance with ORS 700.030, 700.035, 700.053 and 700.062.

(10) “Supervision” means the direction and control exercised over one person by another in a traditional employee/employer relationship. Supervision includes ongoing oversight of work in the field and office, and review of reports, investigations or inspections conducted.

(11) “Trainee Extension” means a renewal of trainee registration, in six-month increments.

(12) “Waste water sanitation” means the art and science of applying sanitary, biological and physical science principles in the evaluation of soil for subsurface or surface disposal of waste water or for the land application of sludge; and determining the appropriate design of systems that use soil in the final stage of the waste water treatment processes.

Stat. Auth.: ORS 676.605, 676.615 & 700.240

Stats. Implemented: ORS 676.605, 676.615 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96, Renumbered from 338-010-0010 & 338-020-0020; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-005-0030

Fees

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Registration — environmental health specialist: \$150.

(B) Registration — waste water specialist: \$150.

(C) Registration by reciprocity: \$200.

(D) Trainee registration — environmental health specialist: \$150.

(E) Trainee registration — waste water specialist: \$150.

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written — environmental health specialist: \$250.

(C) Written — waste water specialist: \$250.

(c) Original issuance of registration (including by reciprocity):

(A) Environmental health specialist: \$150 for one year.

(B) Waste water specialist: \$150 for one year.

(C) Trainee registration — environmental health specialist: \$300 for two years.

(D) Trainee registration — waste water specialist: \$300 for two years.

(d) Renewal of registration:

(A) Environmental health specialist: \$150 for one year.

(B) Waste water specialist: \$150 for one year.

(C) Trainee extension (six month increments):

(i) Environmental health specialist: \$100.

(ii) Waste water specialist: \$100.

(e) Other administrative fees:

(A) Delinquent (late) renewal of registration: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(B) Reactivation: \$150.

(C) Replacement of registration, including name change: \$25.

(D) Duplicate registration document: \$25 per copy with maximum of three.

(E) Affidavit of licensure: \$50.

(F) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 700.080 & 700.240

Stats. Implemented: ORS 676.605, 700.080 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1981, f. & ef. 4-8-81; SRB 1-1984, f. & ef. 10-26-84; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993(Temp), f. & cert. ef. 10-22-92; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 1-1996(Temp), f. 5-15-96, cert. ef. 6-1-96; SRB 3-1996, f. 6-28-96, cert. ef. 7-1-96, Renumbered from 338-010-0020; SRB 1-1997(Temp), f. & cert. ef. 7-23-97; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-1999(Temp), f. 3-30-99, cert. ef. 4-1-99 thru 9-27-99; Administrative correction 11/17/99; SRB 1-2000, f. 1-28-00, cert. ef. 2-1-00; SRB 2-2000, f. 9-29-00, cert. ef. 10-1-00; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08; EHRB 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; EHRB 2-2011(Temp), f. 3-3-11, cert. ef. 3-4-11 thru 8-28-11; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0015

Environmental Health Specialist Application Requirements

An individual applying for an environmental health specialist registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(3) Provide documentation of one of the following qualification pathways:

(a) Registration Pathway 1 — Qualification through Environmental Health Specialist Trainee Program:

(A) Trainee with Qualifying Bachelor’s Degree — If applicant has obtained an environmental health specialist trainee registration issued by the agency, submit:

(i) Official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying bachelor’s degree pursuant to ORS 700.030(1)(a);

(ii) Proof of 3,840 hours work experience as a registered environmental health specialist trainee, under a registrant supervisor as specified in ORS 700.030 or a supervisor possessing equal qualifications as described in OAR 338-010-0065;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.050 and OAR 338-010-0030(1); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(B) Trainee with Qualifying Graduate Degree — If applicant has obtained an environmental health trainee registration issued by the agency, submit:

(i) Official transcript as defined in OAR 338-005-0020 demonstrating attainment of a graduate degree in public or community health pursuant to ORS 700.030(1)(b);

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(ii) Proof of 1,920 hours work experience as a registered environmental health specialist trainee, under a registrant supervisor as specified in ORS 700.030 or a supervisor possessing equal qualifications as described in OAR 338-010-0065;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.050 and OAR 338-010-0030(1); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(b) Registration Pathway 2 — Reciprocity:

(A) Submit official transcript as defined in OAR 338-005-0020 demonstrating attainment of qualifying bachelor's degree, or of qualifying graduate degree in public or community health, pursuant to ORS 700.030(1)(a) or (b);

(B) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of current registration, which is active with no current or pending disciplinary action, as an environmental health specialist. The registration must have been issued by a regulatory body of another state or a national association recognized by the board; and

(C) Pay all registration fees.

(c) Registration Pathway 3 — Equivalent Education and Experience:

(A) Bachelor's Degree — submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying bachelor's degree pursuant to ORS 700.030(1)(a);

(ii) Proof of 3,840 hours qualifying pre-registration work experience pursuant to ORS 700.030(2) under a supervisor possessing equal qualifications as described in OAR 338-010-0065. Qualifying pre-registration work experience is work experience obtained pursuant to OAR 338-010-0070 or under ORS 700.025, directly related to the duties of an environmental health specialist;

(iii) Examination fees;

(iv) Proof of having completed and passed board approved examinations within three years preceding the date of registration application. See ORS 700.050 and OAR 338-010-0030(1); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(B) Graduate Degree — submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in public or community health, pursuant to ORS 700.030(1)(b);

(ii) Proof of: 1,920 hours qualifying pre-registration work experience pursuant to ORS 700.030(2) under a supervisor possessing equal qualifications as described in OAR 338-010-0065. Qualifying pre-registration work experience is work experience obtained pursuant to OAR 338-010-0070 or under ORS 700.025, directly related to the duties of an environmental health specialist;

(iii) Examination fees;

(iv) Proof of having completed and passed board approved examinations within three years preceding the date of registration application. See ORS 700.050 and OAR 338-010-0030(1); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

Stat. Auth.: ORS 676.605, 700.030, 700.053 & 700.240

Stats. Implemented: ORS 676.605, 700.030, 700.053 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 4(Temp), f. & ef. 7-1-75 thru 10-28-75; SRB 5, f. 10-14-75, ef. 11-11-75; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0016

Waste Water Specialist Application Requirements

An individual applying for a waste water specialist registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;

(3) Provide documentation of one of the following qualification pathways:

(a) Registration Pathway 1 — Qualification through Waste Water Specialist Trainee Program.

(A) Trainee with Qualifying Bachelor's Degree: if applicant has obtained a waste water specialist trainee registration issued by the agency, applicant must submit:

(i) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying bachelor's degree with 45 quarter hours

or equivalent semester hours in soil science courses, pursuant to ORS 700.053(3)(a);

(ii) Proof of 3,840 hours qualifying work experience under ORS 700.053(3)(a) as a registered waste water specialist trainee, under a supervisor specified in ORS 700.053 or equivalent supervisor as approved by the board;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 and OAR 338-010-0030(2); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(B) Trainee with Graduate Degree: if applicant has obtained a waste water trainee registration issued by the agency, applicant must submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in soil science pursuant to ORS 700.053(3)(b);

(ii) Proof of 1,920 hours of qualifying work experience under ORS 700.053(3)(b) as a registered waste water specialist trainee, under a supervisor specified in ORS 700.053 or equivalent supervisor as approved by the board;

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 and OAR 338-010-0030(2); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

(b) Registration Pathway 2 — Reciprocity. Applicant must submit:

(i) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying bachelor's degree with 45 quarter hours or equivalent semester hours in soil science courses, pursuant to ORS 700.053(3)(a); or

(B) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in soil science pursuant to ORS 700.053(3)(b);

(C) Affidavit of licensure pursuant to OAR 331-030-0040, demonstrating proof of current registration as a waste water specialist, which is active with no current or pending disciplinary action. The registration must have been issued by a regulatory body of another state or a national association recognized by the board; and

(D) Pay all registration fees.

(c) Registration Pathway 3 — Graduate Degree and Certification. Applicant must submit:

(i) Official transcript as defined in OAR 338-005-0020, demonstrating attainment of qualifying graduate degree in soil science pursuant to ORS 700.053(3)(c);

(ii) Proof of current certification as a professional soil scientist pursuant to ORS 700.053(3)(c);

(iii) Examination fees;

(iv) Proof of having completed and passed a board approved examination within three years preceding the date of registration application. See ORS 700.059 and OAR 338-010-0030(2); and

(v) Upon passage of all required examinations and before issuance of registration, applicant must pay all registration fees.

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0017

Environmental Health Specialist Trainee Application Requirements

An individual applying for an environmental health specialist trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees; and

(3) Submit the following:

(a) Examination fees; and

(b) Proof of having completed and passed a board approved examination within three years preceding the date of trainee registration application pursuant to ORS 700.035 and OAR 338-010-0030(3);

(c) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of:

(A) Qualifying Bachelor's degree pursuant to ORS 700.035(1)(a); or

(B) Qualifying 15 quarter hours in science courses or their equivalent semester hours and proof of 9,600 hours of qualifying pre-registration work

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experience, pursuant to ORS 700.035(1)(b). Qualifying pre-registration work experience is work experience obtained under ORS 700.025 or work obtained in a jurisdiction that does not require registration, that is directly related to duties of an environmental health specialist; and

(d) Upon passage of all required examinations and before issuance of trainee registration, applicant must pay all registration fees.

Stat. Auth.: ORS 700.035, 700.062 & 700.240

Stats. Implemented: ORS 700.025, 700.053 & 700.059

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0025

Waste Water Specialist Trainee Application Requirements

An individual applying for a waste water specialist trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and trainee registration fees; and

(3) Submit one of the following:

(a) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying bachelor's degree with 45 quarter hours or equivalent semester hours in soil science courses, pursuant to ORS 700.062(1)(a); or

(b) An official transcript as defined in OAR 338-005-0020 demonstrating attainment of a qualifying graduate degree in soil science pursuant to ORS 700.062(1)(b).

Stat. Auth.: ORS 700.030, 700.035, 700.053, 700.062 & 700.240

Stats. Implemented: ORS 700.030, 700.035, 700.053, 700.062 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0030

General Examination Information

(1) The board approved examination for an environmental health specialist registration is the NEHA examination and NEHA passing score. The NEHA examination may be administered by an entity approved by the agency.

(2) The board approved examination for a waste water specialist registration is the Oregon Waste Water Specialist examination, administered by the agency. The passing score for the examination is 68 percent.

(3) The board approved examination for an environmental health specialist trainee is the Oregon Environmental Health Specialist Trainee Laws and Rules examination administered by the agency. The passing score for the examination is 70 percent.

(4) To be eligible for examination, an applicant must meet identification requirements listed under OAR 331-030-0000.

(5) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(6) Examination candidates may be electronically monitored during the course of testing.

(7) Examination candidates must adhere to the maximum time allowance for each section of the examination, as established by the Board.

(8) Notes, notetaking, textbooks, notebooks, electronic equipment and communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(9) Notwithstanding subsection (8) of this section, candidates taking the waste water examination may use an agency issued calculator and text books during the examination.

(10) Notwithstanding subsection (8) of this section, candidates taking the Oregon laws and rules examination may use an agency issued copy of the Oregon administrative rules and Oregon revised statutes.

(11) Candidate conduct that interferes with the examination may result in the candidate's disqualification during or after the examination, the candidate's examination being deemed invalid, and forfeiture of the candidate's examination fees. Such conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsections (4), (7), or (8) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(12) If the candidate is disqualified from taking the examination or the candidate's examination is deemed invalid for reasons under subsection (7) of this rule, the candidate may be required to reapply, submit additional examination fees, and request in writing to schedule a new examination date, before being considered for another examination opportunity.

Stat. Auth.: ORS 676.605, 700.050, 700.059 & 700.240

Stats. Implemented: ORS 676.605, 700.050, 700.059 & 700.240

Hist.: SRB 2, f. 4-7-72, ef. 5-1-72; SRB 1-1985, f. & ef. 11-1-85; SRB 1-1993, f. & cert. ef. 3-18-93; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2003(Temp), f. & cert. ef. 4-25-03 thru 10-17-03; SRB 2-2003, f. 9-24-03, cert. ef. 10-1-03; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0033

Examination Retake; Qualification

(1) An applicant for an environmental health specialist registration or environmental health specialist trainee registration has up to three attempts to pass the examination.

(2) An applicant for an environmental health specialist registration or environmental health specialist trainee registration who fails to pass an examination on the third attempt must receive additional training prescribed by the board before any additional retakes. Any additional training required for the purpose of retaking an examination is not considered trainee work experience.

(3) A waste water specialist applicant has up to two attempts to pass the examination.

(4) A waste water specialist applicant who fails to pass an examination on the second attempt must complete any additional education and training prescribed by the board, obtain specific retake permission from the board, or both, before any additional retakes are permitted.

(5) All retake examinations are subject to an approved examination schedule set by the agency.

Stat. Auth.: ORS 700.050, 700.059 & 700.240

Stats. Implemented: ORS 700.050, 700.059 & 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0038

Environmental Health and Waste Water Registration Issuance and Renewal

(1) REGISTRATION AND RENEWAL: A registrant is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a registration, provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate registration.

(2) REGISTRATION RENEWAL: To avoid delinquency penalties, registration renewal must be made prior to the registration entering inactive status. The registrant must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 338-005-0030; and

(c) Attestation of having obtained required annual continuing education under OAR 338-020-0030, on a form prescribed by the agency, whether registration is current or inactive.

(3) INACTIVE REGISTRATION RENEWAL: A registration may be inactive for up to three years. When renewing after entering inactive status, the registrant must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and registration fees pursuant to OAR 338-005-0030;

(c) Attestation of having obtained required annual continuing education under OAR 338-020-0030 on a form prescribed by the agency, whether registration is current or inactive;

(4) EXPIRED REGISTRATION: A registration that has been inactive for more than three years is expired and the registrant must reapply and meet the requirements listed in OAR 338-010-0015 or 338-010-0016.

(5) A registrant failing to meet continuing education requirements listed under OAR 338-020-0030 is expired and must reapply and meet requirements pursuant to OAR 338-010-0015 or 338-010-0016.

Stat. Auth.: ORS 676.605, 676.615, 700.100 & 700.240

Stats. Implemented: ORS 676.605, 676.615, 700.100 & 700.240

Hist.: SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08; EHRB 3-2011, f. & cert. ef. 8-1-11

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338-010-0050

Trainee Registration Renewal and Information

(1) An environmental health specialist trainee registered prior to August 1, 2011, must pass the examination listed under OAR 338-010-0030(3) to renew a trainee registration if not employed full-time.

(2) An environmental health specialist trainee employed full-time may not renew.

(3) An environmental health specialist trainee registered after August 1, 2011, employed less than full time, and who has not attained permanent registration or fulfillment of the two year or 3,840 clock hour work experience requirements may be issued up to 8 six-month renewals of trainee registration.

(4) An environmental health specialist trainee employed less than full time and who has not attained permanent registration or fulfillment of the two year or 3,840 clock hour work experience requirements after five years of trainee status, must pass the NEHA examination referenced in OAR 338-010-0030(1) to be issued additional renewals by trainee registration extension.

(5) To renew trainee registration by trainee extension, an environmental health specialist trainee must submit required work experience on a form provided by the agency.

(6) An environmental health specialist trainee must renew in consecutive, uninterrupted, six-month increments.

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 1-2004(Temp), f. 2-27-04, cert. ef. 3-1-04 thru 7-27-04; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; SRB 1-2008, f. 9-15-08 cert. ef. 10-1-08; EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0065

Equivalent Supervisor Qualifications

(1) Environmental Health: pursuant to ORS 700.030 and 700.035(4), to be considered equivalent to a registrant supervisor under ORS 700.030 and 700.035(4), a supervisor who is not a registrant must:

(a) Hold a bachelor's degree with 45 science quarter hours and two years of work experience directly related to the duties of an environmental health specialist; or a graduate degree in public or community health and one year of work experience directly related to the duties of an environmental health specialist; and

(b) Work in a manner directly related to the duties of an environmental health specialist throughout the period of supervision.

(2) Environmental Health: work experience directly related to the duties of an environmental health specialist includes but is not limited to any of the following fields:

(a) Food processing including developing, managing or leading training in any of the following areas: sanitation programs, pest control, water systems, Hazard Analysis & Critical Control Points, statistical process control, or food safety;

(b) Inspector for United States Food and Drug Administration, United States Department of Agriculture, American Institute of Baking, or similar organization;

(c) Management of restaurant chain at the corporate level including developing, managing or leading training in any of the following areas: sanitation programs, public health vector control, water systems, HACCP, food safety, pest control, the federal codes or process control;

(d) The duties of an environmental health specialist in a jurisdiction that does not require licensure for environmental sanitation;

(e) Teaching, lecturing or engaging in research in environmental sanitation as part of an academic position in a college or university;

(f) Registered professional engineers working in drinking water, waste water or similar fields; or

(g) As a public health officer employed pursuant to ORS 431.035 to 431.535 and 431.705 to 431.990.

(3) Waste Water: pursuant to ORS 700.053, non-registrant supervisors must be approved by the board on a case by case basis.

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: EHRB 3-2011, f. & cert. ef. 8-1-11

338-010-0070

Environmental Health Qualifying Work Experience

(1) Qualifying pre-registration work experience for environmental health specialist registration applicants under ORS 700.030(2) must involve the exercise of independent judgment and technical skills that demonstrate the applicant's knowledge of general food safety concepts and contributing factors of food borne illness, or general drinking and waste water safety concepts and contributing factors of water borne illness, and must also

demonstrate the applicant's knowledge of sanitation and process control. The following work experience qualifies:

(a) Food processing including developing, managing or leading training in any of the following areas: sanitation programs, pest control, water systems, Hazard Analysis & Critical Control Points, statistical process control, or food safety;

(b) Inspector for United States Food, United States Department of Agriculture and Drug Administration, American Institute of Baking Center for Disease Control, or similar organization;

(c) Management of national restaurant chain at the corporate level including developing, managing or leading training in any of the following areas: sanitation programs, public health vector control, water systems, HACCP, food safety, pest control, the federal codes or process control;

(d) Engineering work in drinking water, waste water or similar fields; and

(e) Performing the duties of an environmental health specialist in a jurisdiction that does not require licensure for environmental sanitation.

(2) The following will not be considered as qualifying pre-registration work experience:

(a) Production line work or running repetitive sample evaluations; or

(b) Experience as a cook, server, greeter or exterminator.

Stat. Auth.: ORS 676.605, 700.035, 700.062 & 700.240

Stats. Implemented: ORS 676.605, 700.035, 700.062 & 700.240

Hist.: EHRB 3-2011, f. & cert. ef. 8-1-11

338-020-0030

Continuing Education Requirements

(1) To maintain registration, environmental health specialists and waste water specialists must complete 2.0 credits or 20 hours every two years. Hours in excess of those required for the two-year reporting period shall not be carried forward and applied toward the succeeding two-year CEU renewal requirements.

(2) Each registrant shall report compliance with the continuing education requirement through attestation on the registration renewal document. Registrants are subject to provisions of OAR 338-020-0050 pertaining to periodic audit of continuing education.

(3) Continuing education must be approved for participation or attendance at an approved instructional program presented, recognized, or under the auspices of any institution, agency, professional organization or association, which conducts educational meetings, workshops, symposiums, seminars and other such activities where CEU credit is offered.

(4) Continuing education must address subject matter related to Environmental Sanitation in accordance with ORS 700.010(5) and OAR 338-005-0020(3), or Waste Water Sanitation in accordance with ORS 700.056 and OAR 338-005-0020(11).

(5) CEU credit will be awarded based on the following criteria:

(a) Completion of established courses taken from a recognized college or university at the same rate of credit established by that institution;

(b) Professional courses which meet academic requirements in content, instruction and evaluation will be assigned CEU credit at the same rate as academic courses.

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may receive credit at the rate of 1.0 CEU for each ten hours of attendance.

(6) To ensure adequate proof of continuing education course completion is available for audit or investigation by the Oregon Health Licensing Agency, practitioners shall maintain a record of attendance for two years following renewal.

Stat. Auth.: ORS 676.605, 700.105 & 700.240

Stats. Implemented: ORS 676.605, 700.105 & 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96; SRB 2-2004, f. 6-29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

338-020-0050

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a select percentage of registrations determined by the Board to verify compliance with continuing education requirements.

(2) Registrants notified of selection for audit of continuing education attestation shall submit to the agency within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 338-020-0030.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

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(a) For continuing education courses pre-approved by the agency, a certificate of completion or official transcript that includes the agency approval number; or

(b) For continuing education courses not pre-approved by the agency:

(A) Certificate of completion, official transcript, statement or affidavit from the sponsor attesting to attendance or other documentation of attendance approved by the agency;

(B) Name of sponsoring institution/association or organization;

(C) Title of presentation and description of content;

(D) Name of instructor or presenter;

(E) Date of attendance and duration in hours; and

(F) Course agenda provided by the course presenter.

(4) If documentation of continuing education is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the registration.

Stat. Auth.: ORS 676.605, 700.105 & 700.240

Stats. Implemented: ORS 676.605, 700.105 & 700.240

Hist.: SRB 1-1987, f. 6-10-87, ef. 6-15-87; SRB 2-1996, f. 5-31-96, cert. ef. 6-1-96,

Renumbered from 338-020-0110; SRB 1-1998, f. 4-29-98, cert. ef. 5-1-98; SRB 2-2004, f. 6-

29-04, cert. ef. 7-1-04; EHRB 3-2011, f. & cert. ef. 8-1-11

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amend two distilled spirits tasting rules allowing mixing with nonalcoholic beverages.

Adm. Order No.: OLCC 5-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 845-005-0428, 845-015-0155

Subject: There are two rules in this package: OAR 845-005-0428 Retail On-Premises Distilled Spirits Sampling Involving Distillery Representative and OAR 845-015-0155 Consumption in a Retail Liquor Store. Both of these rules describe the conditions under which distilled spirits tastings for the public involving distilled spirits representatives are allowed. The first rule governs distilled spirits tastings at a Full On-Premises location and the second governs tastings in a retail liquor store. In November 2009 the Commission adopted new tastings rules for tastings at a Distillery licensee's premises and then in September 2010 the Commission adopted the new Special Event Distillery rule which included the parameters for allowable distilled spirits tastings at these events. The rule amendments in this package allow the mixing of distilled spirits with nonalcoholic beverages in tastings which parallels what is allowed at the Distillery premises and at their special events. The maximum one-quarter ounce distilled spirits per taste and one-half ounce total distilled spirits per customer per day remains the same. The amendments allow, at both a Full On-Premises location and at a retail liquor store, the ability to use a nonalcoholic mixer to enhance the taste for consumers and set the maximum total ounces of liquid in each taste (including mixer) at two ounces.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-005-0428

Retail On-Premises Distilled Spirits Sampling Involving Distillery Representative

(1) Full On-Premises Sales licensees may allow a distillery with products approved for sale in Oregon (distillery) and its representatives, employees, contractors, and agents to participate in distilled spirits educational seminars and sample tasting events. These events must be sponsored by the Full On-Premises Sales licensee and be held on the Full On-Premises Sales licensee's permanently (not temporarily) licensed premises.

(2) Sample Tasting Events. These are events sponsored by the Full On-Premises Sales licensee where a distillery and its representatives, employees, contractors, and agents visit the Full On-Premises Sales licensee's permanently licensed premises for the purpose of offering free sample tastings of the distillery's product to customers of the Full On-Premises Sales licensee. At any event allowed by sections (2) through (7)

of this rule, the Full On-Premises Sales licensee is responsible for ensuring that the distillery and its representatives, employees, contractors, and agents:

(a) Provide or pay for the person to serve the distilled spirit tasting. The server must be the distillery's representative, employee, contractor, or agent. The server may not be an employee or agent of the Full On-Premises licensee where the tastings occur. All servers must have valid Oregon Service Permits;

(b) Do not compensate the Full On-Premises Sales licensee or its employees or agents in order to conduct the tasting event;

(c) Do not sell, serve, or coordinate the sale or service of alcohol for the Full On-Premises Sales licensee or its employees or agents;

(d) Do not advertise the tasting. The Full On-Premises Sales licensee may advertise the tasting event only inside its retail business;

(e) Do not provide any other service normally provided by the Full On-Premises Sales licensee (for example: taking orders for alcohol or food, serving drinks to customers, promoting alcohol beyond service of the sample tasting);

(f) Provide the distilled spirits product to be sampled, and remove any remaining product at the end of the tasting;

(g) Provide only distilled spirits product approved for sale in Oregon;

(h) Do not give anything prohibited by division 13 of chapter 845 of the Commission's administrative rules to a retailer or its customers;

(i) Comply with ORS 471.398, and division 13 of chapter 845 of the Commission's administrative rules.

(3) Tastings allowed under sections (2) through (7) of this rule are permitted only in premises or portions of premises where minors are not allowed, either due to an existing OLCC minor posting sign which prohibits minors, or because the event is not open to minor patronage.

(4) Sample tasting sizes, number of samples per customer. At sample tasting events allowed under sections (2) through (7) of this rule, a tasting shall be no more than one-quarter fluid ounce of distilled spirits in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A distillery and its representatives, employees, contractors, and agents may not provide more than one-half ounce total of distilled spirits per customer per day. For purposes of this rule, a day is from 7:00 a.m. until 2:30 a.m. on the succeeding calendar day.

(5) Number of sample tasting events allowed. Each Full On-Premises Sales licensee shall sponsor no more than eight sample tasting events (as described in sections (2) through (7) of this rule) per calendar year on its premises.

(6) Violations associated with sample tastings. In the case of a liquor law violation associated with a sample tasting allowed under sections (2) through (7) of this rule, the Full On-Premises Sales licensee will be held responsible. When the violation also involves a server (for example, service of a sample to a minor or a visibly intoxicated person), both the server and the Full On-Premises Sales licensee will be held responsible.

(7) Record keeping. The Full On-Premises Sales licensee must keep a record of each tasting event it sponsors, including the date and location of each event, the products served, and the names of the servers. Records of tasting events must be retained for one year from the date of the tasting.

(8) Promotional Dinner Events. These are events sponsored by a Full On-Premises Sales licensee on its permanently licensed premises where it accepts assistance from the distillery and its representatives, employees, contractors, and agents, where meals are served, and multiple servings/samples ("flights") of distilled spirits accompany the meals. These are not considered sample tasting events as described in sections (2) through (7) of this rule. At all promotional dinner events the Full On-Premises Sales licensees must meet the Commission's food service standards as described in OAR 845-006-0459 through 845-006-0469. All distilled spirits consumed at promotional dinner events as described in this section must be purchased by the Full On-Premises Sales licensee from a retail sales agent of the Commission or from another Full On-Premises Sales licensee who has purchased the distilled spirits from a retail sales agent of the Commission. All advertising of the promotional dinner event must be purchased by the Full On-Premises Sales licensee.

(a) Each Full On-Premises Sales licensee may sponsor no more than eight promotional dinner events per calendar year on its premises.

(b) At events allowed under this section, the Full On-Premises Sales licensee is responsible for ensuring that the distillery and its representatives, employees, contractors, and agents:

(A) Provide only education to patrons and staff (the distillery and its representatives, employees, contractors, and agents may not pour, serve or sell alcoholic beverages);

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(B) Participate in these promotional events only for the products they represent;

(C) Do not compensate any employee or agent of the retail licensee to participate in any promotional event as described in this section;

(D) Do not pay for advertising the event;

(E) Do not donate, give, pay for, underwrite, or otherwise compensate the Full On-Premises Sales licensee for the distilled spirits consumed at the promotional dinner event.

(c) The Full On-Premises Sales licensee must keep a record of each promotional dinner event it holds, including the date and location of each event, the proof of purchase of each product(s) served, the distillery or distilleries represented, and the name of each distillery representative, employee, contractor, or agent who participated in an educational capacity at the event. These records must be retained by the Full On-Premises Sales licensee for one year from the date of the promotional dinner event.

(9) Violation of sections (2) through (8) of this rule are Category III violations.

(10) A distillery and its representatives, employees, contractors, and agents may offer samples not exceeding one-quarter ounce of alcohol per sample by measured pour to those attending an industry trade show.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.398

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 3-2001(Temp), f. & cert. ef. 8-10-01 thru 2-6-02; OLCC 3-2002, f. & cert. ef. 2-15-02; OLCC 7-2005, f. 10-19-05, cert. ef. 11-05; OLCC 5-2011, f. 8-15-11, cert. ef. 9-1-11

845-015-0155

Consumption in a Retail Liquor Store

(1) The Commission allows sponsors to conduct distilled spirits sample tastings in retail liquor stores at the sole discretion of the retail sales agent for the purpose of promoting the sponsor's products. For purposes of this rule, "sponsors" are: Oregon Distillery licensees, out-of-state manufacturers of distilled spirits, importers of distilled spirits, distillery representatives, and the employees or agents of Distillery licensees, out-of-state manufacturers, importers, and distillery representatives. Sample tastings are subject to the requirements and limits described in this rule.

(2) Sample Sizes, Number of Samples per Customer. The size of each distilled spirits tasting shall be no more than one-quarter fluid ounce of distilled spirits in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A sponsor may not provide more than one-half ounce total of distilled spirits per customer per day.

(3) The distilled spirits product(s) provided for sample tastings must be available for sale at the retail sales agency where the sample tasting occurs at the time of the sample tasting.

(4) Identified Tasting Area. Retail sales agents who allow tastings at their retail liquor store must identify a specific tasting area. The area must be of a size and design such that the person(s) conducting the tasting can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol. Customers must remain in the tasting area until they have finished consuming the sample(s). In exclusive retail liquor stores, the tasting area may be the entire retail liquor store. In non-exclusive retail liquor stores, the retail sales agent must identify a tasting area, and keep on file at the retail liquor store a floor plan sketch identifying the tasting area.

(5) Duration of Tastings Allowed. Tastings are limited to a maximum of three consecutive hours per sponsor per retail sales agency per day. Only one sponsor at a time may conduct sample tastings in a retail sales agency.

(6) Server Requirements. Alcohol servers must have valid Oregon service permits.

(7) Record Keeping. The sponsor must keep a record of each tasting they conduct, including the date and location of each event, the products served, and the names of the servers. The sponsor must retain records of tastings for one year.

(8) Sponsor responsibilities. Sponsors must:

(a) Provide the distilled spirits product to be tasted, and remove any remaining product at the end of the tasting;

(b) Provide or pay for a person to serve the distilled spirits being tasted. The server must be a sponsor or an employee or agent of the sponsor;

(c) Not compensate the retail sales agent, or any employee or agent of the retail sales agent to participate in the tasting; and

(d) Not advertise the tasting outside of the retail liquor store.

(9) Retail Sales Agent Responsibilities. Retail sales agents:

(a) Must not advertise the sample tasting outside the retail sales agency; and

(b) Are responsible for liquor law violations occurring in the retail sales agency which are not related to the sample tasting.

(10) Violations Associated with the Sample Tasting. In the case of a liquor law violation associated with sample tasting (for example, service of a sample to a minor or a visibly intoxicated person), both the server and the sponsor may be held responsible for violations of Oregon liquor laws which occur due to or during the tasting. Violations which occur due to a sponsor or server violating the law will not be charged to the retail sales agent.

Stat. Auth.: ORS 471, 471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471.750

Hist.: LCC 27-1986, f. 11-20-86, ef. 1-1-87; OLCC 2-2003, f. 1-27-03, cert. ef. 2-1-03, Renumbered from 845-015-0095; OLCC 9-2004, f. 6-29-04 cert. ef. 7-1-04; OLCC 5-2011, f. 8-15-11, cert. ef. 9-1-11

Rule Caption: Requires licensees with evidence of serious compliance problems to submit and follow a compliance plan.

Adm. Order No.: OLCC 6-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 5-1-2011

Rules Adopted: 845-006-0497

Subject: Previously compliance plans were voluntary and were usually developed at the time of an intervention meeting between regulatory staff and a licensee. Adoption of this new rule gives the Commission authority to require such plans when there is evidence of compliance problems that are or are likely to become serious. The compliance plan will set out specific actions the licensee will take to address the problems and must be approved by the Commission. The new rule also gives the Commission the authority to sanction a licensee if a required compliance plan is not submitted or is not being followed.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0497

Enforceable Compliance Plans

(1) When the Commission issues a written Notice of Warning to a licensee for a history of serious and persistent problems under ORS 471.315(1)(c), the Commission shall require the licensee to submit a written compliance plan setting out the specific actions that the licensee will take to address the problems.

(2) A draft compliance plan required under this rule must be submitted to the Commission within 15 days of the licensee receiving notice of the requirement. The Commission will provide written feedback regarding the licensee's draft plan within 10 days of receipt. A final acceptable compliance plan must be submitted no later than 30 days from the date the licensee received initial notice of the requirement, or 5 days from the date the licensee received written feedback on their draft plan, whichever is later. The Commission will give written approval of a compliance plan as acceptable if it determines that implementation of the plan is reasonably likely to reduce or prevent the identified compliance problems. Under no circumstances will the time period between initial Commission notice of the requirement and Commission approval of a final acceptable compliance plan exceed 45 days.

(3) Once a compliance plan is approved, the licensee must follow the plan. The licensee may request Commission approval to discontinue a compliance plan no sooner than one year from the approval date. The licensee may request Commission approval to modify a compliance plan no sooner than six months from the approval date. The Commission will grant the request if it finds there is no longer a significant risk at the premises of future compliance problems pertaining to the elements of the plan contained in the licensee's request.

(4) Approval of a compliance plan under this rule does not prevent the Commission from taking any other compliance action.

(5) Failure to submit an acceptable compliance plan as required or to follow an approved compliance plan is a Category III violation.

(6) The licensee must keep the compliance plan on the licensed premises and make the compliance plan available at any time for immediate inspection by any Commission employee or any peace officer. Failure to comply with this requirement is a Category IV violation.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.030

Hist.: OLCC 6-2011, f. 8-15-11, cert. ef. 9-1-11

Rule Caption: New sponsorship rule describing items/services manufacturers may give retail licensees at temporary special events.

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Adm. Order No.: OLCC 7-2011
Filed with Sec. of State: 8-15-2011
Certified to be Effective: 9-1-11
Notice Publication Date: 11-1-2010
Rules Adopted: 845-013-0080

Subject: This new rule describes the items and services that a supplier may provide to a retail licensee for use at a temporary special event. Staff recommended adoption of this new rule regulating sponsorships which replaces the current Commission guidelines titled "Corporate Sponsorships Information Memo". Under the new rule the only approved items/services for the most part are those allowed under the existing financial assistance rules (Division 13); however licensees providing or accepting these sponsorships will now have this specific rule to reference which provides a definition of temporary special events for the purposes of sponsorship regulations.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845 013-0080

Manufacturer or Wholesaler Sponsorship of a Temporary Special Event

ORS 471.398 and 471.400 allow manufacturers and wholesalers to provide certain items and services to retail licensees. This rule describes the terms and conditions under which a manufacturer or wholesaler may provide items or services to a retail licensee in connection with the sponsorship of a temporary special event.

(1) For this rule: "temporary special event" means an event licensed with a temporary sales license under ORS 471.190, a temporary use of an annual license under ORS 471.184(2), or a special event brewery public house license under ORS 471.200 where the event does not exceed five license days (which need not be consecutive), and the event is not on a licensee's annually licensed premises. It does not mean an event licensed with a special event winery license or a special event grower license issued under OAR 845-005-0415 or licensed with a special event distillery license under OAR 845-005-0413.

(2) This rule does not apply to the purchase of advertising from a licensee as authorized under ORS 471.401.

(3) This rule does not apply to items or services a manufacturer or wholesaler provides under OAR 845-013-0090 to a nonprofit or governmental temporary sales licensee as described in OAR 845-013-0090(4)(a).

(4) This rule does not apply to a manufacturer or wholesaler providing items and services to a retail licensee (Full On-Premises Sales licensee, Limited On-Premises Sales licensee, Off-Premises Sales licensee, and Brewery-Public House Sales licensee) at the retail licensee's annually licensed premises or at an event where the retail licensee has pre-approval for small-scale private catering under OAR 845-005-0405 or large-scale private catering under OAR 845-005-0410. Instead, the manufacturer or wholesaler must comply with ORS 471.398, 471.400, 471.401, and division 13 of chapter 845 of the Commission's administrative rules.

(5) A manufacturer or wholesaler sponsoring a temporary special event may provide to the temporary special event licensee only the items or services allowed under division 13 of chapter 845 of the Commission's administrative rules. However, notwithstanding OAR 845-013-0040, a manufacturer or wholesaler may also provide advertising of a temporary special event that lists the name and location of the temporary special event along with the name of the manufacturer's or wholesaler's product.

(6) No monetary payments of any kind may be made by a manufacturer or wholesaler or its agent to a retail licensee in connection with a temporary special event, except for payments to purchase advertising allowed under ORS 471.401(1)(d). Any payments for advertising provided under this rule must be made by the manufacturer or wholesaler or its agent directly to the third party provider of the advertising (for example, payments for advertising furnished by the manufacturer or wholesaler must be made to the media outlet that provides the advertising and not to the retail licensee). Advertising does not include fixtures, furniture or furnishings as prohibited by ORS 471.398(3) and OAR 845-013-0030.

(7) All alcoholic beverages sold or served at a temporary special event must be purchased by the temporary special event licensee from a licensed manufacturer or wholesaler at the established wholesale price or from the Commission. The manufacturer or wholesaler may not require the temporary special event licensee to exclude any competitor's products.

(8) Each manufacturer or wholesaler and each retail licensee providing or accepting sponsorship for a temporary special event shall maintain an accurate and complete record of the sponsorship. These records must include the items or services provided in connection with the sponsorship,

the name and duration of the event, and the names of the licensee and sponsoring manufacturers or wholesalers. These records must be retained for a period of two years from the date of the event, and this information shall be provided to the OLCC upon request.

(9) Violation of any section of this rule is a Category III violation.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats implemented: ORS 471.398 & 471.400

Hist.: OLCC 7-2011, f. 8-15-11, cert. ef. 9-1-11

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clarify administration of combined and concurrent service membership and retirement benefits.

Adm. Order No.: PERS 4-2011

Filed with Sec. of State: 8-4-2011

Certified to be Effective: 8-4-11

Notice Publication Date: 5-1-2011

Rules Adopted: 459-010-0019, 459-013-0050

Rules Repealed: 459-010-0165, 459-010-0170

Subject: This rulemaking adopts two new rules to capture and clarify the standards to be used in making retirement eligibility determinations and benefit calculations, and repeals two obsolete rules:

459-010-0019, *Retirement Eligibility* - This new rule clarifies the retirement eligibility of combined and concurrent job classes.

459-013-0050, *Combined Service* - This new rule provides a method for applying statutory factors to employment periods with different job classes.

459-010-0165, *Transfer into a New Classification* - This rule is being repealed and becomes redundant with the new rule.

459-010-0170, *Retirement Age and Contribution Rate of One Employed in Two Classes of Service* - This rule is being repealed and becomes redundant with the new rule.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-010-0019

Retirement Eligibility

(1) A member's most recent qualifying position at the time of separation from service with all participating employers establishes the member's classification for purposes of normal and early service retirement eligibility and disability retirement allowance calculations except:

(a) A member employed in a qualifying position as a police officer or firefighter who reaches earliest retirement age under ORS 238.280 retains retirement eligibility as a police officer or firefighter. A member described in this subsection who subsequently is employed in a qualifying position as other than a police officer or firefighter retains retirement eligibility as a police officer or firefighter.

(b) A member who separates from service in a qualifying position as a police officer or firefighter before reaching earliest retirement age under ORS 238.280 retains classification as a police officer or firefighter provided the member does not return to a qualifying position as other than a police officer or firefighter before reaching earliest retirement age under ORS 238.280.

(c) A member employed in a qualifying position as other than a police officer or firefighter who reaches earliest retirement age under ORS 238.280 retains retirement eligibility as other than a police officer or firefighter.

(2) A member who is employed by one employer in qualifying positions as a police officer or firefighter and as other than a police officer or firefighter is a police officer or firefighter for purposes of this rule.

(3) A member who is concurrently employed by two or more employers in qualifying positions as a police officer or firefighter and as other than a police officer or firefighter is a police officer or firefighter for purposes of this rule.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.280, 238.300, 238.320

Hist.: PERS 4-2011, f. & cert. ef. 8-4-11

459-013-0050

Combined Service

(1) For purposes of this rule:

(a) "Combined service" means periods of active membership in two or more different classifications.

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(b) "Concurrent service" means active membership for the same period with two or more different employers in two or more different classifications or actuarial groups.

(2) A member who has combined service shall have their service retirement or disability retirement allowance calculated as provided in ORS Chapter 238 and this rule. The benefit calculations may include:

(a) Account balance, and final average salary as of the effective retirement date;

(b) Creditable service as provided under OAR 459-010-0014;

(c) Prorated creditable service for periods of concurrent service;

(d) All calculation methods applicable to the member under ORS 238.300 or 238.320;

(e) The optional forms of retirement allowance selected by the member under ORS 238.305 or 238.325;

(f) For early and normal retirement eligibility, the rules as described in OAR 459-010-0019;

(g) A statutory factor applicable for the classification of the member during each period of creditable service;

(h) A single early retirement factor, if applicable;

(i) The actuarial equivalency factor tables in effect on the effective retirement date; and

(j) A variable adjustment for members who participated in the Variable Annuity Program on and after January 1, 1982.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.260, 238.280, 238.300, 238.305, 238.320 & 238.325

Hist.: PERS 4-2011, f. & cert. ef. 8-4-11

Rule Caption: Clarify Social Security administration and repeal obsolete rules.

Adm. Order No.: PERS 5-2011

Filed with Sec. of State: 8-4-2011

Certified to be Effective: 8-4-11

Notice Publication Date: 5-1-2011

Rules Amended: 459-020-0015, 459-020-0030, 459-020-0050

Rules Repealed: 459-020-0005, 459-020-0010, 459-020-0012, 459-020-0020, 459-020-0025, 459-020-0035, 459-020-0040, 459-020-0045, 459-020-0055

Subject: ORS 237.410 to 237.515 govern the extension of Social Security benefits to employees of the state and certain political subdivisions. Under these statutes, the Public Employees Retirement Board administers the state of Oregon's responsibilities under the Social Security coverage agreement. As such, the PERS Board has promulgated rules detailing its administration of the program; those rules have not been reviewed or modified in quite awhile, but are now being updated through this rulemaking process. Several of the rules are being repealed because the content is either obsolete or already sufficiently covered in state and federal law.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-020-0015

Collection of Pro Rata Share of Administrative Expenses

(1) Each public agency, as defined in ORS 237.410, must pay to the Board an amount determined by the Board to be the public agency's obligation for administrative expenses incurred by the Board in the administration of ORS 237.410 to 237.515.

(2) The Board will determine administrative expenses for a period of 12 calendar months beginning July 1 of each year and allocate the expenses to each public agency in proportion to the number of employees reported to the Board by the public agency. The Board will invoice each public agency for:

(a) A minimum amount of \$15.00; and

(b) The public agency's pro rata share of administrative expenses, to the extent that amount exceeds \$15.00.

(3) Administrative expenses charged to a public agency must be paid to the Board no later than 30 days after the date the invoice is issued.

Stat. Auth.: ORS 237.470

Stats. Implemented: ORS 237.500

Hist.: PER 9, f. 12-15-55; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 5-2011, f. & cert. ef. 8-4-11

459-020-0030

Information and Records from Employer

(1) Upon request from the Board, an employer must provide to the Board records and information, including:

(a) Personnel information;

(b) Possible exclusions from coverage;

(c) Employer's legal name and status;

(d) Federal employer identification number;

(e) Employee-employer relationship; or

(f) Information requested by the Commissioner of Social Security.

(2) If 30 days have elapsed from the date of the Board's request, the Board may, without further notice, send a staff member to the employer's premises to examine the employer's records and obtain the necessary reports. The employer shall make its records available to the Board's staff during normal business hours. The entire cost of such examination shall be paid by the employer.

Stat. Auth.: ORS 237.470

Stats. Implemented: ORS 237.480

Hist.: PER 9, f. 12-15-55; PER 7-1981, f. & ef. 3-5-81; PERS 5-2011, f. & cert. ef. 8-4-11

459-020-0050

Application for Inclusion

A public agency, as defined in ORS 237.410, may apply to the Board for inclusion in the agreement under ORS 237.440 by submitting to the Board:

(1) A resolution by the agency's legislative or governing body requesting inclusion in the agreement entered into by the Board under ORS 237.414; and

(2) A completed Social Security coverage Application and Agreement.

Stat. Auth.: ORS 237.470

Stats. Implemented: ORS 237.440

Hist.: PER 9, f. 12-15-55; PER 6-1981, f. & ef. 3-5-81; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 5-2011, f. & cert. ef. 8-4-11

Rule Caption: Adopt new rule and permanent rule modifications relating to new OSGP Self-Directed Brokerage Option.

Adm. Order No.: PERS 6-2011

Filed with Sec. of State: 8-4-2011

Certified to be Effective: 8-4-11

Notice Publication Date: 5-1-2011

Rules Adopted: 459-050-0120

Rules Amended: 459-050-0037, 459-050-0077, 459-050-0150, 459-050-0300

Subject: The Oregon Investment Council (OIC) approved the addition of a Self-Directed Brokerage Option (SDBO) to the Oregon Savings Growth Plan (OSGP). A new rule, OAR 459-050-0120, was developed at Treasury's request to impose some restrictions on the use of the SDBO. The rule provides that a participant's account balance must be at least \$20,000 to begin participating in the SDBO and, at any time, the amount of the trade may not exceed 50% of the participant's OSGP account balance on the date of the trade. Also, subsequent trades cannot be made if the trade would cause the participant's balance in the SDBO to exceed 50% of the participant's OSGP account balance on the day of the trade.

In addition, Dwight Asset Management, which manages the Stable Value Option fund for OSGP, requires a restriction to be placed on transfers to the SDBO in the same manner as it currently applies to the Short Term Fixed and Intermediate Bond options. As such, the trading restrictions in OAR 459-050-0037 are proposed to be modified to specify that no trade may move monies directly from the Stable Value Option to the SDBO.

A participant's funds in the SDBO are not available for loans, unforeseeable emergency withdrawals, or distributions, including Required Minimum Distributions. Therefore, proposed modifications to OAR 459-050-0077, 459-050-0150 and 459-050-0300 address this.

Unrelated to the SDBO option but while the rule is open for rule-making, modifications are proposed to OAR 459-050-0150 to eliminate the requirement that the unforeseeable emergency occur within a defined period before or after application for the emergency withdrawal.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-050-0037

Trading Restrictions

The purpose of this rule is to establish criteria under which a participant may make trades in the Deferred Compensation Program. The

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Program is designed for long-term investment and periodic adjustment of asset allocation. Restrictions upon trades are necessary to protect participants and the Program from adverse financial impact attributable to frequent trading. Frequent trading by some participants can lower returns and increase transaction costs for all participants. Frequent trading can trigger the imposition of redemption fees and restrictions by mutual funds within the Program and may cause the Program to be eliminated as an allowable investor in an investment fund.

(1) Definitions. For the purposes of this rule:

(a) "Investment Option" means an investment alternative made available under ORS 243.421.

(b) "Trade" means a purchase or redemption in an investment option for the purpose of moving monies between investment options.

(2) Restrictions.

(a) The following restrictions apply to all participants:

(A) A participant may not make a trade that exceeds \$100,000.

(B) A purchase that is attributable to a trade may not be redeemed from the International Stock Option for a period of 30 days following the date of the trade.

(C) No trade may move monies directly from the Stable Value Option to the Short-Term Fixed Income Option, the Intermediate Bond Option, or the Self-Directed Brokerage Option.

(b) Trades to the Self-Directed Brokerage Option are subject to subsection (a) of this section and the limitations established in OAR 459-050-0120.

(3) The Deferred Compensation Manager, if necessary to comply with trading restrictions imposed by a participating mutual fund or the Securities and Exchange Commission, may establish additional temporary trading restrictions.

(4) The Deferred Compensation Manager, in the event of extraordinary market conditions, may temporarily suspend any or all trading restrictions established by this rule.

(5) Any action taken by the Deferred Compensation Manager under sections (3) or (4) of this rule must be presented to the Board at its next scheduled meeting. The Board may take action as authorized by ORS 243.401 to 243.507. If the Board does not act, the action(s) taken by the Deferred Compensation Manager shall expire on the first business day following the date of the meeting.

(6) The provisions of this rule are not applicable to trades attributable to the operation of an automatic account rebalancing function offered by the Program.

(7) The trading restrictions provided in this rule are not exclusive. The Board may establish additional restrictions or sanctions as authorized by ORS 243.401 to 243.507.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 4-2007, f. 1-23-07, cert. ef. 5-1-07; PERS 17-2008, f. & cert. ef. 11-26-08; PERS 6-2011, f. & cert. ef. 8-4-11

459-050-0077

Loan Program

(1) Definitions. For purposes of this rule:

(a) "Cure period" is that time from when a default occurs until the end of the quarter following the quarter in which the default occurred.

(b) "Deferred compensation account" means the account described in OAR 459-050-0001(9), but does not include any amount in the Self-Directed Brokerage Option.

(c) "Loan balance" means the outstanding principal and accrued interest due on the loan.

(d) "Participant Loan" means a loan that only affects the deferred compensation account of a participant.

(e) "Promissory note" means the agreement of loan terms between the Program and a participant.

(f) "Third Party Administrator (TPA)" means the entity providing record keeping and administrative services to the Program.

(2) Eligibility for loan. Participants who are currently employed by a Plan Sponsor that has agreed to participate in a Participant Loan program are eligible for a Participant Loan. Retired participants, participants separated from employment, designated beneficiaries, and alternate payees are not eligible.

(3) Application for loan: A participant must apply for a loan and meet the requirements set forth in this rule.

(a) Once a loan is approved, a participant must execute a promissory note in the form prescribed by the Program.

(b) If a participant is deceased before the disbursement of the proceeds of a loan, the participant's loan application shall be void as of the date of death.

(4) Loan Types:

(a) General purpose loan — a loan not taken for the purpose of acquiring a principal residence. General purpose loans must be repaid over a non-renewable repayment period of up to five years.

(b) Residential loan — a loan made for the purpose of acquiring a principal residence, which is, or within a reasonable time shall be, the principal residence of the participant. Residential loans must be repaid over a non-renewable repayment period of up to 15 years. A refinancing does not qualify as a residential loan. However, a loan from the Program that will be used to repay a loan from a third party will qualify as a residential loan if the loan would qualify as a residential loan without regard to the loan from the third party.

(5) Interest Rate: The rate of interest for a loan shall be fixed at one percent (1%) above the prime interest rate as published by the Wall Street Journal on the last business day of the month before the month in which the loan is requested.

(6) Loan Fees: A loan fee of \$50.00 shall be assessed when the loan is approved. The fee shall be deducted from a participant's deferred compensation account on a pro-rata basis from existing investments.

(7) Loan Limitations:

(a) The maximum loan amount is the lesser of:

(A) \$50,000; or

(B) One-half of the value of the participant's deferred compensation account on the date the loan is made.

(b) The minimum loan amount is \$1000.

(c) A participant may only have one outstanding loan.

(d) A participant who has received a loan may not apply for another loan until 12 months from the date the previous loan was paid in full.

(8) Source of Loan: The loan amount will be deducted from a participant's deferred compensation account.

(a) Loan amounts will be deducted pro-rata from existing investments in a participant's deferred compensation account.

(b) A participant may not transfer a loan to or from another retirement or deferred compensation plan.

(9) Repayment Terms: The loan amount will be amortized over the repayment period of the loan with interest compounded daily to calculate a level payment for the duration of the loan.

(a) Loan payments must be made by payroll deduction. To receive a loan from the Program a participant must enter into a payroll deduction agreement. For the purposes of this rule, a promissory note or other document that includes the payroll deduction amount and is signed by a participant as a requirement to obtain a loan may be a payroll deduction agreement. Except as provided in this rule, a participant may not submit a loan payment directly to the Program or the Third Party Administrator.

(b) A participant is responsible for loan repayment even if the employer fails to deduct or submit payments as directed under the payroll deduction agreement. To avoid defaulting on a loan by reason of the employer's failure to deduct or submit a payment a participant may submit a loan payment by sending a money order or certified check to the Third Party Administrator.

(c) A participant may repay the loan balance in a single payment at any time before the date the final loan payment is due.

(d) Partial payment of a scheduled payment and partial prepayment or advance payment of future payments shall not be permitted.

(e) Loan payments will be allocated in a participant's deferred compensation account in the same manner as the participant's current contribution allocation. If, for any reason, the allocation is not known, the payment will be allocated to the Short-Term Fixed Income Option.

(f) Any overpayment will be refunded to the participant.

(10) Leave of Absence. Terms of outstanding loans are not subject to revision except as provided in this section.

(a) Loan payments may be suspended up to one year during an authorized leave of absence if a participant's pay from the employer does not at least equal the payment amount.

(A) Interest on a loan continues to accrue during a leave of absence.

(B) A participant must immediately resume payments by payroll deduction upon return to work.

(C) The loan balance will be re-amortized upon the participant's return to work to be repaid within the remaining loan repayment period.

(D) Loan payments may be revised to extend the remaining loan repayment period to the maximum period allowed in the event the loan

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originally had a term shorter than the maximum period allowed under section (4) of this rule.

(E) If a participant is on a leave of absence that exceeds one year, the loan shall be in default unless repayment begins one year from the participant's last date worked or the date the final payment is due under the promissory note, whichever is earlier.

(b) Military Leave. Loan payments for participants on military leave may be suspended for the period of military service.

(A) A leave of absence for military service longer than one year will not cause a loan to be in default.

(B) Loan payments by payroll deduction must resume upon the participant's return to work.

(C) The original repayment period of a loan will be extended for the period of military service or to the maximum repayment period allowed for that type of loan, whichever is greater.

(D) Interest on a loan continues to accrue during a leave of absence for military service. If the interest rate on the loan is greater than 6%, then under the provisions of the Servicemembers Civil Relief Act of 2003, the rate shall be reduced to 6% during the period of military service.

(E) The loan balance will be re-amortized upon the participant's return to work to be repaid within the remaining loan repayment period as determined under paragraph (C) of this subsection.

(c) A participant on an authorized leave of absence or military leave may submit loan payments by sending a money order or certified check to the Third Party Administrator.

(11) Tax Reporting.

(a) The loan balance of a general purpose loan will be reported as a taxable distribution to the participant on the earlier of the last day of the loan repayment period, as adjusted under paragraphs (10)(a)(D) or (10)(b)(C) of this rule, if applicable, or if the loan is in default, the last day of the cure period.

(b) The loan balance of a residential loan will be reported as a taxable distribution to the participant on the earlier of the last day of the loan repayment period, as adjusted under paragraphs (10)(a)(D) or (10)(b)(C) of this rule, if applicable, or if the loan is in default, the last day of the cure period.

(c) If a participant dies before the loan balance being repaid, and the participant's beneficiary does not repay the loan balance in a single payment within 90 days of the participant's death, the loan balance will be reported as a taxable distribution to the estate of the participant.

(d) If a participant is eligible to receive a distribution under the Program, the reporting of a loan balance as a taxable distribution under this section will cancel the loan at the time the taxable distribution is reported. A canceled loan is a distribution and is no longer outstanding in a participant's account.

(e) If a participant is not eligible to receive a distribution under the Program, a loan balance reported as a taxable distribution under this section will be a deemed distribution for tax reporting purposes. A loan deemed distributed may not be canceled until the loan balance is repaid or the participant becomes eligible to receive a distribution. The loan balance will remain outstanding in the participant's account and will continue to accrue interest until repaid or canceled.

(12) Default.

(a) A loan is in default if a payment is not paid as scheduled or under any of the provisions set forth in this rule, the promissory note, or any related loan agreement.

(b) A loan is in default if the participant separates from employment with the plan sponsor that administers the loan payment payroll deductions.

(c) If a participant with a loan in default resumes loan payments by payroll deduction before the end of the cure period, the default will be cured. The participant must pay any missed payments and accrued interest before the end of the loan repayment period.

(d) Except as provided in subsection (c) of this section, if the participant does not cure a default by repaying the loan balance before the end of the cure period, the loan balance will be reported as a taxable distribution to the participant as provided in section (11) of this rule.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 – 243.507

Hist.: PERS 4-2007, f. 1-23-07, cert. ef. 5-1-07; PERS 8-2007, f. & cert. ef. 7-26-07; PERS 6-2011, f. & cert. ef. 8-4-11

459-050-0120

Self-Directed Brokerage Option

(1) For purposes of this rule:

(a) "Core Investment Option" means an investment alternative made available under ORS 243.421, but does not include the Self-Directed Brokerage Option.

(b) "Self-Directed Brokerage Option" means an investment alternative made available under ORS 243.421 that permits a participant to establish a brokerage account and participate in investment products other than core investment options.

(c) "Trade" has the same meaning as in OAR 459-050-0037.

(2) A participant may initiate participation in the Self-Directed Brokerage Option only by a trade from core investment options.

(a) The participant's deferred compensation account balance must be at least \$20,000 on the date of the trade.

(b) The amount of the trade may not exceed 50 percent of the participant's deferred compensation account balance on the date of the trade.

(3) A participant in the Self-Directed Brokerage Option may not:

(a) Contribute to the Self-Directed Brokerage Option by any means other than a trade from a core investment option.

(b) Make a trade from a core investment option to the Self-Directed Brokerage Option if:

(A) The participant's balance in the Self-Directed Brokerage Option exceeds the balance in the participant's core investment options on the date of the trade; or

(B) The trade would cause the participant's balance in the Self-Directed Brokerage Option to exceed the participant's balance in the core investment options on the date of the trade.

(4) The Self-Directed Brokerage Option may not be included in any automatic account rebalancing function offered by the Program.

(5) Notwithstanding OAR 459-050-0080, funds in the Self-Directed Brokerage Option are not available for distribution.

(a) Funds in the Self-Directed Brokerage Option must be traded to a core investment option to be available for distribution under OAR 459-050-0080.

(b) A participant, beneficiary, or alternate payee subject to Required Minimum Distributions, as described in OAR 459-050-0300, must maintain a balance in the core investment options that will accommodate the timely distribution of the required amount.

(c) A participant, beneficiary, or alternate payee who fails to comply with subsection (b) of this section is solely responsible for any tax, penalty, or cost imposed by reason of a delayed or partial required minimum distribution.

(6) The Deferred Compensation Manager, if necessary to comply with restrictions imposed by a participating mutual fund, a contracted broker, or the Securities and Exchange Commission, may establish additional temporary restrictions for the Self-Directed Brokerage Option.

(7) Any action taken by the Deferred Compensation Manager under section (6) of this rule must be presented to the Board at its next scheduled meeting. The Board may take action as authorized by ORS 243.401 to 243.507. If the Board does not act, the action(s) taken by the Deferred Compensation Manager shall expire on the first business day following the date of the meeting.

(8) The restrictions provided in this rule are not exclusive. The Board may establish additional restrictions or sanctions as authorized by ORS 243.401 to 243.507.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 6-2011, f. & cert. ef. 8-4-11

459-050-0150

Unforeseeable Emergency Withdrawal

The purpose of this rule is to establish the criteria and process for a participant to obtain a distribution of deferred compensation funds before separation from employment due to an unforeseeable emergency.

(1) Definitions. For purposes of this rule:

(a) "Deferred compensation account" means the account described in OAR 459-050-0001(9), but does not include any amount in the Self-Directed Brokerage Option.

(b) "Emergency withdrawal" means a payment to the participant from the participant's deferred compensation account in an amount directly related to and reasonably necessary to satisfy a financial obligation attributable to an unforeseeable emergency.

(c) "Unforeseeable emergency" or "Unforeseen emergency" means a severe financial hardship to a participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent of the participant as defined in 26 CFR 1.152-1, a loss of the participant's property due to casualty or other similar extraordinary and unforeseeable circumstance beyond the control of the participant.

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(2) Eligibility for emergency withdrawals. Only a participant who established a deferred compensation account as an eligible employee and has not terminated from employment with their plan sponsor may apply to receive an unforeseeable emergency withdrawal. An alternate payee of a participant shall not be eligible to receive an emergency withdrawal.

(3) A participant must, if eligible, apply for a loan under the provisions of OAR 459-050-0077 before application for an unforeseen emergency withdrawal unless, as determined by the Deferred Compensation Manager, the participant would suffer additional financial hardship by complying with the loan application requirement.

(4) Circumstances that do not constitute an unforeseeable emergency. An emergency withdrawal shall not be approved for any reason other than an unforeseeable emergency. Circumstances that do not constitute an unforeseeable emergency include, but are not limited to:

- (a) Participant or dependent school expenses;
- (b) The purchase of a home or costs associated with a voluntary relocation of housing;
- (c) The reduction of personal credit liabilities not associated with an unforeseeable emergency;
- (d) Expenses associated with a legal separation or the dissolution of a marriage;
- (e) Expenses associated with medical procedures that are elective or not medically required;
- (f) Expenses associated with establishing or managing a personal business;
- (g) Recreational expenses;
- (h) Travel expenses not associated with an unforeseeable emergency; and
- (i) Usual and customary tax obligations.

(5) Limitations on amount of emergency withdrawal. The amount of an emergency withdrawal may not exceed the balance of the participant's deferred compensation account. The maximum amount that may be approved as an emergency withdrawal shall be limited to what is reasonably needed to satisfy the immediate financial obligation related to the unforeseeable emergency, including taxes anticipated on the distribution. The amount of the emergency withdrawal shall be limited to the extent that the financial obligation can or may be satisfied by:

- (a) Reimbursement or compensation by insurance or otherwise;
 - (b) Liquidation of the participant's assets, to the extent the liquidation of such assets would not itself cause severe unforeseeable emergency; or
 - (c) Cessation of participant contributions to the Deferred Compensation Program.
- (6) Application for an emergency withdrawal. A participant must submit a completed emergency withdrawal application and financial information and related documentation sufficient to satisfy the provisions of this rule. The emergency withdrawal application may be returned if incomplete or if insufficient financial information or related documentation is submitted.

(a) The application form may be obtained from the Deferred Compensation Program or the third party administrator (TPA) retained to administer a portion of the Deferred Compensation Program.

(b) The completed application, financial information, and related documentation shall be submitted by use of the United State Postal Service or by private carrier as defined in ORS 293.660(2) for initial review.

(7) Cancellation of future contributions. Contributions by a participant to the Deferred Compensation Program shall immediately be cancelled upon receipt of an application for an emergency withdrawal from the participant.

(a) A participant who receives approval for an emergency withdrawal shall be prohibited from making elective deferrals and contributions to the Deferred Compensation Program for a period of six consecutive months from the date of distribution.

(b) A participant who receives a denial for an emergency withdrawal may enroll to make elective deferrals and contributions to the Deferred Compensation Program at any time.

(8) Approval or denial notification. The Deferred Compensation Manager or an authorized designee shall approve or deny a request for an emergency withdrawal within three working days after receipt of an accepted application. The participant will be notified by mail within ten days after a decision is made.

(9) Release of payment upon approval of an emergency withdrawal. The Deferred Compensation Manager or an authorized designee shall determine the method of payment. The Deferred Compensation Program shall immediately notify the TPA to release the requested funds.

(10) A participant may appeal a denial of an emergency withdrawal to the Unforeseeable Emergency Withdrawal Appeals Committee as provided in OAR 459-050-0040. The appeal shall be in writing and must include:

(a) A request for review by the Unforeseeable Emergency Withdrawal Appeals Committee;

(b) A short statement of the facts that are the basis of the appeal; and

(c) Any additional information or documentation to support the request for an emergency withdrawal.

(11) Number of emergency withdrawal requests. The number of times a participant may apply for an emergency withdrawal is unlimited and is unaffected by previous applications.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 5-2000, f. & cert. ef. 8-11-00; PERS 28-2004, f. & cert. ef. 11-23-04; PERS 3-2007, f. & cert. ef. 1-23-07; PERS 6-2011, f. & cert. ef. 8-4-11

459-050-0300

Required Minimum Distribution Requirements

(1) Definitions. The following definitions apply for the purposes of this rule:

(a) "Designated Beneficiary" means:

(A) A natural person designated as a beneficiary by the participant, alternate payee, or surviving beneficiary as provided in OAR 459-050-0060; or

(B) If a trust is designated as a beneficiary, the individual beneficiaries of the trust will be treated as designated beneficiaries if the trust satisfies the requirements in section (2) of this rule and applicable Treasury Regulations, including but not limited to Proposed Treasury Regulation Section 1.401(a)(9)-1, Q&A-D-5.

(C) If the beneficiary is not a person or a trust satisfying these requirements, the participant, alternate payee, or surviving beneficiary will be deemed to have no designated beneficiary only for purposes of required minimum distributions under IRC 409(a)(9) and distribution shall be made in accordance with section (11) of this rule.

(b) "Life Expectancy" means the length of time a person of a given age is expected to live as set forth in Treasury Regulation Section 1.72-9. Required minimum distributions shall be calculated so as to satisfy the requirements of Section 401(a)(9) using the life expectancy tables provided in Treasury regulations. Life expectancies shall not be recalculated after the initial determination, except as otherwise required under Oregon or federal law.

(c) "Required Beginning Date" means April 1 of the calendar year following the later of:

(A) The calendar year in which the participant reaches 70-1/2 years of age; or

(B) The calendar year in which the participant retires.

(d) "Required Commencement Date" means the date that the deferred compensation plan must begin to distribute all or part of an account to a surviving beneficiary.

(2) A trust as beneficiary. If a trust is designated as a beneficiary, the individual beneficiaries of the trust will be treated as designated beneficiaries as defined in paragraph (1)(c)(B) if by December 31 of the calendar year following the death of a person who designated a trust as beneficiary, the trust satisfies the following conditions:

(a) The trust must be irrevocable, or become irrevocable by its terms at the time of the person's death;

(b) The trust's beneficiaries must be natural persons who are identifiable from the trust instrument; and

(c) One of the following must be provided to the Deferred Compensation Program:

(A) A list of all beneficiaries of the trust, including contingent beneficiaries, along with a description of the portion to which they are entitled and any conditions on their entitlement, all corrected certifications of trust amendments, and a copy of the trust instrument if requested by the Deferred Compensation Program; or

(B) A copy of the trust instrument and copies of any amendments after they are adopted.

(3) Applicable law. Distributions under the Deferred Compensation Program shall be made in accordance with Internal Revenue Code (IRC) Section 401(a)(9), Treasury regulations, Internal Revenue Service rulings and other interpretations issued, including Proposed Treasury Regulation Section 1.401(a)(9)-2. IRC Section 401(a)(9) overrides the provisions of this rule and any other statute or rule pertaining to the required minimum distribution requirements and any manners of distributions, if they are found to be inconsistent with IRC Section 401(a)(9).

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(a) If a participant, alternate payee, or surviving beneficiary has not begun distribution or elected a minimum distribution by the beginning date or commencement date required in this rule and IRC Section 401(a)(9), the Deferred Compensation Program shall begin distribution of the minimum amount required as provided under OAR 459-050-0080(2)(e) or, if required, the entire account. Distribution under this subsection is subject to the provisions of OAR 459-050-0120(5).

(b) The required minimum distribution amount may never exceed the entire account balance on the date of distribution.

(4) Minimum distribution requirements for participants. Distributions must begin no later than the participant's required beginning date.

(a) The participant's entire account balance shall be distributed over the participant's life expectancy or over a period not extending beyond the participant's life expectancy without regard to the designated beneficiary's age unless the designated beneficiary is a spouse who is more than 10 years younger than the participant.

(b) If the designated beneficiary is a spouse and is more than 10 years younger than the participant, the entire account balance shall be distributed over the joint lives of the participant and the designated beneficiary.

(5) Minimum distribution requirements for alternate payees. The minimum distribution requirements applicable to an alternate payee are determined by whether a Qualified Domestic Relations Order (QDRO) allocates a separate account to the alternate payee or provides that a portion of a participant's benefit is to be paid to the alternate payee.

(a) If a separate account is established in the name of the alternate payee under OAR 459-050-0210, required minimum distributions to the alternate payee must begin no later than the participant's required beginning date. The alternate payee's entire account balance shall be distributed over the alternate payee's life expectancy or over a period not extending beyond the alternate payee's life expectancy.

(b) If no separate account is established in the name of the alternate payee and the alternate payee is paid a portion of a participant's benefit, the alternate payee's portion of the benefit shall be aggregated with the amount distributed to the participant and will be treated, for purposes of meeting the minimum distribution requirement, as if it had been distributed to the participant.

(6) Manners of distribution available to surviving designated beneficiaries. A surviving designated beneficiary may choose a manner of distribution and apply for a distribution as provided for in OAR 459-050-0080. If the distribution to a participant or alternate payee has begun in accordance with section 401(a)(9)(A)(ii) and the participant dies before the entire account has been distributed or after distributions are required to begin under section (4) of this rule, distributions to the surviving designated beneficiary must be made at least as rapidly as under the manner of distribution used before the participant's or alternate payee's death.

(7)(a) Distributions treated as having begun. Distributions from an individual account are not treated as having begun to a participant in accordance with section 401(a)(9)(A)(ii) until the participant's required minimum distribution beginning date, without regard to whether distributions from an individual account have been made before the required beginning date.

(b) If distribution has been made before the required beginning date in the form of an irrevocable annuity, the distributions are treated as having begun if a participant dies after the annuity starting date but before the required beginning date. The annuity starting date will be deemed the required minimum distribution beginning date.

(8) Required commencement date for a surviving designated beneficiary. If a participant dies before distributions are required to begin or are treated as having begun, the entire account balance must be distributed by December 31 of the calendar year containing the fifth anniversary of the participant's death, unless the beneficiary makes the following distribution election in the manner prescribed by the Deferred Compensation Plan:

(a) Distributions must begin no later than December 31 of the calendar year following the year of the participant's or alternate payee's death; and

(b) Distribution of payments over the designated beneficiary's lifetime or over a period not exceeding the designated beneficiary's life expectancy.

(A) The beneficiary's life expectancy is calculated using the age of the beneficiary in the year following the year of the participant's death, reduced by one for each subsequent year.

(B) If the participant has more than one designated beneficiary as of December 31 of the calendar year following the year of the participant's death and the account has not been divided into separate accounts for each

beneficiary, the beneficiary with the shortest life expectancy is treated as the designated beneficiary.

(9) Required commencement date for a spousal beneficiary. If distributions have not begun before the participant's death and if the sole designated beneficiary is the participant's surviving spouse, distributions to the surviving spouse must commence on or before the later of the dates set forth in subsections (a) and (b) below:

(a) December 31 of the calendar year immediately following the calendar year in which the participant died; or

(b) December 31 of the calendar year in which the participant would have attained 70-1/2 years of age.

(c) The distribution period during the surviving spouse's life is the spouse's single life expectancy.

(10)(a) Required commencement date for a surviving spouse's beneficiary. If the surviving spouse dies after the participant's death but before distributions to the spouse have begun, any death benefits payable to the surviving spouse's beneficiary will be applied as if the surviving spouse were the participant. The date of death of the surviving spouse will be substituted for the date of death of the participant.

(b) A death benefit payable to the surviving spouse of the deceased participant's surviving spouse shall be distributed as provided in section (8) of this rule. The provisions of section (9) of this rule do not apply to a death benefit payable to a surviving spouse of the deceased participant's surviving spouse.

(11)(a) Required commencement date if no designated beneficiary: If a participant dies before the required beginning date with no designated beneficiary as defined in paragraph (1)(c)(C) of this rule, the total account balance must be distributed as provided for in OAR 459-050-0060, by December 31 of the calendar year containing the fifth anniversary of the participant's or alternate payee's death.

(b) If a participant dies after the required beginning date with no designated beneficiary as defined in paragraph (1)(c)(C) of this rule, the applicable distribution period must not be longer than the participant's life expectancy.

(12) Determining the designated beneficiary. The designated beneficiary will be determined based on the beneficiary(s) designated as of December 31 of the calendar year following the calendar year of the participant's, alternate payee's, or surviving beneficiary's death.

(a) A participant may change beneficiaries after his or her required beginning date.

(b) A beneficiary may be changed after a participant's death, such as by one or more beneficiaries disclaiming benefits.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 6-2002, f. & cert. ef. 5-24-02; PERS 6-2011, f. & cert. ef. 8-4-11

Oregon State Lottery Chapter 177

Rule Caption: Authorizes Lottery player loyalty programs, and sets forth requirements.

Adm. Order No.: LOTT 3-2011

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 7-1-2011

Rules Adopted: 177-051-0035

Rules Amended: 177-051-0000, 177-051-0010, 177-051-0030, 177-051-0040, 177-051-0120, 177-051-0130

Rules Repealed: 177-051-0020, 177-051-0050, 177-051-0060, 177-051-0070, 177-051-0080, 177-051-0090, 177-051-0100, 177-051-0110

Subject: The Oregon State Lottery initiated permanent rulemaking to adopt, repeals, and amend the above referenced administrative rules to substantially revise its rules related to Lottery promotions and giveaways and to specifically authorize the Oregon Lottery® to offer player loyalty promotional programs where persons may register to become a member and may participate in special promotional activities, drawings, and giveaways offered by the Lottery.

Rules Coordinator: Mark W. Hohl—(503) 540-1417

177-051-0000

Purpose

The purpose of this Division of OAR chapter 177 is to authorize and set forth the provisions for promotions, giveaways that may be conducted

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from time to time, and Player Loyalty Programs of the Oregon Lottery®. The rules in this Division do not apply to promotions conducted by Lottery retailers or incentive programs that the Lottery may conduct for Lottery retailers.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0010

Definitions

For purposes of Division 51, the following definitions apply, unless the context requires otherwise:

(1) "Drawing" means a certain type of promotion in which the Lottery randomly selects a winner from among entrants in order to award a promotional reward or giveaway to the person whose entry is selected.

(2) "Giveaway" means Lottery-branded merchandise, cash, a coupon, or any other item of value given by the Lottery to a person as a means of promoting Oregon Lottery® products.

(3) "Player Loyalty Program" refers to a promotional program offered by the Lottery to encourage loyalty to Oregon Lottery® products, where persons who qualify may register to become a member and may participate in those activities, drawings, and giveaways offered by the Lottery through the Player Loyalty Program.

(4) "Promotion" means an activity that directly or indirectly promotes the sale of Lottery tickets or shares through use of a Player Loyalty Program, promotional rewards, giveaways, or any other item or player incentive offered by the Lottery.

(5) "Promotional Reward" means an item of value that may be awarded to a person in a promotion through a drawing, or through the accumulation of points which may be awarded by the Lottery to a person who participates in a particular promotion.

(6) "Website" means the Oregon Lottery®'s Internet address at www.oregonlottery.org, or any other website that may be specified by the Oregon Lottery® for a particular promotion or promotional program.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0030

Promotions

(1) Authorization: At the discretion of the Director, the Oregon Lottery® may conduct promotions to directly or indirectly promote the sale of Lottery tickets or shares.

(2) Participation: A person may participate in a promotion only if eligible, as solely determined by the Oregon Lottery®. No purchase is required and there is no fee for participation in a Lottery promotion. No person may claim any right to participate in any promotion or promotional program or to receive from the Oregon Lottery® any promotional reward, giveaway, or any other item of value offered by the Oregon Lottery® through a promotion.

(3) Applicable Laws: A promotion is subject to all applicable laws and administrative rules related to the Oregon Lottery® and to any additional terms and conditions relating to the promotion that are posted by the Oregon Lottery® on the website. The Oregon Lottery® may change the terms and conditions of a promotion at any time and for any reason, with or without prior notice.

(4) Void if Prohibited: Any promotion conducted by the Oregon Lottery® is void where prohibited by law.

(5) Non-Transferable: Promotional rewards, giveaways, or any other items of value offered through a promotion are not transferable and a person may not assign or otherwise transfer any right to receive such items. The Oregon Lottery® will not make any substitutions.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0035

Player Loyalty Program

(1) General: The Oregon Lottery® may offer a Player Loyalty Program. A Player Loyalty Program is a promotional program offered by the Oregon Lottery® to promote the sale of Lottery tickets and shares. Participation by members who join as members is voluntary and for entertainment purposes only. No person may claim any right to participate in a Player Loyalty Program offered by the Oregon Lottery®, nor may a person claim any right to receive a promotional reward, giveaway, or any other

item of value offered by the Oregon Lottery® through a Player Loyalty Program.

(2) Eligibility: A person must meet the requirements in OAR 177-051-0040 in order to become a member and be eligible to participate in a Player Loyalty Program.

(3) Membership Application: To participate in a Player Loyalty Program, a person must become a member by electronically completing a membership application that includes the person's name, physical address, e-mail address, and any other information required by the Oregon Lottery®.

(4) Terms and Conditions: Participation in a Player Loyalty Program offered by the Oregon Lottery® is subject to all terms and conditions governing the program. The terms and conditions shall be posted on the website. By applying for membership, a person expressly accepts the terms and conditions at the time the person submits a membership application. The terms and conditions may be modified at any time, with or without prior notice, even if such modification may affect a member's participation in the Player Loyalty Program or affect the member's receipt of a promotional reward, giveaway, or any other item of value offered by the Oregon Lottery® under a Player Loyalty Program.

(5) Discontinuation of Program: The Oregon Lottery® may discontinue a Player Loyalty Program at any time, with or without prior notice by the Oregon Lottery®. Once a program is discontinued, a member's eligibility for promotional rewards, giveaways, or any other item of value offered by the Oregon Lottery® under the program terminates.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0040

Eligibility

(1) Requirements: To be eligible to receive any promotional reward, giveaway, or any other item of value offered in a Lottery promotion, or to participate in a Player Loyalty Program, a person must meet the following requirements:

(a) Be a natural person 18 years of age or older, unless a specific promotion or Player Loyalty Program requires the entrant to be 21 years of age or older;

(b) Must not be:

(A) An employee or representative of the Oregon Lottery®, or the spouse, child, brother, sister, or parent of any such employee or representative;

(B) An employee or representative of the Oregon State Police, Gaming Enforcement Division; or

(C) A Lottery vendor who is prohibited by contract with the Oregon Lottery® from participating in the promotion or is prohibited from playing Oregon Lottery® games.

(c) Must accept and abide by all terms and conditions applicable to the promotion.

(2) Disqualification: If at any time the Oregon Lottery® determines that a person who participates in a promotion, including, but not limited to a Player Loyalty Program, does not meet the eligibility requirements listed above, that person is disqualified. A person who is disqualified is not eligible to participate in the promotion and is not eligible to receive any promotional reward, giveaway, or any other item of value offered in the promotion. If a person who is disqualified has received a promotional reward, giveaway, or any other item of value in the promotion, the Oregon Lottery®, in its sole discretion, may require the person to return the promotional reward, giveaway, or other item or incentive to the Oregon Lottery®.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.200
Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0120

Limitation of Liability

(1) General: The State of Oregon, its agents, officers, and employees, the Oregon State Lottery Commission, and the Oregon State Lottery, and its agents, officers, and employees, are not liable for any:

(a) Late, lost, misrouted, garbled, distorted, or damaged entries, claims, other communications, or transmissions;

(b) Telephone, electronic, hardware, software, network, Internet, or other computer, or communications-related malfunctions or failures;

(c) Promotion disruptions, any printing or typographical errors in any materials associated with a promotion;

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(d) Entries, claims, or other communications not received by the Oregon Lottery® or that are lost in the mail or delivered elsewhere, or are electronically misrouted or misdirected; or

(e) Other injuries, losses, or damages arising from, related to, or caused by a promotion, or any claims arising from or related to the acceptance, possession, or use of any promotional reward, giveaway, or any other item of value offered by the Oregon Lottery®.

(2) Voluntary Participation: Participation in a promotion is voluntary. Acceptance of any promotional reward, giveaway, or other item of value offered in a promotion is voluntary. Promotions that require persons to compete with other persons, play games, or complete tasks, or any similar activities carry a risk of personal injury or death. Participation is at the person's own risk. The State of Oregon, its agents, officers, and employees and the Oregon State Lottery Commission and the Oregon State Lottery, its agents, officers, and employees, are not liable for any personal injury, loss, or consequential damage arising from, related to, or caused by a person's participation in any promotion. Possession, use, or participation in any activity resulting from the acceptance of a promotional reward, giveaway, or other item of value awarded to a person by the Lottery carry a risk of personal injury or death. Such acceptance is at the person's own risk. The State of Oregon, its agents, officers, and employees and the Oregon State Lottery Commission and the Oregon State Lottery, its agents, officers, and employees, are not liable for any personal injury, loss, or consequential damage arising from, related to, or caused by a person's acceptance of any promotional reward, giveaway, or other item of value awarded to the person by the Oregon Lottery®.

(3) Disputes: In the event a person disagrees with the Oregon Lottery®'s determination that the person is not eligible to participate in a promotion, or has not complied with the terms and conditions of a promotion, and therefore should not receive a promotional reward, giveaway, or any other item of value offered by the Oregon Lottery®, the Oregon Lottery®'s determination is final. At the sole discretion of the Oregon Lottery®, and if the person is eligible, the Oregon Lottery® may provide the person with the opportunity to enter another promotion, or may provide the person a ticket or share from any current Lottery game. This is the person's sole and exclusive remedy.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

177-051-0130

Miscellaneous

(1) Cancellation of Promotions: The Director may cancel or postpone any promotion at any time in the exercise of the Director's sole discretion, with or without prior notice.

(2) Conflicting Provisions: In the event of a conflict between the Oregon Lottery®'s rules in Division 51 and the terms and conditions of any promotion, these rules control.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LOTT 5-2003(Temp), f. & cert. ef. 5-28-03 thru 11-21-03; LOTT 13-2003, f. & cert. ef. 9-29-03; LOTT 3-2011, f. 7-29-11, cert. ef. 8-1-11

Oregon State Marine Board Chapter 250

Rule Caption: This rule suspension will re-open the Willamette River in Lane County previously closed.

Adm. Order No.: OSMB 11-2011(Temp)

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11 thru 10-1-11

Notice Publication Date:

Rules Suspended: 250-020-0221(T)

Subject: This rule action will re-open the Willamette River which was temporarily closed due to the construction associated with the I-5 Bridge project in Lane County.

Rules Coordinator: June LeTarte—(503) 378-2617

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend Special Student and Course Fees, Repeal the EOU Dogs on Campus Policy.

Adm. Order No.: EOU 3-2011

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11

Notice Publication Date: 5-1-2011

Rules Amended: 579-020-0006

Rules Repealed: 579-050-0005

Subject: The repeal of the Dogs on Campus policy is to accommodate institutional and federal ADA regulations and to establish appropriate policy related to Animal Control on the Eastern Oregon University campus.

Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-020-0006

Special Student Fees

Eastern Oregon University intends to adopt by reference Special Student Fees for the 2011–2012 school year.

[ED NOTE: Fee list referenced is available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EO SC 3, f. & ef. 6-23-76; EO SC 8, f. & ef. 6-16-77; EO SC 6-1978, f. & ef. 10-2-78; EO SC 1-1979, f. & ef. 6-27-79; EO SC 1-1981, f. & ef. 1-12-81; EO SC 3-1981, f. & ef. 7-1-81; EO SC 2-1983, f. & ef. 12-16-83; EO SC 2-1984, f. & ef. 10-25-84; EO SC 1-1986, f. & ef. 2-13-86; EO SC 2-1988, f. & cert. ef. 10-28-88; EO SC 2-1989, f. & cert. ef. 7-31-89; EO SC 2-1990, f. & cert. ef. 10-9-90; EO SC 3-1991, f. & cert. ef. 9-20-91; EO SC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EO SC 1-1992, f. & cert. ef. 5-13-92; EO SC 2-1992, f. & cert. ef. 8-24-92; EO SC 4-1993, f. & cert. ef. 8-2-93; EO SC 4-1994, f. & cert. ef. 7-25-94; EO SC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11

Oregon University System, Oregon Institute of Technology Chapter 578

Rule Caption: To amend the Schedule of Special Institutional Fees and Charges.

Adm. Order No.: OIT 2-2011

Filed with Sec. of State: 7-25-2011

Certified to be Effective: 7-25-11

Notice Publication Date: 5-1-2011

Rules Amended: 578-072-0030

Subject: 578-072-0030 Amends the Parking Permit Fee. Amendments allow for increases, revisions, additions, or deletions of parking fees for fiscal year 2011–2012. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

Rules Coordinator: Leticia Hill—(541) 885-1133

578-072-0030

Parking Permit and Fees

The Schedule of Parking Permit and Fees establishes charges for the Oregon Institute of Technology for the academic year 2011–2012 and are hereby adopted by reference. Copies of this fee schedule may be obtained from the Oregon Institute of Technology Business Affairs Office.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 1-1988(Temp), f. 6-20-88, cert. ef. 7-1-88; OIT 3-1991, f. & cert. ef. 7-8-91; OIT 2-1992, f. & cert. ef. 7-21-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 2-2005, f. & cert. ef. 6-10-05; OIT 2-2006, f. & cert. ef. 6-2-06; OIT 2-2007, f. & cert. ef. 6-7-07; OIT 3-2008, f. & cert. ef. 6-10-08; OIT 2-2011, f. & cert. ef. 7-25-11

Rule Caption: To amend the Parking Permit Fees.

Adm. Order No.: OIT 3-2011

Filed with Sec. of State: 7-29-2011

Certified to be Effective: 7-29-11

Notice Publication Date: 5-1-2011

ADMINISTRATIVE RULES

Rules Amended: 578-072-0030

Subject: 578-072-0030 Amends the Parking Permit Fee. Amendments allow for increases, revisions, additions, or deletions of parking fees for fiscal year 2011–2012. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

Rules Coordinator: Leticia Hill—(541) 885-1133

578-072-0030

Parking Permit and Fees

(1) Students, Faculty and Staff permits (adhesive or hanging) will be issued for a fee of \$130.00 per year or \$65.00 per term. Vehicles with these permits must park in the parking areas.

(2) Bicycles must be licensed by the City of Klamath Falls. A parking permit is not required.

(3) Special permits may be issued at the Cashier's office under the following circumstances:

(a) Application for a Disabled Parking permit must be submitted to the Student Health Service. After approval by Student Health Service, a Disabled Parking permit may be purchased at the Cashier's office.

(b) Persons displaying either permanent or temporary disabled permits are authorized open parking on the campus in addition to parking in the areas designated as disabled parking.

(c) Temporary permits are issued at no charge by Campus Safety at the Information Booth on Campus Drive. Vehicles displaying temporary permits must park in the area designated by that permit. Students, faculty, and staff members are able to obtain up to 10 days per term of temporary parking permits. Temporary permits are official documents and may not be modified or altered in any way.

(d) Visitor permits are issued at no charge at the Information Booth on Campus Drive and must be displayed as indicated on the permit. A visitor is any person who is an OIT guest but is not officially affiliated with OIT.

(e) Special guest permits: Guest permits will be issued by Campus Safety.

(4) Service Vendor permits are issued by Facilities or Campus Safety for contractors, media personnel, and vendors performing work on campus.

(5) Up to three vehicles registered on a single hanging permit-additional charge \$10.00.

(6) Replacement Permits: A replacement permit may be purchased for a substitute vehicle when the original vehicle is sold, damaged beyond repair, or when the permit is lost or damaged. In the event a permit is stolen, a stolen permit report must be filed with Campus Safety before a replacement permit may be issued. An adhesive replacement permit may be obtained for a fee of \$5.00 upon submission to the cashier of permit number evidence from the original permit. Replacement hanging permits are available at full price of the original hanging permit.

(7) Possession of a lost or stolen permit may be grounds for criminal charges, and/or University disciplinary action, including revocation of parking privileges.

(8) Parking permits are issued by the academic year or for a term. Refunds will be made only if a parking permit is removed from the vehicle and returned to the Cashier within ten (10) days of the purchase date. No other refunds will be given.

(9) Parking permits are considered University records, and as such, may not be falsified, misused, forged, modified or altered in any way. Vehicles bearing forged or altered permits are subject to a fine, criminal proceeding, and/or discipline by the University.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 1-1988(Temp), f. 6-20-88, cert. ef. 7-1-88; OIT 3-1991, f. & cert. ef. 7-8-91; OIT 2-1992, f. & cert. ef. 7-21-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 2-2005, f. & cert. ef. 6-10-05; OIT 2-2006, f. & cert. ef. 6-2-06; OIT 2-2007, f. & cert. ef. 6-7-07; OIT 3-2008, f. & cert. ef. 6-10-08; OIT 2-2011, f. & cert. ef. 7-25-11; OIT 3-2011, f. & cert. ef. 7-29-11

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Oregon University System, Western Oregon University Chapter 574

Rule Caption: Revision to special course fees and general service fees.

Adm. Order No.: WOU 3-2011

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11

Notice Publication Date: 7-1-2011

Rules Amended: 574-050-0005

Subject: Amendments will allow for increases, additions, and revision of special course fees and general service fees.

Rules Coordinator: Debra L. Charlton—(503) 838-8597

574-050-0005

Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

NOTE: The publication(s) referred to or incorporated by reference in this rule are available from the Office of the Vice President for Finance and Administration at Western Oregon University.

[Publications: Publications referenced are available from the Office of the Vice President for Finance and Administration at Western Oregon University.]

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 1, f. & ef. 7-12-76; OCE 1-1978, f. & ef. 10-27-78; OCE 2-1980, f. & ef. 11-5-80; OCE 1-1981, f. & ef. 1-7-81; OCE 3-1981, f. & ef. 8-7-81; OCE 4-1981, f. & ef. 11-2-81; WOSC 2-1982, f. & ef. 9-17-82; WOSC 1-1983, f. & ef. 10-11-83; WOSC 1-1985, f. & ef. 10-4-85; WOSC 1-1986, f. & ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 1-2000, f. & cert. ef. 3-16-00; WOU 2-2000, f. & cert. ef. 6-28-00; WOU 1-2001, f. & cert. ef. 3-5-01; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 1-2002, f. 3-12-02, cert. ef. 3-15-02; WOU 2-2002, f. 8-2-02, cert. ef. 8-15-02; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 1-2003, f. & cert. ef. 4-2-03; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 1-2004, f. & cert. ef. 3-24-04; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2005, f. & cert. ef. 3-8-05; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 3-2005, f. & cert. ef. 8-12-05; WOU 1-2006, f. & cert. ef. 3-2-06; WOU 2-2006, f. & cert. ef. 8-7-06; WOU 1-2007, f. & cert. ef. 3-5-07; WOU 2-2007, f. & cert. ef. 7-31-07; WOU 4-2007, f. & cert. ef. 11-1-07; WOU 1-2008, f. & cert. ef. 2-1-08; WOU 2-2008, f. & cert. ef. 9-3-08; WOU 1-2009, f. & cert. ef. 2-13-09; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 1-2010, f. & cert. ef. 1-27-10; WOU 2-2010, f. & cert. ef. 8-4-10; WOU 1-2011, f. & cert. ef. 2-2-11; WOU 2-2011, f. & cert. ef. 5-2-11; WOU 3-2011, f. & cert. ef. 8-5-11

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Parks and Recreation Department Chapter 736

Rule Caption: Implements new ADA regulations, allows pets in designated facilities and requires campsites be occupied.

Adm. Order No.: PRD 4-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 736-010-0015, 736-010-0025, 736-010-0026, 736-010-0030, 736-010-0050

Rules Repealed: 736-010-0015(T), 736-010-0025(T), 736-010-0026(T), 736-010-0030(T)

Subject: New federal regulations implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12181) (ADA) expand the types of mobility devices that may be used for access. This broadening of the range of devices that may now be used requires changes to OAR 736, division 10, to allow such devices for the purposes of ADA access. The new ADA regulations also define "Service Animal" which is being incorporated into division 10 rules, and require that miniature horses be allowed in specific facilities subject to certain considerations.

Rules prohibiting pets in yurts and cabins are being amended to allow pets in those facilities that have been designated as pet friendly.

The rule on campsite occupancy is being amended to clarify that a site must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay.

A typo has also been corrected where the word chapter was incorrectly capitalized.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

ADMINISTRATIVE RULES

736-010-0015

Definitions

As used in this division, unless the context requires otherwise:

(1) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the department director.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations and to issue oral or written warnings or citations to enforce park area rules.

(6) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (15) below.

(7) "Park Area" means any state park, wayside, corridor, monument, historic structure, trail, or recreation area, including the ocean shore adjacent to any park area boundary, under the jurisdiction of the department.

(8) "Park Employee" means an employee of the department.

(9) "Park Manager" means the supervisor or designated employee in charge of a park area.

(10) "Park Resources" means any natural, cultural, or human-made structure or feature of a park area.

(11) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(12) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(13) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(14) "Violate" includes failure to comply.

(15) "Wheelchair" means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12; PRD 4-2011, f. & cert. ef. 8-1-11

736-010-0025

Motor Vehicles

(1) All park area roadways are considered public roadways and all provisions of motor vehicle laws of the State of Oregon are applicable and enforceable. Motorists must comply with motor vehicle regulatory signs posted in park areas.

(2) Motor vehicles shall be operated only on roads and in parking areas constructed or designated for motor vehicle use.

(3) Where not otherwise posted, motor vehicles may not be operated within a park area at speeds in excess of 25 miles per hour.

(4) Automobiles, trailers, or other vehicles shall be parked only in designated parking areas.

(5) The department may have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, campsite, entry way, driveway or other location in a manner that impedes park operations, safety, or both.

(6) Abandoned vehicles exceeding 72 hours or vehicles owned by a person who has been excluded from the park or who is in violation of criminal trespass may be towed at the owner's expense.

(7) All motor vehicles and trailers parking overnight in day use areas must obtain a permit. Motor vehicles and trailers without a permit are subject to towing at the owner's expense.

(8) Unlicensed motorized vehicles, except park area service vehicles, may not be operated in park areas unless otherwise posted, with the exception of the operation of motor assisted scooters by disabled persons on bicycle lanes or paths.

(9) A person may operate an Off-Highway Vehicle (OHV) only in designated off-highway riding areas or on park roadways which are signed for OHV use.

(10) A person may operate an OHV in park areas only during those seasons and hours of operation which are established by the park manager.

(11) A person shall operate an OHV below the maximum permissible decibel level.

(12) A person may not operate a motor assisted scooter in a park area, including on a bicycle lane or bicycle path.

(13) The park manager or his or her designee will allow the use of other power-driven mobility devices by individuals with mobility disabilities, in areas open to the public unless it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors and park facilities. In determining if the device can be operated in a safe manner the manager or designee will consider the following criteria:

(a) The type, size, weight, dimensions, and speed of the device;

(b) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(c) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility or area; and

(e) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with applicable state laws and regulations.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550 & 814.554

Hist.: 1 OTC 17, 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 1-1994, f. & cert. ef. 2-9-94; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11

736-010-0026

Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

(a) Motor vehicle and bicycle regulatory signs posted in park areas,

(b) Persons under 16 years of age are required to wear protective headgear,

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person between 11 and 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility.

(c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

(A) Yielding the right-of-way to pedestrians and animals;

(B) Dismounting and walking in congested areas and posted walk zones;

(C) Slowing down and making presence well known in advance and using caution when overtaking other persons or animals;

(D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;

(E) Using caution when approaching turns or areas of limited sight distance;

(F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and

(G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.

ADMINISTRATIVE RULES

(2) A person may operate non-motorized cycles or similar devices on roads and trails in any park area, except where posted to specifically prohibit or conditionally restrict such activity.

(3) The director or designee may open or close roads and trails to the operation of non-motorized cycles or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(4) A person may not operate non-motorized cycles, scooters, or similar devices in any park area listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated natural areas, natural forest areas, or natural area preserves except on roads open for motor vehicles; and

(c) On docks, piers, floats and connecting ramps.

(5) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489 & 814.600

Hist.: PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11

736-010-0030

Domestic Animals

(1) Domestic animals means those animals whose food and shelter are provided by a human custodian. Handler means any person who either brings a domestic animal into a park area or keeps a domestic animal in a park area.

(2) A handler shall either confine the domestic animal or keep it on a leash not more than six feet long. The animal shall be under physical control at all times.

(3) A handler is responsible for the animal's behavior and containment and for the removal of the animal's waste while in the park area.

(4) With the exception of service animals and miniature horses as described in section (9) below, domestic animals are prohibited in the following locations:

(a) Park area buildings and structures, except for up to two dogs and two cats in yurts and cabins that have been designated as pet friendly by the park manager;

(b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;

(c) Beaches adjacent to designated for swimming areas; and

(d) Other areas where posted.

(5) The park manager or an enforcement officer may take any measure deemed necessary (including the removal of the animal from the park area) to protect park resources or to prevent interference by the animal with the safety, comfort, or well being of any person in the park area.

(6) Park employees may seize any domestic animal running at large in a park area and release to an animal pound or animal control officer.

(7) The park manager may designate a portion of a park area as open to dogs off leash for the purposes of training dogs, open field trials, or exercising dogs, when the handler is in control of the dog.

(8) With the exception of miniature horses as described in section (9) below, a person may not ride, drive, lead, or keep a horse or other large animal in any park area, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

(9) The park manager or his or her designee will allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if, in the park manager or designee's assessment, the miniature horse can reasonably be allowed in a specific facility based on consideration of the following:

(a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;

(b) Whether the handler has sufficient control of the miniature horse;

(c) Whether the miniature horse is housebroken; and

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Stat. Auth. ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 4-2001, f. 2-28-01, cert. ef. 3-1-01; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 4-2011, f. & cert. ef. 8-1-11

12-93, cert. ef. 8-2-93; Renumbered from 736-015-0050, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11

736-010-0050

Overnight Use

(1) Overnight use is not permitted on the ocean shore abutting park areas, or in any park area not designated for camping.

(2) A person must comply with seasons, overnight length of stay, and camper checkout times.

(3) Overnight facilities shall be occupied by paid customers or permitted visitors only.

(4) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees.

(5) A park employee may authorize more than one vehicle to occupy an individual campsite. Individual campsites shall be occupied by no more than one recreational vehicle at the same time, unless authorized by a park employee.

(6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.

(7) Quiet hours are 10:00 P.M. to 7:00 A.M.

(8) Non-reserved campsites must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.

(9) Campers must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.

(10) The registered camper will be responsible for the activities of all users of the site.

(11) The park manager may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

Stat. Auth. ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 1-1992, f. & cert. ef. 2-14-92; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 4-2001, f. 2-28-01, cert. ef. 3-1-01; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 4-2011, f. & cert. ef. 8-1-11

Rule Caption: Defines Foster and Veterans waiver eligibility; reservation cancellation; no show; reservation process for ADA facilities.

Adm. Order No.: PRD 5-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 5-1-2011

Rules Amended: 736-015-0006, 736-015-0015, 736-015-0035

Subject: Division 15 rules are being amended to: establish the requirements for proof of eligibility for Veterans and Foster Family fee waiver programs; clearly define what a reservation cancellation entails; establish procedures for releasing a reservation when the camper does not claim it on the first night; clarify that extra vehicles are included in the fee waiver on State Parks Day; and bring the reservation process for accessible facilities in compliance with new federal ADA regulations. The following typos have been corrected: definitions section [501c(3)] and a capitalization error in 736-015-0015(2)(j) [chapter].

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-015-0006

Definitions

As used in this division, unless the context requires otherwise:

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

ADMINISTRATIVE RULES

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons certified to maintain a Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 and 443.830, with their foster children.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

Hist.: PRD 4-2005, f. & cert. ef. 5-5-05; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program known as Reservations Northwest to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through Reservations Northwest.

(b) A person may make a reservation a minimum of two days and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation.

(i) Only the person whose name appears on the original reservation or their designee (as documented in the original reservation) may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge a \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay by personal check, money order, certified check, or travelers check (in U.S. funds).

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel a reservation three calendar days or more prior to their arrival date by calling Reservations Northwest. An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.

(b) A person may also cancel a reservation three calendar days or more prior to their arrival date through E-mail by accessing the department's web site and following the posted cancellation procedures. The web site is available seven days a week, 24 hours a day.

(c) A person must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.

(d) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(e) In order to receive a refund of the facility deposit, a person must cancel the reservation for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more calendar days prior to arrival. If the cancellation is not received three or more days in advance of the arrival date, an amount of the facility deposit fee equal to one night rental for the facility will be forfeited.

(f) In order to receive a refund of the facility deposit for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation is not received one month or more in advance of the arrival date, an amount of facility deposit fee equal to one night rental for the facility will be forfeited.

(6) Reservation Changes:

ADMINISTRATIVE RULES

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling Reservations Northwest during normal business hours Monday through Friday.

(c) A person may also request to change a reservation through Email by accessing the department's web site and following the posted reservation change procedures. The web site is available seven days a week, 24 hours a day.

(d) A person may not make any changes to reservations more than eight months in advance of the arrival date.

(e) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(f) The department will assess a fee equal to the nightly rental fees for all nights cancelled for any reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.

(g) A person must request a reservation change for campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(h) A person requesting a reservation change for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park Manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers who do not check in or notify park staff prior to 1:00 p.m. of the second day of the reservation will be considered a "no show" and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple tent, electrical or full hook-up campsites.

(b) The department will charge only one transaction fee for the group when the sites are reserved together. The department will require a facility deposit fee equal to the full amount of the site fee for each campsite at the time the reservation is made.

(c) A person must reserve a minimum of five individual campsites during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping benefits.

(d) The department will charge a transaction fee of \$8 for each site cancellation or change made to the group reservation.

(e) Reservations made on the Internet for a group of sites are not eligible.

(f) A person may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(g) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as designated by the department are not included in the group camping program.

(h) A person must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979(Temp), f. & ef. 9-9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 2-1994, f. & cert. ef. 2-9-94; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 10-2003, f. & cert. ef. 10-17-03; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0099, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 7-2009, f. 6-2-09, cert. ef. 8-1-09; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the Park Manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for all persons with reservations commencing on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(e) Reservations made on the Internet are not eligible for fee waivers.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present. All other fees and rules apply.

(c) The overnight rental fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124. The waiver of individual campsite fees shall be limited to no more than five consecutive days per stay and no more than ten days total in a calendar month. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to an assignment at a park area.

(4) Day Use Parking Fee Waivers:

(a) The day use parking fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking fee is waived for U. S. veterans with a service connected disability or active duty U. S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking fee is waived for an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006, if the foster care provider has a valid Certificate of Approval to Provide Foster Care in Oregon issued by the Oregon Department of Human Services. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) Proof of Eligibility for Fee Waivers

ADMINISTRATIVE RULES

(a) Upon providing valid proof of eligibility, Veterans and Foster families will be issued an OPRD Special Access Pass that they must use to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregonstateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U. S. veteran with a service connected disability:

- (A) Disabled Veteran's license plate issued by the Oregon DMV;
- (B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;
- (C) A Washington State Parks Disabled Veteran's ID card;
- (D) Any VA photo identification card bearing the words "service connected";

(E) Any letter issued by the United States Department of Veterans Affairs (VA) stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

- (B) Certificate of Approval to Maintain a Foster Home for Children;
- (C) Certificate of Approval to Maintain a Relative Home for Children;
- (D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and after their visit may request a refund by sending a letter from their commanding officer on official letterhead stating they were on leave for the dates they camped and their camping receipt to Reservations Northwest within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their request.

(6) A person may request a refund under the following circumstances.

(a) Reservations Northwest may refund a reservation fee when the department has made a reservation error.

(b) Reservations Northwest may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of Nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) All requests for refunds listed above must be sent in writing to Reservations Northwest via email, fax or surface mail to be considered for a refund.

(e) The department will issue refunds for specific site or park area closures and no written request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to Reservations Northwest for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1988, f. & cert. ef. 3-25-88; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 3-1996, f. & cert. ef. 5-13-96; PRD 7-2002, f. & cert. ef. 7-1-02; PRD 6-2003, f. 10-3-03 cert. ef. 11-1-03; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0120, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 5-2005(Temp), f. 10-14-05, cert. ef. 11-11-05 thru 4-30-06; PRD 1-2006, f. & cert. ef. 2-14-06; PRD 8-2009, f. & cert. ef. 6-2-09; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 1-2010, f. & cert. ef. 1-5-10; PRD 5-2011, f. & cert. ef. 8-1-11

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Rule Caption: Implement changes to improve public safety during events. Make editorial changes to clarify the rule where needed.

Adm. Order No.: PRD 6-2011

Filed with Sec. of State: 8-10-2011

Certified to be Effective: 8-15-11

Notice Publication Date: 5-1-2011

Rules Adopted: 736-201-0042

Rules Amended: 736-201-0000, 736-201-0005, 736-201-0015, 736-201-0020, 736-201-0030, 736-201-0035, 736-201-0040, 736-201-0050, 736-201-0060, 736-201-0065, 736-201-0070, 736-201-0075, 736-201-0080, 736-201-0095, 736-201-0115, 736-201-0120, 736-201-0125, 736-201-0130, 736-201-0135, 736-201-0145, 736-201-0150, 736-201-0155, 736-201-0160, 736-201-0165, 736-201-0170, 736-201-0175, 736-201-0180

Subject: Amend OAR 736-201-0040 and adopt OAR 736-201-0042 to provide greater detail on the advertising, canvassing and soliciting permit process, as well as the rules of conduct and conditions for revoking a permit for those allowed to advertise, canvass or solicit at OEC. Amend other rules in OAR 736-201 if necessary to clarify, organize and provide better notice to the public for the chapter pertaining to the Oregon State Fair and Exposition Center.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-201-0000

Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of any permanent rule relating to the Oregon State Fairgrounds Park District (OSFPD), the Oregon Parks and Recreation Commission shall give notice of the intended action:

(1) In the Secretary of States Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(2) By mailing a copy of the notice to persons on the Oregon Parks and Recreation Commission's mailing list established pursuant to ORS 183.335 at least 28 days before the effective date of the rule; and

(3) By mailing or furnishing a copy of the notice to:

- (a) The Associated Press;
- (b) Associated Oregon Industries;
- (c) Associated General Contractors;
- (d) OSFD interested parties list;

(4) 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.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0005

Definitions

(1) "Agent" is an individual volunteer, community service group or paid contractor officially representing OSFD or OPRD and only when performing an official duty assigned by OPRD in writing.

(2) "Assistant Director, with responsibility for OSFD" is the person in charge of the daily business and management of OSFD and appointed by the Director.

(3) "Destructive Device" means:

(a) A projectile containing an explosive or incendiary material or any other chemical substance;

(b) Ammunition, ammunition components including, but not limited to, smokeless powder, black powder, primers and percussion caps;

(c) A bomb, grenade, missile, or similar device or any launching device therefore; or

(d) Any weapon of mass destruction including any device capable of producing injury, death or property damage by way of release or discharge of chemical or biological agents, disease or radiation.

(4) "Director" means the Director of the Oregon Parks and Recreation Department.

(5) "Entry Fee" is the fee that participants pay to participate in certain Fair Department activities and competitions.

(6) "Event" is an activity, meeting, attraction or other occurrence on the OSFD with specific opening and closing dates and specific operating hours.

(7) "Exhibit Area" is an area or zone on the OSFD that is characterized by the type of exhibitors occupying paid exhibit space. Such exhibit areas include but are not limited to commercial exhibit areas, non-profit areas, and other commercial-style attractions.

(8) "Exhibitor" is a person occupying paid exhibit space during the State Fair or during other OSFD-organized and administered events.

(9) "Fair Department(s)" are various sections of State Fair activity that are divided by subject area. OSFD may add or delete Departments as necessary to reflect the interests of its participants.

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(10) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.

(11) "Handbook" is the annual publication which lists the rules, procedures, conditions, provisions, information, and fees for participation in certain State Fair department activities and competitions as well as the awards offered.

(12) "Licensee" is a person that has entered into a written agreement with the OPRD for the use of buildings, facilities, services or equipment for the purpose of conducting business or other transactions.

(13) "Non-profit" is an organization that is recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3).

(14) "Paid Exhibit Space," is a certain location on the OSFPD, during each State Fair or during other OSFD-organized and administered events, that OSFD assigns to an exhibitor for the purpose of contacting patrons through, but not limited to, sales, displays of goods and services, advertising, solicitations, canvassing, or the dissemination of information. The exhibitor must pay a fee to OPRD for the space and agree to abide by the procedures, information, conditions, and provisions described in this division.

(15) "Patron" is an individual attending an OSFD organized and administered event who is not an agent, OPRD staff, exhibitor, permittee, licensee, sponsor or registrant.

(16) "Permittee" is a person that has entered into a written agreement with the OPRD for use of buildings, facilities, services or equipment for a period of time for the purpose of conducting a public or private event, including but not limited to an exposition, meeting, conference, tradeshow, or concert.

(17) "Person" includes an individual, corporation, association, group, firm, partnership, limited liability company, joint stock company, and any governmental entity.

(18) "OPRD" is an acronym for Oregon Parks and Recreation Department.

(19) "OSFD" is an acronym for Oregon State Fair Division, division of OPRD.

(20) "OSFPD" is an acronym for the Oregon State Fairgrounds Park District, which includes but is not limited to the parking lots, campground, traffic lanes, and undeveloped areas outside of the admission gates; and the auditoriums, buildings, arenas, and undeveloped areas inside the admission gates at the Oregon State Fairgrounds.

(21) "Registrant" is a person that has notified the OSFD using a form provided by OSFD that a lead individual and up to nine other individuals will solicit, canvass, or otherwise contact patrons on the OSFPD outside of the admission gates during the State Fair or other event organized and administered by the OSFD.

(22) "Schedule of Rates and Fees" are the published fees and charges for facilities, buildings, services, or equipment or for operating a business on the OSFPD that covers a period of time that is also listed in the schedule of rates and fees.

(23) "Sponsor" is a person that has entered a written sponsorship agreement with OPRD that is described in ORS 565.080(4).

(24) "Weapon" includes, but is not limited to, any firearm; any destructive device; any dirk or dagger; any knife with a blade of three inches or more in length, and any snap-blade or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any device by whatever name known, which is designed to expel a projectile by the action of compressed air, gas, compressed spring or by any chemical action; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; any cutting, stabbing or bludgeoning weapon or any other device capable of inflicting grievous bodily harm.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0015

Facilities Available for Rent

(1) Certain facilities located on the OSFPD grounds are available for lease by Permittee(s) or Licensee throughout the calendar year, other than during the days of the annual State Fair. Permittee(s) and Licensees also have the option of renting accessory equipment owned and maintained by OSFD to augment an Event, program or attraction at these facilities.

(2) Fees and charges for facilities, buildings, services and equipment rental shall be according to OSFD current Schedule of Rates and Fees.

(3) Director or the Director's designee may waive, vary or increase, in whole or in part, the established rates and fees when it is determined that:

(a) Marketing opportunities exist to encourage use and increase revenues;

(b) Time frame for use varies from that specified on Schedule of Rates and Fees; or

(c) Rate change would attract business when otherwise there would be none.

(4) OSFD reserves the right to add a surcharge for facilities, buildings, services, and equipment rental for unusual and unexpected direct costs related to cleaning and repair of facilities, buildings or equipment.

(5) Rates and fees published in the Schedule of Rates and Fees cover most ordinary situations involving use of buildings, facilities, services, and equipment. Director, or the Director's designee, shall have authority to establish rates and fees at any time for buildings, facilities, services, activities and equipment that are not specifically listed in the Schedule of Rates and Fees.

(6) Director shall have authority to establish rates and fee categories for various segments of industry and business such as, but not limited to non-profit, volunteer and community organizations, school and governmental agencies, youth groups and youth organizations for the use of buildings, facilities, services and equipment.

(7) Director may establish written procedures for any regular and returning Permittee or Licensee and shall have authority to enter into ongoing rental and lease agreements at any time to attract or increase business.

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

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0020

Food Concessions

(1) All food and beverage concession items provided for sale to the public will be sold by OSFD's food contractor(s). Food contractor(s) does not charge Permittee(s) for this service, nor does Permittee(s) receive revenue from food and beverage sales.

(2) Permittees who rent facilities, buildings or locations on property for Events that are food oriented may request in writing an exemption to provide alternative food and beverage for sale but may pay a concession fee according to the Schedule of Rates and Fees for such privilege. Permittee(s) requesting an exemption shall be required to put such proposal in writing. The Director or the Director's designee shall evaluate the written exemption request. The evaluation of food Events shall be based on whether or not food is an integral part of the Event, type of food proposed or by means in which food is prepared and OSFD's food contractor's ability to provide same service.

(3) The Director has discretion to grant an exemption to any Event to provide food and beverage sales.

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

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0030

Licenses to do Business

(1) The Director or the Director's designee is authorized to issue one or more licenses that permit the license holder to conduct any business therein named upon the OSFD.

(2) Issuance of licenses shall be in accordance with the rules concerning procurement of such services at OSFD, to the extent those procedures are practicable. The funds arising from issuing licenses shall become a part of the Oregon State Fair Account.

Stat. Auth.: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0035

Businesses that may be licensed, Other licenses Required

(1) The Director or the Director's designee may license any lawful business to be conducted at OSFPD, including the sale of malt, vinous or distilled liquor.

(2) The Director or the Director's designee shall establish permitting procedures consistent with ORS 565.130 and shall make these available upon request by interested businesses to be licensed at the OSFPD.

(3) Any business so licensed by the Director or the Director's designee is not required to pay license to any city, county or state, other

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than to the OSFD for conducting a business upon the grounds of the Oregon State Fair.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0040

Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Outside Admission Gates

(1) A person may not advertise, canvass solicit, or disseminate written materials in any location outside of the admission gates of the OSFPD, except as provided by this rule.

(2) During and for three days before and two days after the State Fair or any other event organized and administered by the OSFD, only a registrant may advertise, canvass or solicit, or disseminate written materials outside OSFPD's admission gates.

(a) An individual may register by submitting a registration form prepared by OSFD. The individual must submit the form to the OSFD at least 24 hours before beginning any advertisement, canvassing or soliciting, or dissemination of written materials.

(b) If the form is submitted on behalf of a person that is not an individual, the registration form shall identify a lead individual and may identify up to nine other individuals who will participate in advertising, canvassing, soliciting or disseminating of information.

(A) For registration purposes, only the lead individual is considered registered and approved by OSFD.

(B) All other members identified will become registered and approved once they are properly briefed by an authorized OSFD person on the rules for advertising, canvassing, soliciting and disseminating information, and on the expectations regarding behaving in a manner that will ensure the safety, well-being and enjoyment of all people, working, participating or attending OSFD events.

(C) Registration for non-lead individuals can occur before or on the day they are scheduled to engage in advertising, canvassing, soliciting and disseminating information.

(c) All registrants must remain at least 20 feet from any admission or exit gate, any line forming at an admission gate, and any tram or other form of public transportation that is loading or unloading passengers. An agent or OPRD staff may require any registrant to move or maintain a reasonable distance from other registrants if the agent or OPRD staff has a reasonable belief that there may be conflict among or between various registrants or that the registrant is blocking the free movement or endangering the safety of a patron, permittee, licensee, sponsor, exhibitor or anyone providing emergency services.

(d) Each lead registrant may set up one table. The table top must be no longer than six feet. A registrant shall be present at the table at all times. The table may be set up no more than 30 minutes before the State Fair or other event opens for the day and must be removed no later than 30 minutes after the State Fair or other event closes for the night.

(e) A registrant may not use a sound device, including but not limited to a bullhorn or other sound amplifying device that creates sufficient volume to be heard more than 20 feet from the registrant.

(f) A registrant may not use, in any manner, fighting words or obscenities. In addition, all registrants must comply with the provisions of OAR 736-201-0070.

(g) A registrant may not sell, offer to sell or advertise any merchandise or service.

(h) A registrant may not advertise, solicit, canvass or disseminate information to an individual in or on a motor vehicle or at any location within a parking lot.

(3) During events organized by a permittee, the permittee shall be responsible for regulating the advertising, canvassing and soliciting, and disseminating of written materials in locations outside OSFPD's admission gates.

(4) During events organized by a permittee, the permittee is responsible for complying with all applicable provisions of this division. Violations of such provisions are subject to enforcement as provided in OAR 736-201-0180.

(5) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0042

Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Inside Admission Gates

(1) A person may not advertise, canvass, solicit or disseminate written materials in any location inside OSFPD's admission gates, or in any of the airspace above the OSFPD, except from within a commercial exhibit space assigned to an exhibitor by OSFD.

(a) OSFD assigns commercial exhibit spaces within an exhibit area for a fee and on a first-come, first-served basis.

(b) Exhibitors who are assigned a commercial exhibit space are subject to the fees, conditions, rules and other information about exhibiting in a particular Exhibit Area published in the Handbook for each Exhibit Area.

(c) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.

(2) During events organized by an exhibitor, the exhibitor shall be responsible for regulating the advertising, canvassing, soliciting and disseminating of written materials in locations inside the OSFPD's admission gates and in the airspace above the OSFPD.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0050

Exhibit Space Fees

(1) OSFD shall establish fees for the use of exhibit space and any associated cost for services, including electricity, production, admission, and parking shall be established in the Handbook for each particular Exhibit Area.

(2) Fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area published in the Handbook cover most ordinary situations involving exhibit space at the State Fair. The Director or the Director's designee shall have authority to establish fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area that are not specifically listed in the Handbook.

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

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0060

Items Prohibited on Property

(1) The following items are prohibited on OSFPD property unless specifically authorized in this rule:

- (a) Bicycles, skateboards, roller blades, scooters;
- (b) Unauthorized vehicles;
- (c) Unauthorized animals, reptiles, insects, arachnids and other pets;
- (d) Weapons;
- (e) Fireworks, explosives or explosive devices, and inflammables;
- (f) Alcohol or alcoholic beverages;
- (g) Controlled substances;
- (h) Any other object or objects which in the opinion of the Director or his/her designee may affect the safety and well-being of persons attending events on OSFPD property; or
- (i) Destructive device.

(2) Exceptions to the above prohibitions are limited to:

(a) Weapons of law enforcement officials and those carried by persons authorized by law to carry them when carried in a manner authorized by law;

(b) Alcoholic beverages and alcoholic beverage containers belonging to OPRD, licensed concessionaires or catering services contracting with OPRD;

(c) Prohibited items that have been permitted by OPRD by virtue of a signed agreement;

(d) Fireworks in the custody of any group operating or presenting an officially sanctioned fireworks display;

(e) Bicycles, skateboards, roller blades, scooters are permitted on the property outside the fenced areas unless they are part of an OSFD-approved event or display;

(f) Prescription medications necessary for licensees and contractors to perform their duties, when they possess the authorizing prescriptions;

(g) Employees of OPRD and its licensees, contractors and agents may not carry personal prohibited items that are not necessary for the performance of their official duties;

(h) Prohibited items in the possession of Exhibitors that are necessary for daily care or preparation of animals and for showing and are used only for preparation and showing purposes; and

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(i) Such prohibited items expressly permitted in writing by the Director or the Director's designee.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0065

Inspections During State Fair and Other Controlled Events

(1) OPRD employees or agents may request, as a condition of the license or permit, that persons about to enter OSFPD property, allow visual access to all purses, backpacks, briefcases, suitcases, athletic bags, packages, duffel bags, coolers, ice chests, picnic baskets, diaper bags, strollers, carts and other similar items capable of concealing prohibited items ("containers").

(2) OPRD staff or agents requesting such an inspection shall do so outside the fairgrounds gates or such other reasonable places as designated by the Director or his/her designee. The person(s) entering the facility may be asked by OSFD staff or agents to reveal the items in their containers. Staff or agents shall inform person(s) in possession of containers to which the inspection request pertains, are free to decline the inspection and may receive a refund of the price of the ticket and parking (if admission or parking fees were incurred) upon surrender of their tickets. Alternatively, the persons may discard the container or prohibited item(s).

(3) Most searches are visual. At the option of OPRD staff, agents or law enforcement officers, other search measures may be employed, including but not limited to electronic, chemical or physical inspections such as "pat downs."

(4) Possession of weapons or controlled substances at anytime on OSFPD property may be reported to law enforcement officials.

(5) If a person possesses one or more prohibited items inside an OSFPD building or facility, the person shall be considered to have violated the license to enter. The license shall be revoked and an OPRD employee or agent shall request that the person leave the OSFPD. A refusal or failure to leave the property following such a request can cause the person to be in trespass.

(6) If a person requests a refund is requested under the section (2), OPRD shall promptly complete and deliver a bearer coupon that specifies the location, date, and refund to be made. A person may redeem the bearer coupon either at the nearest admission booth or by mail to the OSFD business office within 30 days, along with parking and admission tickets for reimbursement.

(7) Prohibited items which may be seen without inspection are subject to the same consequences as specified in section (5) of this rule.

(8) OSFD shall display signs at entrances to the facility generally identifying prohibited items and providing notification of the request for inspection.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0070

Activities Prohibited on Property

Within the OSFPD, no individual shall participate in loud, rude or unreasonable behavior; disturb the public peace; make threatening comments, actions or gestures toward others; obstruct the use and enjoyment of any facility, area or event; act in a disorderly manner; or participate in any behavior or activity which in the opinion of the Director or the Director's designee may affect the safety or well-being of any person attending an Event within the OSFPD.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0075

Conducting Business on or Near Grounds of Fair

A person may not set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other article of traffic. A person may not sell or otherwise dispose of any liquors, cigars, goods or services, wares, merchandise, meals or any article of traffic on the grounds of the OSFD, or within one-half mile of grounds, without having paid OSFD a licensing fee for the privilege, or obtain written consent from OSFD

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0080

Admission to Fairs Except through Special Gates Prohibited

(1) A person may not gain admission or attempt to gain admission to OSFPD during the annual State Fair or at any public event or meetings on the grounds of the OSFPD, except through special gates or entrances kept or directed by the OSFD.

(2) The Director or the Director's designee may set the prices of admission, licenses and all matters pertaining to the conducting of the annual State Fair, exhibitions or other public events or meetings on OSFD property or within OSFD buildings and facilities.

(3) The Director or the Director's designee may change or alter gates for admission and use other means to manage traffic flow such as directional signs to manage Event traffic or to control the flow of traffic to and from the OSFPD with assistance from OPRD employees, contractors or agents.

(4) The Director or the Director's designee may control and set the opening and closing times of gates for admission to the annual State Fair, exhibitions and other public events or meetings at OSFPD.

(5) The Director, or the Director's designee may establish procedures for the control and management of signs, banners and other promotional materials on display on and around the OSFPD gates, entrances, parking lots and other OSFPD areas viewable by the public.

(6) Admission coupons or admission discounts may be honored if they are officially endorsed by OPRD prior to the Event or annual State Fair.

(7) OPRD staff and agents may refuse any person(s) admission through any gated area or entry if the person(s) refuses to pay the designated admission fee or charge.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0095

Late Payments

The OPRD may assess a fee of one and one-half percent per month or portion thereof on any unpaid balances due to OPRD if not paid within 30 days of billing. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the late payments.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0115

Additional Services and Support Charges

The OPRD may add additional service and support charges listed in the Schedule of Rates and Fees when applicable such as, but not limited to; service charges for additional cleaning, repair of damages or moving of items left in an OSFD building or facility.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0120

Storage of Items left on Grounds

OPRD may store items left on OSFD property after the annual State Fair, program, event or exhibition and charge a storage fee listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of days items may be stored on site. All items left or abandoned on grounds may be disposed of by OPRD.

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

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0125

State Fair Advisory Committee

(1) Pursuant to ORS 565.021 and 565.030 the Director shall appoint a State Fair Advisory Committee to provide advice and assistance to the Director on matters regarding the operation of the annual State Fair.

(2) The advisory committee shall consist of seven members appointed by the Director for four-year terms. The director shall appoint:

(a) A resident from each of the five congressional districts of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests that are active in state fair programs, contests and exhibits; and

(b) Two persons to represent county fair interests. The Director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.

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(3) The Director may stagger the terms of office of the members of the advisory committee to ensure that the terms of office do not expire at the same time.

(4) The members of the advisory committee serve at the pleasure of the Director. The Director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.

(5) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495.

(6) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as determined by the advisory committee.

(7) The advisory committee shall meet at the call of the director. The director shall give consideration to calling a meeting at the request of a majority of the advisory committee.

(8) The principal duty of the advisory committee is to advise the director and staff on the implementation of the State Fair Business Plan, as adopted by the Oregon Parks and Recreation Commission, and to evaluate the performance of the fair operations as measured against the objectives set forth in the business plan.

(9) Administrative support to the advisory committee shall be provided by the director's office of the OPRD.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0130

Oregon State Fair Established

Under ORS 565.040, there is a state institution to be designated and known as the OSFD, which shall be administered and operated by the OPRD.

(1) The Director, at the Director's discretion, may present business plans and policies for the operation and management of the OSFD before the OPRD Commission for affirmation and approval or for informational purposes.

(2) The Director may develop and implement policies, processes and procedures for the operation and execution of the annual State Fair.

(3) The Director may delegate authority for the day-to-day business decisions to the Assistant Director responsible for the OSFD.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0135

State Fair Purposes; Use and Management of Property

(1) The objects and purposes of the OSFD are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. The Director shall operate the business and properties of the OSFD as a year-round fair and exposition center, display historical objects and do all things necessary to expedient for full utilization of the properties and facilities of the annual State Fair and as an exposition center.

(2) The Director or the Director's designee shall conduct an annual state fair for a period of not more than 17 days duration beginning and ending on such dates as the Director considers appropriate. The Director or the Director's designee may set the hours of the annual State Fair and other public events.

(3) The Director or the Director's designee shall have care of the OSFD property and be entrusted with the direction of its business and financial affairs. The Director shall prepare, adopt, publish and enforce all necessary rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.

(4) The Director or the Director's designee may appoint all necessary marshals to keep order on the grounds and in buildings of the OSFD during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.

(5) The Director or the Director's designee shall establish charges for entrance fees, gate money, lease stalls, parking space, buildings, restaurant sites; conduct shows and concerts, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the Director considers proper in the operation of a year-round fair and exposition center and the annual State Fair.

(6) The Director or the Director's designee may enter into sponsorship agreements for the exchange of moneys, services, products or other items

of value. A sponsorship agreement entered into under this section is not subject to ORS 279.835 to 279.855 of Chapter 279A or 279B.

(7) The Director, or the Director's designee, may enter into mutually beneficial sponsorship agreements with private businesses, individuals, corporations or public or non-profit entities. Sponsorship agreements may include the exchange of financial and other valuable consideration as well as promotional, advertising, educational, product and service activities in association with the OSFD programs, activities, events, grounds and facilities.

(8) The Director or the Director's designee for the successful sponsorships for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such a sponsor in connection with events, activities and programs, buildings and facilities at the OSFD.

(9) The Director or the Director's designee to help encourage the successful sponsorship for the benefit of the OSFD, may waive fees and charges listed in the Schedule of Rates and Fees for use by the sponsor in order to encourage additional business or sponsorship activities.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0145

Acceptance and Disposition of Gifts, Grants and Donations

(1) As authorized under ORS 565.109 to 565.116, the Director may accept on behalf of OSFD any gifts, grants and donations of moneys, property or any other valuable thing on behalf of OSFD from public and private sources for the purposes set out in ORS 565.109 and 565.144. Any prospective donor may contact the Director or the Director's designee to consult or to propose making gifts, grants or donations of any value stipulating conditions or limitations, if any.

(2) Gifts, grants and donations approved under section (1) of this rule will be received by the Director or an appointed designee of the Director. Funds will be deposited in an appropriate separate trust account to be used for the purposes for which the gifts, grants or donations are made. When no specific designations are made by the donor, OPRD shall deposit such amounts in a separate account for general OSPD improvements, programs and fair enhancements. When the Director determines that any stipulation or limitation imposed by the donor will result in violation of any applicable law or is contrary to any rules or policies, the Director or designee shall decline acceptance of such donation or gift.

(3) All donations or gifts must be approved by the Director or the Director's designee. Gifts and donations must be:

(a) Compatible with the OPRD master plans or, in areas not covered by such plans, compatibility with existing facilities, buildings, entrances, security, fire lanes and property uses;

(b) Of a compatibility nature with the local conditions;

(c) Of an age or the general condition of the donation and the anticipated maintenance or repair costs; or

(d) Of any anticipated maintenance costs and on-going service requirements can be maintained.

(4) The Director or the Director's designee may accept in-kind and voluntary service donations associated with improvement of the grounds, facilities, programs and Events at the OSFD. Non-profits, service organizations, their agents and volunteers, may assist in the planning, organizing and execution of service projects on the property or within facilities at OSFD.

(5) The Director or the Director's designee may enter into agreements with non-profit and volunteer service organizations for the purpose of planning, organizing and executing service projects on the property, during the annual state fair and during any other public event or exhibition. The Director has discretion to pay a stipend to a service or community organization for services at the OSFD or during the annual state fair or any other public event or exhibition.

(6) The Director or the Director's designee for the successful solicitation of gifts, grants, donations, voluntary service by a nonprofit or community service organization for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such an organization in connection with fundraising efforts or service projects that improve the property, facilities, programs, events and the neighboring community.

Stat. Auth.: ORS 565.060
Stats. Implemented: ORS 565
Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

ADMINISTRATIVE RULES

736-201-0150

Cooperating Non-Profit Organizations

(1) As authorized under ORS 565.116, the Director may cooperate with any nonprofit, tax-exempt organization designated as appropriate, to solicit gifts, grants and donations for the benefit of the OSFD property, facilities, buildings, programs and events.

(2) The Director may cooperate with any nonprofit, tax-exempt organization designated by the Director as an appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State Fair as follows:

(a) The Director may enter into agreements with and pay a stipend to a nonprofit organization to provide services, programs and events at OSFD;

(b) The Director may accept donations in the form of donations of services, in-kind support, volunteer labor and other services from any nonprofit organization.

(3) The Director may advise and receive advice from an organization described in section (1) of this rule. The Director may, if allowed by the charter and bylaws of the organization, serve as a regular or nonvoting board member of the organization. The director may not chair the board of directors, vote for or appoint other board members, control the financial affairs of the organization or oversee the day-to-day operation of the organization.

(4) The Director may provide tickets, promotional items and facilities to the organization without charge for use in increasing the ability of the organization to successfully solicit gifts, grants and donations, including in-kind and voluntary service donations for the benefit of the OSFD facilities, buildings, property, programs and events.

(5) The Director may provide additional supplies, staff and services to the organization at cost for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the OSFD.

(6) The Director shall submit an annual accounting report to an appropriate committee of the Legislative Assembly designated by the Speaker of the House of Representatives and the President of the Senate. The report must contain a detailed description of all tickets, promotional items, facilities, supplies, staff and services provided under this rule, the specific disposition or application thereof made by the organization and any resulting benefit to the OSFD.

(7) The Director may enter into agreements for the donation to the Oregon State Fair of goods, services and public improvements by a nonprofit, tax-exempt organization.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0155

Buildings and Facilities for 4-H and FFA Programs, Exhibits and Contests

(1) The buildings and facilities that are planned, constructed, altered, furnished and equipped by OPRD on OSFD property, as authorized by Chapter 42, Oregon Laws 1957, shall be used primarily for the housing and dining of members of the 4-H Clubs and of the Future Farmers of America (FFA) and for the exhibit and contest space for non-livestock exhibits of both groups.

(2) 4-H and FFA designated buildings and facilities shall be available for other groups at times other than during the State Fair and as authorized by OSFD.

(3) The Director may provide alternative forms of housing as repairs, new development and alterations are made to buildings and facilities on OSFD property.

(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property.

(5) The Director may provide alternative forms of exhibit space as repairs, new development and alterations are made to buildings and facilities on OSFD property.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0160

Armory on Grounds of Oregon State Fair

(1) When the construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if OPRD and the General Staff of the Oregon National Guard arrive at a mutually satisfactory agreement for the use of the armory by OPRD, OPRD may, notwithstanding the provisions of ORS 565.090, permit such armory to be

constructed on the OSFD property and grant control over such armory and grounds to the General Staff for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer primarily used for military purposes, their control shall revert to OPRD.

(2) For the purposes of this rule, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory constructed under section (1).

(3) The Director or the Director's designee may enter into agreements with the Oregon National Guard for the use of the armory building and facility during the annual State Fair and other OSFD controlled events.

(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property including armory constructed under section 1.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0165

Horse Barn Facilities on Grounds

(1) The Director shall plan, construct, alter, furnish and equip horse barn facilities at OSFD suitable for stabling horses. These facilities shall also include restrooms suitable for public use.

(2) The Director shall also plan, construct, alter, furnish and equip storm sewers on grounds of the OSFD.

(3) The Director or the Director's designee may provide alternative forms of horse barn facilities as repairs, new development and alterations are made to OSFPD buildings and facilities.

(4) The Director or the Director's designee may put into to place applicable rules, regulations and procedures for the safe use of the OSFPD buildings and facilities.

(5) The Director may contract with or enter into agreements for the management and oversight and set forth specific uses of the OSFPD horse barn facilities.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0170

County Exhibits at State Fair

(1) The Director or the Director's designee shall plan, construct, alter, furnish and equip on the grounds of the OSFPD a facility suitable for housing Oregon county exhibits.

(2) The Director or the Director's designee shall develop procedures for Oregon county participation at the annual State Fair including but not limited to the size and location of exhibit space, the move-in move-out times and other procedures for exhibiting at the annual State Fair.

(3) The Director or the Director's designee may encourage Oregon county participation by providing financial incentives and other forms of support and services allowing for county representation at the annual State Fair.

(4) The Director, or the Director's designee, may encourage Oregon county participation in a regional format in order to share resources to encourage county and regional representation in the state at the annual State Fair.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0175

Protest Procedures

(1) Any adversely affected or aggrieved person may protest an OPRD action that implements OAR chapter 736 division 201.

(a) The protest must meet the following criteria:

(A) Be in writing and delivered by hand or by certified mail to the Assistant Director responsible for the OSFD within ten business days of occurrence of the action;

(B) Identify the action and identify the agent or OPRD staff involved (if known);

(C) Explain why the action taken is unlawful; and

(D) Describe the action desired by the person filing the protest.

(2) If protester's satisfaction is not achieved, written protest may be delivered by hand or by certified mail to the Director within five business days of receipt of the response from the Assistant Director responsible for the OSFD. The decision of the Director shall be a final order in other than contested case that is subject to judicial review under ORS 183.484.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

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Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

736-201-0180

Sanctions

(1) An agent or OPRD staff may request that a person promptly leave the OSFPD at any time that the agent or OPRD staff reasonably believes that the person has violated any provision of OAR chapter 736, division 201. The agent or OPRD staff shall tell the person when the person may reenter the OSFPD. When any person fails to leave the OSFPD when requested, or returns to the OSFPD during the period of time when reentry has been prohibited, consent of the OSFD for the person to be within the OSFPD shall be deemed withdrawn, and the person shall be immediately subject to all applicable trespass laws.

(2) The peace officers of the OPRD, during the continuance of each annual State Fair or other public event or meeting, and for three days prior and two days subsequent thereto, when on the OSFPD, shall have the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.630 or other laws of this state, including the rules or regulations of OPRD.

(3) An OPRD staff or an agent shall allow access to all buildings and facilities in order for peace officers to enforce the laws of this state, including the rules or regulations of OPRD.

Stat. Auth.: ORS 565.060

Stats. Implemented: ORS 565

Hist.: PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07; PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

Real Estate Agency Chapter 863

Rule Caption: Payment of fees to the Real Estate Agency.

Adm. Order No.: REA 4-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 8-1-2011

Rules Adopted: 863-001-0020

Subject: Establishes that the Real Estate Agency's primary method for accepting payments for licensing following fees is electronic funds transfer or credit card payment using online authorization and payment process.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-001-0020

Payment of Fees to the Agency

(1) As used in this rule, the following definitions apply:

(a) "Electronic funds transfer" (EFT) has the same meaning given the term in ORS 293.525.

(b) "EFT — ACH Credit" means the electronic funds transfer from a person's or entity's bank account, initiated by the person or entity, and cleared through the Automated Clearing House (ACH) network for deposit to the Agency.

(c) "EFT — ACH Debit" means the electronic funds transfer from a person's or entity's bank account, initiated by the Agency and cleared through the ACH network to debit a person's or entity's bank account and deposit to the Agency's account.

(2) Effective September 12, 2011, it is the policy of the Oregon Real Estate Agency that the payment method for accepting payments by persons or entities doing business with the Agency for the following fees shall be by EFT or credit/debit card payments:

(a) An application fee for a real estate broker, principal real estate broker or real estate property manager license.

(b) An application fee for renewal of a real estate broker, principal real estate broker or real estate property manager license.

(c) An application fee for the registration of a branch office of a principal real estate broker or property manager.

(d) An application fee for a licensee name change.

(e) An application fee to transfer a real estate broker's, principal real estate broker's or real estate property manager's license.

(f) An application fee to renew an inactive real estate broker, principal real estate broker or real estate property manager inactive license.

(h) An application fee for the reactivation of an inactive license of a real estate broker, principal real estate broker or real estate property manager.

(i) A late renewal fee that is in addition to the renewal fee, for late renewal.

(k) An application fee for the initial registration of a business name.

(l) An application fee for a membership campground contract broker, operator or salesperson.

(3) Electronic payments to the Agency shall be made using one of the following methods:

(a) Online payment process available on the Agency's website. A person or entity will authorize the Agency to charge their credit/debit card or debit their bank account using an EFT — ACH Debit through the Agency's online payment process.

(b) EFT — ACH Credit to the Agency's designated bank account. A person or entity choosing to send EFT — ACH Credits to the Agency's bank account, shall complete a form provided by the Agency. This form shall be submitted to the Agency to authorize EFT — ACH Credit payments to the Agency.

(4) Notwithstanding (3) of this rule, the Agency will grant an exception and accept payments by check when a person or entity presents satisfactory evidence of special circumstances, which the Agency will review on a case by case basis and will consider based on whether the processing of a paper check would be in the best interests of the Agency. A request for exception must be made in writing.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.270 & 296.525

Hist.: REA 4-2011, f. 8-15-11, cert. ef. 9-1-11

Rule Caption: Amends rule for petition to Board for continuing education provider.

Adm. Order No.: REA 5-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 8-1-2011

Rules Amended: 863-020-0025

Rules Repealed: 863-020-0025(T)

Subject: OAR 863-020-0025 establishes the requirements for a petitioner who wishes to petition the Real Estate Board for the Board to approve the petitioner's qualifications to apply to become a continuing education provider. A person not otherwise qualified to be a continuing education provider must apply to the Board and request the Board's approval of the person's qualifications.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-020-0025

Board Approval of Continuing Education Provider Qualification

(1) A person not otherwise qualified under OAR 863-020-0020(1)(a) through (g) seeking the Board's approval as an applicant for certification must petition the Board under this rule.

(2) The person must submit a petition for approval to the Agency on an Agency-approved form at least 21 days before the scheduled Board meeting at which the applicant wishes the Board to act. The petition must include the following:

(a) The petitioner's name, address, and phone number.

(b) Sufficient information about the petitioner named in the application to allow the Board to determine whether the petitioner qualifies for certification, including specifics about one or both of the following:

(A) Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees;

(B) Petitioner's demonstrated experience and expertise in at least two course topics eligible for continuing education credit under OAR 863-020-0035(4)(a)-(gg).

(c) Attestation by the petitioner that the petitioner knows and understands:

(A) The responsibilities of a continuing education provider under OAR 863-020-0050;

(B) The requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor form under OAR 863-020-0060.

(3) If the Board approves the petition, the Agency will mail a letter to the petitioner confirming the Board's approval, and the petitioner may apply for certification as a course provider under OAR 863-020-0030.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.182

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 1-2011(Temp), f. 2-3-11, cert. ef. 2-4-11 thru 8-3-11; REA 2-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 5-2011, f. 8-15-11, cert. ef. 9-1-11

Rule Caption: Amends licensing rules to implement new electronic licensing processes.

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Adm. Order No.: REA 6-2011

Filed with Sec. of State: 8-15-2011

Certified to be Effective: 9-1-11

Notice Publication Date: 8-1-2011

Rules Adopted: 863-014-0066, 863-022-0060, 863-024-0066

Rules Amended: 863-014-0003, 863-014-0010, 863-014-0015, 863-014-0020, 863-014-0030, 863-014-0035, 863-014-0040, 863-014-0050, 863-014-0062, 863-014-0063, 863-014-0065, 863-014-0076, 863-014-0095, 863-022-0010, 863-022-0015, 863-022-0025, 863-024-0003, 863-024-0010, 863-024-0015, 863-024-0020, 863-024-0030, 863-024-0045, 863-024-0050, 863-024-0062, 863-024-0063, 863-024-0065, 863-024-0076, 863-024-0095

Rules Repealed: 863-014-0066(T), 863-022-0060(T), 863-024-0066(T), 863-014-0003(T), 863-014-0010(T), 863-014-0015(T), 863-014-0020(T), 863-014-0030(T), 863-014-0035(T), 863-014-0040(T), 863-014-0050(T), 863-014-0062(T), 863-014-0063(T), 863-014-0065(T), 863-014-0076(T), 863-014-0095(T), 863-022-0010(T), 863-022-0015(T), 863-022-0025(T), 863-024-0003(T), 863-024-0010(T), 863-024-0015(T), 863-024-0020(T), 863-024-0030(T), 863-024-0045(T), 863-024-0050(T), 863-024-0062(T), 863-024-0063(T), 863-024-0065(T), 863-024-0076(T), 863-024-0095(T)

Subject: These rules amend the real estate broker, principal broker and property manager licensing rules in OAR chapter 863, Divisions 14 and 24 and implement the statutory changes in SB 156, which became effective May 27, 2011. The purposes of these amendments are to align the license application process with the Agency's new electronic licensing system. Changes to processes and requirements include: 1) the license application processes and payment of fees for fingerprinting and examination services, which have been contracted to a service provider; 2) the requirement of a licensee to renew online; 3) new requirement to maintain a license applicant or licensee's email address; 4) establishes the Agency's primary and preferred method of notification, correspondence or confirmation is to a licensee's email address; and 5) allows the Agency to require an original or electronic signature.

New rules in Division 14 and 24 establish the new requirements for a licensee's name change. A new rule in Division 22 establishes new requirements of the pre-license education providers to certify course completion to the examination service provider.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-014-0003

Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

(1) "Agency" is defined in ORS 696.010.

(2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.

(3) "Board" means the Real Estate Board established pursuant to ORS 696.405.

(4) "Branch office" is defined in ORS 696.010.

(5) "Commissioner" is defined in ORS 696.010.

(6) "Incapacitated" means the physical or mental inability to perform the professional real estate activities described in ORS 696.010.

(7) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.

(8) "Licensed Name" means the name of a real estate licensee as it appears on the current, valid real estate license issued to the licensee pursuant to ORS 696.020.

(9) "Principal broker" means "principal real estate broker," as defined in ORS 696.010.

(10) "Real estate activity," "professional real estate activity," and "real estate business" mean "professional real estate activity" as defined in ORS 696.010.

(11) "Real estate broker" is defined in ORS 696.010 and includes a principal real estate broker, as that term is defined in ORS 696.010, unless the context requires otherwise.

(12) "Real estate licensee" and "licensee" mean a "real estate licensee" as defined in ORS 696.010, unless the context requires otherwise.

(13) "Registered business name" is defined in ORS 696.010.

(14) "Signed" or "Signature" means original or electronic signature as provided by OAR-014-0076.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0010

License Application Form and Content

(1) Effective July 1, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a real estate broker or principal broker license must submit an application and fee required under this rule.

(2) Effective September 15, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a real estate broker license or principal broker license must submit an application and pay the fee required under this rule using an online application process that is available through the Agency's website.

(3) The license application includes:

(a) The applicant's legal name as defined in OAR 863-014-0003, mailing address, email address and phone number.

(b) The applicant's date and place of birth.

(c) The applicant's Social Security Number.

(d) Certification by the applicant that the applicant has a high school diploma, General Educational Development (GED) certificate or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) For a real estate broker license applicant or a principal broker license applicant, who is not an active or inactive Oregon real estate licensee, whether the applicant:

(A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;

(B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;

(C) Has ever had any real estate license or other occupational or professional license revoked or suspended; or

(D) Has ever been fined or reprimanded as such a licensee.

(g) Any other information the commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in professional real estate activity in a manner that protects the public interest.

(h) Certification by the applicant that all information provided by the applicant is true and correct.

(4) In addition to the requirements of (3) of this rule, a real estate broker license applicant, who is basing the applicant's examination qualifications on a broker license from another state, must provide the applicant's certified license history from the state where such examination was taken.

(5) In addition to the requirements in (3) of this rule, a principal broker license applicant must provide proof that the applicant has three years of active real estate experience.

(6) Every license application must be accompanied by the license fee authorized by ORS 696.270. At all periods of the year, the fee for all licenses issued is as authorized by 696.270. That is, the Agency does not pro-rate license fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; Renumbered from 863-015-0010, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0015

Background Check Application and Fingerprint

(1) An applicant for real estate broker or principal real estate broker license must submit to a background check, except an applicant who is currently licensed as a real estate broker, principal real estate broker, or real estate property manager or who is eligible for renewal of such licenses.

(2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.

(3) Effective July 1, 2011, the Agency and a vendor for fingerprinting services ("fingerprint service provider") have contractually agreed that:

(a) The fingerprint service provider will provide fingerprint services to license applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.

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(b) A license applicant may only submit fingerprints required by the Agency through the fingerprint services provider.

(c) A license applicant must pay the fee for fingerprinting, authorized under ORS 696.270, directly to the fingerprint services provider.

(d) A license applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.

(e) A license applicant must have submitted a license application to the Agency before providing fingerprints.

(4) As provided in ORS 181.540, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The commissioner will keep such information segregated from other information on the applicant or licensee and maintain such information in a secure place.

(5) If the Agency determines that additional information is necessary to conduct a background check, the Agency may request such information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the license application is incomplete and terminate the application.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 4-2003(Temp), f. 12-18-03, cert. ef. 1-1-04 thru 6-29-04; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0015, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0020

Examinations

(1) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(2) In addition to any other licensing eligibility requirements:

(a) A real estate broker license applicant must pass a real estate broker examination, consisting of a state portion and a national portion.

(b) A principal broker license applicant must pass a principal real estate broker examination.

(c) A principal broker license applicant who was licensed in Oregon as a salesperson prior to July 1, 2002 is not required to take the real estate broker examination, but must pass the principal broker examination.

(d) A real estate broker or principal broker who has not held an active license for two or more consecutive years must pass a reactivation examination.

(3) To be eligible to take an examination:

(a) A license applicant must have submitted a license application and fee to the Agency required under OAR 863-014-0010 or a license reactivation application and fee required under OAR 863-014-0065;

(b) A real estate broker license applicant must have successfully completed the required courses of study for a real estate broker license under OAR 863-022-0010 from an approved school(s);

(c) A principal broker license applicant, who has never held an Oregon real estate broker license and who has not completed the required courses of study for a real estate broker license, must have successfully completed the required courses of study for a real estate broker license under OAR 863-022-0010 from an approved school(s);

(d) A principal real estate broker license applicant must have successfully completed the brokerage administration and sales supervision course required under OAR 863-022-0025 from an approved school; and

(e) The school providing the course(s) under (b), (c) or (d) of this section, must have certified to the examination provider that the applicant completed the course(s) as provided in OAR 863-022-0060.

(4) To be admitted to an examination site:

(a) A license applicant must be eligible to take an examination under section (3) of this rule;

(b) The applicant must register with the examination provider in advance of the examination and comply with the provider's requirements and instructions; and

(c) The examination provider will collect the examination fee under ORS 696.270 directly from the applicant.

(5) An applicant must pay a separate examination fee for each examination.

(6) If an applicant for a principal real estate broker license passes an examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

(7) If an applicant for a real estate broker license passes both the national and the state portions of an examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

(8) A real estate broker license applicant who passes only one portion of a license examination (state or national portion) must pass the remaining portion within one year from the examination date of the passed portion in order to qualify for a license on the basis of the examination.

(9) In lieu of the national portion of the examination required for a real estate broker license in this rule, the Board may accept an applicant's passing results of the national portion of a broker examination taken in another state if:

(a) The examination was taken after November 1, 1973 and the license issued as a result of that examination has not been expired for more than one year; or

(b) The examination was taken within the 12 months before the license application date and

(c) The applicant provides the Agency with the applicant's certified license history from the state where such examination was taken.

Stat. Auth.: ORS 696.385 & 696.425

Stats. Implemented: ORS 696.020, 696.022 & 696.425

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04, cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0020, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 2-2010, f. 12-15-10, cert. ef. 1-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0030

License Issue, Term and Form

(1) The Agency will issue a real estate license to an applicant after determining that the applicant meets the license requirements contained in ORS 696.022 and 696.790, has paid all required fees, and meets:

(a) The requirements under OAR 863-014-0035 for real estate broker license applicant; or

(b) The requirements under OAR 863-014-0040 for a principal broker license applicant.

(2) A licensee may engage in professional real estate activities allowed for that license by ORS Chapter 696 and OAR chapter 863 from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered, or suspended.

(3) A licensee may hold only one of the following Oregon real estate licenses at any time:

(a) Real estate broker,

(b) Principal real estate broker, or

(c) Property manager.

(4) The license expiration date is the last day of the month of a licensee's birth month.

(5) The license term is not more than 24 months plus the number of days between the date the license is issued or renewed and the last day of the month of the licensee's birth month.

(6) The license will include the following information:

(a) The licensee's legal name,

(b) The license number, effective date, and expiration date,

(c) The name under which the licensee conducts real estate business or the registered business name,

(d) The licensee's business address,

(e) The seal of the Real Estate Agency, and

(f) Any other information the Agency deems appropriate.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0030, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0035

Real Estate Broker Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a real estate broker's license, an individual must complete the following steps in the order listed:

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(a) Submit a license application and pay the fee to the Agency required by OAR 863-014-0010.

(b) Successfully complete the required courses of study for a real estate broker license required by OAR 863-022-0010.

(c) Ensure that the school providing the required course of study certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(d) Pass the real estate broker licensing examination and pay the fee to the examination provider as required by OAR 863-014-0020.

(e) Provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) If the applicant's qualifications for the required examination under (1) of this rule are based upon an active real estate license held in another state, the applicant must furnish a certificate of active license history from the other state.

(3) After the applicant meets the requirements under (1) and (2) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check under OAR 863-014-0015.

(4) A real estate broker must be associated with a principal broker. Effective July 1, 2011 until September 14, 2011, after the requirements in (1) and (2) of this rule are met, the applicant must submit to the Agency:

(a) The name and address of the principal broker who will supervise the applicant's professional real estate activity and name and address of the registered business name of the principal broker; and

(b) The written authorization of the principal broker to be associated with the principal broker and use the principal broker's registered business name.

(5) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must submit to the Agency the name and address of the principal broker who will supervise the applicant's professional real estate activity and name and address of the registered business name of the principal broker; and

(b) The Agency will contact the principal broker for authorization for the applicant to be associated with the principal broker and to use the registered business name.

(6) Effective September 15, 2011, a currently licensed principal broker who wishes to be licensed as a real estate broker must submit a license application and pay the fee to the Agency required by OAR 863-014-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0035, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0040

Principal Real Estate Broker Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a principal real estate broker's license, an individual must complete the following steps in the order listed:

(a) Submit a license application and pay the fee to the Agency required by OAR 863-014-0010. The license application includes proof satisfactory to the Agency that the applicant has three years of active real estate experience.

(b) If the applicant has never held an Oregon real estate broker license and has not completed the required courses of study for a real estate broker license, the applicant must complete such required courses under OAR 863-022-0010 from an approved school(s).

(c) Ensure that the school providing the courses of study for a real estate broker license under (b) of this section, certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(d) Successfully complete the brokerage administration and sales supervision course required by OAR 863-022-0025.

(e) Ensure that the school providing the brokerage administration and sales supervision course certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(f) Pass the principal broker licensing examination and pay the fee to the examination provider required by OAR 863-014-0020.

(g) If the applicant is not an active or inactive Oregon real estate licensee, provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) If the applicant is required to submit fingerprints under (1) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check, as required by OAR 863-014-0015.

(3) Effective July 1, 2011 to September 14, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state that the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) The applicant must submit to the Agency the name, address and authorization of a principal broker with whom the applicant will be associated, and the authorization of the principal broker to use the principal broker's registered business name.

(4) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state whether the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) After the applicant has submitted the following, the Agency will contact the principal broker for authorization for the applicant to be associated with the principal broker and to use the registered business name:

(A) The name and address of a principal broker with whom the applicant will be associated; and

(B) The address of the registered business name.

(5) If an applicant wishes to conduct professional real estate activity under a registered business name registered by the applicant, the applicant must first obtain the principal broker license and then register a business name under 863-014-0095.

(6) If the applicant's qualifications for three years of active experience are based wholly or partially upon an active real estate license held in another state, the applicant must furnish with the application a certificate of active license history from the other state.

(7) Effective September 15, 2011, a currently licensed real estate broker who has held a principal broker license and who wishes to be licensed as a principal broker must apply for a principal broker license, pay the required fee and meet all the qualifications for a principal broker license under this rule.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; Renumbered from 863-015-0040, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0050

License Renewal

(1) Effective July 1, 2011 a licensee may only submit a license renewal application and pay the fee using an online application process, which will be available through the Agency's website.

(2) For purposes of this rule, "received by the Agency" means the date a licensee completed the online renewal process and paid the fee required under ORS 696.270.

(3) A real estate broker or principal broker license expires if a licensee fails to renew the license on or before the license expiration date. A real estate licensee may not engage in any professional real estate activity after a license expires. A real estate licensee may renew an expired license as provided in this rule.

(4) The Agency will renew an active real estate license to active status for the term prescribed in OAR 863-014-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An active renewal application that includes certification by the licensee that the licensee has met the continuing education renewal requirements under section OAR 863-020-0010.

(5) The Agency will renew an active real estate license to inactive status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An inactive renewal application.

(6) The Agency will renew an inactive active real estate license to inactive status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An inactive renewal application.

(7) The Agency will renew an inactive real estate license to active status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

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(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under OAR 863-020-0010 .

(8) The Agency will renew an expired real estate license to active status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0010.

(9) The Agency will renew an expired real estate license to inactive license status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(10) When the Agency renews an expired license, the renewed license is effective the date the renewal requirements are met. The renewal is not retroactive to the date the license expired and an expired license retains the status of expired during the expiration period.

(11) A license renewed under this rule expires two years from the date of the original expiration date.

(12) A real estate license that has expired for more than one year is lapsed, as defined in ORS 696.010.

(13) A license may not be renewed if it is lapsed, surrendered, suspended, or revoked. Except as provided in 863-014-0075, the former licensee must reapply and meet all the licensing qualifications required of new license applicants.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0050, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0062

Mailing Address, Email Address, Address Change, Service of Notice

(1) Each active, inactive and expired real estate licensee must maintain on file with the Agency a current mailing address and email address and notify the Agency within 10 calendar days of a change to a mailing or email address.

(2) A forwarding address is effective as a "current mailing address" when the Agency receives notice of the forwarding address by the United States Postal Service.

(3) Agency notice by mail, whether registered, certified, or regular, to the real estate licensee's current mailing address on file with the Agency constitutes service on the licensee.

(4) The Agency is not required by law to send notification or correspondence by regular mail to a licensee or license applicant regarding license or application status. The Agency may send notification or correspondence to a licensee or license applicant to the email address of the licensee or applicant on file with the Agency. Failure by a licensee or applicant to receive notification or correspondence provided via email does not relieve the licensee or applicant of the responsibility to maintain a current license or complete an application process.

(5) Effective September 15, 2011, the Agency's primary and preferred method of notification and correspondence is to the licensee or license applicant's email address.

(6) For purposes of this rule, "notification or correspondence" in (4) and (5) of this rule means:

(a) Notification, correspondence or confirmation to licensees about license renewal, change of license status to active or inactive, license transfers, registered business name, branch office registration, license reactivation, license expiration, and name and address changes.

(b) Notification, correspondence or confirmation to license applicants about license application status, receipt of documents or information from third parties on license qualifications, and license issuance.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0062, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0063

Real Estate License Transfers, Principal Brokers' Responsibilities, Authority to Use Registered Business Name

(1) As used in this rule:

(a) "Authorized licensee" means a principal broker who has authority and is responsible for a registered business name;

(b) "License transfer form" means a completed and signed form that does one of the following:

(A) Transfers a real estate broker license to a receiving principal broker in order to become associated with the receiving principal broker, or

(B) Authorizes a real estate licensee to use a registered business name to conduct professional real estate activity.

(c) "Sending principal broker" means the authorized licensee or principal broker with whom an active real estate broker is associated before the license transfer;

(d) "Receiving principal broker" means the authorized licensee or principal broker with whom an active real estate broker will be associated after the license transfer.

(2) A license transfer form includes:

(a) The name, mailing address, email address and license number of the licensee who is transferring the license or documenting the authorized use of a registered business name;

(b) The current status of the license, whether active or inactive;

(c) If the real estate broker is associated with a sending principal broker, certification that the real estate broker provided written notice of the transfer to the sending principal broker, and that such notice was provided before the date the transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered by the post office to the sending principal broker's address;

(d) If the form is used to authorize the use of a different registered business name, certification that the licensee provided written notice of such change to the authorized licensee for the current registered business name, and that such notice was provided before the date the license transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered to the authorized licensee's address;

(e) If applicable, the receiving principal broker's registered business name, street address, and registered business name identification number;

(f) If applicable, the street address, registered business name identification number, and the registered business name under which the real estate licensee will be authorized to conduct professional real estate activity; and

(g) The receiving broker's or authorized licensee's name, license number, telephone number, date, and signature.

(3) The Agency will transfer the license of an active real estate broker associated with a sending principal broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(4) The Agency will transfer the license of an active principal real estate broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(5) The Agency will transfer the license of an inactive real estate licensee, who has been inactive for a period of 30 days or less, to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(6) A principal real estate broker with whom a licensee is associated remains responsible for the licensee's professional real estate activity until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-014-0065; or

(b) A license transfer form and fee.

(7) If a principal real estate broker with whom a real estate broker is associated voluntarily gives the license to the real estate broker named in the license, the principal real estate broker remains responsible for the licensee's subsequent professional real estate activity until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-014-0065;

(b) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-014-0065; or

(c) A license transfer form and fee.

(8) The Agency will document the registered business name under which a real estate licensee is authorized to conduct professional real estate activity when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

Stat. Auth.: ORS 696.385

ADMINISTRATIVE RULES

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0063, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0065

Inactive License, Change License Status to Active, Change License Category, License Reactivation

(1) A real estate licensee whose license is on inactive status may not engage in professional real estate activity.

(2) The commissioner may reprimand, suspend, revoke, or impose a civil penalty against an inactive licensee under ORS 696.301.

(3) The Agency will change an active real estate license to inactive license status when the Agency actually receives the following:

(a) The license;

(b) A request by the licensee submitted on an Agency-approved form to change the license status to inactive; or

(c) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under this rule.

(4) The Agency will change the status of an active real estate broker who is associated with a principal real estate broker to inactive status when the Agency receives one of the following:

(a) The real estate broker license, submitted by the licensee;

(b) The real estate broker license, submitted by the principal real estate broker;

(c) An Agency-approved form, submitted by the principal real estate broker, terminating the principal real estate broker's relationship with the real estate broker; or

(d) An Agency-approved form submitted by the real estate broker terminating the relationship with the principal real estate broker.

(5) An inactive real estate licensee may renew such license under OAR 863-014-0050.

(6) For a period of 30 days after a real estate broker license becomes inactive, the licensee may change such license status from inactive to active and transfer the license to a principal real estate broker under OAR 863-014-0063.

(7) Except as provided in section (8) of this rule, for a period of 30 days after the real estate license becomes inactive, the licensee may change such license category to an active principal real estate broker only if:

(a) The licensee is qualified for such license and

(b) The licensee submits to the Agency:

(A) An Agency-approved application form to change the license category and to change the license status to active,

(B) A license transfer form under OAR 863-014-0063, if applicable, and

(C) Payment of the transfer fee authorized by ORS 696.270.

(8) If the licensee under section (7) of this rule is changing license category to a principal real estate broker and has never been licensed as a principal real estate broker, the licensee must submit to the Agency:

(a) An Agency-approved broker license application form and

(b) The licensing fee authorized by ORS 696.270.

(9) If a license has not been on active status for two or more consecutive years, the licensee must complete the following steps in the order listed to reactivate the license:

(a) Submit a reactivation application and pay the fee to the Agency required under ORS 696.270.

(b) Pass the real estate reactivation examination and pay the fee to the examination provider as required by OAR 863-014-0020.

(10) After the 30-day period specified in sections (6) and (7) of this rule, and subject to the examination requirements in section (9) of this rule, a licensee may change the license status from inactive to active only by submitting to the Agency:

(a) An application for license reactivation; and

(b) Payment of the reactivation fee authorized by ORS 696.270.

(11) Subject to the examination requirements in section (9) of this rule, if an inactive licensee renews a license and maintains inactive status under section (5) of this rule, the licensee may, within 60 days of the date of renewal, change the license status to active by submitting to the Agency:

(a) An Agency-approved application for license reactivation that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0008 or 863-020-0010; and

(b) Payment of the active renewal fee authorized by ORS 696.270, less the amount of the inactive renewal fee already paid by the licensee.

(12) The change of license status, transfer, change of license category or the reactivation of a license is effective when the Agency actually receives all required forms and fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-1991, f. & cert. ef. 11-4-91; REA 1-2002, f. 5-31-02, cert. ef. 7-1-02, Renumbered from 863-010-0081; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0065, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0066

Licensee Name Change

A licensee may apply for a name change by submitting to the Agency:

(1) A name change application and payment of the fee authorized under ORS 696.270; and

(2) Legal proof of the name change, which must be in the form of an official record such as a marriage certificate, divorce certificate, or a court order/decreed.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0076

Signature Requirements

(1) Subject to ORS 84.001 to 84.061, the Agency may, but is not required to, accept any electronic or facsimile signature created, generated, sent, communicated, received, or stored regarding licensing documents including, but not limited to, background check applications, examination applications, license applications, license change forms, and license surrender forms.

(2) The Agency may require an individual to submit an original or electronic signature on any document or Agency-approved form.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0076, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-014-0095

Business Name Registration

(1) If a principal real estate broker wishes to conduct real estate business in a name other than the licensee's legal name, the principal broker must first register the business name with the Agency. For the purposes of this rule, "business name" means an assumed name or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name in active status with the Oregon Secretary of State's Corporation Division.

(2) To register a business name, the principal broker must submit to the Agency on an Agency-approved form the following:

(a) The business name in which the licensee wishes to conduct real estate business, which must be the exact name on file with the Oregon Secretary of State.

(b) Written authority to register the business name;

(c) A copy of the registration on file with the Oregon Secretary of State Business Registry showing the business name is active; and

(d) The fee authorized by ORS 696.270.

(3) A licensee who wishes to use a registered business name must submit to the Agency the following:

(a) The registered business name the licensee wishes to use; and

(b) Authorization from the principal broker who is responsible for the registered business name on the records of the Agency to use the name.

(4) Business names registered with the Agency do not expire and need not be renewed by the licensee. Any change in the business name registered with the Agency will be treated as the registration of a new business name, and an application for the change in business name must be submitted to the Agency together with the fee authorized by ORS 696.270.

(5) If a principal broker wishes to transfer the right to use and the responsibility for a business name that is registered with the Agency, the principal broker acquiring the right to use the name must file a change of business name registration with the Agency together with the fee authorized by ORS 696.270. A licensee must notify the Agency in writing if the licensee terminates its use of a business name.

(6) A business name registration becomes void when the Agency receives notice of termination of the use of a business name. A business name registration becomes void when no licensees are affiliated with the registered business name. A business name registration may be reactivated within one year from the voiding of a registration, unless a new user has

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registered the business name, without paying the fee authorized by ORS 696.270.

(7) Except as provided in OAR 863-014-0085 and this section, no real estate broker or principal broker may engage in professional real estate activities under more than one registered business name. A principal broker may engage in professional real estate activities under more than one registered business name if the business entity is an affiliated or subsidiary organization as described in OAR 863-014-0061.

Stat. Auth.: ORS 696.026 & 696.385

Stats. Implemented: ORS 696.026

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; Renumbered from 863-015-0095, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-022-0010

Course Requirements for Real Estate Broker License Applicants

(1) The real estate broker license applicant course of study required by OAR 863-014-0035 must include 150 clock-hours in the seven courses listed in section (2) of this rule.

(a) Courses offered by private career schools must be approved by the Agency under OAR 863-022-0030.

(b) Courses offered by community colleges, colleges, and universities must be approved by the Agency under OAR 863-022-0035.

(c) To be eligible for credit, all courses must be presented for the designated number of hours and according to the percentages allocated for each topic.

(2) The courses required for real estate broker license applicants are:

(a) Real Estate Law (30 hours).

(b) Oregon Real Estate Practice (30 hours).

(c) Real Estate Finance (30 hours).

(d) Contracts (15 hours).

(e) Agency Law (15 hours).

(f) Property Management (10 hours).

(g) Real Estate Brokerage (20 hours).

(3) The seven required courses must include the following number of hours and percentages allocated for the topics within each course:

(a) Real Estate Law Course (30 hours). This course covers general real estate law with an emphasis on Oregon real property law and includes the following topics:

(A) (20% or 6 hours) Basic real property law, types of estates and forms of ownership, such as fee simple absolute, severalty, various concurrent estates, trust, by business organizations; the nature of real property versus the nature of personal property; fixtures, emblements, water rights (riparian rights, natural drainage rights, state ownership of navigable riverbed), estoppel, condemnation, and severance.

(B) (10% or 3 hours) Ways to legally describe real property, including the proper and complete writing of legal descriptions for real estate transaction documents commonly used in Oregon.

(C) (10% or 3 hours) Transfer of title, including voluntary and involuntary transfers and proper deed conveyance (types and their requirements, statutory deed forms, recording requirements, acknowledgment).

(D) (15% or 4.5 hours) Encumbrances, including easements, such as easement appurtenant, easements in gross, easement by necessity, easements by prescription, as well as how easements are created and terminated; voluntary and involuntary encumbrances, especially statutory liens, such as mechanic's liens, tax liens, judgment liens, and federal income tax liens.

(E) (10% or 3 hours) Title insurance and escrow recording, including types of coverage and exclusions in title insurance policies; escrow procedures; requirements for recording documents.

(F) (10% or 3 hours) Taxes and assessments, especially the levy and collection process; foreclosure and redemption rights, exemptions, special assessments, and the Bancroft Bonding Act.

(G) (25% or 7.5 hours) Land use control, including private controls such as covenants, conditions and restrictions; public controls such as planning, zoning, city and county subdivision platting, building regulations, implied warranties on new homes, consumer protection in land sales through recording land sales contracts, public reporting under Oregon Subdivision Control Law; and condominiums, including their creation and statutory obligations of condominium developers.

(b) Oregon Real Estate Practice Course (30 hours). This course covers the requirements for Oregon real estate licensees contained in the Oregon Revised Statutes chapter 696 and the Oregon Administrative Rules chapter 863 and includes the following topics:

(A) (5% or 1.5 hours) The basic business relationships between principal brokers and associated brokers including, for example, the agency

relationship and the principal broker's supervisory responsibilities, duties, and liabilities to third parties.

(B) (25% or 7.5 hours) The Oregon real estate license requirements and the limitations on licensing as set forth in the Oregon Real Estate License Law; also the rules and regulations, especially their applications to real estate transactional documents, advertising, competitive market analyses, property management, and licensees.

(C) (20% or 6 hours) Listing agreements, specifically the Oregon administrative rules concerning marketing and advertising listed properties.

(D) (20% or 6 hours) Sale agreements, such as offers to purchase and seller's counter offers, earnest money agreements, options to buy real property, the statutes and rules affecting sale agreements.

(E) (15% or 4.5 hours) The Civil Rights Act and real estate-related provisions of the Americans with Disabilities Act and their administration and enforcement.

(F) (15% or 4.5 hours) The basic roles of the real estate broker, including additional requirements, liabilities, and needs for advanced training in related activities, such as competitive market analyses, property management (including renting and leasing), exchanging, securities, business opportunities (i.e., business chance brokering.); auctions, farms, vacation homes, and campgrounds.

(c) Real Estate Finance Course (30 hours). This course covers real estate finance and appraisal methods, including the methods for performing mathematical computations commonly required of real estate licensees, and includes the following topics:

(A) (10% or 3 hours) Lending laws, including federal laws and regulations such as Regulation Z, the Federal Equal Credit Opportunity Act, and the Real Estate Settlement Procedures Act.

(B) (10% or 3 hours) The money market and sources of financing; private versus government sources, the primary and secondary mortgage market, the federal money market, and federal monetary controls.

(C) (10% or 3 hours) Financing documents, including mortgages, trust deeds, and land sale contracts.

(D) (10% or 3 hours) Foreclosure; terms, methods, procedures and remedies.

(E) (10% or 3 hours) Governmental loan programs; FHA, federal VA, Oregon DVA.

(F) (10% or 3 hours) Non-governmental loan programs, such as conventional loans, construction loans, and mobile home loans.

(G) (10% or 3 hours) Competitive market analyses; principles, terminology, processes, and approaches commonly used.

(H) (15% or 4.5 hours) Mathematical calculations used in financing real estate transactions.

(I) (10% or 3 hours) Other methods of financing, including wrap-around mortgages, second mortgages, sale-leasebacks, collateral assignments, and use of personal property.

(J) (5% or 1.5 hours) Taxation and its impact in financing arrangements.

(d) Contracts Course (15 hours). This course covers the basic requirements for common real estate contracts, including listings, offers to purchase, leases, and land sales contracts. The course highlights Oregon-specific contract requirements and includes the following topics:

(A) (40% or 6 hours) Basic contract law, including the elements necessary to form a contract, breaches, and interference with an existing contract.

(B) (40% or 6 hours) Real estate contracts, especially required provisions and suggested language for listing agreements, earnest money/sale agreements, options land sales contracts, leases, and escrow agreements.

(C) (20% or 3 hours) Special requirements and limitations on contracts for the sale of subdivided lands, condominiums, and planned developments under Oregon law.

(e) Agency Law Course (15 hours). This course covers agency law, both its common law aspects and Oregon's statutory requirements for real estate licensees and includes the following topics:

(A) (40% or 6 hours) The common law of agency, including an in-depth study of the fiduciary requirements and its application to real estate brokerage.

(B) (60% or 9 hours) ORS 696.800 to 696.880 generally, with an emphasis on the obligations and duties of an agent to clients and others, as set out in ORS 696.805 to 696.815.

(f) Property Management Course (10 hours). This course covers basic property management law and includes the following topics:

(A) (35% or 3.5 hours) Oregon real estate license statutes and administrative rules as applied to property management activity.

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(B) (10% or 1 hour) Oregon Residential Landlord and Tenant Act, including tenants' and landlords' rights and obligations; evictions, forcible entry, and detainer procedures.

(C) (10% or 1 hour) Economics of property management, including analysis of markets, properties, and evaluating the owner's objectives.

(D) (5% or .5 hours) Leases, including leaseholds, types of leases, and common lease clauses.

(E) (10% or 1 hour) Agency relationship between property owner and property manager.

(F) (5% or .5 hours) Tenant relations, including maintenance.

(G) (20% or 2 hours) Property management recordkeeping, including operating reports, budgets, income tax records, types of insurance, trust accounts, and trust account reconciliation.

(H) (5% or .5 hours) Anti-discrimination statutes, federal and state, that apply to tenant selection and advertising; Fair Credit Reporting Act and its application to tenant selection.

(g) Real Estate Brokerage Course (20 hours). This covers basic real estate brokerage, including the legal requirements for record-keeping and clients' trust account reconciliation and includes the following topics:

(A) (10% or 2 hours) Advertising, including supervising content, format, and layout; public relations, image development, the Internet, and relations between competitors; office policy on private transactions of licensees; effect of disciplinary action on licensees.

(B) (20% or 4 hours) Financial records, such as general checking account and its use for paying commissions; receipt of competitive market analysis fees; legal requirements for the clients' trust account, including documentation required, reconciliation, use of interest-bearing accounts, commingling of funds, the trust account's use in cooperative transactions, earnest money, advance fees, and rental fees.

(C) (10% or 2 hours) Office facilities and the regulatory requirement for real estate offices, including site selection, space and office layout, furniture and equipment; broker license requirements; regulations affecting the office, such as signs; requirements for branch offices, limitations on licenses, effect of actions on licenses, and reporting of adverse litigation.

(D) (15% or 3 hours) The legal requirements for neutral escrows and co-op transactions; the mathematics of a real estate closing, such as tax proration, computing commission splits, and making closing estimates; closing procedures, such as title insurance, recording, and acknowledging documents.

(E) (10% or 2 hours) Financial reports, such as income statements, balance sheets, tax returns, and payroll records.

(F) (15% or 3 hours) Non-financial records, such as listing files, transaction records, cooperative transaction records, advertising folders, showing reports, competitive market analysis records and reports; legal requirements, such as management review of broker transactions.

(G) (10% or 2 hours) Office manuals that specify office policy and procedures; use of the manual in training and to set out grievance procedures.

(H) (10% or 2 hours) Office activity other than real estate sales; property management, competitive market analyses, investment counseling, construction and development, including supervisory requirements, as well as the nature of the activities in relation to real estate law and rules.

(4) Except for Real Estate Finance courses, as provided in section (7) of this rule., an applicant must complete the required courses through Agency-approved private career schools or in-state community colleges, colleges, or universities, as those terms are defined in OAR 863-022-0005.

(5) To receive credit for courses provided by private career schools, the following provisions apply:

(a) License applicants must complete the course of study and receive a passing score of at least 75% on a final examination for each course.

(b) Except for Real Estate Finance, only courses completed on or after July 1, 2002 are eligible for credit.

(c) Real Estate Finance courses must have been completed on or after July 1, 1978 to be eligible for credit.

(6) To receive credit for courses provided by in-state community colleges, colleges, and universities, the following provisions apply:

(a) License applicants must complete the course of study, including a final examination for each course and achieve a minimum grade of "C."

(b) Except for Real Estate Finance, only courses completed on or after July 1, 2002 are eligible for credit.

(c) Real Estate Finance courses must have been completed on or after July 1, 1973 to be eligible for credit.

(7) To receive credit for Real Estate Finance courses taken through out-of-state community colleges, colleges, and universities:

(a) The courses must have been completed on or after July 1, 1973,

(b) The applicant must have achieved a minimum grade of "C;" and
(c) The applicant must obtain a transcript and submit it to the Agency as part of the application process.

(8) The real estate broker license applicant course of study is not eligible for continuing education credit under OAR 863-020-0008 or 863-020-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-022-0015

Course Requirements for Property Manager License Applicants

(1) The course required by OAR 863-024-0045 for real estate property manager license applicants consists of a 60-hour Agency-approved real estate property manager course. The property manager course covers the specialized area of the management of rental real estate, including Oregon's legal requirements.

(2) To be eligible for credit, the 60-hour course must include 60 clock-hours allocated among topics in the number of hours and percentages as follows:

(a) (30% or 18 hours) Oregon real estate license statutes and administrative rules applicable to the management of rental real estate.

(b) (15% or 9 hours) Clients' trust accounts and account reconciliation.

(c) (10% or 6 hours) Oregon Residential Landlord and Tenant Act, including tenants' and landlords' rights and obligations; evictions, forcible entry and detainer procedures.

(d) (5% or 3 hours) Economics of property management, including analysis of markets, properties, and evaluating the owner's objectives.

(e) (5% or 3 hours) Leases, including leaseholds, types of leases and common lease clauses.

(f) (5% or 3 hours) Agency relationship between property owner and property manager and tenant relations, including maintenance.

(g) (15% or 9 hours) Management recordkeeping, including operating reports, budgets, income tax records, insurance types.

(h) (5% or 3 hours) Federal and state anti-discrimination laws and their applicability to tenant selection and advertising; the Fair Credit Reporting Act and its applicability to tenant selection.

(i) (10% or 6 hours) General real estate law applicable to property management activity, including types of estates and forms of ownership; transfer of title; taxes and assessments, including the levy and collection process, foreclosure and redemption rights, exemptions, and special assessments; land use controls, including private controls such as covenants, conditions, and restrictions, and public controls such as planning and zoning.

(3) The course must be completed through either Agency-approved private career schools or in-state community colleges, colleges, and universities, as those terms are defined in OAR 863-022-0005.

(4) To receive credit for a course provided by a private career school, applicants must complete the course, including a final examination, and receive a passing score of at least 75% on a final exam.

(5) To receive credit for a course provided by an in-state community college, college, or university, applicants must complete the course, including a final examination and achieve a minimum grade of "C."

(6) Only courses completed on or after July 1, 2002 are eligible for credit.

(7) The property manager license applicant course is not eligible for continuing education credit under OAR 863-020-0008 or 863-020-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-022-0025

Education Course Requirements for Principal Broker License Applicants

(1) The course required by OAR 863-014-0040 for principal real estate broker license applicants is a 40-hour Agency-approved brokerage administration and sales supervision course.

(2) The brokerage administration and sales supervision course covers legal requirements unique to principal brokers and reviews the material introduced in the 150-hour real estate broker applicant course of study described in OAR 863-022-0010.

(3) To be eligible for credit, the 40-hour course must include 40 clock-hours, allocated among topics in the number of hours and percentages as follows:

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(a) (10% or 4 hours) Introduction to management theory, characteristics of successful management, the functions of management, organizational formats such as corporate, partnerships, and proprietorship, various problems associated with management, and types of licenses and their legal requirements.

(b) (10% or 4 hours) Planning, including management objectives, planning under the employer-employee relationship versus independent contractor relationship, individual and office planning, budget planning, market research, growth, and anticipation of expansion, and bottom line planning.

(c) (15% or 6 hours) Selecting, training, and supervising real estate personnel, including job descriptions, recruiting, interviewing, and characteristics of a successful real estate broker; training in Oregon real estate law, real estate documents; supervising transactions, performance evaluations, commission arrangements; major theories of human motivation, for example, those of Maslow, Herzberg, and McClelland; selecting, training, and evaluating office support personnel.

(d) (5% or 2 hours) Leadership, authority, discipline; office regulations, relationships between office personnel; office policy on private transactions of licensees; effect of disciplinary action on licensees.

(e) (5% or 2 hours) Communication methods; formal versus informal; verbal versus non-verbal; reading, writing, listening, speaking; office sales meetings.

(f) (5% or 2 hours) Advertising, including supervising content, format, and layout; public relations, image development, and relations between competitors.

(g) (5% or 2 hours) Office facilities, including legal requirements for real estate offices, such as site selection, space and office layout, furniture and equipment, signs; broker license requirements; legal requirements concerning branch offices; limitations on licenses, effect of actions on licenses, and reporting of adverse litigation.

(h) (20% or 8 hours) Financial records, such as general checking account and its use for paying commissions, receipt of competitive market analysis fees; the clients' trust account, legal requirements concerning its use, including required documentation, use of interest-bearing accounts, commingling of funds, the trust account's use in cooperative transactions, earnest money, advance fees, and rental fees.

(i) (5% or 2 hours) Financial reports, such as income statements, balance sheets, tax returns, and payroll records.

(j) (5% or 2 hours) Non-financial records, such as listing files, transaction records, cooperative transaction records, advertising folders, showing reports, competitive market analysis records and reports; legal requirements, such as broker review of salesperson transactions.

(k) (5% or 2 hours) Office manuals that specify office policy and procedures, use of the manual in training and to set out grievance procedures.

(l) (5% or 2 hours) Office activity other than real estate sales; competitive market analyses, investment counseling, construction, and development, including supervisory requirements, and the nature of the activities relative to real estate legal requirements.

(m) (5% or 2 hours) Property management: legal requirements for accounting and record keeping, Oregon Landlord Tenant Law.

(4) License applicants must complete the course, including a final examination, and receive a passing score of at least 75% on a final exam.

(5) An Agency-approved brokerage administration and sales supervision course is eligible for continuing education credit for licensees renewing under OAR 863-020-0008 or 863-020-0010 as follows:

(a) If the licensee completed the course on or before December 31, 2010; or

(b) If the licensee completed the course on or after January 1, 2011 and the course provider was a certified continuing education course provider.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-022-0060

Responsibilities of Providers of Real Estate Broker, Principal Broker and Property Manager License Application Courses

(1) This rule is effective July 1, 2011.

(2) For purposes of this rule, a "course provider" is:

(a) A private career school, in-state community college, college, and university that provides the 150-hour real estate broker license applicant course of study under OAR 863-022-0010, the 60-hour property manager license applicant course under OAR 863-022-0015; or the 40-hour broker-

age administration and sales supervision course under OAR 863-022-0025; and

(b) A continuing education provider who provides the 40-hour brokerage administration and sales supervision course under OAR 863-022-0025.

(3) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(4) A course provider must certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses according to the requirements and instructions of the examination provider.

(5) Before certifying completion of a course as provided in (4) of this rule, a course provider must obtain proof from a license applicant that the applicant has submitted a license application to the Agency.

(6) A course provider must inform each student taking a course that:

(a) The course provider will certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses; and

(b) Before a course provider may certify successful course completion, a student must provide proof to the provider that the student has made application to the Agency for a real estate broker, principal broker or property manager license.

(7) In addition to the requirements under this rule, a course provider must provide a certificate of completion to each student.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0003

Definitions

As used in this division, unless the context requires otherwise, the following definitions apply to this division:

(1) "Agency" is defined in ORS 696.010.

(2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.

(3) "Board" means the Real Estate Board established pursuant to ORS 696.405.

(4) "Branch office" is defined in ORS 696.010.

(5) "Commissioner" is defined in ORS 696.010.

(6) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.

(7) "Licensed Name" means the name of a real estate licensee as it appears on the current, valid real estate license issued to the licensee pursuant to ORS 696.020.

(8) "Management of rental real estate" is defined in ORS 696.010.

(9) "Principal broker" means "principal real estate broker," as defined in ORS 696.010.

(10) "Property manager" means "real estate property manager," as defined in ORS 696.010.

(11) "Real estate activity," "professional real estate activity," and "real estate business" mean "professional real estate activity" as defined in ORS 696.010, which includes managing rental real estate.

(12) "Real estate broker" is defined in ORS 696.010.

(13) "Real estate licensee" and "licensee" mean a "real estate licensee" as defined in ORS 696.010.

(14) "Registered business name" is defined in ORS 696.010.

(15) "Signed" or "Signature" means original or electronic signature as provided by OAR-024-0076.

Stat. Auth.: ORS 696.385

Stat. Implemented: ORS 696.010 & 696.020

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0010

License Application Form and Content

(1) Effective July 1, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an property manager license applicant must submit an application and fee required under this rule.

(2) Effective September 15, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an property manager license applicant must submit an application and pay the fee

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required under this rule using an online application process that is available through the Agency's website.

(3) The license application includes:

(a) The applicant's legal name as defined in OAR 863-024-0003, mailing address, email address and phone number;

(b) The applicant's date and place of birth;

(c) The applicant's Social Security Number;

(d) Certification by the applicant that the applicant has a high school diploma, General Educational Development (GED) certificate or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) Whether the applicant:

(A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;

(B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;

(C) Has ever had a real estate or any other occupational or professional license revoked or suspended; or

(D) Has ever been fined or reprimanded as such a licensee; and

(g) Any other information the commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in the management of rental real estate in a manner that protects the public interest.

(h) Certification by the applicant that all information provided by the applicant is true and correct.

(4) Every license application must be accompanied by the license fee authorized by ORS 696.270. At all periods of the year, the fee for all licenses issued is as authorized by 696.270. That is, the Agency does not pro-rate license fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0015

Background Check and Fingerprint Requirements

(1) An applicant for a property manager license must submit to a background check, except an applicant who is currently licensed as a real estate broker or principal real estate broker or who is eligible for renewal of such licenses.

(2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.

(3) Effective July 1, 2011, the Agency and a vendor for fingerprinting services ("fingerprint service provider") have contractually agreed that:

(a) The fingerprint service provider will provide fingerprint services to license applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.

(b) A license applicant may only submit fingerprints required by the Agency through the fingerprint services provider.

(c) A license applicant must pay the fee for fingerprinting, authorized under ORS 696.270, directly to the fingerprint services provider.

(d) A license applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.

(e) A license applicant must have submitted a license application to the Agency before providing fingerprints.

(4) As provided in ORS 181.540, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The commissioner will keep such information segregated from other information on the applicant or licensee and maintain such information in a secure place.

(5) If the Agency determines that additional information is necessary in order to conduct a background check, the Agency may request such information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the license application is incomplete and terminate the application.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0020

Examinations

(1) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examina-

tion services and collects the fee for such services directly from a license applicant.

(2) In addition to any other licensing eligibility requirements:

(a) A property manager license applicant must pass a property manager examination.

(b) A property manager who has not held an active license for two or more consecutive years must pass a reactivation examination.

(3) To be eligible to take an examination:

(a) A license applicant must have submitted a license application and fee to the Agency required under OAR 863-024-0010 or a license reactivation application and fee required under OAR 863-024-0065;

(b) A license applicant must have successfully completed the required course of study for a property manager license under OAR 863-022-0015 from an approved school; and

(c) The school providing the course under (b) of this section must have certified to the examination provider that the applicant completed the course as provided in OAR 863-022-0060;

(4) To be admitted to an examination site:

(a) A license applicant must be eligible to take an examination under section (3) of this rule;

(b) The applicant must register with the examination provider in advance of the examination and comply with the provider's requirements and instructions; and

(c) The examination provider will collect the examination fee under ORS 696.270 directly from the applicant.

(5) An applicant must pay a separate examination fee for each examination.

(6) If an applicant for a property manager license examination passes the examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020, 696.022 & 696.425

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0030

License Issue, Term, Form

(1) The Agency will issue a property manager license to an applicant after determining that the applicant meets the license requirements contained in ORS 696.022 and 696.790, has paid all required fees and meets the requirements under OAR 863-024-0045.

(2) A licensee may engage in property management from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered, or suspended.

(3) A licensee may hold only one of the following Oregon real estate licenses at any time:

(a) Real estate broker,

(b) Principal real estate broker, or

(c) Property manager.

(4) The license expiration date is the last day of the month of a licensee's birth month.

(5) The license term is not more than 24 months plus the number of days between the date the license is issued or renewed and the last day of the month of the licensee's birth month.

(6) The license will include the following information:

(a) The licensee's legal name,

(b) The license number, effective date, and expiration date,

(c) The name under which the licensee conducts real estate business or the registered business name,

(d) The licensee's business address,

(e) The seal of the Real Estate Agency, and

(f) Any other information the Agency deems appropriate.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020, 696.022 & 696.270

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0045

Property Manager Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a property manager license, an individual must complete the following steps in the order listed:

(a) Submit a license application and pay the fee to the Agency required by OAR 863-024-0010.

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(b) Successfully complete the required courses of study for a property manager license required by OAR 863-022-0015.

(c) Ensure that the school providing the required course of study certifies to the examination provider that the applicant completed the course as required by OAR 863-024-0020.

(d) Pass the property manager licensing examination and pay the fee to the examination provider as required by OAR 863-012-0020.

(e) Provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) After the applicant meets the requirements under (1) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check under OAR 863-024-0015.

(3) Effective July 1, 2011 to September 14, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state that the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) The applicant must submit to the Agency the name and address and authorization of a property manager or principal broker with whom the applicant will be associated and the authorization of the property manager or principal broker to use the registered business name.

(4) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state whether the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) After the applicant has submitted the following, the Agency will contact the property manager or principal broker for authorization for the applicant to be associated with the property manager or principal broker and to use the registered business name:

(A) The name and address of a property manager or principal broker with whom the applicant will be associated; and

(B) The address of the registered business name.

(5) If an applicant wishes to conduct professional real estate activity under a registered business name registered by the applicant, the applicant must first obtain a property manager license and then register a business name under 863-024-0095.

(6) A real estate property manager may only engage in the management of rental real estate. The licensee may not offer to, negotiate, attempt to, or engage in the sale, purchase, lease-option, appraisal, or exchange of real estate for another individual for compensation. The licensee may not charge, pay, receive, or accept a referral fee, finder's fee, or compensation from or share in a commission paid to a real estate broker for any activity involving the sale, purchase, lease-option, appraisal, or exchange of real estate. However, the licensee may charge, pay, receive, or accept a referral fee or finder's fee from or to a real estate broker or another real estate property manager for finding or referring an owner, renter, or lessee in real estate property management activity.

(7) A real estate property manager is responsible for all property management activity conducted under the property manager's license and for the actions of the property manager's nonlicensed property management employees. A licensed property manager may not authorize an unlicensed individual to supervise that property manager's licensed activity in the manager's absence. Except as provided for in OAR 863-024-0085, a property manager may not authorize another real estate licensee to supervise that property manager's licensed activity in the property manager's absence.

(8) A real estate property manager may be associated with a principal real estate broker to engage in property management activity on behalf of the principal real estate broker and under the supervision of that principal real estate broker. However, a property manager may not act in the broker's absence under OAR 863-024-0085.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; Renumbered from 863-015-0045, REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0050

License Renewal

(1) Effective July 1, 2011 a licensee may only submit a license renewal application and pay the fee using an online application process, which will be available through the Agency's website.

(2) For purposes of this rule, "received by the Agency" means the date a license renewal is received by the Agency or the postmarked date.

(3) A property manager license expires if a licensee fails to renew the license on or before the license expiration date. A licensee may not engage in any professional real estate activity after a license expires. A property manager may renew an expired license as provided in this rule.

(4) The Agency will renew an active property manager license to active status for the term prescribed in OAR 863-024-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form requesting active license status that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under section OAR 863-020-0010.

(5) The Agency will renew an active property manager license to inactive status for the term prescribed in OAR 863-024-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(6) The Agency will renew an inactive property manager license to inactive status for the term prescribed in OAR 863-024-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(7) The Agency will renew an inactive property manager license to active status for the term prescribed in OAR 863-024-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form requesting active license status that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under section (3) or (4) of this rule.

(8) The Agency will renew an expired property manager license to active status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee met the real estate continuing education renewal requirements under section OAR 863-020-0010.

(9) The Agency will renew an expired property manager license to inactive status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(10) When the Agency renews an expired license, the renewed license is effective the date the renewal requirements are met. The renewal is not retroactive to the date the license expired, and the expired license retains the status of expired during the expiration period.

(11) A license renewed under this rule expires two years from the date of the original expiration date.

(12) A real estate license that has expired for more than one year is lapsed, as defined in ORS 696.010.

(13) A license may not be renewed if it is lapsed, surrendered, suspended, or revoked. Except as provided in OAR 863-024-0075, the former licensee must reapply and meet all the licensing qualifications required of new license applicants.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020, 696.022 & 696.270

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0062

Mailing Address, Email Address, Address Change, Service of Notice

(1) Each active, inactive and expired property manager licensee must maintain on file with the Agency a current mailing address and email and notify the Agency within 10 calendar days of a change of mailing or email address.

(2) A forwarding address is effective as a "current mailing address" when the Agency receives notice of the forwarding address by the United States Postal Service.

(3) Agency notice by mail, whether registered, certified, or regular, to the real estate licensee's current mailing address on file with the Agency constitutes service on the licensee.

(4) The Agency is not required by law to send notification or correspondence by regular mail to a licensee or license applicant regarding license or application status. The Agency may send notification or correspondence to a licensee or license applicant to the email address of the

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licensee or applicant on file with the Agency. Failure by a licensee or applicant to receive notification or correspondence provided via email does not relieve the licensee or applicant of the responsibility to maintain a current license or complete an application process.

(5) Effective September 15, 2011, the Agency's primary and preferred method of notification and correspondence is to the licensee or license applicant's email address.

(6) For purposes of this rule, "notification or correspondence" in (4) and (5) of this rule means:

(a) Notification, correspondence or confirmation to licensees about license renewal, change of license status to active or inactive, license transfers, registered business name, branch office registration, license reactivation, license expiration, and name and address changes.

(b) Notification, correspondence or confirmation to license applicants about license application status, receipt of documents or information from third parties on license qualifications, and license issuance.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0063

Property Manager License Transfers, Principal Brokers' Responsibilities, Authority to Use Registered Business Name

(1) As used in this rule:

(a) "Authorized licensee" means a property manager or principal broker who has authority over the use of a registered business name;

(b) "License transfer form" means a completed and signed Agency-approved form that does one of the following:

(A) Transfers a property manager license to a receiving principal broker in order to become associated with the receiving principal broker, or

(B) Authorizes a property manager to use a registered business name to conduct management of rental real estate.

(c) "Sending principal broker" means the principal real estate broker with whom an active property manager license is associated before the license transfer;

(d) "Receiving principal broker" means the principal real estate broker with whom an active property manager license will be associated after the license transfer.

(2) The property manager licensee must provide the following information on a license transfer form:

(a) The name, mailing address, email address and license number of the property manager licensee who is transferring the license or documenting the authorized use of a registered business name;

(b) The current status of the license, whether active or inactive;

(c) If the property manager is associated with a sending principal broker, certification that the property manager provided written notice of the transfer to the sending principal broker, and that such notice was provided before the date the transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered by the post office to the sending principal broker's address;

(d) If the form is used to authorize the use of a different registered business name, certification that the property manager licensee provided written notice of such change to the authorized licensee for the current registered business name, and that such notice was provided before the date the license transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered to the authorized licensee's address;

(e) If applicable, the receiving principal broker's registered business name, street address, and registered business name identification number;

(f) If applicable, the street address, registered business name identification number, and the registered business name under which the property manager licensee will be authorized to conduct management of rental real estate; and

(g) The receiving broker's or authorized licensee's name, license number, telephone number, date, and signature.

(3) The Agency will transfer the license of an active property manager associated with a sending principal broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(4) The Agency will transfer the license of a property manager to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(5) The Agency will transfer the license of an inactive property manager licensee, who has been inactive for a period of 30 days or less, to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(6) A principal real estate broker with whom a property manager licensee is associated remains responsible for the licensee's management of rental real estate until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-024-0065; or

(b) A license transfer form and fee.

(7) If a principal real estate broker with whom a property manager is associated voluntarily gives the license to the property manager named in the license, the principal real estate broker remains responsible for the licensee's subsequent management of rental real estate until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-024-0065;

(b) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-024-0065; or

(c) A license transfer form and fee.

(8) The Agency will document the registered business name under which a property manager licensee is authorized to conduct management of rental real estate when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0065

Inactive License, Change License Status to Active, License Reactivation

(1) A property manager licensee whose license is on inactive status may not engage in management of rental real estate.

(2) The commissioner may reprimand, suspend, revoke, or impose a civil penalty against an inactive licensee under ORS 696.301.

(3) The Agency will change an active property manager license to inactive license status when the Agency actually receives a request by the licensee submitted on an Agency-approved form to change the license status to inactive.

(4) An inactive property manager licensee may renew such license under OAR 863-024-0050.

(5) For a period of 30 days after a property manager license becomes inactive, a property manager may change such license status from inactive to active under OAR 863-024-0063.

(6) If a property manager license has not been on active status for two or more consecutive years, the licensee must complete the following steps in the order listed to reactivate the license:

(a) Submit an application for licensing reactivation examination and pay the fee to the Agency authorized by ORS 696.270; and

(b) Pass the property manager reactivation examination and pay the fee to the examination provider as required by OAR 863-024-0020.

(7) After the 30-day period in section (5) of this rule, and subject to the examination requirements in section (6) of this rule, a property manager may change the license status from inactive to active only by submitting to the Agency:

(a) An application for license reactivation; and

(b) Payment of the reactivation fee authorized by ORS 696.270.

(8) Subject to the examination requirements in section (6) of this rule, if an inactive licensee renews a license and maintains inactive status, the licensee may, within 60 days of the date of renewal, change the license status to active by submitting to the Agency:

(a) An Agency-approved application for license reactivation that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0010; and

(b) Payment of the active renewal fee authorized by ORS 696.270, less the amount of the inactive renewal fee already paid by the licensee.

(9) The change of license status, transfer of license, or the reactivation of a license is effective when the Agency actually receives all required forms and fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

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863-024-0066

Licensee Name Change

A licensee may apply for a name change by submitting to the Agency:

- (1) A name change application and payment of the fee authorized under ORS 696.270; and
- (2) Legal proof of the name change, which must be in the form of an official record such as a marriage certificate, divorce certificate, or a court order/decre.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0076

Signature Requirements

- (1) Subject to ORS 84.001 to 84.061, the Agency may, but is not required to, accept any electronic or facsimile signature created, generated, sent, communicated, received, or stored regarding licensing documents including, but not limited to, background check applications, examination applications, license applications, license change forms, and license surrender forms.

- (2) The Agency may require an individual to submit an original or electronic signature on any document or Agency-approved form.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

863-024-0095

Business Name Registration

- (1) Before conducting business in a name other than the licensee's legal name, the property manager must register the business name with the Agency. For the purposes of this rule, "business name" means an assumed name or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name with the Oregon Secretary of State's Corporation Division.

- (2) To register a business name, the property manager must submit to the Agency, on a Agency-approved form, the following:

- (a) The business name in which the licensee wishes to conduct business, which must be the exact name on file with the Oregon Secretary of State;

- (b) Written authority by which the licensee is authorized to use the business name;

- (c) A copy of the registration on file with the Oregon Secretary of State Business Registry, showing the business name is active; and

- (d) The fee authorized by ORS 696.270.

- (3) A property manager who wishes to use a registered business name must submit to the Agency the following:

- (a) The registered business name the licensee wishes to use; and

- (b) Authorization from the property manager or principal broker who is responsible for the registered business name on the records of the Agency to use the name.

- (4) Business names registered with the Agency do not expire and need not be renewed by the licensee. Any change in the business name registered with the Agency will be treated as the registration of a new business name, and the change in business name must be registered with the Agency together with the fee authorized by ORS 696.270.

- (5) If a licensee wishes to transfer the right to use a business name that is registered with the Agency, the licensee acquiring the right to use the name must file a change of business name registration with the Agency together with the fee authorized by ORS 696.270. A licensee must notify the Agency in writing if the licensee terminates its use of a business name.

- (6) A business name registration becomes void when the Agency receives notice of termination of the use of a business name. A business name registration becomes void when no licensees are affiliated with the registered business name. A business name registration may be reactivated within one year from the voiding of a registration, unless a new user has registered the business name, without paying the fee set forth in ORS 696.270.

- (7) No real estate property manager may engage in professional real estate activities under more than one registered business name. An exception to this requirement is that a real estate property manager may engage in the management of rental real estate under more than one registered business name if the business entity is an affiliated or subsidiary organization as described in OAR 863-024-0061.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.026

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11

**Secretary of State,
Elections Division
Chapter 165**

Rule Caption: Amends Method for Submitting Required Accounts to Elections Division.

Adm. Order No.: ELECT 13-2011

Filed with Sec. of State: 8-1-2011

Certified to be Effective: 8-1-11

Notice Publication Date: 2-1-2011

Rules Amended: 165-014-0100

Subject: This rule is proposed for amendment to require chief petitioners to submit digital copies of specified accounts not later than the 10th business day of every month. Additionally, provides for a civil penalty if chief petitioners fail to file specified accounts.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-014-0100

Review of Specified Chief Petitioner Accounts

- (1) Each chief petitioner of an initiative, referendum or prospective petition who pays any person money or other valuable consideration to obtain signatures on the petition shall keep detailed accounts in accordance with ORS 260.262. The Elections Division will review these accounts in the manner and in accordance with the schedule set out in paragraphs (2) and (3) of this rule.

- (2) Chief petitioners shall submit digital copies of accounts unless they receive prior written approval from the Elections Division to submit paper copies.

- (a) Acceptable digital formats include pdf files, Excel files, or Word files submitted on CD-ROM or via electronic mail.

- (b) The Elections Division may request original documentation of chief petitioner accounts, in addition to or in lieu of copies.

- (c) The Elections Division may choose to conduct on-site reviews of chief petitioner accounts.

- (3) Detailed copies of accounts must be submitted on the 10th business day of each month after any month in which circulators were paid to collect signatures. The Elections Division may require accounts to be submitted in shortened time frame depending on the circumstances of each petition.

- (4) If original signature sheets are submitted for verification prior to accounts being requested, chief petitioners are required to retain copies of the signature sheets in order to comply with ORS 260.262(1)(e).

- (5) Chief petitioners must submit a completed SEL 320, each time accounts are provided, detailing the nature of the accounts provided under ORS 260.262.

- (6) The Elections Division shall review accounts to determine whether all of the required information appears to have been provided. If after review it is determined that the accounts submitted are incomplete or the chief petitioners fail to submit the requested accounts, the Elections Division may find that a violation of section 1b, Article IV of the Oregon Constitution, has occurred, suspend the petition from obtaining additional signatures, and issue a civil penalty under OAR 165-013-0020.

- (7) If the Elections Division takes action under ORS 260.262(6) the chief petitioners may file notarized written explanation contesting the suspension and providing evidence that the accounts submitted are complete.

- (8) If a petition is suspended under ORS 260.262(6) the chief petitioners are prohibited from obtaining any additional signatures on the petition until it has been determined by the Elections Division that the accounts are complete. Any signatures gathered in violation of the suspension will not be accepted for signature verification.

- (9) If the petition has multiple chief petitioners, only one set of copies of the detailed accounts for each petition need to be produced by the deadline.

- (10) Accounts must be kept current as of not later than the 7th calendar day after the date a payment is made to a person for obtaining signatures on a petition.

- (11) The Elections Division reserves the right to conduct a review of chief petitioner accounts in accordance with ORS 260.262(4).

Stat. Auth.: ORS 246.150, 260.262

Stats. Implemented: ORS 260.262

Hist.: ELECT 21-2007, f. & cert. ef. 12-31-07; ELECT 3-2008(Temp), f. & cert. ef. 3-14-08 thru 5-2-08; ELECT 6-2008(Temp), f. & cert. ef. 5-2-08 thru 9-10-08; ELECT 8-2008, f. &

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cert. ef. 8-12-08; ELECT 33-2009, f. & cert. ef. 12-31-09; ELECT 13-2011, f. & cert. ef. 8-1-11

Rule Caption: Updating the Standards for Signature Sheet Rejection when not in Compliance with ORS 260.567.

Adm. Order No.: ELECT 14-2011

Filed with Sec. of State: 8-4-2011

Certified to be Effective: 8-4-11

Notice Publication Date: 5-1-2011

Rules Amended: 165-014-0275

Subject: This rule is proposed for amendment to update the specific standards that an Elections Official will review a petition sheet for to determine if there has been a violation of ORS 260.567.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-014-0275

Completion of Optional Information on Petition Sheets

(1) The purpose of this rule is to establish standards governing what an Elections Official will review for in determining if there has been a violation of ORS 260.567. This rule applies to all state and local initiative, referendum, recall and candidate nominating petitions.

(2) A petition signature sheet will be rejected for noncompliance with ORS 260.567 and not included in the sample if:

(a) The same handwriting appears to have completed the optional information on all lines of the petition sheet;

(b) Optional information on all lines has been entered, altered, corrected, clarified or obscured by typewriting or other mechanical means;

(d) For any other reason the Elections Official determines from the face of the signature sheet that a person or persons other than the petition signers entered, altered, corrected, clarified or obscured any information about the person who signed the signature sheet, including the optional fields of printed name, residence address and date signed.

(3) If the same handwriting appears to have completed the optional information on multiple lines only the first signature line will be included in the sample. All other lines will be rejected for noncompliance with ORS 260.567 and will not be included in the sample.

(4) Notwithstanding paragraphs (2) and (3) of this rule, a signature sheet or an individual signature line will not be rejected for noncompliance with ORS 260.567 if:

(a) Each entry or change of information made by a person other than the signer, was subsequently initialed by the person who signed the signature sheet; or

(b) Each entry or change of information occurred with regard to a signer who is a person with a disability who requested assistance in writing, altering, correcting, clarifying or obscuring on the petition sheet any information about the person.

(5) For purposes of this rule, “optional information” means information in the optional fields of printed name, residence address and date signed.

Stat. Auth.: ORS 246.150

Stat. Implemented: ORS 260.567

Hist.: ELECT 24-2007, f. & cert. ef. 12-31-07; ELECT 14-2011, f. & cert. ef. 8-4-11

Rule Caption: Prohibits paying or receiving money based on number of signatures or voter registration cards obtained.

Adm. Order No.: ELECT 15-2011

Filed with Sec. of State: 8-11-2011

Certified to be Effective: 8-11-11

Notice Publication Date: 2-1-2011

Rules Amended: 165-014-0260

Subject: This rule is proposed for amendment to prohibit the use of express minimum signature requirements (quotas) when paying circulators to gather signatures unless those requirements are disclosed to the Secretary of State as part of required accounts.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-014-0260

Prohibition on Paying or Receipt of Payment based on the Number of Signatures Obtained on an Initiative, Referendum, Candidate Nominating Petition or Voter Registration Cards

(1) The purpose of this rule is to interpret Article IV, section 1b of the Oregon Constitution and ORS 260.569. Article IV, section 1b of the Oregon Constitution provides: “It shall be unlawful to pay or receive money or other thing of value based on the number of signatures obtained on an ini-

tiative or referendum petition. Nothing herein prohibits payment for signature gathering which is not based, directly or indirectly, on the number of signatures obtained.” ORS 260.569 provides: “A person may not pay or receive money or another thing of value based on the number of: signatures a person obtains for purposes of nominating a candidate for elective public office or signed voter registration cards a person collects.

(2) Section 1b and ORS 260.569 bans the practice of paying circulators or others involved in an initiative, referendum, candidate nominating petition or voter registration card collection effort if the basis for payment is the number of signatures obtained. This means that payment cannot be made on a per signature basis. Employment relationships that do not base payment on the number of signatures collected are allowed. Allowable practices include: paying an hourly wage or salary, using express minimum signature requirements (quota), terminating those who do not meet the productivity requirements, adjusting salaries prospectively relative to productivity, and paying discretionary bonuses based on reliability, longevity and productivity, provided no payments are made on a per signature basis. The use of express minimum signature requirements (quota) for an initiative or referendum petition is allowable so long as that requirement is disclosed to the Elections Division on the SEL 320 as part of accounts.

(3) If a circulator is carrying a petition subject to Section 1b or ORS 260.569 and another petition not subject to Section 1b or ORS 260.569 (for example, a state initiative petition and a local recall petition), the circulator may be paid by the signature only for signatures collected on the petition not subject to Section 1b or ORS 260.569. Any payment for collecting signatures on the petition subject to Section 1b or ORS 260.569 must comply with Section 1b or ORS 260.569.

(4) The phrase “directly or indirectly” in Section 1b means that the chief petitioners who are responsible for the circulation and submission of the initiative or referendum petition cannot directly pay for signature gathering based on the number of signatures obtained, and cannot contract or delegate to another person or entity to obtain signatures and allow the third party to pay circulators on the basis of the number of signatures obtained. However, chief petitioners may contract with a person or entity to manage the signature gathering, and pay the person or entity for services, including the service of qualifying the petition for the ballot, so long as the individuals who actually circulate the petition are not paid based on the number of signatures obtained. The chief petitioners are responsible for insuring that agents of the chief petitioner (anyone who is delegated the task of obtaining signatures on the initiative or referendum petition) do not violate Section 1b.

(5) Violations of Section 1b or ORS 260.569 will be processed under 260.995 as civil penalties. Penalties may be assessed against chief petitioners or any other persons who either directly or indirectly pay based on the number of signatures or voter registration cards obtained. Liability may be imposed on chief petitioners as provided in 260.561. Violations of Section 1b or 260.569 will be calculated by deeming each individual signature sheet or voter registration card that contains signatures that were collected in violation of Section 1b or 260.569 as a single occurrence with a minimum civil penalty of \$100. Violations of Section 1b or 260.569 shall not be combined under OAR 165-013-0020(1)(b)(E).

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 250.045 & 260.995

Hist.: ELECT 15-2003, f. & cert. ef. 10-15-03; ELECT 22-2007, f. & cert. ef. 12-31-07; ELECT 15-2011, f. & cert. ef. 8-11-11

Teacher Standards and Practices Commission

Chapter 584

Rule Caption: Amends administrator rule and adopts new scope of administrator license; amends social worker license requirements; amends other licensure requirements and professional practice rules.

Adm. Order No.: TSPC 6-2011

Filed with Sec. of State: 8-15-2011

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Rules Adopted: 584-080-0008

Rules Amended: 584-005-0005, 584-050-0015, 584-050-0016, 584-050-0018, 584-060-0062, 584-070-0411, 584-070-0421

ADMINISTRATIVE RULES

Subject: ADOPT: 584-080-0008 *Scope of Administrator License:* Lists actions that require an administrator license as well as actions that do not require an administrator license.

AMEND: 584-005-0005 *Definitions:* Clarifies the scope of Administrator Licenses.

584-050-0015 *Reinstatement of Suspended, Revoked, or Surrendered License or Registration Generally:* Includes certificates in this rule. Corrects statutes cited.

584-050-0016 *Reinstatement of Suspended License, Registration, or Right to Apply for a License or Registration:* Clarifies rule language, includes certificates and corrects statutes cited.

584-050-0018 *Reinstatement of Revoked License, Registration, or Right to Apply for a License, Certificate, or Registration:* Clarifies rule language. Specifies educator must prove steps are being taken to prevent the previous behavior and additional revocation. Specifies that Executive Director may recommend to the commission whether to approve or deny the application.

584-060-0062 *Adding Endorsements to Initial [I, Initial II] or Continuing Teaching Licenses:* Corrects format inconsistency in rule.

584-070-0411 *Initial School Social Worker License:* Clarifies an accredited master's degree required. School social worker may not present themselves as a school counselor or school psychologist.

584-070-0421 *Continuing School Social Worker License:* Clarifies school social workers are not required to hold an active Oregon Board of Licensed Social Workers license.

Rules Coordinator: Lynn Beaton—(503) 373-0981

584-005-0005

Definitions

These definitions apply to divisions 001-100 unless otherwise indicated by the context:

(1) "Administrators:" Superintendents, assistant superintendents, principals, vice principals, assistant principals, associate principals, and such other personnel, regardless of title, whose positions require them to: (a) evaluate other licensed personnel; (b) discipline other licensed personnel; and (c) authorize out-of-school suspension or expulsion of students.

(2) "All Grade Levels:" Grades prekindergarten through 12 (prek-12).

(3) "Alternative Assessment:" Procedures established by the Commission for candidates seeking licensure who fail to achieve a passing score on required matter or specialty area licensure tests for endorsement or authorization.

(4) "Alternative Education Program or School:" A private alternative education program or school registered with the Oregon Department of Education or a public alternative education program or school operated by a school district, education service district, or community college, which is established to serve students identified under ORS 339.250(6) and other students whose academic or professional technical interests and needs are best served through participation in such programs. (See OAR 584-036-0015.)

(5) "Application:" A request for an Oregon license authorizing service in public schools or a request for reinstatement or renewal of such license. As used in these rules, "application" includes the Application Form, C-1, the fee, and all supporting documents necessary for the evaluation for the license.

(6) "Appropriately Assigned:" Assignments for administrator, teacher, supervisor, school counselor, school psychologist, or school nurse duties for which the person involved holds the proper license, endorsements and authorizations. (See OAR 584-036-0081.)

(7) "Approved Institution:" A U.S. regionally accredited institution of higher education approved to prepare licensed personnel by a U.S. governmental jurisdiction in which the institution is located. See definition of "Regional Accrediting Associations" below.

(8) "Approved Program:" An Oregon program of educator preparation approved by TSPC and offered by a regionally accredited Oregon institution. As it applies to out-of-state programs, a program approved by the licensure body of any U.S. governmental jurisdiction authorized to approve educator preparation programs.

(9) "Assistant Superintendent:" A superintendent's immediate subordinate who evaluates licensed personnel. May also be designated Deputy or Associate Superintendent.

(10) "Athletic Coaches:" Licensed personnel employed full time or part time for purposes of participation in interscholastic athletics and whose duties include instruction of students, preprimary through grade twelve.

(11) "Authorization Level:" The grade levels in which a person may teach, i.e., early childhood, elementary, middle level and high school as defined in OAR 584-060-0051.

(12) "Charter School Registration:" The indicator that an unlicensed teacher or administrator has cleared the fingerprints and criminal background check by TSPC. The Charter School Registration is not an indicator of competency or preparation as an educator.

(13) "Commission:" Teacher Standards and Practices Commission (TSPC).

(14) "Competencies:" Ability to apply knowledge and skills appropriately and effectively in achieving the expected outcomes.

(15) "Completion of Approved Program:" The applicant has met the institution's academic requirements and any additional state or federal requirements and has obtained the institution's recommendation for licensure.

(16) "Conditional Assignment:" (Formerly "Missassignment") Assignment of a licensed educator to a position for which he or she does not hold the subject or specialty area endorsement or authorization level required by the rules for licensure. (See OAR 584-036-0081).

(17) "Consortium:" An advisory body to the institution in reviewing, evaluating, and making recommendations on the design, implementation, evaluation, and modification of the program.

(18) "Continuing Professional Development:" Professional development that meets the requirements of OAR 584, Division 90 and enables an educator to be eligible for renewal of a Basic; Standard; Initial or Continuing License.

(19) "Continuing Professional Development Advisor:" A person selected by an educator and approved by the educator's supervisor, such as a college or university advisor, a peer coach, or a qualified member of an agency or professional organization.

(20) "Distance Learning Teacher:" A teacher who meets the criteria in OAR 584-036-0017 and provides live interactive instruction transmitted from a remote location or who delivers online education either from within Oregon or from another state and who is employed by one or more Oregon public school districts to teach public school students.

(21) "Domain:" An area of professional competency under which a teacher may select coursework or other approved activities for continuing professional development. (See OAR 584-090-0010.)

(22) "Education Service District (ESD):" A district created under ORS 334.010 that provides regional educational services to component school districts.

(23) "Educator:" Any person who is authorized to be employed in the instructional program of the public schools, public charter schools and ESDs, and holds a license to teach, administer, supervise, counsel or provide school psychology services.

(24) "Endorsement:" The subject matter or specialty education field or grade authorization in which the individual is licensed to teach.

(25) "Executive Director:" The Executive Director of the Commission. (See ORS 342.410.)

(26) "Expired License:" A license for which an application for renewal was not received by TSPC prior to the date of expiration stated on the license.

(27) "Field Experience:" Learning activities designed to develop professional competence through observing, assisting, or teaching in a public or approved non-public school.

(28) "Instructional Assistant:" A non-licensed position of employment in a school district assigned to assist a licensed teacher in a supportive role in the classroom working directly with students.

(29) "Instructional Faculty:" Full-time and part-time faculty in an Oregon-approved educator preparation program who teach professional courses or supervise field-centered activities and student teachers.

(30) "Intern:" A student of an approved institution who serves as a teacher, personnel specialist, or administrator under the supervision of the institution and of the school district in order to acquire practical experience in lieu of student teaching or supervised practica. Interns may receive both academic credit from the institution and financial compensation from the school district. Interns may serve as assistant coaches.

(31) "Joint Application:" Submitted by the school district in cooperation with the applicant.

(32) "Liaison Officer:" The person designated by the unit to submit all program modifications for TSPC approval, issue all recommendations for licensure under the approved program, authorize all waivers of professional courses for students enrolled in the program, and handle all correspondence between TSPC and the unit.

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(33) "Major Modifications:" Changes of program philosophy, curricula, practica, resources, personnel, or performance standards.

(34) "Major Traffic Violation:" Includes driving while under the influence of intoxicants (ORS 487.540); reckless driving (ORS 487.550); fleeing or attempting to elude a police officer (ORS 487.555); driving while license is suspended or revoked or beyond license restrictions (ORS 487.560); or failure to perform the duties of a driver or witness at an accident (ORS 483.602).

(35) "Mentor:" Educators who have demonstrated the appropriate subject matter knowledge and teaching and/or administrative skills, which when assisting beginning educators, should substantially improve the induction and professional growth of beginning educators in this state.

(36) "Misassignment:" See definition of "Conditional Assignment" above.

(37) "National Board For Professional Teaching Standards (NBPTS):" A professional board established to award a National Teaching Certificate to qualified educators.

(38) "Oregon Schools:" Includes public school districts, education service districts, registered private schools preprimary through grade twelve, state and federal schools, special state-supported schools, and public charter schools in Oregon serving students ages three through twenty-one, private schools accredited by the Northwest Commission on College and Universities, and private proprietary career schools registered by the Oregon Department of Education.

(39) "Oregon Educator Licensure Assessments (ORELA):" Licensure tests adopted by the Commission in specified endorsement or licensure areas.

(40) "Out of State Licenses or Certificates:" A certificate or license valid for full-time employment, at least equivalent to the Oregon license being requested, issued by one of the United States, a U.S. jurisdiction (American Samoa, Commonwealth of Northern Marianas, District of Columbia, Guam, Puerto Rico, and Virgin Islands), or the U.S. Department of Defense.

(41) "Personal Qualifications:" 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.

(42) "Personnel Service:" A type of license issued to counselors, supervisors, and school psychologists.

(43) "Practicum or Practica:" All supervised field experiences other than student teaching or internships. A practicum may be part of the field experience necessary to add an endorsement.

(44) "PRAXIS:" A series of professional assessments for beginning educators produced and administered by Educational Testing Service (ETS) and adopted by TSPC as licensure examinations.

(45) "Principal:" The administrator of each school building or buildings as designated by the school district board.

(46) "Professional Development Plan:" A plan for personal professional growth during the next licensure renewal cycle.

(47) "Professional Development Units (PDU):" A unit of domain-related activity that equals one clock hour of professional development and contributes to completion of an educator's professional development plan. (See OAR 584-090-001 et seq.)

(48) "Program Administrator:" Managers of school programs and coordinators of district-wide programs that are accountable at the building level.

(49) "Program Review Committee:" Committee appointed by the Commission to conduct an on-site review for purposes of approval of an educator preparation program.

(50) "Public Funds:" All monies expended by public school districts and for which the school board has responsibility, including funds from local, state, federal, and private sources. (See ORS 342.120(9).)

(51) "Public Schools:" Public school districts, education service districts and public charter school created under ORS Ch. 338, which are supported by local and state public funds and for which the school board has responsibility, for the program of instruction carried out in that school.

(52) "Regional Accrediting Associations:" Colleges and universities approved for teacher education must be accredited by the appropriate regional association at the time the degree or program is completed. The regional associations are: New England Association of Schools and Colleges, Commission on Institutions of Higher Education; North Central Association of Colleges and Schools, The Higher Learning Commission; Northwest Commission on Colleges and Universities; Middle States Association of Colleges and Schools, Commission on Higher Education; Southern Association of Colleges and Schools, Commission on Colleges; or

Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities.

(53) "Reinstatement:" Restoration of the validity of a license which has expired, been suspended, or been revoked. (See OAR 584-050-0015.)

(54) "Renewal:" Extension of validity of a current license. An application for renewal must be submitted prior to the expiration date stated on the license.

(55) "School:" A single school building or combination of buildings which the school board designates as a school.

(56) "School Administrator:" The principal, vice principals and assistant principals at each school.

(57) "School Board:" The board of directors of a local school district or an education service district, the governing board of a public charter school, a registered private school, or the directors of a state, federal, or special state-supported school.

(58) "School Counselor:" A licensed employee of the district assigned to assist students to: develop decision-making skills, obtain information about themselves, understand opportunities and alternatives available in educational programs, set tentative career and educational goals, accept increasing responsibilities for their own actions, develop skills in interpersonal relations, and utilize school and community resources.

(59) "School District:" Includes administrative school districts; common school districts; joint school districts; union high school districts; county units; education service districts; registered private schools; and state, federal, and special state-supported schools. May also include school districts from other states.

(60) "School Nurse:" A registered nurse who is licensed by the Teacher Standards and Practices Commission as qualified to conduct and coordinate the health service programs of a school. (See OAR 584 div. 21.)

(61) "School Psychologist:" A licensed employee of the district assigned to: assessment of students' mental aptitude, emotional development, motor skills, or educational progress; designing educational programs for students and conferring with licensed personnel regarding such programs; and consulting with parents and students regarding interpretation of assessments and the design of educational programs. (See OAR 584 div. 44 and 70.)

(62) "School Supervisor:" Educators who assist, supervise, and evaluate students enrolled in the field-centered activities, including but not limited to, practica, internships and student teaching. (See OAR 584 div. 17.)

(63) "Self-Contained Classroom:" An assignment for teaching in grades preprimary through nine in which the teacher has primary responsibility for the curriculum.

(64) "Skills:" Ability to use knowledge effectively in the performance of specific tasks typical of those required in an educational position.

(65) "State Board:" The Oregon State Board of Education.

(66) "Student Teacher:" A student of an approved teacher education institution who is assigned to a public or approved private school for professional practica under the supervision of qualified personnel. Student teachers may provide instruction or may serve as assistant coaches.

(67) "Superintendent:" The district's chief administrator who reports directly to the school board.

(68) "Supervisor of Licensed Personnel:" A person assigned to a position which includes the on-the-job supervision or evaluation of licensed personnel. Should not be confused with "School Supervisor" above.

(69) "Teacher:" Includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision or evaluation of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

(70) "Teacher Education Programs:" Programs preparing teachers, personnel service specialists, or administrators. Oregon Revised Statutes use the term "teacher education" to refer to all programs preparing educational personnel for public elementary and secondary schools, not exclusive to those for classroom teachers.

(71) "Transcripts:" An institution-sealed official record of academic preparation which bears the signature of the registrar and the seal of the institution. Photocopies are not acceptable.

(72) "TSPC:" Teacher Standards and Practices Commission.

(73) "Unit:" The institution, college, school, department, or other administrative body with the responsibility for managing or coordinating all programs offered for the initial and continuing preparation of teachers and other school personnel, regardless of where these programs are administratively housed.

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(74) "Vice Principal:" A principal's immediate subordinate assigned to coordination of instruction, discipline, student activities, or supervision or evaluation of staff.

(75) "Violation of Licensure:" Employment by a public school of a teacher or school nurse without a valid license or Conditional Assignment Permit above.

(76) "Work Samples:" A designed and implemented unit of study that demonstrates capacity to foster student learning.

(77) "Year of Experience:" A period of at least eight consecutive months of full-time work or two consecutive years of one-half time or more while holding a license valid for the assignment.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.455 - 342.495

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 5-2000, f. & cert. ef. 9-20-00; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 2-2002, f. & cert. ef. 3-15-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 3-2003, f. & cert. ef. 5-15-03; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 11-2006, f. & cert. ef. 8-17-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 3-2008(Temp), f. & cert. ef. 5-30-08 thru 11-25-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-050-0015

Reinstatement of Suspended, Revoked, or Surrendered License or Registration Generally

(1) A suspended, revoked, or surrendered license or charter school registration may be reinstated if the applicant is otherwise qualified and complies with the other applicable provisions of rules in this division.

(2) Licenses, certificates or registrations that are revoked, suspended, or surrendered and eligible for reinstatement will be reinstated for the same period of time as an application for a new or renewed license or registration of that type.

(3) The fee to reinstate a license is in addition to the application fee required to issue a new license. See OAR 584-036-0055.

Stat. Auth.: ORS 181 & 342

Stats. Implemented: ORS 181.525, 342.120 - 200 & 342.400

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 3-1978, f. 7-24-78, ef. 1-1-79; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2010, f. & cert. ef. 4-2-10; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-050-0016

Reinstatement of Suspended License, Registration, or Right to Apply for a License or Registration

(1) Six weeks prior to the expiration of the period of suspension, an educator may apply to have a suspended license or registration reinstated. However, no reinstatement will be effective until expiration of the suspension period.

(2) An application for reinstatement of a suspended license, registration or suspension of right to apply for a license or registration must include:

(a) A C-1 application form;

(b) A fee pursuant to OAR 584-036-0055; and

(c) A notarized affidavit from the applicant, together with requisite and additional documentation sufficient to establish convincingly that all terms and conditions of the suspension have been met satisfactorily and fulfilled.

(3) If the Executive Director is satisfied that the terms and conditions have been met successfully the Executive Director will reinstate the suspended license, registration or right to apply for a license or registration.

(4) If the Executive Director is not satisfied the terms and conditions have been met, the Director will make a recommendation to the Commission in executive session to deny reinstatement of the license.

(5) Before taking action on the Executive Director's recommendation, the Commission may schedule an informal meeting between the educator and the Commission in executive session. The decision to schedule or not to schedule an informal meeting is entirely at the Commission's discretion.

(6) If the Commission agrees with the Director's recommendation to deny the reinstatement, the Director will mail a copy of the recommendation of denial to the educator and notice of right to a hearing under ORS 342.175 and OAR 584-019-0002.

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 6-2011, f. 8-15-11, cert. ef. 9-1-11

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.

(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. Letters of recommendations from educator colleagues are insufficient alone to establish fitness for licensure following a revocation. The educator must be clear regarding what proactive steps have been taken to ensure to the Commission that the conduct that resulted in the revocation is highly unlikely to occur again.

(5) Following review of the application for reinstatement pursuant to this section, the Executive Director may make a recommendation to the Commission regarding whether to approve or deny the application.

(6) All decisions to reinstate a revoked license, certificate, registration or right to apply for a license, certificate or registration will be made by the Commission in executive session.

(7) The Executive Director or the Commission may require the educator to appear before the Commission in executive session prior to consideration of the application for reinstatement.

(a) It is entirely at the Commission's discretion whether an educator may meet with the Commission under these circumstances.

(b) This subsection does not grant a right to any applicant to appear before the Commission prior to the Commission's consideration of the application for reinstatement following a revocation.

(8) If the Commission denies the application for reinstatement, or the right to apply for a license, certificate or registration, the Executive Director will mail a copy of the recommendation of denial to the educator and a 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; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-060-0062

Adding Endorsements to Initial or Continuing Teaching Licenses

(1) An endorsement is the subject matter or specialty education field in which the educator is licensed to teach. Educators may only teach the subjects in which they are licensed in the grade levels authorized on the license (authorization level).

(2) A multiple subjects self-contained endorsement does not allow the teacher to teach: Adaptive Physical Education, Art, Communications Disorders, Early Intervention/Special Education, ESOL, ESOL/Bilingual, Hearing Impaired, Library Media, Music, Physical Education, Reading Specialist, Special Education, or Vision Impaired.

(3) Subject-Matter Competency: A new endorsement will be added to a new or existing Initial I, Initial II or Continuing Teaching License upon documentation of one of the following: (For Middle-Level Endorsement exceptions see subsection (5) below.)

(a) For endorsements where subject-matter mastery tests are required by the commission:

(A) Documentation of a passing score on all Commission-approved tests required for the endorsement; or

(B) Documentation of successful completion of the commission-approved alternative assessment in lieu of the passing score on the subject-matter mastery test.

(b) For the endorsements where the commission has not approved subject-matter mastery tests including but not limited to: Drama, Japanese, Latin, Russian, and Adaptive Physical Education:

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(A) Completion of a program or demonstrated completion of required coursework; or

(B) A nonprovisional out-of-state license showing endorsement in the subject-area.

(c) Special Exception for Out-of-State Applicants: For out-of-state applicants upon first licensure in Oregon. (See OAR 584-036-0080 Licensure Tests.)

(4) Practicum Requirements: In addition to the requirements in subsection (3)(a) and (b) of this rule, one of the following practical experiences must be completed:

(a) A program-supervised practicum of two semester hours or three quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the subject area, in an institution approved to prepare teachers for that endorsement;

(b) Verification of 60 hours or more of experience teaching the new subject-area at least one hour each day or the equivalent on either an optional assignment of ten hours or less or an approved conditional assignment permit (CAP) as allowed by OAR 584-036-0181[.]; or

(c) Completion of an approved program in the new subject-matter endorsement area.

(5) Adding Endorsements to the Middle-Level (ML) Authorization Level:

(a) Teachers holding an Initial, Initial I, Initial II, or Continuing Teaching License with a multiple subjects self-contained or a multiple subjects endorsement with either an elementary or middle-level authorization are not required to complete an additional subject-related practicum to add the endorsements specified in this subsection.

(b) To add the endorsements listed below, teachers qualifying under this section must pass the Commission-approved high school or middle school test or tests in the appropriate subject-matter area:

(A) Language Arts or middle-school Language Arts;

(B) Social Studies or middle-school Social Studies;

(C) Science or middle school science; or

(D) Basic or Advanced Math.

(c) A multiple subjects endorsement is also required to add all general education endorsements at the middle-level authorization except the following specialty endorsements:

(A) Adaptive Physical Education

(B) Art;

(C) ESOL;

(D) ESOL/Bilingual;

(E) Library Media Specialist;

(F) Music;

(G) Physical Education;

(H) Reading; and

(I) Special Education;

(J) Vision Impaired;

(K) Hearing Impaired;

(L) Communications Disorders;

(M) Early Intervention/Special Education.

(6) Grade Authorization Level: Some endorsement areas may require the completion of a new authorization level program prior to being added to the license. The applicant should obtain a check sheet of requirements from TSPC prior to pursuing adding a new endorsement to an existing license. (See, OAR 584-060-0052 Adding Authorization Levels to Existing Initial and Continuing Teaching Licenses.)

(7) When Programs are Required: (a) An approved program including content courses, methods courses, and practica is always required as preparation for added endorsement in the following areas:

(A) All Special Education endorsements, including:

(i) Early Intervention/Special Education;

(ii) Hearing Impairment;

(iii) Vision Impairment;

(iv) Special Education; and

(v) Communication Disorders;

(B) English to Speakers of Other Languages (ESOL);

(C) Reading; or

(D) Subjects for which no subject mastery test has been required by the commission for endorsement including but not limited to:

(i) Drama;

(ii) Japanese;

(iii) Latin;

(iv) Russian; and

(v) Adaptive Physical Education.

(b) Program evaluations for waiver of the subject matter test for out-of-state applicants requesting these endorsements must align with the requirements in Division 38:

(c) Adding a Multiple Subjects or other General Education Endorsement to a License with Only a Specialty Endorsement: To add any general education endorsement to a license that holds a "specialty endorsement" only requires the following:

(A) Evidence of completion of a general education program at the grade levels at which the general education endorsement is sought; or

(B) A recommendation by C-2 form by an Oregon program approved to offer the endorsement.

(8) Specialty Endorsements: Adding specialty endorsements such as art, music, ESOL, ESOL/bilingual, reading, physical education, and library media specialists may involve additional coursework. (See, OAR 584-060-0071 Endorsements Requiring Special Preparation.)

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455 - 342.495; 342.553

Hist.: TSPC 3-2005(Temp), f. & cert. ef. 4-15-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 2-2011, f. & cert. ef. 1-28-11; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-070-0411

Initial School Social Worker 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 Social Worker License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial School Social Worker License is valid for:

(a) School social work at all age or grade levels; and

(b) Substitute counseling at any level.

(3) To be eligible for an Initial School Social Worker License, an applicant must satisfy all of the following general preparation requirements:

(a) A master's or higher degree in social work from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission;

(b) Completion of an initial graduate program in school social work as part of the master's degree or separately at an institution approved for school social worker education by the commission or the out-of-state equivalent;

(c) A passing score as currently specified by the commission on a test of professional knowledge for school social workers, or five years of experience practicing school social work on a license valid for the assignment full time in a public school or regionally accredited private school in a U.S. jurisdiction or foreign equivalent before holding any Oregon license;

(d) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(e) 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) The Initial School Social Worker License may be renewed repeatedly for three years upon completion of professional development requirements in accordance with OAR 584-090.

(5) Persons holding an Initial School Social Worker License may not:

(a) Substitute as a School Counselor for a period greater than three consecutive months without obtaining the School Counselor License;

(b) Substitute as a School Psychologist; or

(c) Accept any full or part-time position as a School Counselor or as a School Psychologist; or

(d) Go by the title of School Counselor or School Psychologist.

(6) Violations of subsection (5) above may result in referral to the Commission for violation of professional practices.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 4-2011, f. & cert. ef. 4-14-11; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-070-0421

Continuing School Social Worker 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 Social Worker License.

(2) The Continuing School Social Worker License is issued for five years and is renewable repeatedly under conditions specified below.

(3) The Continuing School Social Worker License is valid for:

(a) School social work at all age or grade levels; and

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(b) Substitute counseling at any level.

(4) To be eligible for a Continuing School Social Worker License, an applicant must:

(a) Meet and complete all of the requirements for the Initial School Social Worker License;

(b) Hold a master's or higher degree in social work from a regionally accredited institution in the United States, or hold the foreign equivalent of such degree approved by the commission;

(c) Have five years of school social worker experience at least half-time or more on any non-provisional TSPC or out-of-state educator license appropriate for the social worker assignment; and

(d) Demonstrate minimum competencies, knowledge and skills in accordance with OAR 584-017-0551 by completing one of the following:

(A) By completing an advanced commission-approved program in school social worker competencies consisting of at least six semester hours or nine quarter hours of graduate credit or the equivalent; or

(B) Validation of all advanced school social worker competencies through assessment by a commission-approved professional development program offered by an institution, an employer, or the two working together; or

(C) By showing evidence of being a Certified School Social Work Specialist awarded by the National Association of Social Workers; or

(D) By having a regionally accredited doctor's degree in social work.

(5) The Continuing School Social Worker License may be renewed for five years upon completion of professional development requirements in accordance with OAR 584-090.

(6) Persons holding a Continuing School Social Worker License may not:

(a) Substitute as a School Counselor for a period greater than three consecutive months without obtaining the School Counselor License;

(b) Substitute as a School Psychologist; or

(c) Accept any full or part-time position as a School Counselor or as a School Psychologist; or

(d) Go by the title of School Counselor or School Psychologist.

(7) Violations of subsection (6) above may result in referral to the Commission for violation of professional practices.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 4-2011, f. & cert. ef. 4-14-11; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

584-080-0008

Scope of Administrator Licenses

The Initial, Continuing or Transitional Administrator License authorizes the holder to perform duties as follows:

(1) An administrator license is required to:

(a) Evaluate licensed personnel;

(b) Discipline licensed personnel; or

(c) Authorize out-of-school suspension or expulsion of students.

(2) An administrator license is not required to:

(a) Prepare evaluation materials of licensed personnel, if a licensed administrator has responsibility for completing the evaluations;

(b) Evaluate coaching staff, if a licensed administrator has final responsibility for the coaching staff evaluations;

(c) Recruit licensed or classified staff;

(d) Supervise, evaluate, or discipline classified staff; or

(e) Authorize expenditure of funds, if expenditures are made according to approved district and school-wide plans.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.455 - 342.495; 342.553

Hist.: TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11

Veterinary Medical Examining Board Chapter 875

Rule Caption: Corrects language to clarify rule.

Adm. Order No.: VMEB 4-2011

Filed with Sec. of State: 8-5-2011

Certified to be Effective: 8-5-11

Notice Publication Date: 6-1-2011

Rules Amended: 875-015-0030

Subject: Language correction from 'or' to 'of' to clarify meaning of rule.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-015-0030

Minimum Veterinary Practice Standards

Each veterinary medical facility shall comply with the following:

(1) Medical Records: A legible individual record shall be maintained for each animal. However, the medical record for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three months. Records for herd or flock animals may be maintained on a group or client basis. All records shall be readily retrievable and must be kept for a minimum of three (3) years following the last treatment or examination. However, three (3) years may not be adequate for liability purposes. Records shall include, but are not limited to, the following information:

(a) Name or initials of the veterinarian responsible for entries; any written entry to a medical record that is made subsequent to the date of treatment or service must include the date that the entry was added.

(b) Name, address and telephone number of the owner and/or client;

(c) Name, number of other identification of the animal and/or herd or flock;

(d) Species, breed, age, sex, and color or distinctive markings, where applicable, each individual animal;

(e) Vaccination history, if known, shall be part of the medical record;

(f) Beginning and ending dates of custody of the animal;

(g) Pertinent history and presenting complaint;

(h) A physical exam shall be performed to establish or maintain a VCPR; and then each time an animal is presented with a new health problem, unless the animal's temperament precludes examination, or physical exam is declined by the owner. For each physical exam the following conditions shall be evaluated and findings documented when applicable by species, even if such condition is normal:

(A) Temperature;

(B) Current weight;

(C) Body condition;

(D) Eyes, ears, nose and throat;

(E) Oral cavity;

(F) Respiratory system including auscultation of the thorax;

(G) Palpation of the abdomen;

(H) Lymph nodes;

(I) Musculoskeletal system;

(J) Neurological system;

(K) Genito/urinary system;

(L) All data obtained by instrumentation;

(M) Diagnostic assessment;

(N) If relevant, a prognosis of the animal's condition;

(O) Diagnosis or tentative diagnosis at the beginning of custody of animal;

(P) Treatments and intended treatment plan, medications, immunizations administered, dosages, frequency and route of administration;

(Q) All prescription or legend drugs dispensed, ordered or prescribed shall be recorded including: dosage, frequency, quantity and directions for use. Any changes made by telecommunications shall be recorded. Legend drugs in original unopened manufacturer's packaging dispensed or ordered for herd use are exempt from this rule. Legend and prescription drugs are as defined by the U.S. Food and Drug Administration in 'FDA and the Veterinarian'.

(R) Surgical procedures shall include a description of the procedure, name of the surgeon, type of sedative/anesthetic agent(s) used, dosage, route of administration, and strength, if available in more than one strength;

(S) Progress of the case while in the veterinary medical facility;

(T) Exposed radiographs shall have permanent facility and animal identification;

(U) If a client waives or declines any examinations, tests, or other recommended treatments, such waiver or denial shall be noted in the records.

(2) Surgery: Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, asepsis or antisepsis, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Aseptic surgery shall be performed in a room or area designated for that purpose and isolated from other activities during the procedure. A separate, designated area is not necessarily required for herd or flock animal surgery or antiseptic surgery;

(b) The surgery room or area shall be clean, orderly, well-lighted and maintained in a sanitary condition;

(c) All appropriate equipment shall be sterilized;

(A) Chemical disinfection ("cold sterilization") shall be used only for field conditions or antiseptic surgical procedures;

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(B) Provisions for sterilization shall include a steam pressure sterilizer (autoclave) or gas sterilizer (e.g., ethylene oxide) or equivalent.

(d) For each aseptic surgical procedure, a separate sterile surgical pack shall be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure;

(e) Minor surgical procedures shall be performed at least under aseptic surgical techniques;

(f) All animals shall be prepared for surgery as follows:

(A) Clip and surgically prepare the surgical area for aseptic surgical procedures;

(B) Loose hair must be removed from the surgical area;

(C) Scrub the surgical area with appropriate surgical soap;

(D) Disinfect the surgical area;

(E) Drape the surgical area appropriately.

(3) A veterinarian shall use appropriate and humane methods of anesthesia, analgesia and sedation to minimize pain and distress during any procedures or conditions and shall comply with the following standards:

(a) Animals shall have a documented physical exam conducted within 24 hours prior to the administration of a sedative or anesthetic, which is necessary for veterinary procedures, unless the temperament of the patient precludes an exam prior to the use of chemical restraint;

(b) An animal under general anesthesia for a medical or surgical procedure shall be under direct observation throughout the anesthetic period and during recovery from anesthesia until the patient is awake and in sternal recumbency;

(c) A method of cardiac monitoring shall be employed to assess heart rate and rhythm repeatedly during anesthesia and may include a stethoscope or electronic monitor;

(d) A method of monitoring the respiratory system shall be employed to assess respiratory rate and pattern repeatedly during anesthesia and may include a stethoscope or electronic monitor.

(e) Where general anesthesia is performed in a hospital or clinic for companion animal species (excluding farm animals), anesthetic equipment available shall include an oxygen source, equipment to maintain an open airway and a stethoscope;

(f) Anesthetic and sedation procedures and anesthetic and sedative medications used shall be documented;

(g) Adequate means for resuscitation including intravenous catheter and fluids shall be available;

(h) Emergency drugs shall be immediately available at all times;

(i) While under sedation or general anesthesia, materials shall be provided to help prevent loss of body heat;

(j) Analgesic medications, techniques and/or husbandry methods shall be used to prevent and minimize pain in animals experiencing or expected to experience pain, including but not limited to all surgical procedures;

(k) Chemical restraint may be used in conjunction with, but not in lieu of, analgesic therapy;

(l) Appropriate analgesic therapy shall be guided by information specific to each case, including but not limited to species, breed, patient health and behavioral characteristics, the procedure performed, and the expected degree and duration of pain;

(4) Library: A library of appropriate and current veterinary journals and textbooks or access to veterinary internet resources shall be available for ready reference.

(5) Laboratory: Veterinarians shall have the capability for use of either in-house or outside laboratory service for appropriate diagnostic testing of animal samples.

(6) Biologicals and Drugs: The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws and manufacturers' recommendations;

(b) Legend drugs shall be dispensed, ordered or prescribed based on a VCPR and shall be labeled with the following:

(A) Name of client and identification of animal(s);

(B) Date dispensed;

(C) Complete directions for use;

(D) Name, strength, dosage and the amount of the drug dispensed;

(E) Manufacturer's expiration date;

(F) Name of prescribing veterinarian and veterinary medical facility.

(c) No biological or drug shall be administered or dispensed after the expiration date, for a fee.

(7) A veterinarian shall not use, or participate in the use of, any form of advertising or solicitation which contains a false, deceptive or misleading statement or claim:

(a) Specialty Services: Veterinarians shall not make a statement or claim as a specialist or specialty practice unless the veterinarian is a diplomate of a recognized specialty organization of the American Veterinary Medical Association;

(b) The public shall be informed of their options when an animal will be left unattended in the hospital.

(8) The veterinarian shall be readily available or has arranged for emergency coverage or follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

(9) Euthanasia: Documented consent shall be obtained and a physical exam conducted prior to performing euthanasia. The exam may be limited to the elements necessary for the humane application of the procedure, such as a weight estimate and visual assessment if necessary due to the patient's condition or temperament. When ownership and identification of an animal cannot be reasonably established, the medical record for euthanasia shall contain a physical description of the animal.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.040 & 686.370

Hist.: VME 5-1992, f. & cert. ef. 12-10-92; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 2-2010, f. & cert. ef. 5-6-10; VMEB 4-2011, f. & cert. ef. 8-5-11

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111-050-0080(T)	2-11-2011	Repeal	3-1-2011	123-450-0000	1-3-2011	Adopt	2-1-2011
111-070-0030	2-11-2011	Amend	3-1-2011	123-635-0050	1-3-2011	Repeal	2-1-2011
111-070-0030(T)	2-11-2011	Repeal	3-1-2011	125-300-0200	8-1-2011	Adopt	9-1-2011
111-070-0040	2-11-2011	Amend	3-1-2011	125-700-0012	6-30-2011	Repeal	8-1-2011
111-070-0040(T)	2-11-2011	Repeal	3-1-2011	125-700-0015	6-30-2011	Amend	8-1-2011
111-080-0040	12-10-2010	Adopt	1-1-2011	125-700-0020	6-30-2011	Repeal	8-1-2011
111-080-0040	2-15-2011	Amend(T)	3-1-2011	125-700-0025	6-30-2011	Repeal	8-1-2011
111-080-0040	6-22-2011	Amend	8-1-2011	125-700-0030	6-30-2011	Repeal	8-1-2011
111-080-0040(T)	6-22-2011	Repeal	8-1-2011	125-700-0035	6-30-2011	Repeal	8-1-2011
111-080-0045	12-10-2010	Adopt	1-1-2011	125-700-0040	6-30-2011	Repeal	8-1-2011
111-080-0045	2-15-2011	Amend(T)	3-1-2011	125-700-0045	6-30-2011	Repeal	8-1-2011
111-080-0045	6-22-2011	Amend	8-1-2011	125-700-0050	6-30-2011	Repeal	8-1-2011
111-080-0045(T)	6-22-2011	Repeal	8-1-2011	125-700-0055	6-30-2011	Repeal	8-1-2011
111-080-0050	12-10-2010	Adopt	1-1-2011	125-700-0060	6-30-2011	Repeal	8-1-2011
111-080-0050	2-15-2011	Amend(T)	3-1-2011	125-700-0120	6-30-2011	Adopt	8-1-2011
111-080-0050	6-22-2011	Amend	8-1-2011	125-700-0125	6-30-2011	Adopt	8-1-2011
111-080-0050(T)	6-22-2011	Repeal	8-1-2011	125-700-0130	6-30-2011	Adopt	8-1-2011
115-035-0000	7-1-2011	Amend(T)	8-1-2011	125-700-0135	6-30-2011	Adopt	8-1-2011
115-035-0035	7-1-2011	Amend(T)	8-1-2011	125-700-0140	6-30-2011	Adopt	8-1-2011
115-035-0045	7-1-2011	Amend(T)	8-1-2011	125-700-0145	6-30-2011	Adopt	8-1-2011
115-040-0005	7-1-2011	Amend(T)	8-1-2011	125-700-0150	6-30-2011	Adopt	8-1-2011
115-070-0000	7-1-2011	Amend(T)	8-1-2011	125-700-0155	6-30-2011	Adopt	8-1-2011
115-070-0035	7-1-2011	Amend(T)	8-1-2011	137-020-0150	1-1-2011	Amend	2-1-2011
115-070-0050	7-1-2011	Amend(T)	8-1-2011	137-020-0160	1-1-2011	Amend	2-1-2011
115-080-0010	7-1-2011	Amend(T)	8-1-2011	137-050-0700	1-4-2011	Amend	2-1-2011
123-001-0700	12-1-2010	Amend	1-1-2011	137-050-0700(T)	1-4-2011	Repeal	2-1-2011
123-001-0725	12-1-2010	Amend	1-1-2011	137-050-0745	1-26-2011	Amend(T)	3-1-2011
123-001-0750	12-1-2010	Amend	1-1-2011	137-050-0745	7-1-2011	Amend	8-1-2011
123-042-0010	12-1-2010	Amend	1-1-2011	137-050-0745(T)	7-1-2011	Repeal	8-1-2011
123-042-0020	12-1-2010	Amend	1-1-2011	137-055-1020	3-31-2011	Amend(T)	5-1-2011
123-042-0026	12-1-2010	Amend	1-1-2011	137-055-1020	7-1-2011	Amend	8-1-2011
123-042-0036	12-1-2010	Amend	1-1-2011	137-055-1020(T)	7-1-2011	Repeal	8-1-2011
123-042-0038	12-1-2010	Amend	1-1-2011	137-055-1090	3-31-2011	Amend(T)	5-1-2011
123-042-0045	12-1-2010	Amend	1-1-2011	137-055-1090	7-1-2011	Amend	8-1-2011
123-042-0055	12-1-2010	Amend	1-1-2011	137-055-1090(T)	7-1-2011	Repeal	8-1-2011
123-042-0065	12-1-2010	Amend	1-1-2011	137-055-1120	3-31-2011	Amend(T)	5-1-2011
123-042-0076	12-1-2010	Amend	1-1-2011	137-055-1120	7-1-2011	Amend	8-1-2011
123-042-0122	12-1-2010	Amend	1-1-2011	137-055-1120(T)	7-1-2011	Repeal	8-1-2011
123-042-0132	12-1-2010	Amend	1-1-2011	137-055-1145	3-31-2011	Amend(T)	5-1-2011

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137-055-1145(T)	7-1-2011	Repeal	8-1-2011	137-055-7100	3-31-2011	Amend(T)	5-1-2011
137-055-3220	3-31-2011	Amend(T)	5-1-2011	137-055-7100	7-1-2011	Amend	8-1-2011
137-055-3220	7-1-2011	Amend	8-1-2011	137-055-7100(T)	7-1-2011	Repeal	8-1-2011
137-055-3220(T)	7-1-2011	Repeal	8-1-2011	137-055-7120	3-31-2011	Amend(T)	5-1-2011
137-055-3240	3-31-2011	Amend(T)	5-1-2011	137-055-7120	7-1-2011	Amend	8-1-2011
137-055-3240	7-1-2011	Amend	8-1-2011	137-055-7120(T)	7-1-2011	Repeal	8-1-2011
137-055-3240(T)	7-1-2011	Repeal	8-1-2011	137-055-7140	3-31-2011	Amend(T)	5-1-2011
137-055-3400	3-31-2011	Amend(T)	5-1-2011	137-055-7140	7-1-2011	Amend	8-1-2011
137-055-3400	7-1-2011	Amend	8-1-2011	137-055-7140(T)	7-1-2011	Repeal	8-1-2011
137-055-3400(T)	7-1-2011	Repeal	8-1-2011	137-055-7160	3-31-2011	Amend(T)	5-1-2011
137-055-3420	3-31-2011	Amend(T)	5-1-2011	137-055-7160	7-1-2011	Amend	8-1-2011
137-055-3420	7-1-2011	Amend	8-1-2011	137-055-7160(T)	7-1-2011	Repeal	8-1-2011
137-055-3420(T)	7-1-2011	Repeal	8-1-2011	137-055-7180	3-31-2011	Amend(T)	5-1-2011
137-055-3430	12-27-2010	Amend	2-1-2011	137-055-7180	7-1-2011	Amend	8-1-2011
137-055-3430(T)	12-27-2010	Repeal	2-1-2011	137-055-7180(T)	7-1-2011	Repeal	8-1-2011
137-055-4040	3-31-2011	Amend(T)	5-1-2011	137-055-7190	3-31-2011	Amend(T)	5-1-2011
137-055-4040	7-1-2011	Amend	8-1-2011	137-055-7190	7-1-2011	Amend	8-1-2011
137-055-4040(T)	7-1-2011	Repeal	8-1-2011	137-055-7190(T)	7-1-2011	Repeal	8-1-2011
137-055-4060	7-1-2011	Amend	8-1-2011	137-078-0000	12-1-2010	Amend	1-1-2011
137-055-4080	7-1-2011	Amend(T)	8-1-2011	137-078-0000(T)	12-1-2010	Repeal	1-1-2011
137-055-4100	7-1-2011	Repeal	8-1-2011	137-078-0005	12-1-2010	Amend	1-1-2011
137-055-4110	7-1-2011	Repeal	8-1-2011	137-078-0005(T)	12-1-2010	Repeal	1-1-2011
137-055-4120	7-1-2011	Repeal	8-1-2011	137-078-0010	12-1-2010	Amend	1-1-2011
137-055-4180	7-1-2011	Repeal	8-1-2011	137-078-0010(T)	12-1-2010	Repeal	1-1-2011
137-055-4455	3-31-2011	Amend(T)	5-1-2011	137-078-0015	12-1-2010	Amend	1-1-2011
137-055-4455	7-1-2011	Amend	8-1-2011	137-078-0015(T)	12-1-2010	Repeal	1-1-2011
137-055-4455(T)	7-1-2011	Repeal	8-1-2011	137-078-0020	12-1-2010	Amend	1-1-2011
137-055-4540	3-31-2011	Amend(T)	5-1-2011	137-078-0020(T)	12-1-2010	Repeal	1-1-2011
137-055-4540	7-1-2011	Amend	8-1-2011	137-078-0025	12-1-2010	Amend	1-1-2011
137-055-4540(T)	7-1-2011	Repeal	8-1-2011	137-078-0025(T)	12-1-2010	Repeal	1-1-2011
137-055-5020	7-1-2011	Repeal	8-1-2011	137-078-0030	12-1-2010	Amend	1-1-2011
137-055-5060	7-1-2011	Amend	8-1-2011	137-078-0030(T)	12-1-2010	Repeal	1-1-2011
137-055-5080	3-31-2011	Amend(T)	5-1-2011	137-078-0035	12-1-2010	Amend	1-1-2011
137-055-5080	7-1-2011	Amend	8-1-2011	137-078-0035(T)	12-1-2010	Repeal	1-1-2011
137-055-5080(T)	7-1-2011	Repeal	8-1-2011	137-078-0040	12-1-2010	Amend	1-1-2011
137-055-5220	3-31-2011	Amend(T)	5-1-2011	137-078-0040(T)	12-1-2010	Repeal	1-1-2011
137-055-5220	7-1-2011	Amend	8-1-2011	137-078-0041	12-1-2010	Adopt	1-1-2011
137-055-5220(T)	7-1-2011	Repeal	8-1-2011	137-078-0041(T)	12-1-2010	Repeal	1-1-2011
137-055-5240	3-31-2011	Amend(T)	5-1-2011	137-078-0045	12-1-2010	Amend	1-1-2011
137-055-5240	7-1-2011	Amend	8-1-2011	137-078-0045(T)	12-1-2010	Repeal	1-1-2011
137-055-5240(T)	7-1-2011	Repeal	8-1-2011	137-078-0050	12-1-2010	Amend	1-1-2011
137-055-6023	7-1-2011	Amend	8-1-2011	137-078-0050(T)	12-1-2010	Repeal	1-1-2011
137-055-6120	3-31-2011	Amend(T)	5-1-2011	137-078-0051	12-1-2010	Adopt	1-1-2011
137-055-6120	7-1-2011	Amend	8-1-2011	137-078-0051(T)	12-1-2010	Repeal	1-1-2011
137-055-6120(T)	7-1-2011	Repeal	8-1-2011	137-082-0210	4-1-2011	Amend	5-1-2011
137-055-7020	3-31-2011	Amend(T)	5-1-2011	137-082-0220	4-1-2011	Amend	5-1-2011
137-055-7020	7-1-2011	Amend	8-1-2011	137-082-0230	4-1-2011	Amend	5-1-2011
137-055-7020(T)	7-1-2011	Repeal	8-1-2011	137-082-0240	4-1-2011	Amend	5-1-2011
137-055-7040	3-31-2011	Amend(T)	5-1-2011	137-082-0250	4-1-2011	Amend	5-1-2011
137-055-7040	7-1-2011	Amend	8-1-2011	137-082-0260	4-1-2011	Amend	5-1-2011
137-055-7040(T)	7-1-2011	Repeal	8-1-2011	137-082-0270	4-1-2011	Amend	5-1-2011
137-055-7060	3-31-2011	Amend(T)	5-1-2011	137-082-0280	4-1-2011	Amend	5-1-2011
137-055-7060	7-1-2011	Amend	8-1-2011	137-083-0000	4-1-2011	Amend	5-1-2011
137-055-7060(T)	7-1-2011	Repeal	8-1-2011	137-083-0010	4-1-2011	Amend	5-1-2011
137-055-7080	3-31-2011	Suspend	5-1-2011	137-083-0020	4-1-2011	Amend	5-1-2011

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141-089-0600	3-1-2011	Repeal	4-1-2011	141-093-0115	3-1-2011	Adopt	4-1-2011
141-089-0605	3-1-2011	Repeal	4-1-2011	141-093-0120	3-1-2011	Adopt	4-1-2011
141-089-0607	3-1-2011	Repeal	4-1-2011	141-093-0125	3-1-2011	Adopt	4-1-2011
141-089-0610	3-1-2011	Repeal	4-1-2011	141-093-0130	3-1-2011	Adopt	4-1-2011
141-089-0615	3-1-2011	Repeal	4-1-2011	141-093-0135	3-1-2011	Adopt	4-1-2011
141-089-0620	3-1-2011	Adopt	4-1-2011	141-093-0140	3-1-2011	Adopt	4-1-2011
141-089-0625	3-1-2011	Adopt	4-1-2011	141-093-0141	3-1-2011	Adopt	4-1-2011
141-089-0630	3-1-2011	Adopt	4-1-2011	141-093-0145	3-1-2011	Adopt	4-1-2011
141-089-0635	3-1-2011	Adopt	4-1-2011	141-093-0150	3-1-2011	Adopt	4-1-2011
141-089-0640	3-1-2011	Adopt	4-1-2011	141-093-0151	3-1-2011	Adopt	4-1-2011
141-089-0645	3-1-2011	Adopt	4-1-2011	141-093-0155	3-1-2011	Adopt	4-1-2011
141-089-0650	3-1-2011	Adopt	4-1-2011	141-093-0160	3-1-2011	Adopt	4-1-2011
141-089-0655	3-1-2011	Adopt	4-1-2011	141-093-0165	3-1-2011	Adopt	4-1-2011
141-089-0656	3-1-2011	Adopt	4-1-2011	141-093-0170	3-1-2011	Adopt	4-1-2011
141-089-0660	3-1-2011	Adopt	4-1-2011	141-093-0175	3-1-2011	Adopt	4-1-2011
141-089-0665	3-1-2011	Adopt	4-1-2011	141-100-0000	3-1-2011	Am. & Ren.	4-1-2011
141-089-0670	3-1-2011	Adopt	4-1-2011	141-100-0010	3-1-2011	Amend	4-1-2011
141-089-0675	3-1-2011	Adopt	4-1-2011	141-100-0020	3-1-2011	Amend	4-1-2011
141-089-0680	3-1-2011	Adopt	4-1-2011	141-100-0030	3-1-2011	Amend	4-1-2011
141-089-0685	3-1-2011	Adopt	4-1-2011	141-100-0035	3-1-2011	Adopt	4-1-2011
141-089-0690	3-1-2011	Adopt	4-1-2011	141-100-0040	3-1-2011	Amend	4-1-2011
141-089-0695	3-1-2011	Adopt	4-1-2011	141-100-0050	3-1-2011	Am. & Ren.	4-1-2011
141-089-0700	3-1-2011	Adopt	4-1-2011	141-100-0052	3-1-2011	Adopt	4-1-2011
141-089-0705	3-1-2011	Adopt	4-1-2011	141-100-0055	3-1-2011	Amend	4-1-2011
141-089-0710	3-1-2011	Adopt	4-1-2011	141-100-0060	3-1-2011	Amend	4-1-2011
141-089-0715	3-1-2011	Adopt	4-1-2011	141-100-0070	3-1-2011	Amend	4-1-2011
141-089-0720	3-1-2011	Adopt	4-1-2011	141-100-0080	3-1-2011	Amend	4-1-2011
141-089-0725	3-1-2011	Adopt	4-1-2011	141-100-0090	3-1-2011	Amend	4-1-2011
141-089-0730	3-1-2011	Adopt	4-1-2011	150-280.075	1-1-2011	Amend	2-1-2011
141-089-0735	3-1-2011	Adopt	4-1-2011	150-293.525(1)(b)	1-1-2011	Amend	2-1-2011
141-089-0740	3-1-2011	Adopt	4-1-2011	150-294.175(2)-(B)	1-1-2011	Amend	2-1-2011
141-089-0745	3-1-2011	Adopt	4-1-2011	150-307.126	1-1-2011	Adopt	2-1-2011
141-089-0750	3-1-2011	Adopt	4-1-2011	150-311.160	1-1-2011	Repeal	2-1-2011
141-089-0755	3-1-2011	Adopt	4-1-2011	150-314.402(1)	1-1-2011	Amend	2-1-2011
141-089-0760	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A)	12-1-2010	Amend(T)	1-1-2011
141-089-0765	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A)	3-21-2011	Amend	5-1-2011
141-089-0770	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(A) (Temp)	3-21-2011	Repeal	5-1-2011
141-089-0775	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C)	12-1-2010	Suspend	1-1-2011
141-089-0780	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C)	3-21-2011	Adopt	5-1-2011
141-089-0785	3-1-2011	Adopt	4-1-2011	150-314.665(2)-(C) (Temp)	3-21-2011	Repeal	5-1-2011
141-089-0790	3-1-2011	Adopt	4-1-2011	150-314.760	1-1-2011	Repeal	2-1-2011
141-089-0795	3-1-2011	Adopt	4-1-2011	150-315.354	12-17-2010	Amend(T)	2-1-2011
141-089-0800	3-1-2011	Adopt	4-1-2011	150-316.587(8)-(A)	1-1-2011	Amend	2-1-2011
141-089-0805	3-1-2011	Adopt	4-1-2011	150-316.OL2010.CH66	1-1-2011	Adopt	2-1-2011
141-089-0810	3-1-2011	Adopt	4-1-2011	150-323.500(9)	1-1-2011	Amend	2-1-2011
141-089-0815	3-1-2011	Adopt	4-1-2011	150-323.500(9) (T)	1-1-2011	Repeal	2-1-2011
141-089-0820	3-1-2011	Adopt	4-1-2011	150-465.101(5)-(B)	1-1-2011	Adopt	2-1-2011
141-089-0825	3-1-2011	Adopt	4-1-2011	150-465.101(5)-(B) (T)	1-1-2011	Repeal	2-1-2011
141-089-0830	3-1-2011	Adopt	4-1-2011	161-006-0025	7-1-2011	Amend(T)	6-1-2011
141-089-0835	3-1-2011	Adopt	4-1-2011	162-001-0010	1-27-2011	Repeal	3-1-2011
141-093-0100	3-1-2011	Adopt	4-1-2011	162-010-0030	1-27-2011	Amend	3-1-2011
141-093-0103	3-1-2011	Adopt	4-1-2011	162-011-0000	1-27-2011	Repeal	3-1-2011
141-093-0104	3-1-2011	Adopt	4-1-2011	162-011-0010	1-27-2011	Repeal	3-1-2011
141-093-0105	3-1-2011	Adopt	4-1-2011	162-011-0020	1-27-2011	Repeal	3-1-2011
141-093-0107	3-1-2011	Adopt	4-1-2011	162-011-0030	1-27-2011	Repeal	3-1-2011

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162-012-0000	1-27-2011	Repeal	3-1-2011	165-001-0016	4-8-2011	Adopt	5-1-2011
162-012-0010	1-27-2011	Repeal	3-1-2011	165-001-0034	4-8-2011	Adopt	5-1-2011
162-012-0020	1-27-2011	Repeal	3-1-2011	165-001-0036	4-8-2011	Adopt	5-1-2011
162-012-0030	1-27-2011	Repeal	3-1-2011	165-001-0040	4-8-2011	Amend	5-1-2011
162-012-0040	1-27-2011	Repeal	3-1-2011	165-001-0050	7-12-2011	Amend	8-1-2011
162-012-0050	1-27-2011	Repeal	3-1-2011	165-005-0055	7-12-2011	Amend	8-1-2011
162-013-0000	1-27-2011	Repeal	3-1-2011	165-005-0065	7-12-2011	Amend	8-1-2011
162-013-0010	1-27-2011	Repeal	3-1-2011	165-010-0005	2-4-2011	Amend	3-1-2011
162-013-0020	1-27-2011	Repeal	3-1-2011	165-012-0005	4-8-2011	Amend	5-1-2011
162-013-0030	1-27-2011	Repeal	3-1-2011	165-012-0005	7-12-2011	Amend	8-1-2011
162-013-0040	1-27-2011	Repeal	3-1-2011	165-013-0010	4-8-2011	Amend	5-1-2011
162-013-0050	1-27-2011	Repeal	3-1-2011	165-014-0100	8-1-2011	Amend	9-1-2011
162-013-0060	1-27-2011	Repeal	3-1-2011	165-014-0260	8-11-2011	Amend	9-1-2011
162-014-0000	1-27-2011	Repeal	3-1-2011	165-014-0275	8-4-2011	Amend	9-1-2011
162-014-0010	1-27-2011	Repeal	3-1-2011	165-020-0005	2-4-2011	Amend	3-1-2011
162-014-0020	1-27-2011	Repeal	3-1-2011	165-020-2027	2-11-2011	Adopt(T)	3-1-2011
162-014-0030	1-27-2011	Repeal	3-1-2011	165-020-2028	2-18-2011	Adopt(T)	4-1-2011
162-014-0040	1-27-2011	Repeal	3-1-2011	165-020-2029	2-18-2011	Adopt(T)	4-1-2011
162-014-0050	1-27-2011	Repeal	3-1-2011	165-020-2030	2-22-2011	Adopt(T)	4-1-2011
162-014-0060	1-27-2011	Repeal	3-1-2011	165-020-2031	3-8-2011	Adopt(T)	4-1-2011
162-014-0070	1-27-2011	Repeal	3-1-2011	166-030-0060	7-15-2011	Amend(T)	8-1-2011
162-014-0080	1-27-2011	Repeal	3-1-2011	166-500-0040	6-10-2011	Amend(T)	7-1-2011
162-014-0090	1-27-2011	Repeal	3-1-2011	166-500-0040	7-1-2011	Amend(T)	8-1-2011
162-014-0100	1-27-2011	Repeal	3-1-2011	166-500-0040(T)	7-1-2011	Suspend	8-1-2011
162-014-0110	1-27-2011	Repeal	3-1-2011	170-061-0015	2-28-2011	Amend	4-1-2011
162-014-0120	1-27-2011	Repeal	3-1-2011	170-062-0000	12-1-2010	Amend(T)	1-1-2011
162-014-0130	1-27-2011	Repeal	3-1-2011	170-062-0000	4-1-2011	Amend	5-1-2011
162-014-0140	1-27-2011	Repeal	3-1-2011	170-062-0000(T)	4-1-2011	Repeal	5-1-2011
162-014-0150	1-27-2011	Repeal	3-1-2011	172-001-0005	1-10-2011	Amend	2-1-2011
162-014-0160	1-27-2011	Repeal	3-1-2011	172-005-0000	1-10-2011	Amend	2-1-2011
162-014-0170	1-27-2011	Repeal	3-1-2011	172-005-0010	1-10-2011	Amend	2-1-2011
162-014-0180	1-27-2011	Repeal	3-1-2011	172-005-0020	1-10-2011	Amend	2-1-2011
162-014-0190	1-27-2011	Repeal	3-1-2011	172-005-0030	1-10-2011	Amend	2-1-2011
162-014-0200	1-27-2011	Repeal	3-1-2011	172-005-0040	1-10-2011	Amend	2-1-2011
162-014-0210	1-27-2011	Repeal	3-1-2011	172-005-0050	1-10-2011	Amend	2-1-2011
162-014-0220	1-27-2011	Repeal	3-1-2011	172-005-0060	1-10-2011	Amend	2-1-2011
162-014-0230	1-27-2011	Repeal	3-1-2011	172-005-0065	1-10-2011	Adopt	2-1-2011
162-014-0240	1-27-2011	Repeal	3-1-2011	172-005-0070	1-10-2011	Amend	2-1-2011
162-015-0000	1-27-2011	Repeal	3-1-2011	177-040-0000	1-1-2011	Amend	2-1-2011
162-015-0010	1-27-2011	Repeal	3-1-2011	177-040-0001	1-1-2011	Amend	2-1-2011
162-015-0020	1-27-2011	Repeal	3-1-2011	177-040-0003	1-1-2011	Amend	2-1-2011
162-015-0030	1-27-2011	Repeal	3-1-2011	177-040-0005	5-1-2011	Amend	6-1-2011
162-015-0040	1-27-2011	Repeal	3-1-2011	177-040-0024	1-1-2011	Adopt	2-1-2011
162-015-0050	1-27-2011	Repeal	3-1-2011	177-040-0070	1-1-2011	Amend	2-1-2011
162-015-0060	1-27-2011	Repeal	3-1-2011	177-045-0000	5-1-2011	Amend	6-1-2011
162-015-0070	1-27-2011	Repeal	3-1-2011	177-045-0010	5-1-2011	Amend	6-1-2011
162-015-0080	1-27-2011	Repeal	3-1-2011	177-051-0000	8-1-2011	Amend	9-1-2011
162-015-0090	1-27-2011	Repeal	3-1-2011	177-051-0010	8-1-2011	Amend	9-1-2011
162-015-0100	1-27-2011	Repeal	3-1-2011	177-051-0020	8-1-2011	Repeal	9-1-2011
162-015-0110	1-27-2011	Repeal	3-1-2011	177-051-0030	8-1-2011	Amend	9-1-2011
162-015-0120	1-27-2011	Repeal	3-1-2011	177-051-0035	8-1-2011	Adopt	9-1-2011
162-015-0130	1-27-2011	Repeal	3-1-2011	177-051-0040	8-1-2011	Amend	9-1-2011
162-016-0000	1-27-2011	Repeal	3-1-2011	177-051-0050	8-1-2011	Repeal	9-1-2011
165-001-0009	4-8-2011	Adopt	5-1-2011	177-051-0060	8-1-2011	Repeal	9-1-2011
165-001-0015	4-8-2011	Amend	5-1-2011	177-051-0070	8-1-2011	Repeal	9-1-2011

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177-051-0090	8-1-2011	Repeal	9-1-2011	255-020-0015	3-4-2011	Amend	4-1-2011
177-051-0100	8-1-2011	Repeal	9-1-2011	255-030-0027	12-1-2010	Amend	1-1-2011
177-051-0110	8-1-2011	Repeal	9-1-2011	255-030-0027(T)	12-1-2010	Repeal	1-1-2011
177-051-0120	8-1-2011	Amend	9-1-2011	255-032-0036	5-26-2011	Adopt(T)	7-1-2011
177-051-0130	8-1-2011	Amend	9-1-2011	255-036-0005	6-23-2011	Amend	8-1-2011
177-085-0065	12-12-2010	Amend	1-1-2011	255-036-0010	6-23-2011	Amend	8-1-2011
177-094-0080	12-1-2010	Amend	1-1-2011	255-036-0020	6-23-2011	Amend	8-1-2011
177-098-0010	12-12-2010	Amend	1-1-2011	255-036-0025	6-23-2011	Amend	8-1-2011
177-098-0040	12-12-2010	Amend	1-1-2011	255-036-0030	6-23-2011	Amend	8-1-2011
177-098-0060	12-12-2010	Amend	1-1-2011	255-060-0018	1-11-2011	Adopt	2-1-2011
177-098-0110	12-12-2010	Amend	1-1-2011	255-080-0001	12-1-2010	Amend	1-1-2011
177-099-0100	3-1-2011	Adopt	4-1-2011	255-080-0005	12-1-2010	Amend	1-1-2011
190-001-0000	12-1-2010	Repeal	1-1-2011	255-080-0008	12-1-2010	Adopt	1-1-2011
190-001-0005	12-1-2010	Repeal	1-1-2011	255-080-0008	12-1-2010	Amend	1-1-2011
190-010-0000	1-3-2011	Repeal	2-1-2011	255-080-0011	12-1-2010	Amend	1-1-2011
190-010-0005	1-3-2011	Repeal	2-1-2011	257-010-0015	2-28-2011	Amend	3-1-2011
190-010-0010	1-3-2011	Repeal	2-1-2011	257-010-0015(T)	2-28-2011	Repeal	3-1-2011
190-010-0015	1-3-2011	Repeal	2-1-2011	257-010-0020	2-28-2011	Amend	3-1-2011
190-010-0020	1-3-2011	Repeal	2-1-2011	257-010-0020(T)	2-28-2011	Repeal	3-1-2011
190-010-0025	1-3-2011	Repeal	2-1-2011	257-010-0025	2-28-2011	Amend	3-1-2011
190-010-0030	1-3-2011	Repeal	2-1-2011	257-010-0025(T)	2-28-2011	Repeal	3-1-2011
190-010-0035	1-3-2011	Am. & Ren.	2-1-2011	257-010-0045	2-28-2011	Amend	3-1-2011
190-010-0040	1-3-2011	Repeal	2-1-2011	257-010-0045(T)	2-28-2011	Repeal	3-1-2011
213-013-0010	1-1-2012	Amend	1-1-2011	257-010-0050	2-28-2011	Amend	3-1-2011
213-017-0006	12-26-2010	Amend	1-1-2011	257-010-0050(T)	2-28-2011	Repeal	3-1-2011
213-017-0006(T)	12-26-2010	Repeal	1-1-2011	257-010-0055	2-28-2011	Amend	3-1-2011
213-070-0000	1-1-2011	Adopt	1-1-2011	257-010-0055(T)	2-28-2011	Repeal	3-1-2011
213-070-0005	1-1-2011	Adopt	1-1-2011	257-050-0200	3-8-2011	Amend	4-1-2011
213-070-0010	1-1-2011	Adopt	1-1-2011	259-008-0010	6-28-2011	Amend	8-1-2011
213-070-0020	1-1-2011	Adopt	1-1-2011	259-008-0011	12-23-2010	Amend	2-1-2011
213-070-0030	1-1-2011	Adopt	1-1-2011	259-008-0011	6-28-2011	Amend	8-1-2011
213-070-0040	1-1-2011	Adopt	1-1-2011	259-008-0011(T)	12-23-2010	Repeal	2-1-2011
213-070-0050	1-1-2011	Adopt	1-1-2011	259-008-0025	5-1-2011	Amend	5-1-2011
250-010-0430	2-1-2011	Amend	2-1-2011	259-008-0060	6-24-2011	Amend	8-1-2011
250-010-0450	2-1-2011	Amend	2-1-2011	259-008-0070	7-1-2011	Amend	8-1-2011
250-010-0650	2-1-2011	Amend	2-1-2011	259-008-0072	6-30-2011	Repeal	8-1-2011
250-020-0151	1-3-2011	Amend(T)	2-1-2011	259-009-0005	5-1-2011	Amend	5-1-2011
250-020-0151	5-2-2011	Amend	6-1-2011	259-009-0005	8-1-2011	Amend	9-1-2011
250-020-0151(T)	5-2-2011	Repeal	6-1-2011	259-009-0062	5-1-2011	Amend	5-1-2011
250-020-0221	4-8-2011	Amend(T)	5-1-2011	259-009-0070	4-1-2011	Amend	4-1-2011
250-020-0221	7-1-2011	Amend(T)	8-1-2011	259-009-0070	7-1-2011	Amend	8-1-2011
250-020-0221(T)	8-5-2011	Suspend	9-1-2011	259-009-0072	6-30-2011	Repeal	8-1-2011
250-020-0241	5-2-2011	Amend	6-1-2011	259-020-0030	6-23-2011	Amend	8-1-2011
250-020-0280	5-25-2011	Amend	4-1-2011	259-020-0031	6-13-2011	Amend(T)	7-1-2011
250-020-0280	6-1-2011	Amend	6-1-2011	259-020-0031	8-1-2011	Amend	9-1-2011
250-020-0280	6-15-2011	Amend(T)	6-1-2011	259-020-0031	8-1-2011	Repeal	9-1-2011
250-021-0040	1-3-2011	Amend(T)	2-1-2011	259-025-0000	6-1-2011	Amend	6-1-2011
250-021-0040	5-2-2011	Amend	6-1-2011	259-060-0305	6-30-2011	Repeal	8-1-2011
250-021-0040(T)	5-2-2011	Repeal	6-1-2011	259-060-0500	7-1-2011	Amend(T)	7-1-2011
255-001-0005	1-11-2011	Amend	2-1-2011	259-060-0500	8-1-2011	Amend	9-1-2011
255-001-0010	1-11-2011	Amend	2-1-2011	259-060-0500	8-1-2011	Repeal	9-1-2011
255-001-0016	1-11-2011	Amend	2-1-2011	274-031-0001	3-24-2011	Adopt	5-1-2011
255-005-0005	12-1-2010	Amend	1-1-2011	274-031-0002	3-24-2011	Adopt	5-1-2011
255-005-0005(T)	12-1-2010	Repeal	1-1-2011	274-031-0003	3-24-2011	Adopt	5-1-2011
255-015-0015	12-1-2010	Amend	1-1-2011	274-031-0004	3-24-2011	Adopt	5-1-2011

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274-031-0006	3-24-2011	Adopt	5-1-2011	291-035-0005	7-15-2011	Amend	8-1-2011
274-031-0007	3-24-2011	Adopt	5-1-2011	291-035-0010	7-15-2011	Amend	8-1-2011
274-031-0008	3-24-2011	Adopt	5-1-2011	291-035-0011	7-15-2011	Adopt	8-1-2011
274-031-0009	3-24-2011	Adopt	5-1-2011	291-035-0015	7-15-2011	Amend	8-1-2011
291-006-0005	3-1-2011	Amend	4-1-2011	291-048-0100	12-13-2010	Am. & Ren.(T)	1-1-2011
291-006-0011	3-1-2011	Adopt	4-1-2011	291-048-0100	4-1-2011	Am. & Ren.	5-1-2011
291-006-0012	3-1-2011	Adopt	4-1-2011	291-048-0100(T)	4-1-2011	Repeal	5-1-2011
291-006-0015	3-1-2011	Amend	4-1-2011	291-048-0110	12-13-2010	Am. & Ren.(T)	1-1-2011
291-006-0020	3-1-2011	Repeal	4-1-2011	291-048-0110	4-1-2011	Am. & Ren.	5-1-2011
291-006-0025	3-1-2011	Repeal	4-1-2011	291-048-0110(T)	4-1-2011	Repeal	5-1-2011
291-006-0031	3-1-2011	Adopt	4-1-2011	291-048-0115	12-13-2010	Am. & Ren.(T)	1-1-2011
291-006-0035	3-1-2011	Adopt	4-1-2011	291-048-0115	4-1-2011	Am. & Ren.	5-1-2011
291-006-0040	3-1-2011	Adopt	4-1-2011	291-048-0115(T)	4-1-2011	Repeal	5-1-2011
291-006-0045	3-1-2011	Adopt	4-1-2011	291-048-0120	12-13-2010	Suspend	1-1-2011
291-015-0100	11-19-2010	Amend	1-1-2011	291-048-0120	4-1-2011	Repeal	5-1-2011
291-015-0100(T)	11-19-2010	Repeal	1-1-2011	291-048-0130	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0105	11-19-2010	Amend	1-1-2011	291-048-0130	4-1-2011	Am. & Ren.	5-1-2011
291-015-0105(T)	11-19-2010	Repeal	1-1-2011	291-048-0130(T)	4-1-2011	Repeal	5-1-2011
291-015-0110	11-19-2010	Amend	1-1-2011	291-048-0140	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0110(T)	11-19-2010	Repeal	1-1-2011	291-048-0140	4-1-2011	Am. & Ren.	5-1-2011
291-015-0115	11-19-2010	Amend	1-1-2011	291-048-0140(T)	4-1-2011	Repeal	5-1-2011
291-015-0115(T)	11-19-2010	Repeal	1-1-2011	291-048-0150	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0120	11-19-2010	Amend	1-1-2011	291-048-0150	4-1-2011	Am. & Ren.	5-1-2011
291-015-0120(T)	11-19-2010	Repeal	1-1-2011	291-048-0150(T)	4-1-2011	Repeal	5-1-2011
291-015-0125	11-19-2010	Amend	1-1-2011	291-048-0160	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0125(T)	11-19-2010	Repeal	1-1-2011	291-048-0160	4-1-2011	Am. & Ren.	5-1-2011
291-015-0130	11-19-2010	Repeal	1-1-2011	291-048-0160(T)	4-1-2011	Repeal	5-1-2011
291-015-0135	11-19-2010	Amend	1-1-2011	291-048-0170	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0135(T)	11-19-2010	Repeal	1-1-2011	291-048-0170	4-1-2011	Am. & Ren.	5-1-2011
291-015-0140	11-19-2010	Repeal	1-1-2011	291-048-0170(T)	4-1-2011	Repeal	5-1-2011
291-015-0145	11-19-2010	Repeal	1-1-2011	291-048-0180	12-13-2010	Suspend	1-1-2011
291-015-0150	11-19-2010	Repeal	1-1-2011	291-048-0180	4-1-2011	Repeal	5-1-2011
291-019-0047	7-15-2011	Repeal	8-1-2011	291-048-0190	12-13-2010	Am. & Ren.(T)	1-1-2011
291-019-0110	7-15-2011	Amend	8-1-2011	291-048-0190	4-1-2011	Am. & Ren.	5-1-2011
291-019-0130	7-15-2011	Amend	8-1-2011	291-048-0190(T)	4-1-2011	Repeal	5-1-2011
291-019-0150	7-15-2011	Amend	8-1-2011	291-048-0230	12-13-2010	Adopt(T)	1-1-2011
291-024-0005	5-31-2011	Amend(T)	7-1-2011	291-048-0230	4-1-2011	Adopt	5-1-2011
291-024-0010	5-31-2011	Amend(T)	7-1-2011	291-048-0230(T)	4-1-2011	Repeal	5-1-2011
291-024-0015	5-31-2011	Amend(T)	7-1-2011	291-048-0240	12-13-2010	Adopt(T)	1-1-2011
291-024-0016	5-31-2011	Amend(T)	7-1-2011	291-048-0240	4-1-2011	Adopt	5-1-2011
291-024-0020	5-31-2011	Amend(T)	7-1-2011	291-048-0240(T)	4-1-2011	Repeal	5-1-2011
291-024-0025	5-31-2011	Amend(T)	7-1-2011	291-048-0270	12-13-2010	Adopt(T)	1-1-2011
291-024-0055	5-31-2011	Amend(T)	7-1-2011	291-048-0270	4-1-2011	Adopt	5-1-2011
291-024-0060	5-31-2011	Amend(T)	7-1-2011	291-048-0270(T)	4-1-2011	Repeal	5-1-2011
291-024-0066	5-31-2011	Amend(T)	7-1-2011	291-048-0280	12-13-2010	Adopt(T)	1-1-2011
291-024-0071	5-31-2011	Amend(T)	7-1-2011	291-048-0280	4-1-2011	Adopt	5-1-2011
291-024-0080	5-31-2011	Amend(T)	7-1-2011	291-048-0280(T)	4-1-2011	Repeal	5-1-2011
291-027-0020	5-2-2011	Amend	6-1-2011	291-048-0320	12-13-2010	Adopt(T)	1-1-2011
291-027-0030	5-2-2011	Amend	6-1-2011	291-048-0320	4-1-2011	Adopt	5-1-2011
291-027-0040	5-2-2011	Amend	6-1-2011	291-048-0320(T)	4-1-2011	Repeal	5-1-2011
291-027-0050	5-2-2011	Amend	6-1-2011	291-063-0010	12-1-2010	Amend(T)	1-1-2011
291-027-0055	5-2-2011	Adopt	6-1-2011	291-063-0010	6-2-2011	Amend	7-1-2011
291-027-0060	5-2-2011	Repeal	6-1-2011	291-063-0010(T)	6-2-2011	Repeal	7-1-2011
291-027-0065	5-2-2011	Adopt	6-1-2011	291-063-0016	12-1-2010	Amend(T)	1-1-2011
291-027-0070	5-2-2011	Amend	6-1-2011	291-063-0016	6-2-2011	Amend	7-1-2011

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291-063-0030	12-1-2010	Amend(T)	1-1-2011	291-131-0035	8-15-2011	Amend	9-1-2011
291-063-0030	6-2-2011	Amend	7-1-2011	291-131-0037	4-1-2011	Amend(T)	4-1-2011
291-063-0030(T)	6-2-2011	Repeal	7-1-2011	291-131-0037	8-15-2011	Amend	9-1-2011
291-097-0010	4-8-2011	Amend	5-1-2011	291-180-0115	3-4-2011	Suspend	4-1-2011
291-097-0010(T)	4-8-2011	Repeal	5-1-2011	291-180-0125	3-4-2011	Suspend	4-1-2011
291-097-0020	4-8-2011	Amend	5-1-2011	291-180-0135	3-4-2011	Suspend	4-1-2011
291-097-0020(T)	4-8-2011	Repeal	5-1-2011	291-180-0145	3-4-2011	Suspend	4-1-2011
291-097-0025	4-8-2011	Amend	5-1-2011	291-180-0155	3-4-2011	Suspend	4-1-2011
291-097-0025(T)	4-8-2011	Repeal	5-1-2011	291-180-0165	3-4-2011	Suspend	4-1-2011
291-097-0031	4-8-2011	Adopt	5-1-2011	291-180-0175	3-4-2011	Suspend	4-1-2011
291-097-0040	4-8-2011	Amend	5-1-2011	291-180-0185	3-4-2011	Suspend	4-1-2011
291-097-0040(T)	4-8-2011	Repeal	5-1-2011	291-180-0195	3-4-2011	Suspend	4-1-2011
291-097-0050	4-8-2011	Amend	5-1-2011	291-180-0205	3-4-2011	Suspend	4-1-2011
291-097-0050(T)	4-8-2011	Repeal	5-1-2011	291-180-0215	3-4-2011	Suspend	4-1-2011
291-105-0005	6-10-2011	Amend(T)	7-1-2011	291-180-0225	3-4-2011	Suspend	4-1-2011
291-105-0100	6-10-2011	Amend(T)	7-1-2011	291-180-0235	3-4-2011	Suspend	4-1-2011
291-109-0100	3-1-2011	Amend	4-1-2011	291-180-0245	3-4-2011	Suspend	4-1-2011
291-109-0110	3-1-2011	Amend	4-1-2011	291-180-0251	3-4-2011	Adopt(T)	4-1-2011
291-109-0120	3-1-2011	Amend	4-1-2011	291-180-0255	3-4-2011	Suspend	4-1-2011
291-109-0125	3-1-2011	Adopt	4-1-2011	291-180-0261	3-4-2011	Adopt(T)	4-1-2011
291-109-0140	3-1-2011	Amend	4-1-2011	291-180-0285	3-4-2011	Suspend	4-1-2011
291-109-0150	3-1-2011	Amend	4-1-2011	291-180-0295	3-4-2011	Suspend	4-1-2011
291-109-0160	3-1-2011	Amend	4-1-2011	291-180-0305	3-4-2011	Suspend	4-1-2011
291-109-0170	3-1-2011	Amend	4-1-2011	291-180-0315	3-4-2011	Suspend	4-1-2011
291-109-0180	3-1-2011	Amend	4-1-2011	291-180-0325	3-4-2011	Suspend	4-1-2011
291-109-0190	3-1-2011	Amend	4-1-2011	291-180-0335	3-4-2011	Suspend	4-1-2011
291-124-0005	11-19-2010	Amend	1-1-2011	291-180-0345	3-4-2011	Suspend	4-1-2011
291-124-0010	11-19-2010	Amend	1-1-2011	291-180-0355	3-4-2011	Suspend	4-1-2011
291-124-0015	11-19-2010	Repeal	1-1-2011	291-180-0365	3-4-2011	Suspend	4-1-2011
291-124-0016	11-19-2010	Adopt	1-1-2011	291-180-0375	3-4-2011	Suspend	4-1-2011
291-124-0017	11-19-2010	Adopt	1-1-2011	291-180-0385	3-4-2011	Suspend	4-1-2011
291-124-0020	11-19-2010	Amend	1-1-2011	291-180-0395	3-4-2011	Suspend	4-1-2011
291-124-0025	11-19-2010	Repeal	1-1-2011	291-180-0405	3-4-2011	Suspend	4-1-2011
291-124-0030	11-19-2010	Amend	1-1-2011	291-180-0415	3-4-2011	Suspend	4-1-2011
291-124-0035	11-19-2010	Amend	1-1-2011	291-180-0425	3-4-2011	Suspend	4-1-2011
291-124-0041	11-19-2010	Amend	1-1-2011	291-180-0435	3-4-2011	Suspend	4-1-2011
291-124-0055	11-19-2010	Amend	1-1-2011	291-180-0445	3-4-2011	Suspend	4-1-2011
291-124-0060	11-19-2010	Amend	1-1-2011	291-180-0455	3-4-2011	Suspend	4-1-2011
291-124-0065	11-19-2010	Amend	1-1-2011	291-180-0465	3-4-2011	Suspend	4-1-2011
291-124-0070	11-19-2010	Amend	1-1-2011	291-180-0475	3-4-2011	Suspend	4-1-2011
291-124-0075	11-19-2010	Amend	1-1-2011	291-180-0485	3-4-2011	Suspend	4-1-2011
291-124-0080	11-19-2010	Amend	1-1-2011	291-180-0495	3-4-2011	Suspend	4-1-2011
291-124-0085	11-19-2010	Amend	1-1-2011	291-180-0505	3-4-2011	Suspend	4-1-2011
291-124-0090	11-19-2010	Adopt	1-1-2011	291-180-0515	3-4-2011	Suspend	4-1-2011
291-124-0095	11-19-2010	Repeal	1-1-2011	291-180-0525	3-4-2011	Suspend	4-1-2011
291-124-1000	6-16-2011	Adopt(T)	8-1-2011	291-180-0535	3-4-2011	Suspend	4-1-2011
291-124-1010	6-16-2011	Adopt(T)	8-1-2011	291-180-0545	3-4-2011	Suspend	4-1-2011
291-124-1020	6-16-2011	Adopt(T)	8-1-2011	291-180-0555	3-4-2011	Suspend	4-1-2011
291-124-1030	6-16-2011	Adopt(T)	8-1-2011	291-180-0565	3-4-2011	Suspend	4-1-2011
291-124-1040	6-16-2011	Adopt(T)	8-1-2011	291-180-0575	3-4-2011	Suspend	4-1-2011
291-124-1050	6-16-2011	Adopt(T)	8-1-2011	291-180-0585	3-4-2011	Suspend	4-1-2011
291-131-0020	4-1-2011	Amend(T)	4-1-2011	291-180-0595	3-4-2011	Suspend	4-1-2011
291-131-0020	8-15-2011	Amend	9-1-2011	291-180-0605	3-4-2011	Suspend	4-1-2011
291-131-0025	4-1-2011	Amend(T)	4-1-2011	291-180-0615	3-4-2011	Suspend	4-1-2011
291-131-0025	8-15-2011	Amend	9-1-2011	291-180-0625	3-4-2011	Suspend	4-1-2011

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291-180-0645	3-4-2011	Suspend	4-1-2011	309-041-1350	2-1-2011	Renumber	3-1-2011
291-180-0655	3-4-2011	Suspend	4-1-2011	309-041-1360	2-1-2011	Renumber	3-1-2011
291-180-0665	3-4-2011	Suspend	4-1-2011	309-041-1370	2-1-2011	Renumber	3-1-2011
291-202-0020	1-28-2011	Amend	3-1-2011	309-043-0000	2-1-2011	Repeal	3-1-2011
291-202-0100	1-28-2011	Adopt	3-1-2011	309-043-0005	2-1-2011	Repeal	3-1-2011
291-202-0110	1-28-2011	Adopt	3-1-2011	309-043-0010	2-1-2011	Repeal	3-1-2011
291-202-0120	1-28-2011	Adopt	3-1-2011	309-043-0015	2-1-2011	Repeal	3-1-2011
291-202-0130	1-28-2011	Adopt	3-1-2011	309-043-0020	2-1-2011	Repeal	3-1-2011
291-207-0005	8-15-2011	Adopt	9-1-2011	309-043-0025	2-1-2011	Repeal	3-1-2011
291-207-0010	8-15-2011	Adopt	9-1-2011	309-043-0030	2-1-2011	Repeal	3-1-2011
291-207-0015	8-15-2011	Adopt	9-1-2011	309-043-0035	2-1-2011	Repeal	3-1-2011
291-207-0020	8-15-2011	Adopt	9-1-2011	309-043-0040	2-1-2011	Repeal	3-1-2011
291-207-0025	8-15-2011	Adopt	9-1-2011	309-043-0045	2-1-2011	Repeal	3-1-2011
291-207-0030	8-15-2011	Adopt	9-1-2011	309-043-0050	2-1-2011	Repeal	3-1-2011
309-034-0150	2-4-2011	Repeal	3-1-2011	309-043-0055	2-1-2011	Repeal	3-1-2011
309-034-0160	2-4-2011	Repeal	3-1-2011	309-043-0060	2-1-2011	Repeal	3-1-2011
309-034-0170	2-4-2011	Repeal	3-1-2011	309-043-0065	2-1-2011	Repeal	3-1-2011
309-034-0180	2-4-2011	Repeal	3-1-2011	309-043-0070	2-1-2011	Repeal	3-1-2011
309-034-0190	2-4-2011	Repeal	3-1-2011	309-043-0075	2-1-2011	Repeal	3-1-2011
309-034-0205	2-4-2011	Repeal	3-1-2011	309-043-0080	2-1-2011	Repeal	3-1-2011
309-034-0210	2-4-2011	Repeal	3-1-2011	309-043-0085	2-1-2011	Repeal	3-1-2011
309-034-0240	2-4-2011	Repeal	3-1-2011	309-043-0090	2-1-2011	Repeal	3-1-2011
309-034-0250	2-4-2011	Repeal	3-1-2011	309-043-0095	2-1-2011	Repeal	3-1-2011
309-034-0260	2-4-2011	Repeal	3-1-2011	309-043-0100	2-1-2011	Repeal	3-1-2011
309-034-0270	2-4-2011	Repeal	3-1-2011	309-043-0105	2-1-2011	Repeal	3-1-2011
309-034-0290	2-4-2011	Repeal	3-1-2011	309-043-0110	2-1-2011	Repeal	3-1-2011
309-034-0310	2-4-2011	Repeal	3-1-2011	309-043-0115	2-1-2011	Repeal	3-1-2011
309-034-0320	2-4-2011	Repeal	3-1-2011	309-043-0120	2-1-2011	Repeal	3-1-2011
309-034-0400	2-4-2011	Amend	3-1-2011	309-043-0125	2-1-2011	Repeal	3-1-2011
309-034-0410	2-4-2011	Amend	3-1-2011	309-043-0130	2-1-2011	Repeal	3-1-2011
309-034-0420	2-4-2011	Amend	3-1-2011	309-043-0135	2-1-2011	Repeal	3-1-2011
309-034-0430	2-4-2011	Amend	3-1-2011	309-043-0140	2-1-2011	Repeal	3-1-2011
309-034-0440	2-4-2011	Amend	3-1-2011	309-043-0145	2-1-2011	Repeal	3-1-2011
309-034-0450	2-4-2011	Amend	3-1-2011	309-043-0150	2-1-2011	Repeal	3-1-2011
309-034-0460	2-4-2011	Amend	3-1-2011	309-043-0155	2-1-2011	Repeal	3-1-2011
309-034-0470	2-4-2011	Amend	3-1-2011	309-043-0160	2-1-2011	Repeal	3-1-2011
309-034-0480	2-4-2011	Amend	3-1-2011	309-043-0165	2-1-2011	Repeal	3-1-2011
309-034-0490	2-4-2011	Amend	3-1-2011	309-043-0170	2-1-2011	Repeal	3-1-2011
309-034-0500	2-4-2011	Adopt	3-1-2011	309-043-0175	2-1-2011	Repeal	3-1-2011
309-041-0200	2-1-2011	Repeal	3-1-2011	309-043-0180	2-1-2011	Repeal	3-1-2011
309-041-0205	2-1-2011	Repeal	3-1-2011	309-043-0185	2-1-2011	Repeal	3-1-2011
309-041-0210	2-1-2011	Repeal	3-1-2011	309-043-0190	2-1-2011	Repeal	3-1-2011
309-041-0215	2-1-2011	Repeal	3-1-2011	309-043-0195	2-1-2011	Repeal	3-1-2011
309-041-0220	2-1-2011	Repeal	3-1-2011	309-043-0200	2-1-2011	Repeal	3-1-2011
309-041-0225	2-1-2011	Repeal	3-1-2011	309-049-0000	2-1-2011	Renumber	3-1-2011
309-041-0230	2-1-2011	Repeal	3-1-2011	309-049-0005	2-1-2011	Renumber	3-1-2011
309-041-0235	2-1-2011	Repeal	3-1-2011	309-049-0010	2-1-2011	Renumber	3-1-2011
309-041-0240	2-1-2011	Repeal	3-1-2011	309-049-0015	2-1-2011	Renumber	3-1-2011
309-041-0245	2-1-2011	Repeal	3-1-2011	309-049-0020	2-1-2011	Renumber	3-1-2011
309-041-0250	2-1-2011	Repeal	3-1-2011	309-100-0100	1-7-2011	Adopt(T)	2-1-2011
309-041-0255	2-1-2011	Repeal	3-1-2011	309-100-0110	1-7-2011	Adopt(T)	2-1-2011
309-041-1300	2-1-2011	Renumber	3-1-2011	309-100-0120	1-7-2011	Adopt(T)	2-1-2011
309-041-1310	2-1-2011	Renumber	3-1-2011	309-100-0130	1-7-2011	Adopt(T)	2-1-2011
309-041-1320	2-1-2011	Renumber	3-1-2011	309-100-0140	1-7-2011	Adopt(T)	2-1-2011
309-041-1330	2-1-2011	Renumber	3-1-2011	309-100-0150	1-7-2011	Adopt(T)	2-1-2011

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309-102-0000	8-3-2011	Repeal	9-1-2011	330-090-0105(T)	11-23-2010	Repeal	1-1-2011
309-102-0005	1-7-2011	Suspend	2-1-2011	330-090-0110	11-23-2010	Amend	1-1-2011
309-102-0005	8-3-2011	Repeal	9-1-2011	330-090-0110	4-18-2011	Amend(T)	5-1-2011
309-102-0010	1-7-2011	Suspend	2-1-2011	330-090-0110(T)	11-23-2010	Repeal	1-1-2011
309-102-0010	8-3-2011	Repeal	9-1-2011	330-090-0120	11-23-2010	Amend	1-1-2011
309-102-0015	1-7-2011	Suspend	2-1-2011	330-090-0120(T)	11-23-2010	Repeal	1-1-2011
309-102-0015	8-3-2011	Repeal	9-1-2011	330-090-0130	11-23-2010	Amend	1-1-2011
309-102-0020	1-7-2011	Suspend	2-1-2011	330-090-0130	4-18-2011	Amend(T)	5-1-2011
309-102-0020	8-3-2011	Repeal	9-1-2011	330-090-0130(T)	11-23-2010	Repeal	1-1-2011
309-102-0025	1-7-2011	Suspend	2-1-2011	330-090-0133	11-23-2010	Amend	1-1-2011
309-102-0025	8-3-2011	Repeal	9-1-2011	330-090-0133	4-18-2011	Amend(T)	5-1-2011
309-102-0100	8-3-2011	Adopt	9-1-2011	330-090-0133(T)	11-23-2010	Repeal	1-1-2011
309-102-0110	8-3-2011	Adopt	9-1-2011	330-090-0140	11-23-2010	Amend	1-1-2011
309-102-0120	8-3-2011	Adopt	9-1-2011	330-090-0140(T)	11-23-2010	Repeal	1-1-2011
309-102-0130	8-3-2011	Adopt	9-1-2011	330-090-0150	11-23-2010	Amend	1-1-2011
309-102-0140	8-3-2011	Adopt	9-1-2011	330-090-0150(T)	11-23-2010	Repeal	1-1-2011
309-102-0150	8-3-2011	Adopt	9-1-2011	330-090-0350	11-23-2010	Adopt	1-1-2011
309-114-0005	11-19-2010	Amend(T)	1-1-2011	330-090-0350(T)	11-23-2010	Repeal	1-1-2011
309-114-0005	5-19-2011	Amend	7-1-2011	330-090-0450	11-23-2010	Adopt	1-1-2011
309-114-0020	11-19-2010	Amend(T)	1-1-2011	330-090-0450(T)	11-23-2010	Repeal	1-1-2011
309-114-0020	5-19-2011	Amend	7-1-2011	330-105-0017	6-20-2011	Adopt(T)	8-1-2011
309-114-0030	11-19-2010	Amend(T)	1-1-2011	330-112-0000	12-15-2010	Adopt	1-1-2011
309-114-0040	11-19-2010	Adopt(T)	1-1-2011	330-112-0000(T)	12-15-2010	Repeal	1-1-2011
309-114-0050	11-19-2010	Adopt(T)	1-1-2011	330-112-0010	12-15-2010	Adopt	1-1-2011
309-114-0060	11-19-2010	Adopt(T)	1-1-2011	330-112-0010(T)	12-15-2010	Repeal	1-1-2011
309-114-0070	11-19-2010	Adopt(T)	1-1-2011	330-112-0020	12-15-2010	Adopt	1-1-2011
325-005-0015	7-1-2011	Amend	8-1-2011	330-112-0020(T)	12-15-2010	Repeal	1-1-2011
330-070-0010	12-22-2010	Amend	2-1-2011	330-112-0030	12-15-2010	Adopt	1-1-2011
330-070-0010(T)	12-22-2010	Repeal	2-1-2011	330-112-0030(T)	12-15-2010	Repeal	1-1-2011
330-070-0013	12-22-2010	Amend	2-1-2011	330-112-0040	12-15-2010	Adopt	1-1-2011
330-070-0013(T)	12-22-2010	Repeal	2-1-2011	330-112-0040(T)	12-15-2010	Repeal	1-1-2011
330-070-0014	12-22-2010	Amend	2-1-2011	330-112-0050	12-15-2010	Adopt	1-1-2011
330-070-0019	12-22-2010	Adopt	2-1-2011	330-112-0050(T)	12-15-2010	Repeal	1-1-2011
330-070-0019(T)	12-22-2010	Repeal	2-1-2011	330-112-0060	12-15-2010	Adopt	1-1-2011
330-070-0020	12-22-2010	Amend	2-1-2011	330-112-0060(T)	12-15-2010	Repeal	1-1-2011
330-070-0021	12-22-2010	Amend	2-1-2011	330-112-0070	12-15-2010	Adopt	1-1-2011
330-070-0022	12-22-2010	Amend	2-1-2011	330-112-0070(T)	12-15-2010	Repeal	1-1-2011
330-070-0022(T)	12-22-2010	Repeal	2-1-2011	330-112-0080	12-15-2010	Adopt	1-1-2011
330-070-0024	12-22-2010	Amend	2-1-2011	330-112-0080(T)	12-15-2010	Repeal	1-1-2011
330-070-0025	12-22-2010	Amend	2-1-2011	330-112-0090	12-15-2010	Adopt	1-1-2011
330-070-0026	12-22-2010	Amend	2-1-2011	330-112-0090(T)	12-15-2010	Repeal	1-1-2011
330-070-0027	12-22-2010	Amend	2-1-2011	330-112-0100	12-15-2010	Adopt	1-1-2011
330-070-0045	12-22-2010	Amend	2-1-2011	330-112-0100(T)	12-15-2010	Repeal	1-1-2011
330-070-0055	12-22-2010	Amend	2-1-2011	330-130-0010	6-27-2011	Amend	8-1-2011
330-070-0059	12-22-2010	Amend	2-1-2011	330-130-0020	6-27-2011	Amend	8-1-2011
330-070-0060	12-22-2010	Amend	2-1-2011	330-130-0025	6-27-2011	Adopt	8-1-2011
330-070-0062	12-22-2010	Amend	2-1-2011	330-130-0030	6-27-2011	Amend	8-1-2011
330-070-0063	12-22-2010	Amend	2-1-2011	330-130-0040	6-27-2011	Amend	8-1-2011
330-070-0064	12-22-2010	Amend	2-1-2011	330-130-0050	6-27-2011	Amend	8-1-2011
330-070-0070	12-22-2010	Amend	2-1-2011	330-130-0055	6-27-2011	Amend	8-1-2011
330-070-0073	12-22-2010	Amend	2-1-2011	330-130-0060	6-27-2011	Amend	8-1-2011
330-070-0089	12-22-2010	Amend	2-1-2011	330-130-0070	6-27-2011	Amend	8-1-2011
330-070-0091	12-22-2010	Amend	2-1-2011	330-130-0080	6-27-2011	Amend	8-1-2011
330-070-0097	12-22-2010	Amend	2-1-2011	330-130-0090	6-27-2011	Amend	8-1-2011
330-09-0140	4-18-2011	Amend(T)	5-1-2011	330-130-0100	6-27-2011	Amend	8-1-2011

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330-160-0015	3-4-2011	Amend	4-1-2011	333-002-0020	3-1-2011	Amend	4-1-2011
330-160-0015(T)	2-22-2011	Repeal	4-1-2011	333-002-0030	3-1-2011	Amend	4-1-2011
330-160-0020	3-4-2011	Amend	4-1-2011	333-002-0035	3-1-2011	Amend	4-1-2011
330-160-0025	3-4-2011	Amend	4-1-2011	333-002-0040	3-1-2011	Amend	4-1-2011
330-160-0030	3-4-2011	Amend	4-1-2011	333-002-0050	3-1-2011	Amend	4-1-2011
330-160-0040	2-22-2011	Adopt	4-1-2011	333-002-0060	3-1-2011	Amend	4-1-2011
330-160-0040(T)	2-22-2011	Repeal	4-1-2011	333-002-0070	3-1-2011	Amend	4-1-2011
330-160-0050	3-4-2011	Adopt	4-1-2011	333-002-0080	3-1-2011	Amend	4-1-2011
331-010-0050	3-1-2011	Adopt(T)	4-1-2011	333-002-0090	3-1-2011	Repeal	4-1-2011
331-010-0050	3-17-2011	Adopt(T)	5-1-2011	333-002-0100	3-1-2011	Amend	4-1-2011
331-010-0050	8-15-2011	Adopt	9-1-2011	333-002-0110	3-1-2011	Repeal	4-1-2011
331-010-0050(T)	3-17-2011	Suspend	5-1-2011	333-002-0120	3-1-2011	Amend	4-1-2011
331-020-0040	3-1-2011	Amend(T)	4-1-2011	333-002-0130	3-1-2011	Amend	4-1-2011
331-020-0040	3-17-2011	Amend(T)	5-1-2011	333-002-0140	3-1-2011	Amend	4-1-2011
331-020-0040	8-15-2011	Amend	9-1-2011	333-002-0150	3-1-2011	Amend	4-1-2011
331-020-0040(T)	3-17-2011	Suspend	5-1-2011	333-002-0160	3-1-2011	Amend	4-1-2011
331-020-0070	8-15-2011	Amend	9-1-2011	333-002-0170	3-1-2011	Amend	4-1-2011
331-105-0030	8-1-2011	Amend(T)	9-1-2011	333-002-0180	3-1-2011	Amend	4-1-2011
331-565-0090	4-1-2011	Amend(T)	5-1-2011	333-002-0190	3-1-2011	Amend	4-1-2011
331-601-0010	8-1-2011	Amend(T)	9-1-2011	333-002-0200	3-1-2011	Amend	4-1-2011
331-705-0060	8-1-2011	Amend(T)	9-1-2011	333-002-0210	3-1-2011	Amend	4-1-2011
331-705-0071	5-10-2011	Adopt(T)	6-1-2011	333-002-0220	3-1-2011	Amend	4-1-2011
332-015-0000	1-1-2011	Amend	2-1-2011	333-002-0230	3-1-2011	Amend	4-1-2011
332-015-0010	1-1-2011	Repeal	2-1-2011	333-003-0010	7-1-2011	Amend(T)	8-1-2011
332-015-0030	1-1-2011	Amend	2-1-2011	333-003-0065	7-1-2011	Amend(T)	8-1-2011
332-015-0040	1-1-2011	Amend	2-1-2011	333-004-0010	7-1-2011	Amend(T)	8-1-2011
332-015-0050	1-1-2011	Amend	2-1-2011	333-005-0000	1-1-2011	Am. & Ren.	2-1-2011
332-015-0060	1-1-2011	Repeal	2-1-2011	333-005-0010	1-1-2011	Am. & Ren.	2-1-2011
332-015-0065	1-1-2011	Repeal	2-1-2011	333-005-0020	1-1-2011	Am. & Ren.	2-1-2011
332-015-0070	1-1-2011	Amend	2-1-2011	333-005-0030	1-1-2011	Am. & Ren.	2-1-2011
332-015-0070	4-4-2011	Amend(T)	5-1-2011	333-005-0040	1-1-2011	Am. & Ren.	2-1-2011
332-015-0080	1-1-2011	Adopt	2-1-2011	333-005-0050	1-1-2011	Am. & Ren.	2-1-2011
332-020-0000	1-1-2011	Amend	2-1-2011	333-005-0060	1-1-2011	Am. & Ren.	2-1-2011
332-020-0010	1-1-2011	Amend	2-1-2011	333-008-0010	7-1-2011	Amend(T)	8-1-2011
332-020-0015	1-1-2011	Amend	2-1-2011	333-008-0020	12-28-2010	Amend	2-1-2011
332-020-0017	1-1-2011	Adopt	2-1-2011	333-008-0020(T)	12-28-2010	Repeal	2-1-2011
332-020-0020	1-1-2011	Amend	2-1-2011	333-008-0040	12-28-2010	Amend	2-1-2011
332-020-0020(T)	1-1-2011	Repeal	2-1-2011	333-008-0045	12-28-2010	Adopt	2-1-2011
332-025-0020	1-1-2011	Amend	2-1-2011	333-008-0070	7-1-2011	Amend(T)	8-1-2011
332-025-0020	4-4-2011	Amend(T)	5-1-2011	333-009-0000	7-1-2011	Amend(T)	8-1-2011
332-025-0021	1-1-2011	Amend	2-1-2011	333-010-0105	7-1-2011	Amend(T)	8-1-2011
332-025-0021	4-4-2011	Amend(T)	5-1-2011	333-010-0205	7-1-2011	Amend(T)	8-1-2011
332-025-0022	1-1-2011	Amend	2-1-2011	333-012-0050	7-1-2011	Amend(T)	8-1-2011
332-025-0022	4-4-2011	Amend(T)	5-1-2011	333-012-0250	3-29-2011	Am. & Ren.	5-1-2011
332-025-0030	1-1-2011	Amend	2-1-2011	333-015-0030	7-1-2011	Amend(T)	8-1-2011
332-025-0040	1-1-2011	Amend	2-1-2011	333-015-0100	7-1-2011	Amend(T)	8-1-2011
332-025-0040	4-4-2011	Amend(T)	5-1-2011	333-020-0125	7-1-2011	Amend(T)	8-1-2011
332-025-0050	1-1-2011	Amend	2-1-2011	333-025-0100	7-1-2011	Amend(T)	8-1-2011
332-025-0060	1-1-2011	Amend	2-1-2011	333-027-0005	7-1-2011	Amend(T)	8-1-2011
332-025-0070	1-1-2011	Adopt	2-1-2011	333-030-0015	7-1-2011	Amend(T)	8-1-2011
332-025-0080	1-1-2011	Adopt	2-1-2011	333-048-0010	7-1-2011	Amend(T)	8-1-2011
332-025-0080	5-19-2011	Amend(T)	7-1-2011	333-052-0040	7-1-2011	Amend(T)	8-1-2011
332-025-0100	1-1-2011	Adopt	2-1-2011	333-053-0040	7-1-2011	Amend(T)	8-1-2011
332-030-0000	1-1-2011	Amend	2-1-2011	333-054-0010	7-1-2011	Amend(T)	8-1-2011
333-002-0000	3-1-2011	Amend	4-1-2011	333-061-0020	7-1-2011	Amend(T)	8-1-2011

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333-064-0010	8-9-2011	Amend	9-1-2011	333-076-0115	12-15-2010	Amend	1-1-2011
333-064-0015	8-9-2011	Amend	9-1-2011	333-076-0125	12-15-2010	Amend	1-1-2011
333-064-0025	8-9-2011	Amend	9-1-2011	333-076-0130	12-15-2010	Amend	1-1-2011
333-064-0030	8-9-2011	Amend	9-1-2011	333-076-0135	12-15-2010	Amend	1-1-2011
333-064-0035	8-9-2011	Amend	9-1-2011	333-076-0140	12-15-2010	Amend	1-1-2011
333-064-0040	4-21-2011	Amend	6-1-2011	333-076-0145	12-15-2010	Amend	1-1-2011
333-064-0050	8-9-2011	Amend	9-1-2011	333-076-0155	12-15-2010	Amend	1-1-2011
333-064-0060	8-9-2011	Amend	9-1-2011	333-076-0160	12-15-2010	Amend	1-1-2011
333-064-0065	8-9-2011	Amend	9-1-2011	333-076-0165	12-15-2010	Amend	1-1-2011
333-064-0070	4-21-2011	Repeal	6-1-2011	333-076-0170	12-15-2010	Amend	1-1-2011
333-068-0005	6-16-2011	Amend	8-1-2011	333-076-0175	12-15-2010	Amend	1-1-2011
333-068-0015	6-16-2011	Amend	8-1-2011	333-076-0180	12-15-2010	Amend	1-1-2011
333-068-0020	6-16-2011	Amend	8-1-2011	333-076-0190	12-15-2010	Amend	1-1-2011
333-068-0025	6-16-2011	Amend	8-1-2011	333-076-0250	12-15-2010	Adopt	1-1-2011
333-068-0030	6-16-2011	Amend	8-1-2011	333-076-0255	12-15-2010	Adopt	1-1-2011
333-068-0035	6-16-2011	Amend	8-1-2011	333-076-0260	12-15-2010	Adopt	1-1-2011
333-068-0040	6-16-2011	Amend	8-1-2011	333-076-0265	12-15-2010	Adopt	1-1-2011
333-068-0045	6-16-2011	Amend	8-1-2011	333-076-0270	12-15-2010	Adopt	1-1-2011
333-068-0050	6-16-2011	Amend	8-1-2011	333-100-0005	7-1-2011	Amend(T)	8-1-2011
333-068-0055	6-16-2011	Amend	8-1-2011	333-102-0203	7-1-2011	Amend(T)	8-1-2011
333-068-0060	6-16-2011	Amend	8-1-2011	333-106-0005	7-1-2011	Amend(T)	8-1-2011
333-068-0065	6-16-2011	Amend	8-1-2011	333-106-0101	7-1-2011	Amend(T)	8-1-2011
333-069-0005	6-16-2011	Amend	8-1-2011	333-119-0010	7-1-2011	Amend(T)	8-1-2011
333-069-0015	6-16-2011	Amend	8-1-2011	333-175-0021	7-1-2011	Amend(T)	8-1-2011
333-069-0020	6-16-2011	Amend	8-1-2011	333-255-0070	1-6-2011	Amend	2-1-2011
333-069-0030	6-16-2011	Amend	8-1-2011	333-255-0070(T)	1-6-2011	Repeal	2-1-2011
333-069-0040	6-16-2011	Amend	8-1-2011	333-255-0071	1-6-2011	Amend	2-1-2011
333-069-0050	6-16-2011	Amend	8-1-2011	333-255-0072	1-6-2011	Amend	2-1-2011
333-069-0060	6-16-2011	Amend	8-1-2011	333-255-0073	1-6-2011	Amend	2-1-2011
333-069-0070	6-16-2011	Amend	8-1-2011	333-265-0050	1-6-2011	Amend	2-1-2011
333-069-0075	6-16-2011	Repeal	8-1-2011	333-265-0090	1-6-2011	Amend	2-1-2011
333-069-0080	6-16-2011	Amend	8-1-2011	333-265-0090(T)	1-6-2011	Repeal	2-1-2011
333-069-0085	6-16-2011	Amend	8-1-2011	333-265-0105	1-6-2011	Amend	2-1-2011
333-069-0090	6-16-2011	Amend	8-1-2011	333-265-0105(T)	1-6-2011	Repeal	2-1-2011
333-070-0075	6-16-2011	Amend	8-1-2011	333-265-0110	1-6-2011	Amend	2-1-2011
333-070-0085	6-16-2011	Amend	8-1-2011	333-500-0005	12-15-2010	Amend	1-1-2011
333-070-0090	6-16-2011	Amend	8-1-2011	333-500-0010	12-15-2010	Amend	1-1-2011
333-070-0095	6-16-2011	Amend	8-1-2011	333-500-0020	12-15-2010	Amend	1-1-2011
333-070-0100	6-16-2011	Amend	8-1-2011	333-500-0025	12-15-2010	Amend	1-1-2011
333-070-0105	6-16-2011	Amend	8-1-2011	333-500-0030	12-15-2010	Amend	1-1-2011
333-070-0110	6-16-2011	Amend	8-1-2011	333-500-0031	12-15-2010	Adopt	1-1-2011
333-070-0115	6-16-2011	Amend	8-1-2011	333-500-0034	12-15-2010	Amend	1-1-2011
333-070-0120	6-16-2011	Amend	8-1-2011	333-500-0040	12-15-2010	Amend	1-1-2011
333-070-0125	6-16-2011	Amend	8-1-2011	333-500-0065	12-15-2010	Amend	1-1-2011
333-070-0130	6-16-2011	Amend	8-1-2011	333-501-0010	12-15-2010	Amend	1-1-2011
333-070-0135	6-16-2011	Amend	8-1-2011	333-501-0015	12-15-2010	Amend	1-1-2011
333-070-0140	6-16-2011	Amend	8-1-2011	333-501-0035	12-15-2010	Amend	1-1-2011
333-070-0145	6-16-2011	Amend	8-1-2011	333-501-0040	12-15-2010	Amend	1-1-2011
333-070-0155	6-16-2011	Repeal	8-1-2011	333-501-0045	12-15-2010	Amend	1-1-2011
333-070-0160	6-16-2011	Amend	8-1-2011	333-501-0055	12-15-2010	Amend	1-1-2011
333-076-0101	12-15-2010	Amend	1-1-2011	333-501-0060	12-15-2010	Adopt	1-1-2011
333-076-0106	12-15-2010	Amend	1-1-2011	333-505-0005	12-15-2010	Amend	1-1-2011
333-076-0108	12-15-2010	Amend	1-1-2011	333-505-0020	12-15-2010	Amend	1-1-2011
333-076-0109	12-15-2010	Amend	1-1-2011	333-505-0030	12-15-2010	Amend	1-1-2011
333-076-0111	12-15-2010	Amend	1-1-2011	333-505-0033	12-15-2010	Amend	1-1-2011

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333-536-0005	7-1-2011	Amend(T)	8-1-2011	340-016-0130	12-20-2010	Repeal	2-1-2011
333-700-0005	7-1-2011	Amend(T)	8-1-2011	340-016-0140	12-20-2010	Repeal	2-1-2011
334-001-0012	1-1-2011	Amend	2-1-2011	340-016-0150	12-20-2010	Repeal	2-1-2011
334-001-0012	4-21-2011	Amend	6-1-2011	340-016-0210	12-20-2010	Amend	2-1-2011
334-001-0012	7-1-2011	Amend	8-1-2011	340-041-0007	7-13-2011	Amend	8-1-2011
334-001-0055	1-1-2011	Amend	2-1-2011	340-041-0009	7-13-2011	Amend	8-1-2011
334-001-0055	4-21-2011	Amend	6-1-2011	340-041-0033	12-21-2010	Amend	2-1-2011
334-001-0060	7-1-2011	Amend	8-1-2011	340-041-0033	6-30-2011	Amend	8-1-2011
334-010-0005	8-10-2011	Amend(T)	9-1-2011	340-041-0033	7-13-2011	Amend	8-1-2011
334-010-0033	1-1-2011	Amend	2-1-2011	340-041-0059	7-13-2011	Adopt	8-1-2011
334-010-0033	4-21-2011	Amend	6-1-2011	340-041-0061	7-13-2011	Amend	8-1-2011
335-001-0009	2-1-2011	Amend	3-1-2011	340-042-0040	7-13-2011	Amend	8-1-2011
335-060-0005	2-1-2011	Amend	3-1-2011	340-042-0080	7-13-2011	Amend	8-1-2011
335-060-0010	2-1-2011	Amend	3-1-2011	340-045-0075	7-1-2011	Amend	8-1-2011
335-060-0030	2-1-2011	Amend	3-1-2011	340-045-0100	3-15-2011	Amend(T)	4-1-2011
335-070-0020	2-1-2011	Amend	3-1-2011	340-045-0105	7-13-2011	Adopt	8-1-2011
335-070-0055	2-1-2011	Amend	3-1-2011	340-071-0140	7-1-2011	Amend	8-1-2011
335-070-0085	2-1-2011	Amend	3-1-2011	340-141-0010	12-23-2010	Amend	2-1-2011
335-095-0030	2-1-2011	Amend	3-1-2011	340-143-0001	3-17-2011	Amend	5-1-2011
335-095-0040	2-1-2011	Amend	3-1-2011	340-143-0005	3-17-2011	Amend	5-1-2011
335-095-0055	2-1-2011	Repeal	3-1-2011	340-143-0010	3-17-2011	Amend	5-1-2011
338-005-0020	8-1-2011	Amend	9-1-2011	340-143-0020	3-17-2011	Amend	5-1-2011
338-005-0030	3-1-2011	Amend(T)	4-1-2011	340-143-0030	3-17-2011	Adopt	5-1-2011
338-005-0030	3-4-2011	Amend(T)	4-1-2011	340-143-0040	3-17-2011	Adopt	5-1-2011
338-005-0030	8-1-2011	Amend	9-1-2011	340-143-0050	3-17-2011	Adopt	5-1-2011
338-005-0030(T)	8-1-2011	Repeal	9-1-2011	340-143-0060	3-17-2011	Adopt	5-1-2011
338-010-0015	8-1-2011	Amend	9-1-2011	340-200-0020	5-1-2011	Amend	6-1-2011
338-010-0016	8-1-2011	Adopt	9-1-2011	340-200-0020	6-24-2011	Amend(T)	8-1-2011
338-010-0017	8-1-2011	Amend	9-1-2011	340-200-0025	5-1-2011	Amend	6-1-2011
338-010-0025	8-1-2011	Amend	9-1-2011	340-200-0040	12-10-2010	Amend	1-1-2011
338-010-0030	8-1-2011	Amend	9-1-2011	340-200-0040	2-24-2011	Amend	4-1-2011
338-010-0033	8-1-2011	Amend	9-1-2011	340-200-0040	3-15-2011	Amend	4-1-2011
338-010-0035	8-1-2011	Repeal	9-1-2011	340-200-0040	5-1-2011	Amend	6-1-2011
338-010-0038	8-1-2011	Amend	9-1-2011	340-202-0010	5-1-2011	Amend	6-1-2011
338-010-0050	8-1-2011	Amend	9-1-2011	340-202-0060	5-1-2011	Amend	6-1-2011
338-010-0065	8-1-2011	Adopt	9-1-2011	340-202-0210	5-1-2011	Amend	6-1-2011
338-010-0070	8-1-2011	Adopt	9-1-2011	340-210-0100	6-24-2011	Amend(T)	8-1-2011
338-020-0000	8-1-2011	Repeal	9-1-2011	340-210-0110	6-24-2011	Amend(T)	8-1-2011
338-020-0030	8-1-2011	Amend	9-1-2011	340-210-0120	6-24-2011	Amend(T)	8-1-2011
338-020-0050	8-1-2011	Amend	9-1-2011	340-212-0140	6-24-2011	Amend(T)	8-1-2011
338-020-0060	8-1-2011	Repeal	9-1-2011	340-215-0010	7-21-2011	Amend	9-1-2011
338-030-0020	8-1-2011	Repeal	9-1-2011	340-215-0020	7-21-2011	Amend	9-1-2011
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339-001-0006	7-1-2011	Amend	7-1-2011	340-215-0040	7-21-2011	Amend	9-1-2011
339-005-0000	7-1-2011	Amend	7-1-2011	340-215-0060	5-1-2011	Amend	6-1-2011
339-010-0012	7-1-2011	Adopt	7-1-2011	340-215-0060	7-21-2011	Adopt	9-1-2011
339-010-0018	7-1-2011	Adopt	7-1-2011	340-215-0060	7-21-2011	Amend	9-1-2011
339-010-0020	7-1-2011	Amend	7-1-2011	340-216-0020	2-24-2011	Amend	4-1-2011
339-010-0050	7-1-2011	Amend	7-1-2011	340-216-0020	5-1-2011	Amend	6-1-2011
340-012-0054	3-15-2011	Amend	4-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-012-0140	3-15-2011	Amend	4-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-016-0080	12-20-2010	Amend	2-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-016-0088	12-20-2010	Adopt	2-1-2011	340-216-0025	5-1-2011	Amend	6-1-2011
340-016-0100	12-20-2010	Repeal	2-1-2011	340-216-0040	5-1-2011	Amend	6-1-2011
340-016-0110	12-20-2010	Repeal	2-1-2011	340-216-0052	5-1-2011	Amend	6-1-2011

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340-216-0056	5-1-2011	Amend	6-1-2011	340-257-0070	4-29-2011	Amend	6-1-2011
340-216-0060	2-24-2011	Amend	4-1-2011	340-257-0090	4-29-2011	Amend	6-1-2011
340-216-0060	5-1-2011	Amend	6-1-2011	340-257-0110	4-29-2011	Amend	6-1-2011
340-216-0064	2-24-2011	Amend	4-1-2011	340-257-0120	4-29-2011	Amend	6-1-2011
340-216-0064	5-1-2011	Amend	6-1-2011	340-257-0140	4-29-2011	Amend	6-1-2011
340-216-0066	5-1-2011	Amend	6-1-2011	340-262-0010	3-15-2011	Repeal	4-1-2011
340-216-0070	5-1-2011	Amend	6-1-2011	340-262-0020	3-15-2011	Repeal	4-1-2011
340-216-0090	5-1-2011	Amend	6-1-2011	340-262-0030	3-15-2011	Repeal	4-1-2011
340-220-0030	12-20-2010	Amend	2-1-2011	340-262-0040	3-15-2011	Repeal	4-1-2011
340-220-0040	12-20-2010	Amend	2-1-2011	340-262-0050	3-15-2011	Repeal	4-1-2011
340-220-0050	12-20-2010	Amend	2-1-2011	340-262-0100	3-15-2011	Repeal	4-1-2011
340-220-0050	7-21-2011	Amend	9-1-2011	340-262-0110	3-15-2011	Repeal	4-1-2011
340-220-0050	7-21-2011	Amend	9-1-2011	340-262-0120	3-15-2011	Repeal	4-1-2011
340-222-0042	5-1-2011	Amend	6-1-2011	340-262-0130	3-15-2011	Repeal	4-1-2011
340-222-0045	5-1-2011	Amend	6-1-2011	340-262-0200	3-15-2011	Repeal	4-1-2011
340-223-0010	12-10-2010	Amend	1-1-2011	340-262-0210	3-15-2011	Repeal	4-1-2011
340-223-0020	12-10-2010	Amend	1-1-2011	340-262-0220	3-15-2011	Repeal	4-1-2011
340-223-0030	12-10-2010	Amend	1-1-2011	340-262-0230	3-15-2011	Repeal	4-1-2011
340-223-0040	12-10-2010	Amend	1-1-2011	340-262-0240	3-15-2011	Repeal	4-1-2011
340-223-0050	12-10-2010	Amend	1-1-2011	340-262-0250	3-15-2011	Repeal	4-1-2011
340-223-0060	12-10-2010	Adopt	1-1-2011	340-262-0300	3-15-2011	Repeal	4-1-2011
340-223-0070	12-10-2010	Adopt	1-1-2011	340-262-0310	3-15-2011	Repeal	4-1-2011
340-223-0080	12-10-2010	Adopt	1-1-2011	340-262-0320	3-15-2011	Repeal	4-1-2011
340-224-0010	5-1-2011	Amend	6-1-2011	340-262-0330	3-15-2011	Repeal	4-1-2011
340-224-0050	5-1-2011	Amend	6-1-2011	340-262-0400	3-15-2011	Adopt	4-1-2011
340-224-0060	5-1-2011	Amend	6-1-2011	340-262-0450	3-15-2011	Adopt	4-1-2011
340-224-0070	5-1-2011	Amend	6-1-2011	340-262-0450	6-24-2011	Amend(T)	8-1-2011
340-225-0020	5-1-2011	Amend	6-1-2011	340-262-0500	3-15-2011	Adopt	4-1-2011
340-225-0030	5-1-2011	Amend	6-1-2011	340-262-0600	3-15-2011	Adopt	4-1-2011
340-225-0045	5-1-2011	Amend	6-1-2011	340-262-0600	6-24-2011	Amend(T)	8-1-2011
340-225-0050	5-1-2011	Amend	6-1-2011	340-262-0700	3-15-2011	Adopt	4-1-2011
340-225-0060	5-1-2011	Amend	6-1-2011	340-262-0800	3-15-2011	Adopt	4-1-2011
340-225-0090	5-1-2011	Amend	6-1-2011	340-262-0900	3-15-2011	Adopt	4-1-2011
340-228-0020	6-24-2011	Amend(T)	8-1-2011	350-030-0015	5-1-2011	Amend	5-1-2011
340-228-0200	6-24-2011	Amend(T)	8-1-2011	350-030-0020	5-1-2011	Amend	5-1-2011
340-228-0210	6-24-2011	Amend(T)	8-1-2011	350-030-0025	5-1-2011	Amend	5-1-2011
340-228-0300	5-1-2011	Amend	6-1-2011	350-030-0030	5-1-2011	Amend	5-1-2011
340-230-0030	2-24-2011	Amend	4-1-2011	350-030-0060	5-1-2011	Amend	5-1-2011
340-230-0300	2-24-2011	Amend	4-1-2011	350-030-0080	5-1-2011	Amend	5-1-2011
340-230-0400	2-24-2011	Repeal	4-1-2011	350-040-0010	5-1-2011	Amend	5-1-2011
340-230-0410	2-24-2011	Repeal	4-1-2011	350-040-0020	5-1-2011	Amend	5-1-2011
340-238-0040	2-24-2011	Amend	4-1-2011	350-040-0050	5-1-2011	Amend	5-1-2011
340-238-0060	2-24-2011	Amend	4-1-2011	350-040-0055	5-1-2011	Adopt	5-1-2011
340-242-0500	2-24-2011	Amend	4-1-2011	350-040-0060	5-1-2011	Amend	5-1-2011
340-244-0030	2-24-2011	Amend	4-1-2011	350-040-0065	5-1-2011	Amend	5-1-2011
340-244-0220	2-24-2011	Amend	4-1-2011	350-040-0070	5-1-2011	Amend	5-1-2011
340-244-0234	2-24-2011	Amend	4-1-2011	350-040-0080	5-1-2011	Amend	5-1-2011
340-244-0236	2-24-2011	Amend	4-1-2011	350-050-0020	5-1-2011	Amend	5-1-2011
340-244-0238	2-24-2011	Amend	4-1-2011	350-050-0035	5-1-2011	Amend	5-1-2011
340-244-0242	2-24-2011	Amend	4-1-2011	350-050-0040	5-1-2011	Amend	5-1-2011
340-244-0244	2-24-2011	Amend	4-1-2011	350-050-0045	5-1-2011	Amend	5-1-2011
340-244-0248	2-24-2011	Amend	4-1-2011	350-050-0060	5-1-2011	Amend	5-1-2011
340-246-0230	5-1-2011	Amend	6-1-2011	350-050-0070	5-1-2011	Amend	5-1-2011
340-257-0030	4-29-2011	Amend	6-1-2011	350-050-0080	5-1-2011	Amend	5-1-2011
340-257-0050	4-29-2011	Amend	6-1-2011	350-050-0085	5-1-2011	Amend	5-1-2011

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350-050-0100	5-1-2011	Amend	5-1-2011	407-007-0300	4-15-2011	Amend(T)	5-1-2011
350-060-0040	5-1-2011	Amend	5-1-2011	407-007-0315	4-15-2011	Amend(T)	5-1-2011
350-060-0042	5-1-2011	Amend	5-1-2011	407-007-0320	4-15-2011	Amend(T)	5-1-2011
350-060-0045	5-1-2011	Amend	5-1-2011	407-007-0325	4-15-2011	Amend(T)	5-1-2011
350-060-0047	5-1-2011	Adopt	5-1-2011	407-007-0330	4-15-2011	Amend(T)	5-1-2011
350-060-0050	5-1-2011	Amend	5-1-2011	407-007-0340	4-15-2011	Amend(T)	5-1-2011
350-060-0055	5-1-2011	Amend	5-1-2011	407-007-0350	4-15-2011	Amend(T)	5-1-2011
350-060-0060	5-1-2011	Amend	5-1-2011	407-014-0000	7-1-2011	Amend(T)	8-1-2011
350-060-0070	5-1-2011	Amend	5-1-2011	407-014-0015	7-1-2011	Adopt(T)	8-1-2011
350-060-0080	5-1-2011	Amend	5-1-2011	407-014-0020	7-1-2011	Amend(T)	8-1-2011
350-060-0100	5-1-2011	Amend	5-1-2011	407-014-0030	7-1-2011	Amend(T)	8-1-2011
350-060-0110	5-1-2011	Amend	5-1-2011	407-014-0040	7-1-2011	Amend(T)	8-1-2011
350-060-0120	5-1-2011	Amend	5-1-2011	407-014-0050	7-1-2011	Amend(T)	8-1-2011
350-060-0130	5-1-2011	Amend	5-1-2011	407-014-0060	7-1-2011	Amend(T)	8-1-2011
350-060-0160	5-1-2011	Amend	5-1-2011	407-014-0070	7-1-2011	Amend(T)	8-1-2011
350-060-0170	5-1-2011	Amend	5-1-2011	407-014-0300	8-9-2011	Amend(T)	9-1-2011
350-060-0190	5-1-2011	Amend	5-1-2011	407-014-0305	8-9-2011	Amend(T)	9-1-2011
350-060-0200	5-1-2011	Amend	5-1-2011	407-014-0310	8-9-2011	Amend(T)	9-1-2011
350-060-0205	5-1-2011	Amend	5-1-2011	407-014-0315	8-9-2011	Amend(T)	9-1-2011
350-060-0210	5-1-2011	Amend	5-1-2011	407-014-0320	8-9-2011	Amend(T)	9-1-2011
350-070-0040	5-1-2011	Amend	5-1-2011	407-020-0000	2-1-2011	Am. & Ren.	3-1-2011
350-070-0042	5-1-2011	Amend	5-1-2011	407-020-0005	2-1-2011	Am. & Ren.	3-1-2011
350-070-0045	5-1-2011	Amend	5-1-2011	407-020-0010	2-1-2011	Am. & Ren.	3-1-2011
350-070-0046	5-1-2011	Adopt	5-1-2011	407-020-0015	2-1-2011	Am. & Ren.	3-1-2011
350-070-0050	5-1-2011	Amend	5-1-2011	407-043-0020	7-1-2011	Adopt(T)	8-1-2011
350-070-0070	5-1-2011	Amend	5-1-2011	407-045-0260	1-1-2011	Amend	2-1-2011
350-070-0080	5-1-2011	Amend	5-1-2011	407-045-0260(T)	1-1-2011	Repeal	2-1-2011
350-070-0090	5-1-2011	Amend	5-1-2011	407-045-0400	7-1-2011	Amend(T)	8-1-2011
350-070-0120	5-1-2011	Amend	5-1-2011	407-045-0410	7-1-2011	Suspend	8-1-2011
350-070-0170	5-1-2011	Amend	5-1-2011	407-045-0420	7-1-2011	Suspend	8-1-2011
350-070-0200	5-1-2011	Amend	5-1-2011	407-045-0430	7-1-2011	Suspend	8-1-2011
350-070-0210	5-1-2011	Amend	5-1-2011	407-045-0440	7-1-2011	Suspend	8-1-2011
350-070-0220	5-1-2011	Amend	5-1-2011	407-045-0450	7-1-2011	Suspend	8-1-2011
350-070-0225	5-1-2011	Amend	5-1-2011	407-045-0460	7-1-2011	Suspend	8-1-2011
350-081-0017	5-1-2011	Adopt	5-1-2011	407-045-0470	7-1-2011	Suspend	8-1-2011
350-081-0020	5-1-2011	Amend	5-1-2011	407-045-0480	7-1-2011	Suspend	8-1-2011
350-081-0036	6-16-2011	Amend(T)	8-1-2011	407-045-0490	7-1-2011	Suspend	8-1-2011
350-081-0042	6-16-2011	Amend(T)	8-1-2011	407-045-0500	7-1-2011	Suspend	8-1-2011
350-081-0054	6-16-2011	Amend(T)	8-1-2011	407-045-0510	7-1-2011	Suspend	8-1-2011
350-081-0082	5-1-2011	Amend	5-1-2011	407-045-0520	7-1-2011	Suspend	8-1-2011
350-081-0540	5-1-2011	Amend	5-1-2011	407-045-0820	1-1-2011	Amend	2-1-2011
350-081-0560	5-1-2011	Amend	5-1-2011	407-045-0820(T)	1-1-2011	Repeal	2-1-2011
350-081-0570	5-1-2011	Amend	5-1-2011	407-120-0100	7-1-2011	Amend(T)	8-1-2011
350-081-0580	5-1-2011	Amend	5-1-2011	407-120-0112	7-1-2011	Amend(T)	8-1-2011
350-081-0590	5-1-2011	Amend	5-1-2011	407-120-0114	7-1-2011	Amend(T)	8-1-2011
350-120-0025	5-1-2011	Repeal	5-1-2011	407-120-0150	7-1-2011	Amend(T)	8-1-2011
350-120-0030	5-1-2011	Repeal	5-1-2011	407-120-0200	7-1-2011	Amend(T)	8-1-2011
350-120-0040	5-1-2011	Repeal	5-1-2011	409-015-0010	3-1-2011	Amend	3-1-2011
350-120-0050	5-1-2011	Amend	5-1-2011	409-023-0000	8-1-2011	Amend(T)	9-1-2011
407-007-0200	4-15-2011	Amend(T)	5-1-2011	409-023-0010	8-1-2011	Amend(T)	9-1-2011
407-007-0210	4-15-2011	Amend(T)	5-1-2011	409-023-0012	8-1-2011	Amend(T)	9-1-2011
407-007-0220	4-15-2011	Amend(T)	5-1-2011	409-023-0015	8-1-2011	Amend(T)	9-1-2011
407-007-0230	4-15-2011	Amend(T)	5-1-2011	409-030-0000	3-1-2011	Renumber	3-1-2011
407-007-0240	4-15-2011	Amend(T)	5-1-2011	409-030-0005	3-1-2011	Renumber	3-1-2011
407-007-0250	4-15-2011	Amend(T)	5-1-2011	409-030-0010	3-1-2011	Renumber	3-1-2011

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409-030-0030	3-1-2011	Renumber	3-1-2011	410-121-0185	7-1-2011	Amend	8-1-2011
409-030-0050	3-1-2011	Renumber	3-1-2011	410-121-0200	7-1-2011	Amend	8-1-2011
409-030-0065	3-1-2011	Renumber	3-1-2011	410-121-0320	1-1-2011	Repeal	2-1-2011
409-110-0000	2-1-2011	Amend	3-1-2011	410-121-4000	5-5-2011	Adopt	6-1-2011
409-110-0005	2-1-2011	Amend	3-1-2011	410-121-4005	5-5-2011	Adopt	6-1-2011
409-110-0010	2-1-2011	Amend	3-1-2011	410-121-4010	5-5-2011	Adopt	6-1-2011
409-110-0015	2-1-2011	Amend	3-1-2011	410-121-4015	5-5-2011	Adopt	6-1-2011
409-110-0020	2-1-2011	Amend	3-1-2011	410-121-4020	5-5-2011	Adopt	6-1-2011
410-050-0401	2-1-2011	Renumber	3-1-2011	410-122-0080	3-25-2011	Amend	5-1-2011
410-050-0411	2-1-2011	Renumber	3-1-2011	410-122-0080(T)	3-25-2011	Repeal	5-1-2011
410-050-0421	2-1-2011	Renumber	3-1-2011	410-122-0180	3-25-2011	Amend	5-1-2011
410-050-0431	2-1-2011	Renumber	3-1-2011	410-122-0180(T)	3-25-2011	Repeal	5-1-2011
410-050-0451	2-1-2011	Renumber	3-1-2011	410-122-0186	8-1-2011	Amend(T)	9-1-2011
410-050-0461	2-1-2011	Renumber	3-1-2011	410-122-0520	7-1-2011	Amend	8-1-2011
410-050-0471	2-1-2011	Renumber	3-1-2011	410-122-0630	8-1-2011	Amend(T)	9-1-2011
410-050-0481	2-1-2011	Renumber	3-1-2011	410-123-1000	1-1-2011	Amend	1-1-2011
410-050-0491	2-1-2011	Renumber	3-1-2011	410-123-1085	1-1-2011	Repeal	1-1-2011
410-050-0501	2-1-2011	Renumber	3-1-2011	410-123-1220	1-1-2011	Amend	1-1-2011
410-050-0511	2-1-2011	Renumber	3-1-2011	410-123-1220	7-12-2011	Amend	8-1-2011
410-050-0521	2-1-2011	Renumber	3-1-2011	410-123-1260	1-1-2011	Amend	1-1-2011
410-050-0531	2-1-2011	Renumber	3-1-2011	410-123-1260	7-12-2011	Amend	8-1-2011
410-050-0541	2-1-2011	Renumber	3-1-2011	410-123-1540	1-1-2011	Amend	1-1-2011
410-050-0551	2-1-2011	Renumber	3-1-2011	410-125-0047	1-1-2011	Amend	1-1-2011
410-050-0561	2-1-2011	Renumber	3-1-2011	410-125-0080	1-1-2011	Amend	1-1-2011
410-050-0591	2-1-2011	Renumber	3-1-2011	410-125-0085	1-1-2011	Amend	1-1-2011
410-050-0601	2-1-2011	Renumber	3-1-2011	410-125-0100	1-1-2011	Repeal	1-1-2011
410-050-0861	7-1-2011	Amend(T)	8-1-2011	410-125-0140	1-1-2011	Amend	1-1-2011
410-120-0000	7-1-2011	Amend	8-1-2011	410-125-0360	1-1-2011	Amend	1-1-2011
410-120-0006	7-1-2011	Adopt	8-1-2011	410-125-0410	1-1-2011	Amend	1-1-2011
410-120-0006	7-15-2011	Amend(T)	8-1-2011	410-125-0450	1-1-2011	Adopt	1-1-2011
410-120-0006	8-1-2011	Amend(T)	9-1-2011	410-125-1020	1-1-2011	Amend	1-1-2011
410-120-0006(T)	8-1-2011	Suspend	9-1-2011	410-125-2000	1-1-2011	Amend	1-1-2011
410-120-0030	1-1-2011	Amend	2-1-2011	410-125-2020	1-1-2011	Amend	1-1-2011
410-120-0030	7-1-2011	Amend	8-1-2011	410-125-2030	1-1-2011	Amend	1-1-2011
410-120-1195	1-1-2011	Amend	2-1-2011	410-127-0020	1-1-2011	Amend	1-1-2011
410-120-1200	1-1-2011	Amend	2-1-2011	410-127-0060	1-1-2011	Amend	1-1-2011
410-120-1230	1-1-2011	Amend	2-1-2011	410-127-0060	8-1-2011	Amend(T)	9-1-2011
410-120-1280	1-1-2011	Amend	2-1-2011	410-127-0065	1-1-2011	Amend	1-1-2011
410-120-1295	1-1-2011	Amend	2-1-2011	410-127-0080	1-1-2011	Amend	1-1-2011
410-120-1340	1-1-2011	Amend	2-1-2011	410-129-0220	3-25-2011	Amend	5-1-2011
410-120-1340	8-1-2011	Amend(T)	9-1-2011	410-129-0220(T)	3-25-2011	Repeal	5-1-2011
410-120-1560	7-1-2011	Amend	8-1-2011	410-130-0200	1-1-2011	Amend	1-1-2011
410-121-0000	1-1-2011	Amend	2-1-2011	410-130-0255	1-1-2011	Amend	1-1-2011
410-121-0030	1-1-2011	Amend	2-1-2011	410-130-0580	1-1-2011	Amend	1-1-2011
410-121-0030	3-1-2011	Amend(T)	4-1-2011	410-130-0585	1-1-2011	Amend	1-1-2011
410-121-0030	7-17-2011	Amend	8-1-2011	410-130-0587	1-1-2011	Amend	1-1-2011
410-121-0030(T)	7-17-2011	Repeal	8-1-2011	410-130-0595	8-1-2011	Amend(T)	9-1-2011
410-121-0040	1-1-2011	Amend	2-1-2011	410-133-0040	7-1-2011	Amend	8-1-2011
410-121-0147	7-1-2011	Amend	8-1-2011	410-133-0080	7-1-2011	Amend	8-1-2011
410-121-0149	1-1-2011	Amend	2-1-2011	410-133-0120	7-1-2011	Amend	8-1-2011
410-121-0155	1-1-2011	Amend	2-1-2011	410-136-0030	1-1-2011	Amend	1-1-2011
410-121-0155	7-1-2011	Amend	8-1-2011	410-136-0040	1-1-2011	Amend	1-1-2011
410-121-0157	7-1-2011	Amend	8-1-2011	410-136-0045	1-1-2011	Amend	1-1-2011
410-121-0160	1-1-2011	Amend	2-1-2011	410-136-0050	1-1-2011	Amend	1-1-2011
410-121-0160	7-1-2011	Amend	8-1-2011	410-136-0060	1-1-2011	Amend	1-1-2011

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410-136-0080	1-1-2011	Amend	1-1-2011	410-141-0520(T)	1-1-2011	Repeal	2-1-2011
410-136-0140	1-1-2011	Amend	1-1-2011	410-142-0020	1-1-2011	Amend	1-1-2011
410-136-0160	1-1-2011	Amend	1-1-2011	410-142-0100	1-1-2011	Amend	1-1-2011
410-136-0180	1-1-2011	Amend	1-1-2011	410-142-0110	1-1-2011	Adopt	1-1-2011
410-136-0200	1-1-2011	Amend	1-1-2011	410-142-0200	1-1-2011	Amend	1-1-2011
410-136-0220	1-1-2011	Amend	1-1-2011	410-142-0225	1-1-2011	Amend	1-1-2011
410-136-0240	1-1-2011	Amend	1-1-2011	410-142-0240	1-1-2011	Amend	1-1-2011
410-136-0300	1-1-2011	Amend	1-1-2011	410-142-0280	1-1-2011	Amend	1-1-2011
410-136-0320	1-1-2011	Amend	1-1-2011	410-142-0300	1-1-2011	Amend	1-1-2011
410-136-0340	1-1-2011	Amend	1-1-2011	410-146-0021	1-1-2011	Amend	1-1-2011
410-136-0350	1-1-2011	Amend	1-1-2011	410-146-0085	1-1-2011	Amend	1-1-2011
410-136-0440	1-1-2011	Amend	1-1-2011	410-146-0086	1-1-2011	Amend	1-1-2011
410-136-0800	1-1-2011	Amend	1-1-2011	410-146-0120	1-1-2011	Amend	1-1-2011
410-136-0820	1-1-2011	Amend	1-1-2011	410-146-0140	1-1-2011	Repeal	1-1-2011
410-136-0840	1-1-2011	Amend	1-1-2011	410-146-0440	7-1-2011	Amend	7-1-2011
410-136-0860	1-1-2011	Amend	1-1-2011	410-146-0460	7-1-2011	Amend	7-1-2011
410-138-0000	1-1-2011	Amend	2-1-2011	410-147-0120	1-1-2011	Amend	1-1-2011
410-138-0005	1-1-2011	Amend	2-1-2011	410-147-0140	1-1-2011	Amend	1-1-2011
410-138-0007	1-1-2011	Amend	2-1-2011	410-147-0200	1-1-2011	Amend	1-1-2011
410-138-0009	1-1-2011	Amend	2-1-2011	410-147-0220	1-1-2011	Repeal	1-1-2011
410-138-0020	1-1-2011	Amend	2-1-2011	410-147-0320	1-1-2011	Amend	1-1-2011
410-138-0040	1-1-2011	Amend	2-1-2011	410-147-0340	7-1-2011	Amend	7-1-2011
410-138-0060	1-1-2011	Amend	2-1-2011	410-147-0400	7-1-2011	Amend	7-1-2011
410-138-0080	1-1-2011	Amend	2-1-2011	410-147-0480	1-1-2011	Amend	1-1-2011
410-138-0300	1-1-2011	Repeal	2-1-2011	410-147-0610	1-1-2011	Repeal	1-1-2011
410-138-0360	1-1-2011	Repeal	2-1-2011	410-165-0000	7-1-2011	Adopt	8-1-2011
410-138-0380	1-1-2011	Repeal	2-1-2011	410-165-0020	7-1-2011	Adopt	8-1-2011
410-138-0390	1-1-2011	Amend	2-1-2011	410-165-0040	7-1-2011	Adopt	8-1-2011
410-138-0400	1-1-2011	Repeal	2-1-2011	410-165-0060	7-22-2011	Adopt	9-1-2011
410-138-0420	1-1-2011	Amend	2-1-2011	410-165-0080	7-1-2011	Adopt	8-1-2011
410-138-0440	1-1-2011	Repeal	2-1-2011	410-165-0100	7-1-2011	Adopt	8-1-2011
410-138-0460	1-1-2011	Repeal	2-1-2011	410-165-0120	7-1-2011	Adopt	8-1-2011
410-138-0500	1-1-2011	Repeal	2-1-2011	410-165-0140	7-1-2011	Adopt	8-1-2011
410-138-0540	1-1-2011	Repeal	2-1-2011	411-031-0020	12-1-2010	Amend	1-1-2011
410-138-0560	1-1-2011	Repeal	2-1-2011	411-031-0020(T)	12-1-2010	Repeal	1-1-2011
410-138-0600	1-1-2011	Repeal	2-1-2011	411-031-0040	12-1-2010	Amend	1-1-2011
410-138-0640	1-1-2011	Repeal	2-1-2011	411-031-0040(T)	12-1-2010	Repeal	1-1-2011
410-138-0660	1-1-2011	Repeal	2-1-2011	411-034-0010	1-1-2011	Amend	2-1-2011
410-138-0680	1-1-2011	Repeal	2-1-2011	411-034-0020	1-1-2011	Amend	2-1-2011
410-138-0700	1-1-2011	Repeal	2-1-2011	411-050-0412	1-1-2011	Amend	2-1-2011
410-138-0710	1-1-2011	Repeal	2-1-2011	411-050-0499	1-1-2011	Repeal	2-1-2011
410-138-0740	1-1-2011	Repeal	2-1-2011	411-054-0005	4-1-2011	Amend	5-1-2011
410-138-0760	1-1-2011	Repeal	2-1-2011	411-054-0005(T)	4-1-2011	Repeal	5-1-2011
410-138-0780	1-1-2011	Repeal	2-1-2011	411-054-0012	4-1-2011	Amend	5-1-2011
410-141-0000	1-1-2011	Amend	2-1-2011	411-054-0012(T)	4-1-2011	Repeal	5-1-2011
410-141-0070	1-1-2011	Amend	2-1-2011	411-067-0000	4-1-2011	Amend	5-1-2011
410-141-0080	1-1-2011	Amend	2-1-2011	411-067-0010	4-1-2011	Amend	5-1-2011
410-141-0120	1-1-2011	Amend	2-1-2011	411-067-0020	4-1-2011	Amend	5-1-2011
410-141-0220	1-1-2011	Amend	2-1-2011	411-067-0030	4-1-2011	Repeal	5-1-2011
410-141-0260	1-1-2011	Amend	2-1-2011	411-067-0050	4-1-2011	Amend	5-1-2011
410-141-0263	1-1-2011	Amend	2-1-2011	411-067-0055	4-1-2011	Amend	5-1-2011
410-141-0280	1-1-2011	Amend	2-1-2011	411-067-0060	4-1-2011	Amend	5-1-2011
410-141-0300	1-1-2011	Amend	2-1-2011	411-067-0065	4-1-2011	Adopt	5-1-2011
410-141-0420	1-1-2011	Amend	2-1-2011	411-067-0070	4-1-2011	Amend	5-1-2011
410-141-0520	1-1-2011	Amend	2-1-2011	411-067-0080	4-1-2011	Amend	5-1-2011

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411-067-0083	4-1-2011	Amend	5-1-2011	411-323-0040	7-1-2011	Adopt	8-1-2011
411-067-0086	4-1-2011	Adopt	5-1-2011	411-323-0040	7-1-2011	Amend(T)	8-1-2011
411-067-0087	4-1-2011	Repeal	5-1-2011	411-323-0050	7-1-2011	Adopt	8-1-2011
411-067-0090	4-1-2011	Amend	5-1-2011	411-323-0050	7-1-2011	Amend(T)	8-1-2011
411-067-0100	4-1-2011	Amend	5-1-2011	411-323-0060	7-1-2011	Adopt	8-1-2011
411-070-0442	7-1-2011	Amend(T)	8-1-2011	411-323-0060	7-1-2011	Amend(T)	8-1-2011
411-070-0452	7-1-2011	Amend(T)	8-1-2011	411-323-0070	7-1-2011	Adopt	8-1-2011
411-200-0010	5-1-2011	Amend	6-1-2011	411-323-0070	7-1-2011	Amend(T)	8-1-2011
411-200-0020	5-1-2011	Amend	6-1-2011	411-325-0020	7-1-2011	Amend(T)	8-1-2011
411-200-0030	5-1-2011	Amend	6-1-2011	411-325-0025	7-1-2011	Adopt(T)	8-1-2011
411-200-0035	5-1-2011	Adopt	6-1-2011	411-325-0060	7-1-2011	Amend(T)	8-1-2011
411-200-0040	5-1-2011	Amend	6-1-2011	411-325-0080	7-1-2011	Suspend	8-1-2011
411-304-0035	1-1-2011	Amend	2-1-2011	411-325-0100	7-1-2011	Suspend	8-1-2011
411-308-0020	2-1-2011	Amend(T)	3-1-2011	411-325-0160	7-1-2011	Suspend	8-1-2011
411-308-0020	8-1-2011	Amend	9-1-2011	411-325-0210	7-1-2011	Suspend	8-1-2011
411-308-0020(T)	8-1-2011	Repeal	9-1-2011	411-325-0310	7-1-2011	Suspend	8-1-2011
411-308-0050	2-1-2011	Amend(T)	3-1-2011	411-325-0320	7-1-2011	Amend(T)	8-1-2011
411-308-0050	8-1-2011	Amend	9-1-2011	411-325-0450	7-1-2011	Suspend	8-1-2011
411-308-0050(T)	8-1-2011	Repeal	9-1-2011	411-325-0460	7-1-2011	Amend(T)	8-1-2011
411-308-0060	2-1-2011	Amend(T)	3-1-2011	411-328-0560	7-1-2011	Amend(T)	8-1-2011
411-308-0060	8-1-2011	Amend	9-1-2011	411-328-0570	2-7-2011	Amend(T)	3-1-2011
411-308-0060(T)	8-1-2011	Repeal	9-1-2011	411-328-0570	7-1-2011	Amend	8-1-2011
411-308-0070	2-1-2011	Amend(T)	3-1-2011	411-328-0570	7-1-2011	Amend(T)	8-1-2011
411-308-0070	8-1-2011	Amend	9-1-2011	411-328-0570(T)	7-1-2011	Repeal	8-1-2011
411-308-0070(T)	8-1-2011	Repeal	9-1-2011	411-328-0580	7-1-2011	Suspend	8-1-2011
411-308-0080	2-1-2011	Amend(T)	3-1-2011	411-328-0590	7-1-2011	Suspend	8-1-2011
411-308-0080	8-1-2011	Amend	9-1-2011	411-328-0600	7-1-2011	Suspend	8-1-2011
411-308-0080(T)	8-1-2011	Repeal	9-1-2011	411-328-0610	7-1-2011	Suspend	8-1-2011
411-308-0090	2-1-2011	Amend(T)	3-1-2011	411-328-0630	7-1-2011	Amend(T)	8-1-2011
411-308-0090	8-1-2011	Amend	9-1-2011	411-328-0670	7-1-2011	Suspend	8-1-2011
411-308-0090(T)	8-1-2011	Repeal	9-1-2011	411-328-0730	7-1-2011	Suspend	8-1-2011
411-308-0120	2-1-2011	Amend(T)	3-1-2011	411-328-0740	7-1-2011	Amend(T)	8-1-2011
411-308-0120	8-1-2011	Amend	9-1-2011	411-328-0805	7-1-2011	Suspend	8-1-2011
411-308-0120(T)	8-1-2011	Repeal	9-1-2011	411-328-0810	2-7-2011	Amend(T)	3-1-2011
411-320-0020	1-1-2011	Amend	2-1-2011	411-328-0810	7-1-2011	Amend	8-1-2011
411-320-0020(T)	1-1-2011	Repeal	2-1-2011	411-328-0810	7-1-2011	Suspend	8-1-2011
411-320-0030	12-1-2010	Amend(T)	1-1-2011	411-328-0810(T)	7-1-2011	Repeal	8-1-2011
411-320-0030	6-2-2011	Amend	7-1-2011	411-328-0820	7-1-2011	Suspend	8-1-2011
411-320-0045	12-1-2010	Amend(T)	1-1-2011	411-328-0830	7-1-2011	Suspend	8-1-2011
411-320-0045	6-2-2011	Amend	7-1-2011	411-335-0010	7-1-2011	Amend(T)	8-1-2011
411-320-0080	1-1-2011	Amend	2-1-2011	411-335-0020	7-1-2011	Amend(T)	8-1-2011
411-320-0080(T)	1-1-2011	Repeal	2-1-2011	411-335-0030	2-7-2011	Amend(T)	3-1-2011
411-320-0090	7-1-2011	Amend(T)	8-1-2011	411-335-0030	7-1-2011	Amend	8-1-2011
411-320-0110	7-1-2011	Amend(T)	8-1-2011	411-335-0030	7-1-2011	Amend(T)	8-1-2011
411-320-0130	12-1-2010	Amend(T)	1-1-2011	411-335-0030(T)	7-1-2011	Repeal	8-1-2011
411-320-0130	6-2-2011	Amend	7-1-2011	411-335-0050	2-7-2011	Amend(T)	3-1-2011
411-320-0170	12-1-2010	Amend(T)	1-1-2011	411-335-0050	7-1-2011	Amend	8-1-2011
411-320-0175	1-1-2011	Amend	2-1-2011	411-335-0050	7-1-2011	Suspend	8-1-2011
411-320-0175(T)	1-1-2011	Repeal	2-1-2011	411-335-0050(T)	7-1-2011	Repeal	8-1-2011
411-323-0010	7-1-2011	Adopt	8-1-2011	411-335-0060	7-1-2011	Amend(T)	8-1-2011
411-323-0010	7-1-2011	Amend(T)	8-1-2011	411-335-0070	7-1-2011	Suspend	8-1-2011
411-323-0020	7-1-2011	Adopt	8-1-2011	411-335-0080	7-1-2011	Suspend	8-1-2011
411-323-0020	7-1-2011	Amend(T)	8-1-2011	411-335-0090	7-1-2011	Suspend	8-1-2011
411-323-0030	7-1-2011	Adopt	8-1-2011	411-335-0100	7-1-2011	Suspend	8-1-2011
411-323-0030	7-1-2011	Amend(T)	8-1-2011	411-335-0110	7-1-2011	Suspend	8-1-2011
411-323-0035	7-1-2011	Adopt(T)	8-1-2011	411-335-0140	7-1-2011	Suspend	8-1-2011

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411-335-0300	7-1-2011	Suspend	8-1-2011	411-345-0220	7-1-2011	Repeal	8-1-2011
411-335-0310	7-1-2011	Amend(T)	8-1-2011	411-345-0230	7-1-2011	Amend	8-1-2011
411-335-0370	7-1-2011	Suspend	8-1-2011	411-345-0240	7-1-2011	Amend	8-1-2011
411-335-0380	2-7-2011	Amend(T)	3-1-2011	411-345-0250	7-1-2011	Amend	8-1-2011
411-335-0380	7-1-2011	Amend	8-1-2011	411-345-0260	2-7-2011	Amend(T)	3-1-2011
411-335-0380	7-1-2011	Suspend	8-1-2011	411-345-0260	7-1-2011	Amend	8-1-2011
411-335-0380(T)	7-1-2011	Repeal	8-1-2011	411-345-0260(T)	7-1-2011	Repeal	8-1-2011
411-335-0390	7-1-2011	Suspend	8-1-2011	411-345-0270	7-1-2011	Amend	8-1-2011
411-340-0030	11-17-2010	Amend(T)	1-1-2011	411-345-0280	7-1-2011	Repeal	8-1-2011
411-340-0030	5-5-2011	Amend	6-1-2011	411-345-0290	7-1-2011	Repeal	8-1-2011
411-340-0030(T)	5-5-2011	Repeal	6-1-2011	411-345-0300	7-1-2011	Repeal	8-1-2011
411-340-0040	11-17-2010	Amend(T)	1-1-2011	411-346-0110	2-10-2011	Amend(T)	3-1-2011
411-340-0040	5-5-2011	Amend	6-1-2011	411-346-0110	7-1-2011	Adopt	8-1-2011
411-340-0040(T)	5-5-2011	Repeal	6-1-2011	411-346-0110(T)	7-1-2011	Repeal	8-1-2011
411-340-0060	11-17-2010	Amend(T)	1-1-2011	411-346-0150	2-10-2011	Amend(T)	3-1-2011
411-340-0060(T)	5-5-2011	Repeal	6-1-2011	411-346-0150	7-1-2011	Adopt	8-1-2011
411-340-0100	7-1-2011	Amend(T)	8-1-2011	411-346-0150(T)	7-1-2011	Repeal	8-1-2011
411-340-0120	11-17-2010	Amend(T)	1-1-2011	411-346-0160	2-10-2011	Amend(T)	3-1-2011
411-340-0120	5-5-2011	Amend	6-1-2011	411-346-0160	7-1-2011	Adopt	8-1-2011
411-340-0120(T)	5-5-2011	Repeal	6-1-2011	411-346-0160(T)	7-1-2011	Repeal	8-1-2011
411-345-0010	7-1-2011	Amend	8-1-2011	411-346-0165	2-10-2011	Amend(T)	3-1-2011
411-345-0010	7-1-2011	Amend(T)	8-1-2011	411-346-0165	7-1-2011	Adopt	8-1-2011
411-345-0020	7-1-2011	Amend	8-1-2011	411-346-0165(T)	7-1-2011	Repeal	8-1-2011
411-345-0020	7-1-2011	Amend(T)	8-1-2011	411-346-0190	2-10-2011	Amend(T)	3-1-2011
411-345-0025	7-1-2011	Adopt	8-1-2011	411-346-0190	7-1-2011	Adopt	8-1-2011
411-345-0030	2-7-2011	Amend(T)	3-1-2011	411-346-0190(T)	7-1-2011	Repeal	8-1-2011
411-345-0030	7-1-2011	Amend	8-1-2011	411-346-0200	2-10-2011	Amend(T)	3-1-2011
411-345-0030	7-1-2011	Amend(T)	8-1-2011	411-346-0200	7-1-2011	Adopt	8-1-2011
411-345-0030(T)	7-1-2011	Repeal	8-1-2011	411-346-0200(T)	7-1-2011	Repeal	8-1-2011
411-345-0040	7-1-2011	Repeal	8-1-2011	411-346-0220	2-10-2011	Amend(T)	3-1-2011
411-345-0050	7-1-2011	Amend	8-1-2011	411-346-0220	7-1-2011	Adopt	8-1-2011
411-345-0050	7-1-2011	Amend(T)	8-1-2011	411-346-0220(T)	7-1-2011	Repeal	8-1-2011
411-345-0060	7-1-2011	Repeal	8-1-2011	411-360-0070	1-1-2011	Amend	2-1-2011
411-345-0070	7-1-2011	Repeal	8-1-2011	411-360-0070(T)	1-1-2011	Repeal	2-1-2011
411-345-0080	7-1-2011	Amend	8-1-2011	411-370-0010	7-1-2011	Adopt	8-1-2011
411-345-0080	7-1-2011	Suspend	8-1-2011	411-370-0020	7-1-2011	Adopt	8-1-2011
411-345-0090	7-1-2011	Amend	8-1-2011	411-370-0030	7-1-2011	Adopt	8-1-2011
411-345-0095	7-1-2011	Adopt	8-1-2011	411-370-0040	7-1-2011	Adopt	8-1-2011
411-345-0100	2-7-2011	Amend(T)	3-1-2011	413-010-0055	12-29-2010	Amend	2-1-2011
411-345-0100	7-1-2011	Amend	8-1-2011	413-010-0055(T)	12-29-2010	Repeal	2-1-2011
411-345-0100	7-1-2011	Amend(T)	8-1-2011	413-010-0081	12-29-2010	Amend	2-1-2011
411-345-0100(T)	7-1-2011	Repeal	8-1-2011	413-010-0082	12-29-2010	Amend	2-1-2011
411-345-0110	7-1-2011	Amend	8-1-2011	413-010-0083	12-29-2010	Amend	2-1-2011
411-345-0110	7-1-2011	Amend(T)	8-1-2011	413-010-0084	12-29-2010	Repeal	2-1-2011
411-345-0120	7-1-2011	Repeal	8-1-2011	413-010-0085	12-29-2010	Amend	2-1-2011
411-345-0130	7-1-2011	Amend	8-1-2011	413-010-0086	12-29-2010	Repeal	2-1-2011
411-345-0130	7-1-2011	Amend(T)	8-1-2011	413-010-0360	12-29-2010	Repeal	2-1-2011
411-345-0140	7-1-2011	Amend	8-1-2011	413-010-0370	12-29-2010	Repeal	2-1-2011
411-345-0150	7-1-2011	Repeal	8-1-2011	413-010-0380	12-29-2010	Repeal	2-1-2011
411-345-0160	7-1-2011	Amend	8-1-2011	413-010-0500	6-30-2011	Amend(T)	8-1-2011
411-345-0170	7-1-2011	Amend	8-1-2011	413-010-0501	6-30-2011	Adopt(T)	8-1-2011
411-345-0180	7-1-2011	Amend	8-1-2011	413-010-0502	6-30-2011	Adopt(T)	8-1-2011
411-345-0190	7-1-2011	Amend	8-1-2011	413-010-0505	6-30-2011	Amend(T)	8-1-2011
411-345-0190	7-1-2011	Amend(T)	8-1-2011	413-010-0510	6-30-2011	Amend(T)	8-1-2011
411-345-0200	7-1-2011	Amend	8-1-2011	413-010-0515	6-30-2011	Amend(T)	8-1-2011
411-345-0210	7-1-2011	Repeal	8-1-2011	413-010-0520	6-30-2011	Amend(T)	8-1-2011

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413-010-0530	6-30-2011	Amend(T)	8-1-2011	413-070-0900	6-30-2011	Amend(T)	8-1-2011
413-010-0535	6-30-2011	Amend(T)	8-1-2011	413-070-0905	6-30-2011	Amend(T)	8-1-2011
413-020-0200	6-30-2011	Amend(T)	8-1-2011	413-070-0909	6-30-2011	Amend(T)	8-1-2011
413-020-0210	6-30-2011	Amend(T)	8-1-2011	413-070-0917	6-30-2011	Amend(T)	8-1-2011
413-020-0230	6-30-2011	Amend(T)	8-1-2011	413-070-0919	6-30-2011	Amend(T)	8-1-2011
413-020-0233	6-30-2011	Amend(T)	8-1-2011	413-070-0925	6-30-2011	Amend(T)	8-1-2011
413-020-0236	6-30-2011	Amend(T)	8-1-2011	413-070-0929	6-30-2011	Suspend	8-1-2011
413-020-0240	6-30-2011	Amend(T)	8-1-2011	413-070-0934	6-30-2011	Amend(T)	8-1-2011
413-020-0245	6-30-2011	Amend(T)	8-1-2011	413-070-0939	6-30-2011	Amend(T)	8-1-2011
413-020-0255	6-30-2011	Amend(T)	8-1-2011	413-070-0944	6-30-2011	Amend(T)	8-1-2011
413-040-0240	1-4-2011	Amend	2-1-2011	413-070-0949	6-30-2011	Amend(T)	8-1-2011
413-040-0240(T)	1-4-2011	Repeal	2-1-2011	413-070-0959	6-30-2011	Amend(T)	8-1-2011
413-070-0063	6-30-2011	Amend(T)	8-1-2011	413-070-0964	6-30-2011	Amend(T)	8-1-2011
413-070-0500	12-29-2010	Amend	2-1-2011	413-070-0969	6-30-2011	Amend(T)	8-1-2011
413-070-0505	12-29-2010	Amend	2-1-2011	413-070-0970	6-30-2011	Amend(T)	8-1-2011
413-070-0510	12-29-2010	Amend	2-1-2011	413-070-0974	6-30-2011	Amend(T)	8-1-2011
413-070-0514	12-29-2010	Adopt	2-1-2011	413-070-0979	6-30-2011	Suspend	8-1-2011
413-070-0514	3-22-2011	Amend(T)	5-1-2011	413-090-0000	6-30-2011	Amend(T)	8-1-2011
413-070-0515	12-29-2010	Am. & Ren.	2-1-2011	413-090-0005	6-30-2011	Amend(T)	8-1-2011
413-070-0516	12-29-2010	Adopt	2-1-2011	413-090-0010	6-30-2011	Amend(T)	8-1-2011
413-070-0516	3-22-2011	Amend(T)	5-1-2011	413-090-0021	6-30-2011	Amend(T)	8-1-2011
413-070-0517	12-29-2010	Repeal	2-1-2011	413-090-0030	6-30-2011	Amend(T)	8-1-2011
413-070-0518	12-29-2010	Adopt	2-1-2011	413-090-0040	6-30-2011	Amend(T)	8-1-2011
413-070-0518	3-22-2011	Amend(T)	5-1-2011	413-090-0050	6-30-2011	Amend(T)	8-1-2011
413-070-0519	12-29-2010	Adopt	2-1-2011	413-100-0000	6-30-2011	Amend	8-1-2011
413-070-0519	3-22-2011	Amend(T)	5-1-2011	413-100-0010	6-30-2011	Amend	8-1-2011
413-070-0520	12-29-2010	Amend	2-1-2011	413-100-0020	6-30-2011	Amend	8-1-2011
413-070-0524	12-29-2010	Amend	2-1-2011	413-100-0030	6-30-2011	Amend	8-1-2011
413-070-0532	12-29-2010	Amend	2-1-2011	413-100-0060	6-30-2011	Amend	8-1-2011
413-070-0536	12-29-2010	Amend	2-1-2011	413-100-0070	6-30-2011	Amend	8-1-2011
413-070-0540	12-29-2010	Amend	2-1-2011	413-100-0080	6-30-2011	Amend	8-1-2011
413-070-0548	12-29-2010	Am. & Ren.	2-1-2011	413-100-0110	6-30-2011	Amend	8-1-2011
413-070-0550	12-29-2010	Amend	2-1-2011	413-100-0120	6-30-2011	Amend	8-1-2011
413-070-0550	3-22-2011	Amend(T)	5-1-2011	413-100-0130	6-30-2011	Amend	8-1-2011
413-070-0552	12-29-2010	Amend	2-1-2011	413-100-0135	6-30-2011	Amend(T)	8-1-2011
413-070-0556	12-29-2010	Amend	2-1-2011	413-100-0150	6-30-2011	Amend(T)	8-1-2011
413-070-0565	12-29-2010	Amend	2-1-2011	413-100-0160	6-30-2011	Amend	8-1-2011
413-070-0570	12-28-2010	Adopt	2-1-2011	413-100-0180	6-30-2011	Amend	8-1-2011
413-070-0572	12-28-2010	Adopt	2-1-2011	413-100-0190	6-30-2011	Amend	8-1-2011
413-070-0574	12-28-2010	Adopt	2-1-2011	413-100-0200	6-30-2011	Amend	8-1-2011
413-070-0600	12-29-2010	Amend	2-1-2011	413-100-0210	6-30-2011	Amend	8-1-2011
413-070-0620	12-29-2010	Amend	2-1-2011	413-100-0220	6-30-2011	Amend	8-1-2011
413-070-0625	12-29-2010	Amend	2-1-2011	413-100-0230	6-30-2011	Amend	8-1-2011
413-070-0630	12-29-2010	Amend	2-1-2011	413-100-0240	6-30-2011	Amend	8-1-2011
413-070-0640	12-29-2010	Amend	2-1-2011	413-100-0250	6-30-2011	Amend	8-1-2011
413-070-0645	12-29-2010	Amend	2-1-2011	413-100-0260	6-30-2011	Amend	8-1-2011
413-070-0651	12-29-2010	Adopt(T)	2-1-2011	413-100-0270	6-30-2011	Amend	8-1-2011
413-070-0651	6-28-2011	Amend	8-1-2011	413-100-0280	6-30-2011	Amend	8-1-2011
413-070-0655	12-29-2010	Adopt(T)	2-1-2011	413-100-0300	6-30-2011	Amend	8-1-2011
413-070-0655	6-28-2011	Amend	8-1-2011	413-100-0310	6-30-2011	Amend	8-1-2011
413-070-0660	12-29-2010	Adopt(T)	2-1-2011	413-100-0320	6-30-2011	Amend	8-1-2011
413-070-0660	6-28-2011	Amend	8-1-2011	413-100-0335	6-30-2011	Amend	8-1-2011
413-070-0665	12-29-2010	Adopt(T)	2-1-2011	413-100-0345	6-30-2011	Amend	8-1-2011
413-070-0665	6-28-2011	Amend	8-1-2011	413-100-0905	6-30-2011	Amend(T)	8-1-2011
413-070-0670	12-29-2010	Adopt(T)	2-1-2011	413-100-0915	6-30-2011	Amend(T)	8-1-2011

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413-100-0930	6-30-2011	Amend(T)	8-1-2011	413-120-0540	12-29-2010	Repeal	2-1-2011
413-110-0100	12-29-2010	Amend	2-1-2011	413-120-0541	12-29-2010	Adopt	2-1-2011
413-110-0110	12-29-2010	Amend	2-1-2011	413-120-0550	12-29-2010	Am. & Ren.	2-1-2011
413-110-0120	12-29-2010	Repeal	2-1-2011	413-120-0570	12-29-2010	Adopt	2-1-2011
413-110-0130	12-29-2010	Amend	2-1-2011	413-120-0590	12-29-2010	Adopt	2-1-2011
413-110-0132	12-29-2010	Adopt	2-1-2011	413-120-0595	12-29-2010	Adopt	2-1-2011
413-110-0132	4-4-2011	Amend(T)	5-1-2011	413-120-0700	12-29-2010	Adopt	2-1-2011
413-110-0140	12-29-2010	Repeal	2-1-2011	413-120-0710	12-29-2010	Adopt	2-1-2011
413-110-0150	12-29-2010	Adopt	2-1-2011	413-120-0720	12-29-2010	Adopt	2-1-2011
413-120-0000	12-29-2010	Amend	2-1-2011	413-120-0730	12-29-2010	Adopt	2-1-2011
413-120-0010	12-29-2010	Amend	2-1-2011	413-120-0730	3-22-2011	Amend(T)	5-1-2011
413-120-0015	12-29-2010	Repeal	2-1-2011	413-120-0750	12-29-2010	Adopt	2-1-2011
413-120-0020	12-29-2010	Amend	2-1-2011	413-120-0750	3-22-2011	Amend(T)	5-1-2011
413-120-0020	3-22-2011	Amend(T)	5-1-2011	413-120-0760	12-29-2010	Adopt	2-1-2011
413-120-0021	12-29-2010	Adopt	2-1-2011	413-120-0760	3-22-2011	Amend(T)	5-1-2011
413-120-0021	3-22-2011	Amend(T)	5-1-2011	413-120-0800	12-29-2010	Amend	2-1-2011
413-120-0025	12-29-2010	Adopt	2-1-2011	413-120-0810	12-29-2010	Amend	2-1-2011
413-120-0030	12-29-2010	Repeal	2-1-2011	413-120-0820	12-29-2010	Repeal	2-1-2011
413-120-0033	12-29-2010	Am. & Ren.	2-1-2011	413-120-0830	12-29-2010	Amend	2-1-2011
413-120-0035	12-29-2010	Amend	2-1-2011	413-120-0840	12-29-2010	Adopt	2-1-2011
413-120-0035	3-22-2011	Amend(T)	5-1-2011	413-120-0850	12-29-2010	Adopt	2-1-2011
413-120-0040	12-29-2010	Repeal	2-1-2011	413-120-0860	12-29-2010	Adopt	2-1-2011
413-120-0045	12-29-2010	Am. & Ren.	2-1-2011	413-120-0870	12-29-2010	Adopt	2-1-2011
413-120-0053	12-29-2010	Adopt	2-1-2011	413-120-0900	12-28-2010	Adopt	2-1-2011
413-120-0057	12-29-2010	Adopt	2-1-2011	413-120-0905	12-28-2010	Adopt	2-1-2011
413-120-0060	12-29-2010	Amend	2-1-2011	413-120-0910	12-28-2010	Adopt	2-1-2011
413-120-0060	3-22-2011	Amend(T)	5-1-2011	413-120-0920	12-28-2010	Adopt	2-1-2011
413-120-0075	12-29-2010	Am. & Ren.	2-1-2011	413-120-0925	12-28-2010	Adopt	2-1-2011
413-120-0080	12-29-2010	Repeal	2-1-2011	413-120-0930	12-28-2010	Adopt	2-1-2011
413-120-0190	12-29-2010	Amend	2-1-2011	413-120-0940	12-28-2010	Adopt	2-1-2011
413-120-0195	12-29-2010	Amend	2-1-2011	413-120-0945	12-28-2010	Adopt	2-1-2011
413-120-0200	12-29-2010	Repeal	2-1-2011	413-120-0950	12-28-2010	Adopt	2-1-2011
413-120-0210	12-29-2010	Repeal	2-1-2011	413-120-0960	12-28-2010	Adopt	2-1-2011
413-120-0220	12-29-2010	Amend	2-1-2011	413-120-0970	12-28-2010	Adopt	2-1-2011
413-120-0222	12-29-2010	Adopt	2-1-2011	413-130-0000	6-30-2011	Amend(T)	8-1-2011
413-120-0225	12-29-2010	Adopt	2-1-2011	413-130-0010	6-30-2011	Amend(T)	8-1-2011
413-120-0230	12-29-2010	Repeal	2-1-2011	413-130-0015	6-30-2011	Adopt(T)	8-1-2011
413-120-0240	12-29-2010	Amend	2-1-2011	413-130-0020	6-30-2011	Amend(T)	8-1-2011
413-120-0243	12-29-2010	Adopt	2-1-2011	413-130-0030	6-30-2011	Am. & Ren.(T)	8-1-2011
413-120-0246	12-29-2010	Adopt	2-1-2011	413-130-0040	6-30-2011	Amend(T)	8-1-2011
413-120-0250	12-29-2010	Repeal	2-1-2011	413-130-0045	6-30-2011	Suspend	8-1-2011
413-120-0255	12-29-2010	Repeal	2-1-2011	413-130-0050	6-30-2011	Amend(T)	8-1-2011
413-120-0260	12-29-2010	Repeal	2-1-2011	413-130-0055	6-30-2011	Adopt(T)	8-1-2011
413-120-0265	12-29-2010	Repeal	2-1-2011	413-130-0060	6-30-2011	Suspend	8-1-2011
413-120-0270	12-29-2010	Repeal	2-1-2011	413-130-0070	6-30-2011	Amend(T)	8-1-2011
413-120-0275	12-29-2010	Repeal	2-1-2011	413-130-0075	6-30-2011	Amend(T)	8-1-2011
413-120-0280	12-29-2010	Repeal	2-1-2011	413-130-0080	6-30-2011	Amend(T)	8-1-2011
413-120-0285	12-29-2010	Repeal	2-1-2011	413-130-0090	6-30-2011	Amend(T)	8-1-2011
413-120-0290	12-29-2010	Repeal	2-1-2011	413-130-0100	6-30-2011	Amend(T)	8-1-2011
413-120-0300	12-29-2010	Repeal	2-1-2011	413-130-0110	6-30-2011	Amend(T)	8-1-2011
413-120-0310	12-29-2010	Repeal	2-1-2011	413-130-0115	6-30-2011	Suspend	8-1-2011
413-120-0500	12-29-2010	Amend	2-1-2011	413-130-0125	6-30-2011	Amend(T)	8-1-2011
413-120-0510	12-29-2010	Amend	2-1-2011	413-130-0130	6-30-2011	Amend(T)	8-1-2011
413-120-0520	12-29-2010	Repeal	2-1-2011	413-130-0150	12-29-2010	Repeal	2-1-2011
413-120-0521	12-29-2010	Adopt	2-1-2011	413-130-0160	12-29-2010	Repeal	2-1-2011

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413-130-0180	12-29-2010	Repeal	2-1-2011	415-054-0090	3-9-2011	Repeal	4-1-2011
414-205-0055	1-1-2011	Amend	2-1-2011	415-054-0100	3-9-2011	Repeal	4-1-2011
414-205-0100	1-1-2011	Amend	2-1-2011	415-054-0200	3-9-2011	Repeal	4-1-2011
414-205-0110	1-1-2011	Amend	2-1-2011	415-054-0210	3-9-2011	Repeal	4-1-2011
414-205-0170	1-1-2011	Amend	2-1-2011	415-054-0220	3-9-2011	Repeal	4-1-2011
414-300-0005	1-1-2011	Amend	2-1-2011	415-054-0230	3-9-2011	Repeal	4-1-2011
414-300-0010	1-1-2011	Amend	2-1-2011	415-054-0240	3-9-2011	Repeal	4-1-2011
414-300-0015	1-1-2011	Amend	2-1-2011	415-054-0300	3-9-2011	Repeal	4-1-2011
414-300-0030	1-1-2011	Amend	2-1-2011	415-054-0310	3-9-2011	Repeal	4-1-2011
414-300-0040	1-1-2011	Amend	2-1-2011	415-054-0320	3-9-2011	Repeal	4-1-2011
414-300-0110	1-1-2011	Amend(T)	2-1-2011	415-054-0330	3-9-2011	Repeal	4-1-2011
414-300-0110	6-1-2011	Amend	7-1-2011	415-054-0340	3-9-2011	Repeal	4-1-2011
414-300-0110(T)	6-1-2011	Repeal	7-1-2011	415-054-0350	3-9-2011	Repeal	4-1-2011
414-300-0120	1-1-2011	Amend	2-1-2011	415-054-0360	3-9-2011	Repeal	4-1-2011
414-300-0250	1-1-2011	Amend	2-1-2011	415-054-0370	3-9-2011	Repeal	4-1-2011
414-300-0415	1-1-2011	Amend	2-1-2011	415-054-0400	3-9-2011	Adopt	4-1-2011
414-350-0010	1-1-2011	Amend	2-1-2011	415-054-0400(T)	3-9-2011	Repeal	4-1-2011
414-350-0020	1-1-2011	Amend	2-1-2011	415-054-0410	3-9-2011	Adopt	4-1-2011
414-350-0030	1-1-2011	Amend	2-1-2011	415-054-0410(T)	3-9-2011	Repeal	4-1-2011
414-350-0050	1-1-2011	Amend	2-1-2011	415-054-0420	3-9-2011	Adopt	4-1-2011
414-350-0060	1-1-2011	Amend	2-1-2011	415-054-0420(T)	3-9-2011	Repeal	4-1-2011
414-350-0090	1-1-2011	Amend	2-1-2011	415-054-0430	3-9-2011	Adopt	4-1-2011
414-350-0100	1-1-2011	Amend	2-1-2011	415-054-0430(T)	3-9-2011	Repeal	4-1-2011
414-350-0110	1-1-2011	Amend(T)	2-1-2011	415-054-0440	3-9-2011	Adopt	4-1-2011
414-350-0110	6-1-2011	Amend	7-1-2011	415-054-0440(T)	3-9-2011	Repeal	4-1-2011
414-350-0110(T)	6-1-2011	Repeal	7-1-2011	415-054-0450	3-9-2011	Adopt	4-1-2011
414-350-0115	1-1-2011	Amend	2-1-2011	415-054-0450(T)	3-9-2011	Repeal	4-1-2011
414-350-0200	1-1-2011	Amend	2-1-2011	415-054-0460	3-9-2011	Adopt	4-1-2011
414-350-0210	1-1-2011	Amend	2-1-2011	415-054-0460(T)	3-9-2011	Repeal	4-1-2011
414-350-0375	1-1-2011	Amend	2-1-2011	415-054-0470	3-9-2011	Adopt	4-1-2011
414-350-0380	1-1-2011	Amend	2-1-2011	415-054-0470(T)	3-9-2011	Repeal	4-1-2011
414-425-0010	5-1-2011	Amend(T)	6-1-2011	415-054-0480	3-9-2011	Adopt	4-1-2011
414-425-0010	6-30-2011	Amend(T)	8-1-2011	415-054-0480(T)	3-9-2011	Repeal	4-1-2011
414-425-0010(T)	6-30-2011	Suspend	8-1-2011	415-054-0490	3-9-2011	Adopt	4-1-2011
414-425-0030	5-1-2011	Amend(T)	6-1-2011	415-054-0490(T)	3-9-2011	Repeal	4-1-2011
414-425-0030	6-30-2011	Amend(T)	8-1-2011	415-054-0500	3-9-2011	Adopt	4-1-2011
414-425-0030(T)	6-30-2011	Suspend	8-1-2011	415-054-0500(T)	3-9-2011	Repeal	4-1-2011
414-450-0010	5-1-2011	Amend(T)	6-1-2011	415-054-0510	3-9-2011	Adopt	4-1-2011
414-450-0010	6-30-2011	Amend(T)	8-1-2011	415-054-0510(T)	3-9-2011	Repeal	4-1-2011
414-450-0010(T)	6-30-2011	Suspend	8-1-2011	415-054-0520	3-9-2011	Adopt	4-1-2011
414-450-0030	5-1-2011	Amend(T)	6-1-2011	415-054-0520(T)	3-9-2011	Repeal	4-1-2011
414-450-0030	6-30-2011	Amend(T)	8-1-2011	415-054-0530	3-9-2011	Adopt	4-1-2011
414-450-0030(T)	6-30-2011	Suspend	8-1-2011	415-054-0540	3-9-2011	Adopt	4-1-2011
415-054-0005	3-9-2011	Repeal	4-1-2011	415-054-0550	3-9-2011	Adopt	4-1-2011
415-054-0010	3-9-2011	Repeal	4-1-2011	415-054-0560	3-9-2011	Adopt	4-1-2011
415-054-0015	3-9-2011	Repeal	4-1-2011	415-054-0570	3-9-2011	Adopt	4-1-2011
415-054-0017	3-9-2011	Repeal	4-1-2011	415-054-0580	3-9-2011	Adopt	4-1-2011
415-054-0018	3-9-2011	Repeal	4-1-2011	415-065-0055	2-11-2011	Amend(T)	3-1-2011
415-054-0045	3-9-2011	Repeal	4-1-2011	416-070-0010	6-14-2011	Adopt(T)	7-1-2011
415-054-0050	3-9-2011	Repeal	4-1-2011	416-070-0020	6-14-2011	Adopt(T)	7-1-2011
415-054-0055	3-9-2011	Repeal	4-1-2011	416-070-0030	6-14-2011	Adopt(T)	7-1-2011
415-054-0060	3-9-2011	Repeal	4-1-2011	416-070-0040	6-14-2011	Adopt(T)	7-1-2011
415-054-0070	3-9-2011	Repeal	4-1-2011	416-070-0050	6-14-2011	Adopt(T)	7-1-2011
415-054-0075	3-9-2011	Repeal	4-1-2011	416-070-0060	6-14-2011	Adopt(T)	7-1-2011
415-054-0076	3-9-2011	Repeal	4-1-2011	436-009-0003	4-1-2011	Amend	4-1-2011

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436-009-0005	4-1-2011	Amend	4-1-2011	441-674-0100(T)	1-1-2011	Repeal	2-1-2011
436-009-0010	4-1-2011	Amend	4-1-2011	441-674-0120	1-1-2011	Adopt	2-1-2011
436-009-0020	4-1-2011	Amend	4-1-2011	441-674-0120(T)	1-1-2011	Repeal	2-1-2011
436-009-0030	4-1-2011	Amend	4-1-2011	441-674-0130	1-1-2011	Adopt	2-1-2011
436-009-0040	4-1-2011	Amend	4-1-2011	441-674-0130(T)	1-1-2011	Repeal	2-1-2011
436-009-0050	4-1-2011	Amend	4-1-2011	441-674-0140	1-1-2011	Adopt	2-1-2011
436-009-0070	4-1-2011	Amend	4-1-2011	441-674-0140(T)	1-1-2011	Repeal	2-1-2011
436-009-0080	4-1-2011	Amend	4-1-2011	441-674-0210	1-1-2011	Adopt	2-1-2011
436-009-0080	7-5-2011	Amend(T)	8-1-2011	441-674-0210(T)	1-1-2011	Repeal	2-1-2011
436-009-0090	4-1-2011	Amend	4-1-2011	441-674-0220	1-1-2011	Adopt	2-1-2011
436-009-0114	4-1-2011	Adopt	4-1-2011	441-674-0220(T)	1-1-2011	Repeal	2-1-2011
436-009-0120	4-1-2011	Amend	4-1-2011	441-674-0230	1-1-2011	Adopt	2-1-2011
436-009-0125	4-1-2011	Amend	4-1-2011	441-674-0230(T)	1-1-2011	Repeal	2-1-2011
436-009-0155	4-1-2011	Amend	4-1-2011	441-674-0240	1-1-2011	Adopt	2-1-2011
436-009-0160	4-1-2011	Amend	4-1-2011	441-674-0240(T)	1-1-2011	Repeal	2-1-2011
436-009-0180	4-1-2011	Amend	4-1-2011	441-674-0250	1-1-2011	Adopt	2-1-2011
436-009-0199	4-1-2011	Am. & Ren.	4-1-2011	441-674-0250(T)	1-1-2011	Repeal	2-1-2011
436-009-0200	4-1-2012	Adopt	4-1-2011	441-674-0310	1-1-2011	Adopt	2-1-2011
436-009-0205	4-1-2012	Adopt	4-1-2011	441-674-0310(T)	1-1-2011	Repeal	2-1-2011
436-009-0206	4-1-2012	Adopt	4-1-2011	441-674-0510	1-20-2011	Adopt	3-1-2011
436-009-0207	4-1-2012	Adopt	4-1-2011	441-674-0520	1-20-2011	Adopt	3-1-2011
436-009-0210	4-1-2012	Adopt	4-1-2011	441-674-0910	1-1-2011	Adopt	2-1-2011
436-009-0215	4-1-2012	Adopt	4-1-2011	441-674-0910(T)	1-1-2011	Repeal	2-1-2011
436-009-0220	4-1-2012	Adopt	4-1-2011	441-674-0915	1-1-2011	Adopt	2-1-2011
436-009-0225	4-1-2012	Adopt	4-1-2011	441-674-0915(T)	1-1-2011	Repeal	2-1-2011
436-009-0230	4-1-2012	Adopt	4-1-2011	441-674-0920	1-1-2011	Adopt	2-1-2011
436-009-0235	4-1-2012	Adopt	4-1-2011	441-674-0920(T)	1-1-2011	Repeal	2-1-2011
436-009-0240	4-1-2012	Adopt	4-1-2011	441-710-0035	12-1-2010	Amend	1-1-2011
436-009-0245	4-1-2012	Adopt	4-1-2011	441-710-0071	12-1-2010	Adopt	1-1-2011
436-009-0250	4-1-2012	Adopt	4-1-2011	441-710-0500	3-8-2011	Amend	4-1-2011
436-009-0255	4-1-2012	Adopt	4-1-2011	441-860-0101	7-1-2011	Amend(T)	8-1-2011
436-009-0260	4-1-2012	Adopt	4-1-2011	441-880-0400	7-1-2011	Amend(T)	8-1-2011
436-009-0265	4-1-2012	Adopt	4-1-2011	441-930-0010	1-1-2011	Amend	2-1-2011
436-009-0270	4-1-2012	Adopt	4-1-2011	441-930-0030	1-1-2011	Amend	2-1-2011
436-009-0275	4-1-2012	Adopt	4-1-2011	441-930-0035	1-1-2011	Adopt	2-1-2011
436-009-0280	4-1-2012	Adopt	4-1-2011	441-930-0045	1-1-2011	Adopt	2-1-2011
436-009-0285	4-1-2012	Adopt	4-1-2011	441-930-0065	1-1-2011	Adopt	2-1-2011
436-009-0290	4-1-2012	Adopt	4-1-2011	441-930-0068	1-1-2011	Adopt	2-1-2011
436-010-0230	4-1-2011	Amend	4-1-2011	441-930-0070	1-1-2011	Amend	2-1-2011
436-010-0265	4-1-2011	Amend	4-1-2011	441-930-0080	1-1-2011	Amend	2-1-2011
436-010-0290	4-1-2011	Amend	4-1-2011	441-930-0210	1-1-2011	Amend	2-1-2011
436-060-0095	4-1-2011	Amend	4-1-2011	441-930-0220	1-1-2011	Amend	2-1-2011
436-085-0003	7-1-2011	Amend	7-1-2011	441-930-0230	1-1-2011	Amend	2-1-2011
436-085-0005	7-1-2011	Amend	7-1-2011	441-930-0240	1-1-2011	Amend	2-1-2011
436-085-0025	7-1-2011	Amend	7-1-2011	441-930-0250	1-1-2011	Amend	2-1-2011
436-085-0030	7-1-2011	Amend	7-1-2011	441-930-0255	1-1-2011	Adopt	2-1-2011
437-003-0001	2-9-2011	Amend	3-1-2011	441-930-0260	1-1-2011	Amend	2-1-2011
437-003-1423	2-9-2011	Adopt	3-1-2011	441-930-0267	1-1-2011	Adopt	2-1-2011
437-003-3600	2-9-2011	Adopt	3-1-2011	441-930-0270	1-1-2011	Amend	2-1-2011
441-035-0010	2-15-2011	Amend	3-1-2011	441-930-0270	7-1-2011	Amend(T)	8-1-2011
441-505-1135	12-1-2010	Adopt	1-1-2011	441-930-0280	1-1-2011	Repeal	2-1-2011
441-505-1135	7-1-2011	Suspend	8-1-2011	441-930-0290	1-1-2011	Amend	2-1-2011
441-674-0005	1-1-2011	Adopt	2-1-2011	441-930-0300	1-1-2011	Amend	2-1-2011
441-674-0005	1-20-2011	Amend	3-1-2011	441-930-0310	1-1-2011	Amend	2-1-2011
441-674-0005(T)	1-1-2011	Repeal	2-1-2011	441-930-0320	1-1-2011	Amend	2-1-2011

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441-930-0340	1-1-2011	Repeal	2-1-2011	442-010-0170	3-8-2011	Amend	4-1-2011
441-930-0350	1-1-2011	Amend	2-1-2011	442-010-0180	1-18-2011	Amend	3-1-2011
441-930-0360	1-1-2011	Amend	2-1-2011	442-010-0180	3-8-2011	Amend	4-1-2011
442-005-0000	5-19-2011	Amend	7-1-2011	442-010-0190	1-18-2011	Amend	3-1-2011
442-005-0010	2-25-2011	Amend	4-1-2011	442-010-0190	3-8-2011	Amend	4-1-2011
442-005-0020	7-15-2011	Amend(T)	8-1-2011	442-010-0200	1-18-2011	Adopt	3-1-2011
442-005-0030	1-5-2011	Amend(T)	2-1-2011	442-010-0200	3-8-2011	Amend	4-1-2011
442-005-0030	4-22-2011	Amend	6-1-2011	442-010-0210	1-18-2011	Adopt	3-1-2011
442-005-0030	7-15-2011	Amend(T)	8-1-2011	442-010-0210	3-8-2011	Amend	4-1-2011
442-005-0030(T)	1-5-2011	Suspend	2-1-2011	442-010-0220	1-18-2011	Adopt	3-1-2011
442-005-0050	2-25-2011	Amend	4-1-2011	442-010-0220	3-8-2011	Amend	4-1-2011
442-005-0050	7-15-2011	Amend(T)	8-1-2011	442-010-0230	1-18-2011	Adopt	3-1-2011
442-005-0060	2-25-2011	Amend	4-1-2011	442-010-0230	3-8-2011	Amend	4-1-2011
442-005-0070	4-22-2011	Amend	6-1-2011	442-010-0240	1-18-2011	Adopt	3-1-2011
442-005-0070	7-15-2011	Amend(T)	8-1-2011	442-010-0240	3-8-2011	Amend	4-1-2011
442-005-0100	2-25-2011	Amend	4-1-2011	442-010-0250	1-18-2011	Adopt	3-1-2011
442-005-0240	4-22-2011	Amend	6-1-2011	442-010-0250	3-8-2011	Amend	4-1-2011
442-010-0010	1-18-2011	Amend	3-1-2011	442-010-0260	1-18-2011	Adopt	3-1-2011
442-010-0010	3-8-2011	Amend	4-1-2011	442-010-0260	3-8-2011	Amend	4-1-2011
442-010-0020	1-18-2011	Amend	3-1-2011	442-010-0270	1-18-2011	Adopt	3-1-2011
442-010-0020	3-8-2011	Amend	4-1-2011	442-010-0270	3-8-2011	Amend	4-1-2011
442-010-0020	8-1-2011	Amend(T)	9-1-2011	442-010-0280	1-18-2011	Adopt	3-1-2011
442-010-0030	1-18-2011	Amend	3-1-2011	442-010-0280	3-8-2011	Amend	4-1-2011
442-010-0030	3-8-2011	Amend	4-1-2011	443-002-0070	1-26-2011	Amend	3-1-2011
442-010-0040	1-18-2011	Amend	3-1-2011	443-002-0190	1-26-2011	Amend	3-1-2011
442-010-0040	3-8-2011	Amend	4-1-2011	459-005-0040	11-24-2010	Adopt	1-1-2011
442-010-0050	3-8-2011	Amend	4-1-2011	459-005-0250	6-1-2011	Amend	7-1-2011
442-010-0055	1-18-2011	Amend	3-1-2011	459-005-0580	6-1-2011	Adopt	7-1-2011
442-010-0055	3-8-2011	Amend	4-1-2011	459-010-0019	8-4-2011	Adopt	9-1-2011
442-010-0060	1-18-2011	Amend	3-1-2011	459-010-0165	8-4-2011	Repeal	9-1-2011
442-010-0060	3-8-2011	Amend	4-1-2011	459-010-0170	8-4-2011	Repeal	9-1-2011
442-010-0060	8-1-2011	Amend(T)	9-1-2011	459-011-0150	6-1-2011	Adopt	7-1-2011
442-010-0065	3-8-2011	Adopt	4-1-2011	459-013-0050	8-4-2011	Adopt	9-1-2011
442-010-0070	1-18-2011	Amend	3-1-2011	459-015-0055	6-1-2011	Amend	7-1-2011
442-010-0070	3-8-2011	Amend	4-1-2011	459-020-0005	8-4-2011	Repeal	9-1-2011
442-010-0075	3-8-2011	Adopt	4-1-2011	459-020-0010	8-4-2011	Repeal	9-1-2011
442-010-0075	8-1-2011	Amend(T)	9-1-2011	459-020-0012	8-4-2011	Repeal	9-1-2011
442-010-0080	1-18-2011	Amend	3-1-2011	459-020-0015	8-4-2011	Amend	9-1-2011
442-010-0080	3-8-2011	Amend	4-1-2011	459-020-0020	8-4-2011	Repeal	9-1-2011
442-010-0085	3-8-2011	Adopt	4-1-2011	459-020-0025	8-4-2011	Repeal	9-1-2011
442-010-0090	3-8-2011	Amend	4-1-2011	459-020-0030	8-4-2011	Amend	9-1-2011
442-010-0100	1-18-2011	Amend	3-1-2011	459-020-0035	8-4-2011	Repeal	9-1-2011
442-010-0100	3-8-2011	Amend	4-1-2011	459-020-0040	8-4-2011	Repeal	9-1-2011
442-010-0110	1-18-2011	Amend	3-1-2011	459-020-0045	8-4-2011	Repeal	9-1-2011
442-010-0110	3-8-2011	Amend	4-1-2011	459-020-0050	8-4-2011	Amend	9-1-2011
442-010-0120	1-18-2011	Amend	3-1-2011	459-020-0055	8-4-2011	Repeal	9-1-2011
442-010-0120	3-8-2011	Amend	4-1-2011	459-050-0037	8-4-2011	Amend	9-1-2011
442-010-0130	1-18-2011	Amend	3-1-2011	459-050-0075	6-1-2011	Amend	7-1-2011
442-010-0130	3-8-2011	Amend	4-1-2011	459-050-0077	8-4-2011	Amend	9-1-2011
442-010-0140	1-18-2011	Amend	3-1-2011	459-050-0090	6-1-2011	Amend	7-1-2011
442-010-0140	3-8-2011	Amend	4-1-2011	459-050-0120	8-4-2011	Adopt	9-1-2011
442-010-0150	1-18-2011	Amend	3-1-2011	459-050-0150	8-4-2011	Amend	9-1-2011
442-010-0150	3-8-2011	Amend	4-1-2011	459-050-0300	8-4-2011	Amend	9-1-2011
442-010-0160	1-18-2011	Amend	3-1-2011	459-060-0020	11-24-2010	Amend	1-1-2011
442-010-0160	3-8-2011	Amend	4-1-2011	459-070-0100	2-2-2011	Amend	3-1-2011

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461-001-0000	1-1-2011	Amend	2-1-2011	461-135-0400	1-1-2011	Amend	2-1-2011
461-001-0025	7-1-2011	Amend(T)	8-1-2011	461-135-0400	2-16-2011	Amend(T)	4-1-2011
461-012-0100	7-1-2011	Am. & Ren.	7-1-2011	461-135-0400	3-22-2011	Amend(T)	5-1-2011
461-012-0150	7-1-2011	Am. & Ren.	7-1-2011	461-135-0400	7-1-2011	Amend	8-1-2011
461-025-0311	1-1-2011	Amend	2-1-2011	461-135-0400(T)	1-1-2011	Repeal	2-1-2011
461-025-0311(T)	1-1-2011	Repeal	2-1-2011	461-135-0400(T)	3-22-2011	Suspend	5-1-2011
461-101-0010	1-1-2011	Amend	2-1-2011	461-135-0400(T)	7-1-2011	Repeal	8-1-2011
461-101-0010(T)	1-1-2011	Repeal	2-1-2011	461-135-0475	7-1-2011	Amend(T)	8-1-2011
461-110-0210	4-1-2011	Amend	5-1-2011	461-135-0780	1-1-2011	Amend	2-1-2011
461-110-0310	4-1-2011	Amend	5-1-2011	461-135-0950	4-1-2011	Amend	5-1-2011
461-110-0330	4-1-2011	Amend	5-1-2011	461-135-1100	1-1-2011	Amend	2-1-2011
461-110-0340	4-1-2011	Amend	5-1-2011	461-135-1100(T)	1-1-2011	Repeal	2-1-2011
461-110-0350	4-1-2011	Amend	5-1-2011	461-135-1110	7-1-2011	Amend(T)	8-1-2011
461-110-0370	4-1-2011	Amend	5-1-2011	461-135-1120	3-1-2011	Amend(T)	4-1-2011
461-110-0390	4-1-2011	Amend	5-1-2011	461-135-1120	7-1-2011	Amend	8-1-2011
461-110-0400	4-1-2011	Amend	5-1-2011	461-135-1120(T)	7-1-2011	Repeal	8-1-2011
461-110-0410	4-1-2011	Amend	5-1-2011	461-135-1125	1-1-2011	Amend	2-1-2011
461-110-0430	4-1-2011	Amend	5-1-2011	461-135-1125(T)	1-1-2011	Repeal	2-1-2011
461-110-0530	4-1-2011	Amend	5-1-2011	461-135-1195	1-1-2011	Amend	2-1-2011
461-110-0630	1-1-2011	Amend	2-1-2011	461-135-1197	1-1-2011	Adopt	2-1-2011
461-110-0630	4-1-2011	Amend	5-1-2011	461-135-1250	1-1-2011	Amend	2-1-2011
461-110-0630(T)	1-1-2011	Repeal	2-1-2011	461-135-1250	6-15-2011	Amend(T)	7-1-2011
461-110-0750	4-1-2011	Amend	5-1-2011	461-135-1250(T)	1-1-2011	Repeal	2-1-2011
461-115-0016	8-1-2011	Adopt(T)	9-1-2011	461-135-1250(T)	6-29-2011	Suspend	8-1-2011
461-115-0030	8-1-2011	Amend(T)	9-1-2011	461-140-0110	4-1-2011	Amend	5-1-2011
461-115-0071	1-1-2011	Amend	2-1-2011	461-145-0140	1-1-2011	Amend(T)	2-1-2011
461-115-0071(T)	1-1-2011	Repeal	2-1-2011	461-145-0140	7-1-2011	Amend	8-1-2011
461-115-0230	7-22-2011	Amend(T)	9-1-2011	461-145-0143	1-1-2011	Suspend	2-1-2011
461-115-0530	3-1-2011	Amend(T)	4-1-2011	461-145-0143(T)	7-1-2011	Repeal	8-1-2011
461-115-0530	7-1-2011	Amend	8-1-2011	461-145-0220	1-1-2011	Amend(T)	2-1-2011
461-115-0530(T)	7-1-2011	Repeal	8-1-2011	461-145-0220	7-1-2011	Amend	8-1-2011
461-115-0690	7-22-2011	Amend(T)	9-1-2011	461-145-0530	2-4-2011	Amend(T)	3-1-2011
461-115-0705	4-1-2011	Amend	5-1-2011	461-145-0530	7-1-2011	Amend	8-1-2011
461-115-0705(T)	4-1-2011	Repeal	5-1-2011	461-145-0530(T)	7-1-2011	Repeal	8-1-2011
461-120-0210	1-1-2011	Amend	2-1-2011	461-150-0055	1-1-2011	Amend	2-1-2011
461-120-0210	4-1-2011	Amend	5-1-2011	461-150-0055	1-1-2011	Amend(T)	2-1-2011
461-120-0315	7-1-2011	Amend	8-1-2011	461-150-0055	2-4-2011	Amend(T)	3-1-2011
461-125-0170	7-1-2011	Amend(T)	8-1-2011	461-150-0055	4-1-2011	Amend	5-1-2011
461-130-0305	1-1-2011	Amend	2-1-2011	461-150-0055(T)	1-1-2011	Repeal	2-1-2011
461-130-0310	1-1-2011	Amend	2-1-2011	461-150-0055(T)	2-4-2011	Suspend	3-1-2011
461-130-0310	7-1-2011	Amend(T)	8-1-2011	461-150-0055(T)	4-1-2011	Repeal	5-1-2011
461-130-0315	1-1-2011	Amend	2-1-2011	461-155-0030	1-1-2011	Amend	2-1-2011
461-130-0320	1-1-2011	Repeal	2-1-2011	461-155-0030	1-1-2011	Amend(T)	2-1-2011
461-130-0323	1-1-2011	Repeal	2-1-2011	461-155-0030	4-1-2011	Amend	5-1-2011
461-130-0325	1-1-2011	Repeal	2-1-2011	461-155-0030(T)	1-1-2011	Repeal	2-1-2011
461-130-0327	1-1-2011	Amend	2-1-2011	461-155-0030(T)	4-1-2011	Repeal	5-1-2011
461-130-0327	7-1-2011	Amend(T)	8-1-2011	461-155-0035	1-1-2011	Amend	2-1-2011
461-130-0328	1-1-2011	Amend	2-1-2011	461-155-0035(T)	1-1-2011	Repeal	2-1-2011
461-130-0330	1-1-2011	Amend	2-1-2011	461-155-0150	7-1-2011	Amend	8-1-2011
461-130-0335	1-1-2011	Amend	2-1-2011	461-155-0180	1-1-2011	Amend	2-1-2011
461-135-0010	1-1-2011	Amend	2-1-2011	461-155-0180	1-20-2011	Amend(T)	3-1-2011
461-135-0070	7-1-2011	Amend(T)	8-1-2011	461-155-0180	7-1-2011	Amend	8-1-2011
461-135-0095	4-1-2011	Amend	5-1-2011	461-155-0180(T)	1-1-2011	Repeal	2-1-2011
461-135-0095(T)	4-1-2011	Repeal	5-1-2011	461-155-0180(T)	7-1-2011	Repeal	8-1-2011
461-135-0210	1-1-2011	Amend	2-1-2011	461-155-0225	1-1-2011	Amend	2-1-2011

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461-155-0235	1-20-2011	Amend	3-1-2011	461-175-0200(T)	1-1-2011	Repeal	2-1-2011
461-155-0290	3-1-2011	Amend(T)	4-1-2011	461-175-0250	1-1-2011	Amend	2-1-2011
461-155-0290	7-1-2011	Amend	8-1-2011	461-175-0250(T)	1-1-2011	Repeal	2-1-2011
461-155-0290(T)	7-1-2011	Repeal	8-1-2011	461-180-0130	6-29-2011	Amend(T)	8-1-2011
461-155-0291	3-1-2011	Amend(T)	4-1-2011	461-190-0199	7-1-2011	Amend(T)	8-1-2011
461-155-0291	7-1-2011	Amend	8-1-2011	461-190-0211	1-1-2011	Amend(T)	2-1-2011
461-155-0291(T)	7-1-2011	Repeal	8-1-2011	461-190-0211	4-1-2011	Amend	5-1-2011
461-155-0295	3-1-2011	Amend(T)	4-1-2011	461-190-0211	7-1-2011	Amend(T)	8-1-2011
461-155-0295	7-1-2011	Amend	8-1-2011	461-190-0211(T)	4-1-2011	Repeal	5-1-2011
461-155-0295(T)	7-1-2011	Repeal	8-1-2011	461-190-0212	6-2-2011	Adopt(T)	7-1-2011
461-155-0320	1-1-2011	Amend	2-1-2011	461-190-0212	6-29-2011	Adopt(T)	8-1-2011
461-155-0320(T)	1-1-2011	Repeal	2-1-2011	461-190-0212(T)	6-29-2011	Suspend	8-1-2011
461-155-0528	1-1-2011	Adopt	2-1-2011	461-190-0416	2-14-2011	Amend(T)	3-1-2011
461-155-0528	2-1-2011	Amend(T)	3-1-2011	461-190-0416	7-1-2011	Amend	8-1-2011
461-155-0528	7-1-2011	Amend	8-1-2011	461-190-0416(T)	7-1-2011	Repeal	8-1-2011
461-155-0528	8-1-2011	Amend(T)	9-1-2011	461-193-0560	1-1-2011	Amend	2-1-2011
461-155-0528(T)	1-1-2011	Repeal	2-1-2011	461-193-0560(T)	1-1-2011	Repeal	2-1-2011
461-155-0528(T)	7-1-2011	Repeal	8-1-2011	461-195-0521	7-1-2011	Amend	8-1-2011
461-155-0575	4-1-2011	Adopt(T)	5-1-2011	462-210-0030	6-9-2011	Amend	7-1-2011
461-155-0575	7-1-2011	Adopt	8-1-2011	462-210-0040	6-9-2011	Amend	7-1-2011
461-155-0575	7-15-2011	Amend(T)	8-1-2011	462-220-0030	6-9-2011	Amend	7-1-2011
461-155-0688	1-1-2011	Amend	2-1-2011	471-010-0111	12-13-2010	Adopt	1-1-2011
461-155-0688(T)	1-1-2011	Repeal	2-1-2011	471-030-0037	3-1-2011	Amend(T)	4-1-2011
461-155-0693	1-1-2011	Amend	2-1-2011	471-030-0037	8-3-2011	Amend	9-1-2011
461-155-0693	2-1-2011	Amend(T)	3-1-2011	471-030-0037(T)	8-3-2011	Repeal	9-1-2011
461-155-0693	7-1-2011	Amend	8-1-2011	471-030-0038	3-1-2011	Amend(T)	4-1-2011
461-155-0693	7-15-2011	Amend(T)	8-1-2011	471-030-0038	8-3-2011	Amend	9-1-2011
461-155-0693(T)	1-1-2011	Repeal	2-1-2011	471-030-0038(T)	8-3-2011	Repeal	9-1-2011
461-160-0015	1-1-2011	Amend(T)	2-1-2011	471-030-0048	7-1-2011	Amend(T)	6-1-2011
461-160-0015	4-1-2011	Amend	5-1-2011	471-030-0048	8-3-2011	Amend	9-1-2011
461-160-0015(T)	4-1-2011	Repeal	5-1-2011	471-030-0048(T)	8-3-2011	Repeal	9-1-2011
461-160-0400	4-1-2011	Amend	5-1-2011	471-030-0053	6-29-2011	Amend(T)	8-1-2011
461-160-0400(T)	4-1-2011	Repeal	5-1-2011	471-031-0140	12-13-2010	Amend	1-1-2011
461-160-0410	1-1-2011	Amend	2-1-2011	471-031-0141	12-13-2010	Amend	1-1-2011
461-160-0430	1-1-2011	Amend	2-1-2011	471-031-0200	12-13-2010	Amend	1-1-2011
461-160-0430	1-1-2011	Amend(T)	2-1-2011	471-031-0225	12-13-2010	Repeal	1-1-2011
461-160-0430	4-1-2011	Amend	5-1-2011	471-031-0230	12-13-2010	Repeal	1-1-2011
461-160-0430(T)	1-1-2011	Repeal	2-1-2011	471-031-0235	12-13-2010	Adopt	1-1-2011
461-160-0430(T)	4-1-2011	Repeal	5-1-2011	471-040-0005	2-9-2011	Amend(T)	3-1-2011
461-160-0530	1-1-2011	Repeal	2-1-2011	471-040-0005	7-14-2011	Amend	8-1-2011
461-160-0620	7-1-2011	Amend(T)	8-1-2011	471-040-0005(T)	7-14-2011	Repeal	8-1-2011
461-160-0700	1-1-2011	Amend	2-1-2011	571-004-0020	2-7-2011	Amend	3-1-2011
461-160-0700	1-1-2011	Amend(T)	2-1-2011	571-004-0025	2-7-2011	Amend	3-1-2011
461-160-0700	4-1-2011	Amend	5-1-2011	571-004-0030	2-7-2011	Amend	3-1-2011
461-160-0700(T)	1-1-2011	Repeal	2-1-2011	571-004-0035	2-7-2011	Repeal	3-1-2011
461-160-0700(T)	4-1-2011	Repeal	5-1-2011	571-004-0040	2-7-2011	Repeal	3-1-2011
461-160-0800	7-1-2011	Amend	8-1-2011	571-004-0045	2-7-2011	Amend	3-1-2011
461-165-0160	7-1-2011	Amend	8-1-2011	571-004-0050	2-7-2011	Amend	3-1-2011
461-165-0171	7-1-2011	Amend	8-1-2011	571-004-0055	2-7-2011	Amend	3-1-2011
461-170-0010	4-1-2011	Amend	5-1-2011	571-060-0005	7-1-2011	Amend	8-1-2011
461-170-0010(T)	4-1-2011	Repeal	5-1-2011	573-001-0075	12-8-2010	Amend	1-1-2011
461-170-0011	1-1-2011	Amend	2-1-2011	573-040-0005	6-13-2011	Amend	7-1-2011
461-175-0010	1-1-2011	Amend	2-1-2011	573-050-0005	6-13-2011	Amend	7-1-2011
461-175-0010(T)	1-1-2011	Repeal	2-1-2011	573-050-0015	6-13-2011	Amend	7-1-2011
461-175-0200	1-1-2011	Amend	2-1-2011	573-050-0016	6-13-2011	Adopt	7-1-2011

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573-050-0025	6-13-2011	Amend	7-1-2011	581-051-0306	2-1-2011	Amend	3-1-2011
573-050-0040	6-13-2011	Amend	7-1-2011	581-053-0002	3-17-2011	Amend	5-1-2011
573-076-0000	6-13-2011	Amend	7-1-2011	581-053-0006	3-17-2011	Amend	5-1-2011
573-076-0020	6-13-2011	Amend	7-1-2011	581-053-0512	7-1-2011	Amend	8-1-2011
573-076-0050	6-13-2011	Amend	7-1-2011	581-053-0516	7-1-2011	Adopt	8-1-2011
573-076-0060	6-13-2011	Amend	7-1-2011	581-056-0517	7-1-2011	Repeal	8-1-2011
573-076-0070	6-13-2011	Amend	7-1-2011	582-001-0010	3-1-2011	Amend(T)	3-1-2011
573-076-0080	6-13-2011	Amend	7-1-2011	582-001-0010	9-1-2011	Amend	9-1-2011
573-076-0130	6-13-2011	Amend	7-1-2011	582-030-0000	9-1-2011	Amend	9-1-2011
574-050-0005	2-2-2011	Amend	3-1-2011	582-030-0005	9-1-2011	Amend	9-1-2011
574-050-0005	5-2-2011	Amend	6-1-2011	582-030-0008	9-1-2011	Amend	9-1-2011
574-050-0005	8-5-2011	Amend	9-1-2011	582-030-0010	9-1-2011	Amend	9-1-2011
575-080-0100	11-16-2010	Adopt	1-1-2011	582-030-0020	9-1-2011	Amend	9-1-2011
575-080-0110	11-16-2010	Adopt	1-1-2011	582-030-0025	9-1-2011	Amend	9-1-2011
575-080-0120	11-16-2010	Adopt	1-1-2011	582-030-0030	9-1-2011	Amend	9-1-2011
575-080-0130	11-16-2010	Adopt	1-1-2011	582-030-0040	3-1-2011	Amend(T)	3-1-2011
575-080-0135	11-16-2010	Adopt	1-1-2011	582-030-0040	9-1-2011	Amend	9-1-2011
575-080-0140	11-16-2010	Adopt	1-1-2011	582-030-0050	9-1-2011	Adopt	9-1-2011
575-080-0145	11-16-2010	Adopt	1-1-2011	582-050-0000	3-1-2011	Amend(T)	3-1-2011
576-010-0000	7-1-2011	Amend	7-1-2011	582-050-0000	9-1-2011	Amend	9-1-2011
576-010-0006	6-13-2011	Adopt	7-1-2011	582-050-0005	3-1-2011	Amend(T)	3-1-2011
576-010-0031	6-13-2011	Amend	7-1-2011	582-050-0005	9-1-2011	Amend	9-1-2011
576-010-0036	6-13-2011	Amend	7-1-2011	582-050-0010	3-1-2011	Amend(T)	3-1-2011
576-010-0041	6-13-2011	Amend	7-1-2011	582-050-0010	9-1-2011	Amend	9-1-2011
576-015-0020	6-13-2011	Amend	7-1-2011	582-050-0020	3-1-2011	Amend(T)	3-1-2011
576-015-0050	6-13-2011	Amend	7-1-2011	582-050-0020	9-1-2011	Amend	9-1-2011
576-017-0005	6-13-2011	Amend	7-1-2011	582-050-0060	3-1-2011	Amend(T)	3-1-2011
576-017-0010	6-13-2011	Repeal	7-1-2011	582-050-0060	9-1-2011	Amend	9-1-2011
576-017-0015	6-13-2011	Repeal	7-1-2011	582-060-0010	3-1-2011	Amend(T)	3-1-2011
576-017-0020	6-13-2011	Repeal	7-1-2011	582-060-0010	9-1-2011	Amend	9-1-2011
576-060-0010	6-13-2011	Amend	7-1-2011	582-060-0020	3-1-2011	Amend(T)	3-1-2011
576-060-0015	6-13-2011	Amend	7-1-2011	582-060-0020	9-1-2011	Amend	9-1-2011
576-060-0020	6-13-2011	Amend	7-1-2011	582-060-0020	9-1-2011	Amend	9-1-2011
576-060-0025	6-13-2011	Amend	7-1-2011	582-070-0010	3-1-2011	Amend(T)	3-1-2011
576-060-0031	6-13-2011	Amend	7-1-2011	582-070-0010	9-1-2011	Amend	9-1-2011
576-060-0038	6-13-2011	Amend	7-1-2011	582-070-0020	3-1-2011	Amend(T)	3-1-2011
577-060-0020	7-1-2011	Amend(T)	7-1-2011	582-070-0020	9-1-2011	Amend	9-1-2011
578-041-0030	6-20-2011	Amend	8-1-2011	582-070-0025	3-1-2011	Amend(T)	3-1-2011
578-072-0030	7-25-2011	Amend	9-1-2011	582-070-0025	9-1-2011	Amend	9-1-2011
578-072-0030	7-29-2011	Amend	9-1-2011	582-070-0030	3-1-2011	Amend(T)	3-1-2011
579-020-0006	6-6-2011	Amend	7-1-2011	582-070-0030	9-1-2011	Amend	9-1-2011
579-020-0006	8-5-2011	Amend	9-1-2011	582-070-0040	3-1-2011	Amend(T)	3-1-2011
579-050-0005	6-6-2011	Repeal	7-1-2011	582-070-0040	9-1-2011	Amend	9-1-2011
579-050-0005	8-5-2011	Repeal	9-1-2011	582-070-0041	9-1-2011	Amend	9-1-2011
580-040-0035	1-20-2011	Amend	3-1-2011	582-070-0042	3-1-2011	Amend(T)	3-1-2011
580-040-0040	6-23-2011	Amend	8-1-2011	582-070-0042	9-1-2011	Amend	9-1-2011
581-001-0005	4-22-2011	Amend	6-1-2011	582-070-0043	3-1-2011	Amend(T)	3-1-2011
581-015-2030	4-22-2011	Amend	6-1-2011	582-070-0043	9-1-2011	Amend	9-1-2011
581-020-0345	2-1-2011	Amend	3-1-2011	582-070-0044	3-1-2011	Amend(T)	3-1-2011
581-020-0350	12-17-2010	Repeal	2-1-2011	582-070-0044	9-1-2011	Amend	9-1-2011
581-022-0421	2-1-2011	Amend	3-1-2011	583-030-0010	11-16-2010	Amend	1-1-2011
581-022-0610	7-1-2011	Amend	8-1-2011	583-030-0035	11-16-2010	Amend	1-1-2011
581-022-0615	7-1-2011	Amend	8-1-2011	583-050-0011	11-16-2010	Amend	1-1-2011
581-022-0617	12-17-2010	Adopt	2-1-2011	583-050-0016	11-16-2010	Amend	1-1-2011
581-045-0009	1-1-2011	Amend	2-1-2011	584-005-0005	9-1-2011	Amend	9-1-2011
				584-010-0090	1-1-2011	Amend	2-1-2011

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584-017-0201	1-1-2011	Amend	2-1-2011	584-070-0411	9-1-2011	Amend	9-1-2011
584-017-0300	1-1-2011	Amend	2-1-2011	584-070-0421	1-1-2011	Adopt	2-1-2011
584-017-0390	1-1-2011	Amend	2-1-2011	584-070-0421	4-14-2011	Amend	5-1-2011
584-017-0480	1-1-2011	Amend	2-1-2011	584-070-0421	9-1-2011	Amend	9-1-2011
584-017-0500	1-26-2011	Adopt	3-1-2011	584-070-0431	1-1-2011	Adopt	2-1-2011
584-017-0510	1-26-2011	Adopt	3-1-2011	584-070-0431	4-14-2011	Amend	5-1-2011
584-017-0520	1-26-2011	Adopt	3-1-2011	584-070-0431	6-15-2011	Amend	7-1-2011
584-017-0530	1-26-2011	Adopt	3-1-2011	584-080-0008	9-1-2011	Adopt	9-1-2011
584-017-0541	1-26-2011	Adopt	3-1-2011	584-080-0031	1-1-2011	Amend	1-1-2011
584-017-0551	1-26-2011	Adopt	3-1-2011	584-080-0151	3-15-2011	Amend	4-1-2011
584-017-0555	1-26-2011	Adopt	3-1-2011	584-080-0152	3-15-2011	Amend	4-1-2011
584-017-0560	1-26-2011	Adopt	3-1-2011	584-080-0153	1-1-2011	Amend	1-1-2011
584-017-0570	1-26-2011	Adopt	3-1-2011	584-080-0161	1-1-2011	Amend	1-1-2011
584-017-0580	1-26-2011	Adopt	3-1-2011	584-080-0171	1-1-2011	Amend	1-1-2011
584-020-0040	6-15-2011	Amend	7-1-2011	589-002-0100	4-20-2011	Amend	6-1-2011
584-021-0120	3-15-2011	Amend	4-1-2011	589-007-0800	7-29-2011	Adopt(T)	9-1-2011
584-021-0165	1-1-2011	Amend	1-1-2011	603-011-0250	1-7-2011	Amend	2-1-2011
584-023-0005	1-1-2011	Amend	1-1-2011	603-011-0255	1-6-2011	Amend	2-1-2011
584-036-0055	1-1-2011	Amend	1-1-2011	603-011-0256	1-7-2011	Amend	2-1-2011
584-036-0055	6-15-2011	Amend	7-1-2011	603-011-0263	1-6-2011	Amend	2-1-2011
584-036-0105	3-15-2011	Amend	4-1-2011	603-011-0264	1-6-2011	Amend	2-1-2011
584-042-0002	1-1-2011	Repeal	2-1-2011	603-011-0281	1-7-2011	Amend	2-1-2011
584-042-0006	1-1-2011	Repeal	2-1-2011	603-011-0340	1-6-2011	Amend	2-1-2011
584-042-0009	1-1-2011	Repeal	2-1-2011	603-011-0365	1-6-2011	Repeal	2-1-2011
584-042-0044	1-1-2011	Amend	1-1-2011	603-027-0420	1-26-2011	Amend	3-1-2011
584-048-0065	1-1-2011	Am. & Ren.	2-1-2011	603-042-0020	5-10-2011	Amend	6-1-2011
584-050-0015	9-1-2011	Amend	9-1-2011	603-052-0030	7-20-2011	Amend	9-1-2011
584-050-0016	9-1-2011	Amend	9-1-2011	603-052-0150	7-20-2011	Amend	9-1-2011
584-050-0018	9-1-2011	Amend	9-1-2011	603-052-0153	7-20-2011	Amend	9-1-2011
584-060-0014	3-15-2011	Amend	4-1-2011	603-052-0160	7-20-2011	Amend	9-1-2011
584-060-0062	1-28-2011	Amend	3-1-2011	603-052-0187	7-20-2011	Amend	9-1-2011
584-060-0062	9-1-2011	Amend	9-1-2011	603-052-0265	7-20-2011	Amend	9-1-2011
584-060-0162	1-1-2011	Amend	1-1-2011	603-052-0347	11-23-2010	Amend	1-1-2011
584-060-0171	1-1-2011	Amend	1-1-2011	603-052-1207	3-17-2011	Adopt(T)	5-1-2011
584-060-0181	1-1-2011	Amend	1-1-2011	603-052-1212	3-17-2011	Adopt(T)	5-1-2011
584-060-0181	3-15-2011	Amend	4-1-2011	603-052-1215	3-17-2011	Adopt(T)	5-1-2011
584-060-0182	1-1-2011	Amend	1-1-2011	603-052-1230	12-17-2010	Amend	2-1-2011
584-060-0190	1-1-2011	Amend	1-1-2011	603-052-1250	12-17-2010	Amend	2-1-2011
584-060-0200	1-1-2011	Amend	1-1-2011	603-056-0145	7-1-2011	Amend(T)	8-1-2011
584-060-0210	1-1-2011	Amend	2-1-2011	603-058-0001	8-12-2011	Repeal	9-1-2011
584-060-0220	1-1-2011	Amend	2-1-2011	603-058-0002	8-12-2011	Repeal	9-1-2011
584-060-0220	3-15-2011	Amend	4-1-2011	603-058-0005	8-12-2011	Repeal	9-1-2011
584-065-0125	3-15-2011	Adopt	4-1-2011	603-058-0010	8-12-2011	Repeal	9-1-2011
584-070-0001	1-1-2011	Amend	1-1-2011	603-058-0011	8-12-2011	Repeal	9-1-2011
584-070-0111	1-1-2011	Amend	1-1-2011	603-058-0020	8-12-2011	Repeal	9-1-2011
584-070-0111	3-15-2011	Amend	4-1-2011	603-058-0021	8-12-2011	Repeal	9-1-2011
584-070-0112	1-1-2011	Amend	1-1-2011	603-058-0026	8-12-2011	Repeal	9-1-2011
584-070-0132	1-1-2011	Amend	1-1-2011	603-058-0028	8-12-2011	Repeal	9-1-2011
584-070-0205	1-1-2011	Adopt	2-1-2011	603-058-0029	8-12-2011	Repeal	9-1-2011
584-070-0211	1-1-2011	Amend	2-1-2011	603-058-0031	8-12-2011	Repeal	9-1-2011
584-070-0221	1-1-2011	Amend	2-1-2011	603-058-0032	8-12-2011	Repeal	9-1-2011
584-070-0271	1-1-2011	Amend	2-1-2011	603-058-0036	8-12-2011	Repeal	9-1-2011
584-070-0310	1-1-2011	Amend	1-1-2011	603-058-0040	8-12-2011	Repeal	9-1-2011
584-070-0401	1-1-2011	Adopt	2-1-2011	603-058-0051	8-12-2011	Repeal	9-1-2011
584-070-0411	1-1-2011	Adopt	2-1-2011	603-058-0052	8-12-2011	Repeal	9-1-2011

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603-058-0070	8-12-2011	Repeal	9-1-2011	635-004-0019(T)	1-1-2011	Suspend	2-1-2011
603-058-0110	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	1-11-2011	Suspend	2-1-2011
603-058-0120	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	3-3-2011	Suspend	4-1-2011
603-058-0125	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	5-13-2011	Suspend	6-1-2011
603-058-0130	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	6-20-2011	Suspend	8-1-2011
603-058-0140	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	7-7-2011	Suspend	8-1-2011
603-058-0150	8-12-2011	Adopt	9-1-2011	635-004-0025	1-1-2011	Amend	1-1-2011
603-058-0160	8-12-2011	Adopt	9-1-2011	635-004-0033	7-5-2011	Amend(T)	8-1-2011
603-058-0170	8-12-2011	Adopt	9-1-2011	635-004-0035	1-1-2011	Amend	1-1-2011
603-058-0180	8-12-2011	Adopt	9-1-2011	635-004-0070	1-1-2011	Amend	1-1-2011
603-058-0190	8-12-2011	Adopt	9-1-2011	635-004-0075	1-1-2011	Amend	1-1-2011
603-058-0200	8-12-2011	Adopt	9-1-2011	635-005-0020	7-3-2011	Amend(T)	8-1-2011
603-058-0210	8-12-2011	Adopt	9-1-2011	635-005-0045	12-10-2010	Amend(T)	1-1-2011
603-058-0220	8-12-2011	Adopt	9-1-2011	635-005-0055	3-15-2011	Amend(T)	4-1-2011
603-058-0230	8-12-2011	Adopt	9-1-2011	635-005-0190	1-1-2011	Amend	1-1-2011
603-058-0240	8-12-2011	Adopt	9-1-2011	635-006-0212	8-1-2011	Amend(T)	9-1-2011
603-058-0250	8-12-2011	Adopt	9-1-2011	635-006-0215	1-1-2011	Amend	1-1-2011
603-058-0260	8-12-2011	Adopt	9-1-2011	635-006-0215	8-1-2011	Amend(T)	9-1-2011
603-058-0270	8-12-2011	Adopt	9-1-2011	635-006-0225	8-1-2011	Amend(T)	9-1-2011
603-058-0280	8-12-2011	Adopt	9-1-2011	635-006-0232	1-10-2011	Amend	2-1-2011
603-058-0290	8-12-2011	Adopt	9-1-2011	635-006-1075	11-23-2010	Amend(T)	1-1-2011
603-074-0020	7-22-2011	Amend(T)	9-1-2011	635-006-1095	12-15-2010	Amend(T)	1-1-2011
604-010-0005	6-30-2011	Amend(T)	8-1-2011	635-007-0545	12-6-2010	Amend	1-1-2011
604-010-0011	6-30-2011	Amend(T)	8-1-2011	635-007-0825	12-6-2010	Repeal	1-1-2011
604-010-0015	6-30-2011	Amend(T)	8-1-2011	635-007-0830	12-6-2010	Repeal	1-1-2011
604-030-0010	6-30-2011	Amend(T)	8-1-2011	635-008-0055	1-1-2011	Amend	2-1-2011
604-030-0020	6-30-2011	Amend(T)	8-1-2011	635-008-0070	8-5-2011	Amend	9-1-2011
617-030-0010	4-5-2011	Amend	5-1-2011	635-008-0080	8-5-2011	Amend	9-1-2011
629-001-0015	1-7-2011	Amend(T)	2-1-2011	635-008-0095	8-5-2011	Amend	9-1-2011
629-001-0015	3-15-2011	Amend	4-1-2011	635-008-0105	8-5-2011	Amend	9-1-2011
629-001-0015(T)	3-15-2011	Repeal	4-1-2011	635-008-0115	8-5-2011	Amend	9-1-2011
629-001-0020	1-7-2011	Amend(T)	2-1-2011	635-008-0120	8-5-2011	Amend	9-1-2011
629-001-0020	3-15-2011	Amend	4-1-2011	635-008-0130	8-5-2011	Amend	9-1-2011
629-001-0020(T)	3-15-2011	Repeal	4-1-2011	635-008-0145	8-5-2011	Amend	9-1-2011
629-041-0035	1-7-2011	Amend(T)	2-1-2011	635-008-0148	1-14-2011	Amend	2-1-2011
629-041-0035	3-15-2011	Amend	4-1-2011	635-008-0149	1-14-2011	Amend	2-1-2011
629-041-0035(T)	3-15-2011	Repeal	4-1-2011	635-008-0151	1-14-2011	Amend	2-1-2011
635-003-0003	5-1-2011	Amend	6-1-2011	635-008-0151	5-24-2011	Amend	7-1-2011
635-003-0004	7-29-2011	Amend(T)	9-1-2011	635-008-0153	1-1-2011	Amend	2-1-2011
635-003-0085	7-1-2011	Amend	8-1-2011	635-008-0155	8-5-2011	Amend	9-1-2011
635-004-0005	3-22-2011	Amend	5-1-2011	635-008-0163	7-1-2011	Adopt	7-1-2011
635-004-0009	3-22-2011	Amend	5-1-2011	635-008-0163	8-5-2011	Amend	9-1-2011
635-004-0016	5-26-2011	Amend	7-1-2011	635-008-0185	8-5-2011	Amend	9-1-2011
635-004-0017	3-4-2011	Amend(T)	4-1-2011	635-008-0190	8-5-2011	Amend	9-1-2011
635-004-0017	5-26-2011	Amend	7-1-2011	635-010-0157	1-1-2011	Amend	2-1-2011
635-004-0017	7-12-2011	Amend(T)	8-1-2011	635-011-0050	8-31-2011	Amend	9-1-2011
635-004-0018	1-1-2011	Amend	1-1-2011	635-011-0100	1-1-2011	Amend	2-1-2011
635-004-0019	12-7-2010	Amend(T)	1-1-2011	635-012-0020	6-29-2011	Amend(T)	8-1-2011
635-004-0019	1-1-2011	Amend	1-1-2011	635-012-0030	6-29-2011	Suspend	8-1-2011
635-004-0019	1-1-2011	Amend(T)	2-1-2011	635-012-0040	6-29-2011	Suspend	8-1-2011
635-004-0019	1-11-2011	Amend(T)	2-1-2011	635-012-0050	6-29-2011	Suspend	8-1-2011
635-004-0019	3-3-2011	Amend(T)	4-1-2011	635-012-0060	6-29-2011	Suspend	8-1-2011
635-004-0019	5-13-2011	Amend(T)	6-1-2011	635-013-0003	1-1-2011	Amend	2-1-2011
635-004-0019	6-20-2011	Amend(T)	8-1-2011	635-013-0003	5-1-2011	Amend	6-1-2011
635-004-0019	7-7-2011	Amend(T)	8-1-2011	635-013-0004	1-1-2011	Amend	2-1-2011

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635-013-0007	7-1-2011	Amend	8-1-2011	635-023-0095(T)	2-11-2011	Suspend	3-1-2011
635-013-0009	7-1-2011	Amend	8-1-2011	635-023-0095(T)	4-10-2011	Suspend	5-1-2011
635-014-0080	1-1-2011	Amend	2-1-2011	635-023-0095(T)	6-27-2011	Suspend	8-1-2011
635-014-0090	1-1-2011	Amend	2-1-2011	635-023-0095(T)	7-9-2011	Suspend	8-1-2011
635-014-0090	6-1-2011	Amend(T)	7-1-2011	635-023-0095(T)	7-30-2011	Suspend	9-1-2011
635-014-0090	7-1-2011	Amend	8-1-2011	635-023-0125	1-1-2011	Amend	2-1-2011
635-016-0080	1-1-2011	Amend	2-1-2011	635-023-0125	2-14-2011	Amend(T)	3-1-2011
635-016-0090	1-1-2011	Amend	2-1-2011	635-023-0125	4-8-2011	Amend(T)	5-1-2011
635-016-0090	5-1-2011	Amend(T)	6-1-2011	635-023-0125	4-16-2011	Amend(T)	5-1-2011
635-016-0090	7-1-2011	Amend	8-1-2011	635-023-0125	4-21-2011	Amend(T)	6-1-2011
635-017-0080	1-1-2011	Amend	2-1-2011	635-023-0125	5-7-2011	Amend(T)	6-1-2011
635-017-0090	1-1-2011	Amend	2-1-2011	635-023-0125	5-15-2011	Amend(T)	6-1-2011
635-017-0095	1-1-2011	Amend	2-1-2011	635-023-0125	5-27-2011	Amend(T)	7-1-2011
635-017-0095	1-1-2011	Amend(T)	2-1-2011	635-023-0125	6-2-2011	Amend(T)	7-1-2011
635-017-0095	2-17-2011	Amend(T)	3-1-2011	635-023-0125(T)	4-8-2011	Suspend	5-1-2011
635-017-0095	3-17-2011	Amend(T)	5-1-2011	635-023-0125(T)	4-16-2011	Suspend	5-1-2011
635-017-0095	3-21-2011	Amend	5-1-2011	635-023-0125(T)	4-21-2011	Suspend	6-1-2011
635-017-0095(T)	2-17-2011	Suspend	3-1-2011	635-023-0125(T)	5-7-2011	Suspend	6-1-2011
635-017-0095(T)	3-17-2011	Suspend	5-1-2011	635-023-0125(T)	5-15-2011	Suspend	6-1-2011
635-018-0080	1-1-2011	Amend	2-1-2011	635-023-0125(T)	5-27-2011	Suspend	7-1-2011
635-018-0090	1-1-2011	Amend	2-1-2011	635-023-0125(T)	6-2-2011	Suspend	7-1-2011
635-018-0090	1-1-2011	Amend(T)	2-1-2011	635-023-0128	1-1-2011	Amend	2-1-2011
635-018-0090	4-15-2011	Amend(T)	4-1-2011	635-023-0128	6-16-2011	Amend(T)	7-1-2011
635-018-0090	4-15-2011	Amend(T)	4-1-2011	635-023-0128	7-18-2011	Amend(T)	8-1-2011
635-018-0090	5-10-2011	Amend(T)	6-1-2011	635-023-0128(T)	7-18-2011	Suspend	8-1-2011
635-018-0090	8-1-2011	Amend(T)	8-1-2011	635-023-0130	1-1-2011	Amend	2-1-2011
635-018-0090(T)	4-15-2011	Suspend	4-1-2011	635-023-0130	8-1-2011	Amend(T)	9-1-2011
635-018-0090(T)	4-15-2011	Suspend	4-1-2011	635-023-0134	1-1-2011	Amend	2-1-2011
635-018-0090(T)	5-10-2011	Suspend	6-1-2011	635-023-0134	4-23-2011	Amend(T)	5-1-2011
635-018-0090(T)	8-1-2011	Suspend	8-1-2011	635-039-0080	1-1-2011	Amend	1-1-2011
635-019-0080	1-1-2011	Amend	2-1-2011	635-039-0080	3-22-2011	Amend	5-1-2011
635-019-0090	1-1-2011	Amend	2-1-2011	635-039-0085	3-22-2011	Amend	5-1-2011
635-019-0090	5-28-2011	Amend(T)	7-1-2011	635-039-0085	6-4-2011	Amend(T)	7-1-2011
635-019-0090	6-13-2011	Amend(T)	7-1-2011	635-039-0085	7-1-2011	Amend(T)	8-1-2011
635-019-0090	7-11-2011	Amend(T)	8-1-2011	635-039-0085	7-6-2011	Amend(T)	8-1-2011
635-019-0090	7-16-2011	Amend(T)	8-1-2011	635-039-0085	8-12-2011	Amend(T)	9-1-2011
635-019-0090	7-23-2011	Amend(T)	9-1-2011	635-039-0085(T)	7-1-2011	Suspend	8-1-2011
635-019-0090	8-7-2011	Amend(T)	9-1-2011	635-039-0085(T)	7-6-2011	Suspend	8-1-2011
635-019-0090(T)	6-13-2011	Suspend	7-1-2011	635-039-0085(T)	8-12-2011	Suspend	9-1-2011
635-019-0090(T)	7-11-2011	Suspend	8-1-2011	635-039-0090	1-1-2011	Amend	1-1-2011
635-019-0090(T)	7-16-2011	Suspend	8-1-2011	635-039-0090	3-22-2011	Amend	5-1-2011
635-019-0090(T)	7-23-2011	Suspend	9-1-2011	635-039-0090	7-20-2011	Amend(T)	9-1-2011
635-019-0090(T)	8-7-2011	Suspend	9-1-2011	635-041-0005	5-5-2011	Amend(T)	6-1-2011
635-021-0080	1-1-2011	Amend	2-1-2011	635-041-0015	5-5-2011	Amend(T)	6-1-2011
635-021-0090	1-1-2011	Amend	2-1-2011	635-041-0020	5-5-2011	Amend(T)	6-1-2011
635-021-0090	5-28-2011	Amend(T)	7-1-2011	635-041-0025	5-5-2011	Amend(T)	6-1-2011
635-023-0080	1-1-2011	Amend	2-1-2011	635-041-0045	3-21-2011	Amend	5-1-2011
635-023-0090	1-1-2011	Amend	2-1-2011	635-041-0045	5-5-2011	Amend(T)	6-1-2011
635-023-0095	1-1-2011	Amend	2-1-2011	635-041-0045	5-10-2011	Amend(T)	6-1-2011
635-023-0095	1-1-2011	Amend(T)	2-1-2011	635-041-0045	6-6-2011	Amend(T)	7-1-2011
635-023-0095	2-11-2011	Amend(T)	3-1-2011	635-041-0045	6-9-2011	Amend(T)	7-1-2011
635-023-0095	3-21-2011	Amend	5-1-2011	635-041-0045	6-16-2011	Amend(T)	7-1-2011
635-023-0095	4-10-2011	Amend(T)	5-1-2011	635-041-0045	7-10-2011	Amend(T)	8-1-2011
635-023-0095	6-27-2011	Amend(T)	8-1-2011	635-041-0045(T)	5-10-2011	Suspend	6-1-2011
635-023-0095	7-9-2011	Amend(T)	8-1-2011	635-041-0045(T)	6-6-2011	Suspend	7-1-2011
635-023-0095	7-30-2011	Amend(T)	9-1-2011	635-041-0045(T)	6-9-2011	Suspend	7-1-2011

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635-041-0045(T)	7-10-2011	Suspend	8-1-2011	635-042-0160	4-21-2011	Amend(T)	6-1-2011
635-041-0063	8-1-2011	Amend(T)	9-1-2011	635-042-0160	5-11-2011	Amend(T)	6-1-2011
635-041-0065	2-1-2011	Amend(T)	3-1-2011	635-042-0160	8-15-2011	Amend(T)	9-1-2011
635-041-0065	2-10-2011	Amend(T)	3-1-2011	635-042-0160(T)	4-21-2011	Suspend	6-1-2011
635-041-0065	3-21-2011	Amend	5-1-2011	635-042-0160(T)	5-11-2011	Suspend	6-1-2011
635-041-0065(T)	2-10-2011	Suspend	3-1-2011	635-042-0170	2-13-2011	Amend(T)	3-1-2011
635-041-0075	8-1-2011	Amend(T)	9-1-2011	635-042-0170	3-21-2011	Amend	5-1-2011
635-041-0076	5-10-2011	Amend(T)	6-1-2011	635-042-0170	4-21-2011	Amend(T)	6-1-2011
635-041-0076	6-16-2011	Amend(T)	7-1-2011	635-042-0170	5-11-2011	Amend(T)	6-1-2011
635-041-0076	6-27-2011	Amend(T)	8-1-2011	635-042-0170	8-15-2011	Amend(T)	9-1-2011
635-041-0076	7-5-2011	Amend(T)	8-1-2011	635-042-0170(T)	4-21-2011	Suspend	6-1-2011
635-041-0076	7-10-2011	Amend(T)	8-1-2011	635-042-0170(T)	5-11-2011	Suspend	6-1-2011
635-041-0076	7-18-2011	Amend(T)	8-1-2011	635-042-0180	2-13-2011	Amend(T)	3-1-2011
635-041-0076	7-25-2011	Amend(T)	9-1-2011	635-042-0180	3-21-2011	Amend	5-1-2011
635-041-0076(T)	6-16-2011	Suspend	7-1-2011	635-042-0180	4-21-2011	Amend(T)	6-1-2011
635-041-0076(T)	6-27-2011	Suspend	8-1-2011	635-042-0180	5-18-2011	Amend(T)	7-1-2011
635-041-0076(T)	7-5-2011	Suspend	8-1-2011	635-042-0180	8-15-2011	Amend(T)	9-1-2011
635-041-0076(T)	7-10-2011	Suspend	8-1-2011	635-042-0180(T)	4-21-2011	Suspend	6-1-2011
635-041-0076(T)	7-18-2011	Suspend	8-1-2011	635-042-0180(T)	5-18-2011	Suspend	7-1-2011
635-041-0076(T)	7-25-2011	Suspend	9-1-2011	635-043-0051	5-4-2011	Amend	6-1-2011
635-041-0076(T)	8-1-2011	Suspend	9-1-2011	635-043-0051	6-3-2011	Amend	7-1-2011
635-042-0010	3-21-2011	Amend	5-1-2011	635-043-0100	1-28-2011	Amend(T)	3-1-2011
635-042-0022	3-29-2011	Amend(T)	5-1-2011	635-043-0100	7-1-2011	Repeal	7-1-2011
635-042-0022	4-6-2011	Amend(T)	5-1-2011	635-043-0105	8-5-2011	Amend	9-1-2011
635-042-0022	5-12-2011	Amend(T)	6-1-2011	635-044-0000	2-15-2011	Amend	3-1-2011
635-042-0022	5-18-2011	Amend(T)	7-1-2011	635-044-0060	2-15-2011	Amend	3-1-2011
635-042-0022(T)	5-18-2011	Suspend	7-1-2011	635-044-0200	7-1-2011	Amend	7-1-2011
635-042-0027	6-16-2011	Amend(T)	7-1-2011	635-044-0205	7-1-2011	Amend	7-1-2011
635-042-0027(T)	6-16-2011	Suspend	7-1-2011	635-044-0210	7-1-2011	Amend	7-1-2011
635-042-0031	8-4-2011	Amend(T)	9-1-2011	635-044-0215	7-1-2011	Amend	7-1-2011
635-042-0032	3-21-2011	Amend	5-1-2011	635-044-0220	7-1-2011	Repeal	7-1-2011
635-042-0060	3-21-2011	Amend	5-1-2011	635-044-0225	7-1-2011	Repeal	7-1-2011
635-042-0110	5-10-2011	Amend(T)	6-1-2011	635-044-0230	7-1-2011	Repeal	7-1-2011
635-042-0110	6-21-2011	Amend(T)	8-1-2011	635-044-0235	7-1-2011	Repeal	7-1-2011
635-042-0110(T)	6-21-2011	Suspend	8-1-2011	635-044-0240	7-1-2011	Adopt	7-1-2011
635-042-0115	5-10-2011	Amend(T)	6-1-2011	635-044-0245	7-1-2011	Adopt	7-1-2011
635-042-0115	6-21-2011	Amend(T)	8-1-2011	635-044-0250	7-1-2011	Adopt	7-1-2011
635-042-0115(T)	6-21-2011	Suspend	8-1-2011	635-044-0255	7-1-2011	Adopt	7-1-2011
635-042-0130	12-1-2010	Amend(T)	1-1-2011	635-044-0280	7-1-2011	Adopt	7-1-2011
635-042-0130	3-21-2011	Amend	5-1-2011	635-044-0300	7-1-2011	Adopt	7-1-2011
635-042-0135	1-15-2011	Amend(T)	2-1-2011	635-044-0305	7-1-2011	Adopt	7-1-2011
635-042-0145	2-13-2011	Amend(T)	3-1-2011	635-044-0310	7-1-2011	Adopt	7-1-2011
635-042-0145	3-21-2011	Amend	5-1-2011	635-045-0000	8-5-2011	Amend	9-1-2011
635-042-0145	4-21-2011	Amend(T)	6-1-2011	635-045-0002	1-1-2011	Amend	2-1-2011
635-042-0145	4-28-2011	Amend(T)	6-1-2011	635-046-0000	7-1-2011	Adopt	7-1-2011
635-042-0145	5-12-2011	Amend(T)	6-1-2011	635-046-0005	7-1-2011	Repeal	7-1-2011
635-042-0145	5-18-2011	Amend(T)	7-1-2011	635-046-0010	7-1-2011	Repeal	7-1-2011
635-042-0145	6-27-2011	Amend(T)	8-1-2011	635-046-0015	7-1-2011	Repeal	7-1-2011
635-042-0145	8-3-2011	Amend(T)	9-1-2011	635-046-0020	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	4-21-2011	Suspend	6-1-2011	635-046-0025	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	4-28-2011	Suspend	6-1-2011	635-046-0030	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	5-12-2011	Suspend	6-1-2011	635-046-0035	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	5-18-2011	Suspend	7-1-2011	635-046-0040	7-1-2011	Adopt	7-1-2011
635-042-0145(T)	6-27-2011	Suspend	8-1-2011	635-046-0045	7-1-2011	Adopt	7-1-2011
635-042-0160	2-13-2011	Amend(T)	3-1-2011	635-046-0050	7-1-2011	Adopt	7-1-2011

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635-049-0025	1-1-2011	Amend(T)	2-1-2011	635-065-0012	8-1-2011	Adopt	8-1-2011
635-049-0025	6-3-2011	Amend	7-1-2011	635-065-0015	1-1-2011	Amend	2-1-2011
635-049-0025	8-4-2011	Amend	9-1-2011	635-065-0090	1-1-2011	Amend	2-1-2011
635-049-0025(T)	6-3-2011	Repeal	7-1-2011	635-065-0401	1-1-2011	Amend	2-1-2011
635-049-0265	1-1-2011	Amend(T)	2-1-2011	635-065-0625	1-1-2011	Amend	2-1-2011
635-049-0265	6-3-2011	Amend	7-1-2011	635-065-0700	1-1-2011	Amend	2-1-2011
635-049-0265(T)	6-3-2011	Repeal	7-1-2011	635-065-0705	1-1-2011	Amend	2-1-2011
635-050-0045	7-1-2011	Amend	7-1-2011	635-065-0740	1-1-2011	Amend	2-1-2011
635-051-0000	8-5-2011	Amend	9-1-2011	635-065-0760	1-1-2011	Amend	2-1-2011
635-051-0048	1-19-2011	Amend(T)	3-1-2011	635-065-0765	6-3-2011	Amend	7-1-2011
635-051-0048	8-5-2011	Amend	9-1-2011	635-066-0000	1-1-2011	Amend	2-1-2011
635-051-0076	1-28-2011	Adopt(T)	3-1-2011	635-067-0000	1-1-2011	Amend	2-1-2011
635-051-0076	7-1-2011	Suspend	7-1-2011	635-067-0000	6-3-2011	Amend	7-1-2011
635-051-0078	1-28-2011	Adopt(T)	3-1-2011	635-067-0030	8-20-2011	Amend	8-1-2011
635-051-0078	7-1-2011	Suspend	7-1-2011	635-067-0040	8-20-2011	Amend	8-1-2011
635-052-0000	8-5-2011	Amend	9-1-2011	635-068-0000	3-1-2011	Amend	3-1-2011
635-053-0000	8-5-2011	Amend	9-1-2011	635-068-0000	6-3-2011	Amend	7-1-2011
635-054-0000	8-5-2011	Amend	9-1-2011	635-069-0000	2-1-2011	Amend	3-1-2011
635-054-0020	8-5-2011	Amend	9-1-2011	635-069-0000	6-3-2011	Amend	7-1-2011
635-055-0000	1-14-2011	Amend	2-1-2011	635-070-0000	6-3-2011	Amend	7-1-2011
635-055-0000	8-9-2011	Am. & Ren.	9-1-2011	635-071-0000	6-3-2011	Amend	7-1-2011
635-055-0001	8-9-2011	Adopt	9-1-2011	635-072-0000	1-1-2011	Amend	2-1-2011
635-055-0010	8-9-2011	Amend	9-1-2011	635-073-0000	2-1-2011	Amend	3-1-2011
635-055-0015	8-9-2011	Amend	9-1-2011	635-073-0000	6-3-2011	Amend	7-1-2011
635-055-0020	8-9-2011	Amend	9-1-2011	635-073-0065	2-1-2011	Amend	3-1-2011
635-055-0025	8-9-2011	Amend	9-1-2011	635-073-0070	2-1-2011	Amend	3-1-2011
635-055-0030	1-14-2011	Amend	2-1-2011	635-073-0076	1-1-2011	Amend	2-1-2011
635-055-0030	8-9-2011	Amend	9-1-2011	635-075-0001	1-1-2011	Amend	2-1-2011
635-055-0035	1-14-2011	Amend	2-1-2011	635-075-0003	6-3-2011	Amend	7-1-2011
635-055-0035	8-9-2011	Amend	9-1-2011	635-075-0010	1-1-2011	Amend	2-1-2011
635-055-0037	1-14-2011	Amend	2-1-2011	635-080-0016	1-1-2011	Amend	2-1-2011
635-055-0037	8-9-2011	Amend	9-1-2011	635-080-0021	1-1-2011	Amend	2-1-2011
635-055-0040	8-9-2011	Amend	9-1-2011	635-080-0023	1-1-2011	Amend	2-1-2011
635-055-0050	8-9-2011	Amend	9-1-2011	635-080-0026	1-1-2011	Amend	2-1-2011
635-055-0055	8-9-2011	Amend	9-1-2011	635-120-0020	5-4-2011	Repeal	6-1-2011
635-055-0060	8-9-2011	Amend	9-1-2011	635-135-0020	5-4-2011	Repeal	6-1-2011
635-055-0065	8-9-2011	Repeal	9-1-2011	635-140-0000	5-4-2011	Amend	6-1-2011
635-055-0075	8-9-2011	Amend	9-1-2011	635-140-0005	5-4-2011	Amend	6-1-2011
635-056-0000	2-15-2011	Amend	3-1-2011	635-140-0010	5-4-2011	Amend	6-1-2011
635-056-0010	2-15-2011	Amend	3-1-2011	635-140-0015	5-4-2011	Adopt	6-1-2011
635-056-0020	2-15-2011	Amend	3-1-2011	635-140-0025	5-4-2011	Repeal	6-1-2011
635-056-0050	2-15-2011	Amend	3-1-2011	635-160-0000	5-4-2011	Amend	6-1-2011
635-056-0050	7-1-2011	Amend	7-1-2011	635-160-0030	5-4-2011	Repeal	6-1-2011
635-056-0060	2-15-2011	Amend	3-1-2011	635-170-0015	12-29-2010	Amend(T)	2-1-2011
635-056-0060	7-1-2011	Amend	7-1-2011	635-170-0015	5-4-2011	Repeal	6-1-2011
635-056-0070	2-15-2011	Amend	3-1-2011	635-180-0015	5-4-2011	Repeal	6-1-2011
635-056-0070	7-1-2011	Amend	7-1-2011	635-190-0030	5-4-2011	Repeal	6-1-2011
635-056-0075	2-15-2011	Amend	3-1-2011	635-195-0010	5-4-2011	Repeal	6-1-2011
635-056-0080	2-15-2011	Amend	3-1-2011	635-200-0030	3-2-2011	Renumber	4-1-2011
635-056-0130	2-15-2011	Amend	3-1-2011	635-435-0035	7-1-2011	Amend(T)	8-1-2011
635-057-0000	2-15-2011	Amend	3-1-2011	635-500-0205	8-9-2011	Amend	9-1-2011
635-060-0000	8-5-2011	Amend	9-1-2011	635-500-0267	8-9-2011	Amend	9-1-2011
635-060-0023	1-1-2011	Amend	2-1-2011	635-500-0271	8-9-2011	Amend	9-1-2011
635-060-0030	1-1-2011	Amend	2-1-2011	635-500-0810	8-9-2011	Amend	9-1-2011
635-060-0055	1-1-2011	Amend	2-1-2011	635-500-0840	8-9-2011	Amend	9-1-2011

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635-500-1000	8-9-2011	Amend	9-1-2011	660-004-0015	3-16-2011	Amend	5-1-2011
635-500-1010	8-9-2011	Amend	9-1-2011	660-004-0018	2-2-2011	Amend	3-1-2011
635-500-1020	8-9-2011	Amend	9-1-2011	660-004-0018	3-16-2011	Amend	5-1-2011
635-500-1150	8-9-2011	Amend	9-1-2011	660-004-0020	2-2-2011	Amend	3-1-2011
635-500-1160	8-9-2011	Amend	9-1-2011	660-004-0020	3-16-2011	Amend	5-1-2011
635-500-1280	8-9-2011	Amend	9-1-2011	660-004-0022	2-2-2011	Amend	3-1-2011
635-500-1290	8-9-2011	Amend	9-1-2011	660-004-0022	3-16-2011	Amend	5-1-2011
635-500-1300	8-9-2011	Amend	9-1-2011	660-004-0025	2-2-2011	Amend	3-1-2011
635-500-1370	8-9-2011	Amend	9-1-2011	660-004-0025	3-16-2011	Amend	5-1-2011
635-500-1380	8-9-2011	Amend	9-1-2011	660-004-0028	2-2-2011	Amend	3-1-2011
635-500-1400	8-9-2011	Amend	9-1-2011	660-004-0028	3-16-2011	Amend	5-1-2011
635-500-1410	8-9-2011	Amend	9-1-2011	660-004-0030	2-2-2011	Amend	3-1-2011
635-500-1420	8-9-2011	Amend	9-1-2011	660-004-0030	3-16-2011	Amend	5-1-2011
635-500-1440	8-9-2011	Amend	9-1-2011	660-004-0035	2-2-2011	Amend	3-1-2011
635-500-1470	8-9-2011	Amend	9-1-2011	660-004-0035	3-16-2011	Amend	5-1-2011
635-500-1480	8-9-2011	Amend	9-1-2011	660-004-0040	2-2-2011	Amend	3-1-2011
635-500-1490	8-9-2011	Amend	9-1-2011	660-004-0040	3-16-2011	Amend	5-1-2011
635-500-1500	8-9-2011	Amend	9-1-2011	660-006-0000	2-2-2011	Amend	3-1-2011
635-500-1520	8-9-2011	Amend	9-1-2011	660-006-0003	2-2-2011	Amend	3-1-2011
635-500-1620	8-9-2011	Amend	9-1-2011	660-006-0004	2-2-2011	Amend	3-1-2011
635-500-1630	8-9-2011	Amend	9-1-2011	660-006-0005	2-2-2011	Amend	3-1-2011
635-500-1661	8-9-2011	Amend	9-1-2011	660-006-0010	2-2-2011	Amend	3-1-2011
635-500-1662	8-9-2011	Amend	9-1-2011	660-006-0015	2-2-2011	Amend	3-1-2011
635-500-1663	8-9-2011	Amend	9-1-2011	660-006-0020	2-2-2011	Amend	3-1-2011
635-500-1664	8-9-2011	Amend	9-1-2011	660-006-0025	2-2-2011	Amend	3-1-2011
635-500-1665	8-9-2011	Amend	9-1-2011	660-006-0026	2-2-2011	Amend	3-1-2011
635-500-1666	8-9-2011	Amend	9-1-2011	660-006-0027	2-2-2011	Amend	3-1-2011
635-500-6600	8-9-2011	Adopt	9-1-2011	660-006-0029	2-2-2011	Amend	3-1-2011
635-500-6625	8-10-2011	Adopt	9-1-2011	660-006-0031	2-2-2011	Amend	3-1-2011
644-010-0010	1-1-2011	Amend(T)	1-1-2011	660-006-0035	2-2-2011	Amend	3-1-2011
644-010-0010	2-14-2011	Amend	3-1-2011	660-006-0040	2-2-2011	Amend	3-1-2011
644-010-0010(T)	2-14-2011	Repeal	3-1-2011	660-006-0050	2-2-2011	Amend	3-1-2011
646-040-0000	5-31-2011	Amend	7-1-2011	660-006-0055	2-2-2011	Amend	3-1-2011
647-010-0010	7-1-2011	Amend	6-1-2011	660-006-0057	2-2-2011	Amend	3-1-2011
660-001-0000	12-8-2010	Amend	1-1-2011	660-006-0060	2-2-2011	Amend	3-1-2011
660-001-0005	12-8-2010	Amend	1-1-2011	660-033-0010	3-16-2011	Amend	5-1-2011
660-001-0007	12-8-2010	Amend	1-1-2011	660-033-0020	3-16-2011	Amend	5-1-2011
660-001-0201	12-8-2010	Amend	1-1-2011	660-033-0030	3-16-2011	Amend	5-1-2011
660-001-0210	12-8-2010	Amend	1-1-2011	660-033-0120	3-16-2011	Amend	5-1-2011
660-001-0220	12-8-2010	Amend	1-1-2011	660-033-0130	11-23-2010	Amend	1-1-2011
660-001-0230	12-8-2010	Amend	1-1-2011	660-033-0130	3-16-2011	Amend	5-1-2011
660-003-0005	12-8-2010	Amend	1-1-2011	660-033-0130(T)	11-23-2010	Repeal	1-1-2011
660-003-0010	12-8-2010	Amend	1-1-2011	660-033-0135	3-16-2011	Amend	5-1-2011
660-003-0015	12-8-2010	Amend	1-1-2011	660-033-0140	3-16-2011	Amend	5-1-2011
660-003-0020	12-8-2010	Amend	1-1-2011	660-033-0145	3-16-2011	Amend	5-1-2011
660-003-0025	12-8-2010	Amend	1-1-2011	660-044-0000	6-1-2011	Adopt	7-1-2011
660-003-0032	12-8-2010	Amend	1-1-2011	660-044-0005	6-1-2011	Adopt	7-1-2011
660-003-0033	12-8-2010	Amend	1-1-2011	660-044-0010	6-1-2011	Adopt	7-1-2011
660-003-0050	12-8-2010	Amend	1-1-2011	660-044-0020	6-1-2011	Adopt	7-1-2011
660-004-0000	2-2-2011	Amend	3-1-2011	660-044-0025	6-1-2011	Adopt	7-1-2011
660-004-0000	3-16-2011	Amend	5-1-2011	660-044-0030	6-1-2011	Adopt	7-1-2011
660-004-0005	2-2-2011	Amend	3-1-2011	660-044-0035	6-1-2011	Adopt	7-1-2011
660-004-0005	3-16-2011	Amend	5-1-2011	678-010-0010	7-1-2011	Amend(T)	8-1-2011
660-004-0010	2-2-2011	Amend	3-1-2011	678-010-0020	7-1-2011	Amend(T)	8-1-2011
660-004-0010	3-16-2011	Amend	5-1-2011	678-010-0030	7-1-2011	Amend(T)	8-1-2011

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678-030-0027	11-19-2010	Amend	1-1-2011	734-051-0245	1-19-2011	Amend	3-1-2011
690-095-0005	12-14-2010	Adopt	1-1-2011	734-051-0245(T)	1-19-2011	Repeal	3-1-2011
690-095-0010	12-14-2010	Adopt	1-1-2011	734-051-0255	1-19-2011	Amend	3-1-2011
690-095-0015	12-14-2010	Adopt	1-1-2011	734-051-0255(T)	1-19-2011	Repeal	3-1-2011
690-095-0020	12-14-2010	Adopt	1-1-2011	734-051-0295	1-19-2011	Amend	3-1-2011
690-095-0025	12-14-2010	Adopt	1-1-2011	734-051-0295(T)	1-19-2011	Repeal	3-1-2011
690-095-0030	12-14-2010	Adopt	1-1-2011	734-051-0315	1-19-2011	Amend	3-1-2011
690-095-0035	12-14-2010	Adopt	1-1-2011	734-051-0315(T)	1-19-2011	Repeal	3-1-2011
690-095-0040	12-14-2010	Adopt	1-1-2011	734-051-0345	1-19-2011	Amend	3-1-2011
690-095-0045	12-14-2010	Adopt	1-1-2011	734-051-0345(T)	1-19-2011	Repeal	3-1-2011
690-095-0050	12-14-2010	Adopt	1-1-2011	734-051-0500	1-19-2011	Amend	3-1-2011
690-095-0055	12-14-2010	Adopt	1-1-2011	734-051-0500(T)	1-19-2011	Repeal	3-1-2011
690-095-0060	12-14-2010	Adopt	1-1-2011	734-051-0530	1-19-2011	Amend	3-1-2011
690-095-0065	12-14-2010	Adopt	1-1-2011	734-051-0530(T)	1-19-2011	Repeal	3-1-2011
690-095-0070	12-14-2010	Adopt	1-1-2011	734-070-0005	5-27-2011	Amend	7-1-2011
690-095-0075	12-14-2010	Adopt	1-1-2011	734-070-0010	5-27-2011	Amend	7-1-2011
690-095-0080	12-14-2010	Adopt	1-1-2011	734-070-0017	1-28-2011	Adopt	3-1-2011
690-095-0085	12-14-2010	Adopt	1-1-2011	734-070-0025	5-27-2011	Amend	7-1-2011
690-095-0090	12-14-2010	Adopt	1-1-2011	734-071-0010	5-27-2011	Amend	7-1-2011
690-095-0095	12-14-2010	Adopt	1-1-2011	734-072-0010	5-27-2011	Amend	7-1-2011
690-095-0100	12-14-2010	Adopt	1-1-2011	734-072-0015	5-27-2011	Amend	7-1-2011
731-001-0005	5-27-2011	Amend	7-1-2011	734-072-0020	5-27-2011	Amend	7-1-2011
731-017-0005	12-22-2010	Adopt	2-1-2011	734-072-0022	5-27-2011	Amend	7-1-2011
731-017-0010	12-22-2010	Adopt	2-1-2011	734-072-0023	5-27-2011	Amend	7-1-2011
731-017-0015	12-22-2010	Adopt	2-1-2011	734-072-0030	5-27-2011	Amend	7-1-2011
731-017-0020	12-22-2010	Adopt	2-1-2011	734-073-0050	5-27-2011	Amend	7-1-2011
731-017-0025	12-22-2010	Adopt	2-1-2011	734-073-0056	5-27-2011	Amend	7-1-2011
731-017-0030	12-22-2010	Adopt	2-1-2011	734-073-0065	5-27-2011	Amend	7-1-2011
731-017-0035	12-22-2010	Adopt	2-1-2011	734-074-0020	5-27-2011	Amend	7-1-2011
731-017-0040	12-22-2010	Adopt	2-1-2011	734-074-0023	5-27-2011	Amend	7-1-2011
731-017-0045	12-22-2010	Adopt	2-1-2011	734-074-0051	5-27-2011	Amend	7-1-2011
731-017-0050	12-22-2010	Adopt	2-1-2011	734-075-0010	6-21-2011	Amend	8-1-2011
731-017-0055	12-22-2010	Adopt	2-1-2011	734-075-0025	6-21-2011	Amend	8-1-2011
731-035-0070	12-22-2010	Amend	2-1-2011	734-075-0035	5-27-2011	Amend	7-1-2011
734-020-0010	5-27-2011	Amend	7-1-2011	734-075-0065	5-27-2011	Repeal	7-1-2011
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734-020-0015	5-27-2011	Amend	7-1-2011	734-075-0080	5-27-2011	Repeal	7-1-2011
734-020-0016	5-27-2011	Amend	7-1-2011	734-075-0085	5-27-2011	Adopt	7-1-2011
734-020-0017	5-27-2011	Amend	7-1-2011	734-076-0005	5-27-2011	Amend	7-1-2011
734-024-0005	5-27-2011	Adopt	7-1-2011	734-076-0015	5-27-2011	Amend	7-1-2011
734-024-0015	5-27-2011	Adopt	7-1-2011	734-076-0075	5-27-2011	Amend	7-1-2011
734-024-0020	5-27-2011	Adopt	7-1-2011	734-076-0115	5-27-2011	Amend	7-1-2011
734-024-0030	5-27-2011	Adopt	7-1-2011	734-076-0165	5-27-2011	Amend	7-1-2011
734-024-0040	5-27-2011	Adopt	7-1-2011	734-076-0175	5-27-2011	Amend	7-1-2011
734-051-0020	1-19-2011	Amend	3-1-2011	734-077-0010	5-27-2011	Amend	7-1-2011
734-051-0020(T)	1-19-2011	Repeal	3-1-2011	734-078-0020	5-27-2011	Amend	7-1-2011
734-051-0040	1-19-2011	Amend	3-1-2011	734-079-0005	5-27-2011	Amend	7-1-2011
734-051-0040(T)	1-19-2011	Repeal	3-1-2011	734-079-0015	5-27-2011	Amend	7-1-2011
734-051-0045	1-19-2011	Amend	3-1-2011	734-082-0025	6-21-2011	Amend	8-1-2011
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734-051-0070	1-19-2011	Amend	3-1-2011	734-082-0040	5-27-2011	Amend	7-1-2011
734-051-0070(T)	1-19-2011	Repeal	3-1-2011	734-082-0070	5-27-2011	Amend	7-1-2011
734-051-0080	1-19-2011	Amend	3-1-2011	734-082-0080	5-27-2011	Amend	7-1-2011
734-051-0080(T)	1-19-2011	Repeal	3-1-2011	735-032-0065	12-22-2010	Adopt	2-1-2011
734-051-0135	1-19-2011	Amend	3-1-2011	735-034-0000	3-16-2011	Amend	5-1-2011

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735-034-0010	3-16-2011	Amend	5-1-2011	736-010-0050	8-1-2011	Amend	9-1-2011
735-040-0098	1-28-2011	Amend	3-1-2011	736-010-0066	2-15-2011	Adopt	3-1-2011
735-040-0098(T)	1-28-2011	Repeal	3-1-2011	736-015-0006	8-1-2011	Amend	9-1-2011
735-046-0050	1-1-2011	Amend	2-1-2011	736-015-0015	8-1-2011	Amend	9-1-2011
735-060-0000	1-1-2011	Amend	1-1-2011	736-015-0035	8-1-2011	Amend	9-1-2011
735-060-0120	1-1-2011	Amend	1-1-2011	736-019-0000	3-30-2011	Amend	5-1-2011
735-062-0002	1-1-2011	Amend	1-1-2011	736-019-0020	3-30-2011	Amend	5-1-2011
735-062-0016	6-21-2011	Amend	8-1-2011	736-019-0040	3-30-2011	Amend	5-1-2011
735-062-0070	1-1-2011	Amend	1-1-2011	736-019-0060	3-30-2011	Amend	5-1-2011
735-062-0200	1-1-2011	Amend	1-1-2011	736-019-0070	3-30-2011	Adopt	5-1-2011
735-063-0000	6-21-2011	Amend	8-1-2011	736-019-0080	3-30-2011	Amend	5-1-2011
735-063-0050	6-21-2011	Amend	8-1-2011	736-019-0100	3-30-2011	Amend	5-1-2011
735-063-0060	6-21-2011	Amend	8-1-2011	736-019-0120	3-30-2011	Amend	5-1-2011
735-063-0065	6-21-2011	Amend	8-1-2011	736-201-0000	8-15-2011	Amend	9-1-2011
735-063-0070	6-21-2011	Amend	8-1-2011	736-201-0005	8-15-2011	Amend	9-1-2011
735-064-0020	7-22-2011	Amend	9-1-2011	736-201-0015	8-15-2011	Amend	9-1-2011
735-072-0020	3-2-2011	Amend	4-1-2011	736-201-0020	8-15-2011	Amend	9-1-2011
735-072-0050	3-2-2011	Amend	4-1-2011	736-201-0030	8-15-2011	Amend	9-1-2011
735-074-0210	6-21-2011	Amend	8-1-2011	736-201-0035	8-15-2011	Amend	9-1-2011
735-074-0212	6-21-2011	Amend	8-1-2011	736-201-0040	8-15-2011	Amend	9-1-2011
735-076-0050	6-21-2011	Amend	8-1-2011	736-201-0042	8-15-2011	Adopt	9-1-2011
735-076-0052	6-21-2011	Amend	8-1-2011	736-201-0050	8-15-2011	Amend	9-1-2011
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735-080-0040	3-16-2011	Amend	5-1-2011	736-201-0065	8-15-2011	Amend	9-1-2011
735-080-0046	3-16-2011	Adopt	5-1-2011	736-201-0070	8-15-2011	Amend	9-1-2011
735-090-0000	1-1-2011	Amend	2-1-2011	736-201-0075	8-15-2011	Amend	9-1-2011
735-090-0020	1-1-2011	Amend	2-1-2011	736-201-0080	8-15-2011	Amend	9-1-2011
735-090-0042	1-1-2011	Adopt	2-1-2011	736-201-0095	8-15-2011	Amend	9-1-2011
735-090-0101	1-1-2011	Amend	2-1-2011	736-201-0115	8-15-2011	Amend	9-1-2011
735-100-0030	2-18-2011	Am. & Ren.	4-1-2011	736-201-0120	8-15-2011	Amend	9-1-2011
735-150-0015	4-22-2011	Amend	6-1-2011	736-201-0125	8-15-2011	Amend	9-1-2011
735-150-0055	1-1-2011	Amend	2-1-2011	736-201-0130	8-15-2011	Amend	9-1-2011
735-154-0005	3-16-2011	Amend	5-1-2011	736-201-0135	8-15-2011	Amend	9-1-2011
735-176-0000	1-1-2011	Amend	1-1-2011	736-201-0145	8-15-2011	Amend	9-1-2011
735-176-0010	1-1-2011	Amend	1-1-2011	736-201-0150	8-15-2011	Amend	9-1-2011
735-176-0017	1-1-2011	Amend	1-1-2011	736-201-0155	8-15-2011	Amend	9-1-2011
735-176-0019	1-1-2011	Amend	1-1-2011	736-201-0160	8-15-2011	Amend	9-1-2011
735-176-0020	1-1-2011	Amend	1-1-2011	736-201-0165	8-15-2011	Amend	9-1-2011
735-176-0021	1-1-2011	Amend	1-1-2011	736-201-0170	8-15-2011	Amend	9-1-2011
735-176-0022	1-1-2011	Amend	1-1-2011	736-201-0175	8-15-2011	Amend	9-1-2011
735-176-0023	1-1-2011	Adopt	1-1-2011	736-201-0180	8-15-2011	Amend	9-1-2011
735-176-0030	1-1-2011	Amend	1-1-2011	737-010-0020	1-28-2011	Amend	3-1-2011
735-176-0040	1-1-2011	Amend	1-1-2011	737-100-0010	2-18-2011	Adopt	4-1-2011
735-176-0045	1-1-2011	Amend	1-1-2011	737-100-0040	2-18-2011	Adopt	4-1-2011
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736-010-0015	8-1-2011	Amend	9-1-2011	740-100-0020	5-27-2011	Amend	7-1-2011
736-010-0015(T)	8-1-2011	Repeal	9-1-2011	740-100-0065	5-27-2011	Amend	7-1-2011
736-010-0025	3-24-2011	Amend(T)	5-1-2011	740-100-0070	5-27-2011	Amend	7-1-2011
736-010-0025	8-1-2011	Amend	9-1-2011	740-100-0080	5-27-2011	Amend	7-1-2011
736-010-0025(T)	8-1-2011	Repeal	9-1-2011	740-100-0085	5-27-2011	Amend	7-1-2011
736-010-0026	3-24-2011	Amend(T)	5-1-2011	740-100-0090	5-27-2011	Amend	7-1-2011
736-010-0026	8-1-2011	Amend	9-1-2011	740-100-0100	5-27-2011	Amend	7-1-2011
736-010-0026(T)	8-1-2011	Repeal	9-1-2011	740-110-0010	5-27-2011	Amend	7-1-2011
736-010-0030	3-24-2011	Amend(T)	5-1-2011	740-200-0010	2-18-2011	Amend	4-1-2011
736-010-0030	8-1-2011	Amend	9-1-2011	740-200-0020	2-18-2011	Amend	4-1-2011

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741-125-0010	12-22-2010	Repeal	2-1-2011	808-001-0020	5-25-2011	Amend	7-1-2011
800-010-0015	2-1-2011	Amend	3-1-2011	808-002-0020	1-28-2011	Amend(T)	3-1-2011
800-010-0030	2-1-2011	Amend	3-1-2011	808-002-0020	6-17-2011	Amend	8-1-2011
800-010-0040	2-1-2011	Amend	3-1-2011	808-002-0020(T)	6-17-2011	Repeal	8-1-2011
800-010-0041	2-1-2011	Amend	3-1-2011	808-002-0200	8-1-2011	Amend	9-1-2011
800-010-0050	2-1-2011	Amend	3-1-2011	808-002-0455	8-1-2011	Amend	9-1-2011
800-010-0050	7-1-2012	Amend	7-1-2011	808-002-0500	8-1-2011	Amend	9-1-2011
800-015-0010	2-1-2011	Amend	3-1-2011	808-002-0620	8-1-2011	Amend	9-1-2011
800-015-0015	2-1-2011	Amend	3-1-2011	808-003-0015	8-1-2011	Amend	9-1-2011
800-015-0030	2-1-2011	Amend	3-1-2011	808-003-0018	5-25-2011	Amend	7-1-2011
800-020-0015	2-1-2011	Amend	3-1-2011	808-003-0130	1-27-2011	Amend	3-1-2011
800-020-0015	7-1-2012	Amend	7-1-2011	808-005-0020	8-1-2011	Amend	9-1-2011
800-020-0020	7-1-2011	Amend	3-1-2011	808-030-0010	8-1-2011	Amend	9-1-2011
800-020-0025	2-1-2011	Amend	3-1-2011	808-030-0015	8-1-2011	Adopt	9-1-2011
800-020-0025	7-1-2011	Amend	3-1-2011	808-030-0018	8-1-2011	Adopt	9-1-2011
800-020-0026	2-1-2011	Amend	3-1-2011	808-040-0025	6-17-2011	Amend	8-1-2011
800-025-0020	2-1-2011	Amend	3-1-2011	808-040-0040	6-17-2011	Amend	8-1-2011
800-025-0023	2-1-2011	Amend	3-1-2011	809-010-0001	7-1-2011	Amend	8-1-2011
800-025-0025	2-1-2011	Amend	3-1-2011	809-010-0025	7-1-2011	Amend	8-1-2011
800-025-0027	2-1-2011	Amend	3-1-2011	809-030-0025	7-1-2011	Amend	8-1-2011
800-025-0030	2-1-2011	Amend	3-1-2011	809-050-0005	7-1-2011	Adopt	8-1-2011
800-025-0050	2-1-2011	Amend	3-1-2011	811-015-0036	6-13-2011	Adopt	7-1-2011
800-025-0060	2-1-2011	Amend	3-1-2011	812-001-0200	12-1-2010	Amend(T)	1-1-2011
800-030-0025	2-1-2011	Amend	3-1-2011	812-001-0200	3-1-2011	Amend	4-1-2011
800-030-0030	2-1-2011	Adopt	3-1-2011	812-001-0200	5-1-2011	Amend	6-1-2011
800-030-0050	2-1-2011	Amend	3-1-2011	812-001-0200(T)	3-1-2011	Repeal	4-1-2011
801-001-0035	1-1-2011	Amend	1-1-2011	812-001-0290	3-1-2011	Amend	4-1-2011
801-005-0010	1-1-2011	Amend	1-1-2011	812-002-0320	1-1-2011	Amend	2-1-2011
801-010-0010	1-1-2011	Amend	1-1-2011	812-002-0640	5-1-2011	Amend	6-1-2011
801-010-0050	1-1-2011	Amend	1-1-2011	812-002-0677	1-1-2011	Adopt	2-1-2011
801-010-0060	1-1-2011	Amend	1-1-2011	812-002-0700	5-1-2011	Amend	6-1-2011
801-010-0065	1-1-2011	Amend	1-1-2011	812-003-0310	5-1-2011	Amend	6-1-2011
801-010-0073	1-1-2011	Amend	1-1-2011	812-003-0320	5-1-2011	Amend	6-1-2011
801-010-0075	1-1-2011	Amend	1-1-2011	812-003-0321	5-1-2011	Adopt	6-1-2011
801-010-0078	1-1-2011	Amend	1-1-2011	812-004-0001	7-8-2011	Amend(T)	8-1-2011
801-010-0079	1-1-2011	Amend	1-1-2011	812-004-1001	7-8-2011	Adopt(T)	8-1-2011
801-010-0080	1-1-2011	Amend	1-1-2011	812-004-1110	7-8-2011	Adopt(T)	8-1-2011
801-010-0100	1-1-2011	Amend	1-1-2011	812-004-1120	7-8-2011	Adopt(T)	8-1-2011
801-010-0110	1-1-2011	Amend	1-1-2011	812-004-1140	7-8-2011	Adopt(T)	8-1-2011
801-010-0115	1-1-2011	Amend	1-1-2011	812-004-1160	7-8-2011	Adopt(T)	8-1-2011
801-010-0120	1-1-2011	Amend	1-1-2011	812-004-1180	7-8-2011	Adopt(T)	8-1-2011
801-010-0125	1-1-2011	Amend	1-1-2011	812-004-1195	7-8-2011	Adopt(T)	8-1-2011
801-010-0130	1-1-2011	Amend	1-1-2011	812-004-1210	7-8-2011	Adopt(T)	8-1-2011
801-010-0170	1-1-2011	Amend	1-1-2011	812-004-1240	7-8-2011	Adopt(T)	8-1-2011
801-010-0190	1-1-2011	Amend	1-1-2011	812-004-1250	7-8-2011	Adopt(T)	8-1-2011
801-010-0340	1-1-2011	Amend	1-1-2011	812-004-1260	7-8-2011	Adopt(T)	8-1-2011
801-010-0345	1-1-2011	Amend	1-1-2011	812-004-1300	7-8-2011	Adopt(T)	8-1-2011
801-040-0010	1-1-2011	Amend	1-1-2011	812-004-1320	7-8-2011	Adopt(T)	8-1-2011
801-040-0050	1-1-2011	Amend	1-1-2011	812-004-1340	7-8-2011	Adopt(T)	8-1-2011
804-001-0002	7-1-2011	Amend	7-1-2011	812-004-1350	7-8-2011	Adopt(T)	8-1-2011
806-001-0003	7-1-2011	Amend	7-1-2011	812-004-1360	7-8-2011	Adopt(T)	8-1-2011
806-001-0004	7-22-2011	Amend	9-1-2011	812-004-1400	7-8-2011	Adopt(T)	8-1-2011
806-001-0005	7-22-2011	Amend	9-1-2011	812-004-1420	7-8-2011	Adopt(T)	8-1-2011
806-010-0105	12-14-2010	Amend	1-1-2011	812-004-1440	7-8-2011	Adopt(T)	8-1-2011
806-010-0105	7-22-2011	Amend	9-1-2011	812-004-1450	7-8-2011	Adopt(T)	8-1-2011

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812-004-1480	7-8-2011	Adopt(T)	8-1-2011	813-008-0015	3-1-2011	Am. & Ren.(T)	4-1-2011
812-004-1490	7-8-2011	Adopt(T)	8-1-2011	813-008-0020	3-1-2011	Suspend	4-1-2011
812-004-1500	7-8-2011	Adopt(T)	8-1-2011	813-008-0025	3-1-2011	Suspend	4-1-2011
812-004-1505	7-8-2011	Adopt(T)	8-1-2011	813-008-0030	3-1-2011	Suspend	4-1-2011
812-004-1510	7-8-2011	Adopt(T)	8-1-2011	813-008-0040	3-1-2011	Suspend	4-1-2011
812-004-1520	7-8-2011	Adopt(T)	8-1-2011	813-041-0020	12-15-2010	Amend	1-1-2011
812-004-1530	7-8-2011	Adopt(T)	8-1-2011	813-042-0030	2-17-2011	Amend	4-1-2011
812-004-1537	7-8-2011	Adopt(T)	8-1-2011	813-043-0030	2-17-2011	Amend	4-1-2011
812-004-1600	7-8-2011	Adopt(T)	8-1-2011	813-065-0120	3-1-2011	Adopt(T)	4-1-2011
812-005-0800	3-1-2011	Amend	4-1-2011	813-065-0130	3-1-2011	Adopt(T)	4-1-2011
812-005-0800	7-1-2011	Amend	8-1-2011	813-065-0140	3-1-2011	Adopt(T)	4-1-2011
812-006-0150	3-1-2011	Amend	4-1-2011	813-065-0150	3-1-2011	Adopt(T)	4-1-2011
812-006-0250	3-1-2011	Amend	4-1-2011	813-065-0200	3-1-2011	Adopt(T)	4-1-2011
812-007-0031	5-1-2011	Adopt	6-1-2011	813-065-0210	3-1-2011	Adopt(T)	4-1-2011
812-007-0032	5-1-2011	Adopt	6-1-2011	813-065-0220	3-1-2011	Adopt(T)	4-1-2011
812-007-0323	12-22-2010	Adopt(T)	2-1-2011	813-065-0230	3-1-2011	Adopt(T)	4-1-2011
812-007-0323	3-1-2011	Adopt	4-1-2011	813-065-0240	3-1-2011	Adopt(T)	4-1-2011
812-007-0323(T)	3-1-2011	Repeal	4-1-2011	813-230-0000	2-7-2011	Amend	3-1-2011
812-008-0065	5-1-2011	Adopt	6-1-2011	813-230-0000(T)	2-7-2011	Repeal	3-1-2011
812-008-0070	3-1-2011	Amend	4-1-2011	813-230-0005	2-7-2011	Amend	3-1-2011
812-008-0072	3-1-2011	Amend	4-1-2011	813-230-0005(T)	2-7-2011	Repeal	3-1-2011
812-008-0074	1-1-2011	Amend	2-1-2011	813-230-0007	2-7-2011	Adopt	3-1-2011
812-008-0074	3-1-2011	Amend	4-1-2011	813-230-0007(T)	2-7-2011	Repeal	3-1-2011
812-008-0077	5-1-2011	Adopt	6-1-2011	813-230-0015	2-7-2011	Amend	3-1-2011
812-008-0209	5-1-2011	Amend	6-1-2011	813-230-0015(T)	2-7-2011	Repeal	3-1-2011
812-009-0010	7-8-2011	Amend(T)	8-1-2011	817-005-0005	5-5-2011	Amend	6-1-2011
812-010-0020	7-8-2011	Amend(T)	8-1-2011	817-010-0065	5-5-2011	Amend	6-1-2011
812-020-0090	1-1-2011	Amend	2-1-2011	817-010-0090	5-5-2011	Repeal	6-1-2011
812-021-0015	7-1-2011	Amend(T)	8-1-2011	817-020-0006	5-5-2011	Amend	6-1-2011
812-021-0016	4-28-2011	Amend(T)	6-1-2011	817-030-0005	3-1-2011	Amend(T)	4-1-2011
812-021-0016	7-1-2011	Amend	8-1-2011	817-030-0005	5-5-2011	Amend	6-1-2011
812-021-0016(T)	7-1-2011	Repeal	8-1-2011	817-030-0005(T)	5-5-2011	Repeal	6-1-2011
812-021-0019	7-1-2011	Amend	8-1-2011	817-030-0015	3-1-2011	Amend(T)	4-1-2011
812-021-0021	7-1-2011	Adopt(T)	8-1-2011	817-030-0015	5-5-2011	Repeal	6-1-2011
812-021-0028	7-1-2011	Amend(T)	8-1-2011	817-030-0018	3-1-2011	Amend(T)	4-1-2011
812-025-0000	1-1-2011	Adopt	2-1-2011	817-030-0018	5-5-2011	Repeal	6-1-2011
812-025-0005	1-1-2011	Adopt	2-1-2011	817-030-0020	5-5-2011	Repeal	6-1-2011
812-025-0010	1-1-2011	Adopt	2-1-2011	817-030-0030	5-5-2011	Amend	6-1-2011
812-025-0015	1-1-2011	Adopt	2-1-2011	817-030-0040	5-5-2011	Repeal	6-1-2011
812-025-0020	1-1-2011	Adopt	2-1-2011	817-030-0045	5-5-2011	Repeal	6-1-2011
812-025-0025	1-1-2011	Adopt	2-1-2011	817-030-0055	5-5-2011	Repeal	6-1-2011
812-025-0030	1-1-2011	Adopt	2-1-2011	817-030-0065	5-5-2011	Amend	6-1-2011
812-025-0032	5-1-2011	Adopt	6-1-2011	817-030-0071	5-5-2011	Adopt	6-1-2011
812-025-0035	1-1-2011	Adopt	2-1-2011	817-035-0010	5-5-2011	Amend	6-1-2011
812-025-0040	1-1-2011	Adopt	2-1-2011	817-035-0030	5-5-2011	Repeal	6-1-2011
812-025-0045	1-1-2011	Adopt	2-1-2011	817-035-0050	3-1-2011	Amend(T)	4-1-2011
812-030-0223	5-1-2011	Adopt	6-1-2011	817-035-0050	5-5-2011	Amend	6-1-2011
812-030-0235	5-1-2011	Adopt	6-1-2011	817-035-0050(T)	5-5-2011	Repeal	6-1-2011
813-001-0060	12-1-2010	Adopt(T)	1-1-2011	817-035-0070	5-5-2011	Amend	6-1-2011
813-001-0060	8-25-2011	Adopt	7-1-2011	817-035-0110	5-5-2011	Amend	6-1-2011
813-001-0060(T)	8-25-2011	Repeal	7-1-2011	817-040-0003	3-1-2011	Amend(T)	4-1-2011
813-007-0055	3-21-2011	Repeal	5-1-2011	817-040-0003	5-5-2011	Amend	6-1-2011
813-007-0057	3-21-2011	Adopt	5-1-2011	817-040-0003	6-1-2011	Amend	7-1-2011
813-007-0060	3-21-2011	Repeal	5-1-2011	817-040-0003(T)	5-5-2011	Repeal	6-1-2011
813-008-0005	3-1-2011	Am. & Ren.(T)	4-1-2011	817-060-0050	5-5-2011	Adopt	6-1-2011

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817-090-0025	5-5-2011	Amend	6-1-2011	820-010-0635	5-12-2011	Amend	6-1-2011
817-090-0035	5-5-2011	Amend	6-1-2011	830-011-0000	8-1-2011	Amend	9-1-2011
817-090-0045	5-5-2011	Amend	6-1-2011	830-011-0010	8-1-2011	Amend	9-1-2011
817-090-0050	5-5-2011	Amend	6-1-2011	830-011-0020	8-1-2011	Amend	9-1-2011
817-090-0055	5-5-2011	Amend	6-1-2011	830-011-0030	8-1-2011	Repeal	9-1-2011
817-090-0065	5-5-2011	Amend	6-1-2011	830-011-0050	8-1-2011	Amend	9-1-2011
817-090-0070	5-5-2011	Amend	6-1-2011	830-011-0070	8-1-2011	Amend	9-1-2011
817-090-0075	5-5-2011	Amend	6-1-2011	830-011-0080	8-1-2011	Amend	9-1-2011
817-090-0080	5-5-2011	Amend	6-1-2011	830-020-0000	8-1-2011	Amend	9-1-2011
817-090-0085	5-5-2011	Amend	6-1-2011	830-020-0010	8-1-2011	Amend	9-1-2011
817-090-0090	5-5-2011	Amend	6-1-2011	830-020-0020	8-1-2011	Amend	9-1-2011
817-090-0095	5-5-2011	Amend	6-1-2011	830-020-0030	8-1-2011	Amend	9-1-2011
817-090-0100	5-5-2011	Amend	6-1-2011	830-020-0040	8-1-2011	Amend	9-1-2011
817-090-0105	5-5-2011	Amend	6-1-2011	830-030-0000	8-1-2011	Amend	9-1-2011
817-090-0110	5-5-2011	Amend	6-1-2011	830-030-0004	8-1-2011	Amend	9-1-2011
817-090-0115	5-5-2011	Amend	6-1-2011	830-030-0030	8-1-2011	Amend	9-1-2011
818-001-0087	7-1-2011	Amend(T)	8-1-2011	830-030-0070	8-1-2011	Amend	9-1-2011
818-013-0001	2-1-2011	Amend	2-1-2011	830-030-0090	8-1-2011	Amend	9-1-2011
818-013-0001(T)	2-1-2011	Repeal	2-1-2011	830-030-0100	8-1-2011	Amend	9-1-2011
818-013-0005	2-1-2011	Amend	2-1-2011	830-040-0000	8-1-2011	Amend	9-1-2011
818-013-0005(T)	2-1-2011	Repeal	2-1-2011	830-040-0005	8-1-2011	Amend	9-1-2011
818-013-0010	2-1-2011	Amend	2-1-2011	830-040-0010	8-1-2011	Amend	9-1-2011
818-013-0010(T)	2-1-2011	Repeal	2-1-2011	830-040-0020	8-1-2011	Amend	9-1-2011
818-013-0015	2-1-2011	Amend	2-1-2011	830-040-0030	8-1-2011	Amend	9-1-2011
818-013-0015(T)	2-1-2011	Repeal	2-1-2011	830-040-0050	8-1-2011	Amend	9-1-2011
818-013-0020	2-1-2011	Amend	2-1-2011	830-040-0060	8-1-2011	Amend	9-1-2011
818-013-0020(T)	2-1-2011	Repeal	2-1-2011	830-040-0070	8-1-2011	Amend	9-1-2011
818-013-0025	2-1-2011	Amend	2-1-2011	830-050-0000	8-1-2011	Repeal	9-1-2011
818-013-0025(T)	2-1-2011	Repeal	2-1-2011	830-050-0050	8-1-2011	Amend	9-1-2011
818-013-0030	2-1-2011	Amend	2-1-2011	833-020-0011	2-1-2011	Amend	2-1-2011
818-013-0030(T)	2-1-2011	Repeal	2-1-2011	833-020-0051	2-1-2011	Amend	2-1-2011
818-013-0035	2-1-2011	Amend	2-1-2011	833-020-0081	1-1-2011	Amend	1-1-2011
818-013-0035(T)	2-1-2011	Repeal	2-1-2011	833-040-0021	1-1-2011	Amend	1-1-2011
818-021-0017	6-1-2011	Amend(T)	6-1-2011	833-050-0081	1-1-2011	Amend	1-1-2011
818-021-0060	7-1-2011	Amend(T)	8-1-2011	833-055-0001	1-1-2011	Repeal	1-1-2011
818-021-0070	7-1-2011	Amend(T)	8-1-2011	833-055-0010	1-1-2011	Repeal	1-1-2011
818-026-0060	6-1-2011	Amend(T)	6-1-2011	833-055-0020	1-1-2011	Repeal	1-1-2011
818-026-0065	6-1-2011	Amend(T)	6-1-2011	833-060-0012	1-1-2011	Amend	1-1-2011
818-026-0070	6-1-2011	Amend(T)	6-1-2011	833-060-0062	1-1-2011	Adopt	1-1-2011
820-010-0209	1-14-2011	Amend	2-1-2011	833-100-0021	1-1-2011	Amend	1-1-2011
820-010-0210	1-14-2011	Amend	2-1-2011	833-110-0021	1-1-2011	Amend	1-1-2011
820-010-0212	1-14-2011	Amend	2-1-2011	833-120-0011	5-15-2011	Amend(T)	6-1-2011
820-010-0213	1-14-2011	Amend	2-1-2011	833-120-0021	5-15-2011	Amend(T)	6-1-2011
820-010-0214	1-14-2011	Amend	2-1-2011	833-120-0031	5-15-2011	Amend(T)	6-1-2011
820-010-0215	12-28-2010	Amend(T)	2-1-2011	833-120-0041	5-15-2011	Amend(T)	6-1-2011
820-010-0215	1-14-2011	Amend	2-1-2011	833-130-0080	1-1-2011	Adopt	1-1-2011
820-010-0215(T)	1-14-2011	Repeal	2-1-2011	836-009-0007	1-1-2011	Amend	2-1-2011
820-010-0305	1-14-2011	Amend	2-1-2011	836-011-0000	1-1-2011	Amend	2-1-2011
820-010-0325	5-12-2011	Amend	6-1-2011	836-011-0250	2-4-2011	Adopt	3-1-2011
820-010-0400	1-14-2011	Amend	2-1-2011	836-011-0253	2-4-2011	Adopt	3-1-2011
820-010-0417	1-14-2011	Amend	2-1-2011	836-011-0255	2-4-2011	Adopt	3-1-2011
820-010-0427	1-14-2011	Amend	2-1-2011	836-011-0258	2-4-2011	Adopt	3-1-2011
820-010-0435	1-14-2011	Repeal	2-1-2011	836-011-0260	2-4-2011	Adopt	3-1-2011
820-010-0463	1-14-2011	Amend	2-1-2011	836-011-0515	12-15-2010	Amend	1-1-2011
820-010-0505	1-14-2011	Amend	2-1-2011	836-031-0600	2-23-2011	Amend	4-1-2011

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836-031-0630	2-23-2011	Amend	4-1-2011	836-100-0035	7-5-2011	Adopt	8-1-2011
836-031-0640	2-23-2011	Amend	4-1-2011	836-100-0040	7-5-2011	Adopt	8-1-2011
836-031-0650	2-23-2011	Repeal	4-1-2011	836-100-0045	7-5-2011	Adopt	8-1-2011
836-031-0660	2-23-2011	Repeal	4-1-2011	836-100-0100	7-15-2011	Adopt	8-1-2011
836-031-0670	2-23-2011	Amend	4-1-2011	836-100-0105	7-15-2011	Adopt	8-1-2011
836-031-0680	2-23-2011	Amend	4-1-2011	836-100-0110	7-15-2011	Adopt	8-1-2011
836-031-0690	2-23-2011	Amend	4-1-2011	836-100-0115	7-15-2011	Adopt	8-1-2011
836-051-0030	2-23-2011	Adopt	4-1-2011	836-100-0120	7-15-2011	Adopt	8-1-2011
836-051-0032	2-23-2011	Adopt	4-1-2011	837-012-0315	1-1-2011	Amend(T)	2-1-2011
836-051-0034	2-23-2011	Adopt	4-1-2011	837-012-0315	6-29-2011	Amend	6-1-2011
836-051-0036	2-23-2011	Adopt	4-1-2011	837-012-0330	1-1-2011	Amend(T)	2-1-2011
836-051-0038	2-23-2011	Adopt	4-1-2011	837-012-0330	6-29-2011	Amend	6-1-2011
836-051-0040	2-23-2011	Adopt	4-1-2011	837-012-0510	5-2-2011	Amend	4-1-2011
836-052-0114	2-23-2011	Amend	4-1-2011	837-012-0515	5-2-2011	Amend	4-1-2011
836-052-0145	2-23-2011	Amend	4-1-2011	837-012-0520	5-2-2011	Amend	4-1-2011
836-052-0151	2-23-2011	Amend	4-1-2011	837-012-0525	5-2-2011	Amend	4-1-2011
836-052-0160	2-23-2011	Amend	4-1-2011	837-012-0535	5-2-2011	Amend	4-1-2011
836-052-0636	2-10-2011	Amend	3-1-2011	837-012-0540	5-2-2011	Amend	4-1-2011
836-052-0756	2-10-2011	Amend	3-1-2011	837-012-0550	5-2-2011	Amend	4-1-2011
836-052-0776	2-10-2011	Amend	3-1-2011	837-012-0555	5-2-2011	Amend	4-1-2011
836-052-0790	2-10-2011	Adopt	3-1-2011	837-012-0560	5-2-2011	Amend	4-1-2011
836-052-1000	2-23-2011	Amend	4-1-2011	837-012-0565	5-2-2011	Amend	4-1-2011
836-053-0510	2-23-2011	Amend	4-1-2011	837-040-0020	4-1-2011	Amend	4-1-2011
836-053-1030	7-7-2011	Amend(T)	8-1-2011	837-041-0050	12-1-2010	Amend	1-1-2011
836-053-1100	7-7-2011	Amend(T)	8-1-2011	837-047-0100	12-28-2010	Adopt	1-1-2011
836-053-1310	7-7-2011	Amend(T)	8-1-2011	837-047-0110	12-28-2010	Adopt	1-1-2011
836-053-1340	7-7-2011	Amend(T)	8-1-2011	837-047-0120	12-28-2010	Adopt	1-1-2011
836-053-1342	7-7-2011	Amend(T)	8-1-2011	837-047-0130	12-28-2010	Adopt	1-1-2011
836-053-1350	7-7-2011	Amend(T)	8-1-2011	837-047-0135	12-28-2010	Adopt	1-1-2011
836-071-0110	1-1-2011	Amend	2-1-2011	837-047-0140	12-28-2010	Adopt	1-1-2011
836-071-0118	1-1-2011	Adopt	2-1-2011	837-047-0150	12-28-2010	Adopt	1-1-2011
836-071-0120	1-1-2011	Amend	2-1-2011	837-047-0160	12-28-2010	Adopt	1-1-2011
836-080-0090	2-4-2011	Amend	3-1-2011	837-047-0170	12-28-2010	Adopt	1-1-2011
836-080-0095	2-4-2011	Am. & Ren.	3-1-2011	839-001-0200	1-1-2011	Amend	2-1-2011
836-080-0170	2-4-2011	Adopt	3-1-2011	839-011-0051	7-13-2011	Amend(T)	8-1-2011
836-080-0172	2-4-2011	Adopt	3-1-2011	839-011-0070	7-13-2011	Amend(T)	8-1-2011
836-080-0175	2-4-2011	Adopt	3-1-2011	839-011-0084	7-13-2011	Amend(T)	8-1-2011
836-080-0178	2-4-2011	Adopt	3-1-2011	839-011-0088	7-13-2011	Amend(T)	8-1-2011
836-080-0180	2-4-2011	Adopt	3-1-2011	839-011-0140	7-13-2011	Amend(T)	8-1-2011
836-080-0183	2-4-2011	Adopt	3-1-2011	839-011-0141	7-13-2011	Amend(T)	8-1-2011
836-080-0185	2-4-2011	Adopt	3-1-2011	839-011-0142	7-13-2011	Amend(T)	8-1-2011
836-080-0188	2-4-2011	Adopt	3-1-2011	839-011-0143	7-13-2011	Amend(T)	8-1-2011
836-080-0193	2-4-2011	Adopt	3-1-2011	839-011-0145	7-13-2011	Amend(T)	8-1-2011
836-080-0800	3-1-2011	Adopt	2-1-2011	839-011-0290	7-13-2011	Amend(T)	8-1-2011
836-080-0805	3-1-2011	Adopt	2-1-2011	839-020-0027	1-1-2011	Amend	2-1-2011
836-080-0810	3-1-2011	Adopt	2-1-2011	839-025-0004	1-1-2011	Amend	2-1-2011
836-100-0010	2-10-2011	Adopt	3-1-2011	839-025-0013	1-1-2011	Amend	2-1-2011
836-100-0010	7-5-2011	Am. & Ren.	8-1-2011	839-025-0020	1-1-2011	Amend	2-1-2011
836-100-0010(T)	2-10-2011	Repeal	3-1-2011	839-025-0020	6-8-2011	Amend(T)	7-1-2011
836-100-0011	7-5-2011	Adopt	8-1-2011	839-025-0020	7-22-2011	Amend(T)	9-1-2011
836-100-0015	2-10-2011	Adopt	3-1-2011	839-025-0020(T)	7-22-2011	Suspend	9-1-2011
836-100-0015	7-5-2011	Repeal	8-1-2011	839-025-0035	1-1-2011	Amend	2-1-2011
836-100-0015(T)	2-10-2011	Repeal	3-1-2011	839-025-0060	1-1-2011	Amend	2-1-2011
836-100-0016	7-5-2011	Adopt	8-1-2011	839-025-0080	6-8-2011	Amend(T)	7-1-2011
836-100-0025	7-5-2011	Adopt	8-1-2011	839-025-0100	1-1-2011	Amend	2-1-2011

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839-025-0530	6-8-2011	Amend(T)	7-1-2011	847-050-0031	7-13-2011	Repeal	8-1-2011
839-025-0700	1-1-2011	Amend	2-1-2011	847-050-0032	7-13-2011	Repeal	8-1-2011
839-025-0700	4-1-2011	Amend	5-1-2011	847-065-0005	2-11-2011	Amend	3-1-2011
839-025-0700	7-1-2011	Amend	8-1-2011	847-065-0010	4-25-2011	Amend	6-1-2011
839-050-0440	2-1-2011	Amend	3-1-2011	847-065-0015	4-25-2011	Amend	6-1-2011
839-050-0445	2-1-2011	Amend	3-1-2011	847-065-0020	4-25-2011	Amend	6-1-2011
845-003-0670	1-1-2011	Amend	2-1-2011	847-065-0025	4-25-2011	Amend	6-1-2011
845-005-0311	3-1-2011	Amend	4-1-2011	847-065-0030	4-25-2011	Amend	6-1-2011
845-005-0331	3-1-2011	Amend	4-1-2011	847-065-0035	4-25-2011	Amend	6-1-2011
845-005-0355	3-1-2011	Amend	4-1-2011	847-065-0040	4-25-2011	Amend	6-1-2011
845-005-0428	9-1-2011	Amend	9-1-2011	847-065-0045	4-25-2011	Amend	6-1-2011
845-005-0440	1-1-2011	Amend	2-1-2011	847-065-0050	4-25-2011	Amend	6-1-2011
845-006-0345	1-1-2011	Amend	2-1-2011	847-065-0055	4-25-2011	Amend	6-1-2011
845-006-0425	5-1-2011	Amend	6-1-2011	847-065-0060	4-25-2011	Amend	6-1-2011
845-006-0480	3-1-2011	Amend	4-1-2011	847-065-0065	4-25-2011	Amend	6-1-2011
845-006-0497	9-1-2011	Adopt	9-1-2011	847-065-0070	4-25-2011	Adopt	6-1-2011
845-008-0050	1-1-2011	Adopt	2-1-2011	847-070-0018	7-13-2011	Repeal	8-1-2011
845-008-0070	1-1-2011	Adopt	2-1-2011	847-070-0042	7-13-2011	Repeal	8-1-2011
845-008-0080	1-1-2011	Adopt	2-1-2011	847-070-0050	7-13-2011	Amend	8-1-2011
845-008-0090	1-1-2011	Adopt	2-1-2011	847-080-0019	7-13-2011	Repeal	8-1-2011
845-009-0010	1-1-2011	Amend	2-1-2011	847-080-0020	7-13-2011	Repeal	8-1-2011
845-010-0146	11-20-2010	Adopt(T)	1-1-2011	847-080-0025	7-13-2011	Repeal	8-1-2011
845-010-0154	1-1-2011	Am. & Ren.	2-1-2011	848-005-0010	7-1-2011	Amend	8-1-2011
845-013-0030	5-1-2011	Amend	6-1-2011	850-035-0230	6-15-2011	Amend	7-1-2011
845-013-0050	5-1-2011	Amend	6-1-2011	850-050-0200	4-12-2011	Adopt	5-1-2011
845-013-0070	12-3-2010	Amend(T)	1-1-2011	850-060-0212	12-13-2010	Amend	1-1-2011
845-013-0080	9-1-2011	Adopt	9-1-2011	850-060-0225	4-12-2011	Amend	5-1-2011
845-015-0138	1-1-2011	Adopt	2-1-2011	850-060-0226	12-13-2010	Amend	1-1-2011
845-015-0155	9-1-2011	Amend	9-1-2011	850-060-0226	4-12-2011	Amend	5-1-2011
847-001-0005	4-25-2011	Amend	6-1-2011	850-060-0226	6-15-2011	Amend	7-1-2011
847-001-0015	4-25-2011	Amend	6-1-2011	851-002-0010	11-29-2010	Amend	1-1-2011
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847-002-0000	7-13-2011	Adopt	8-1-2011	851-021-0005	11-29-2010	Amend	1-1-2011
847-002-0005	7-13-2011	Adopt	8-1-2011	851-021-0010	11-29-2010	Amend	1-1-2011
847-002-0010	7-13-2011	Adopt	8-1-2011	851-021-0045	11-29-2010	Amend	1-1-2011
847-002-0015	7-13-2011	Adopt	8-1-2011	851-021-0055	11-29-2010	Amend	1-1-2011
847-002-0020	7-13-2011	Adopt	8-1-2011	851-021-0065	11-29-2010	Amend	1-1-2011
847-002-0025	7-13-2011	Adopt	8-1-2011	851-021-0090	11-29-2010	Amend	1-1-2011
847-002-0030	7-13-2011	Adopt	8-1-2011	851-031-0045	11-29-2010	Amend	1-1-2011
847-002-0035	7-13-2011	Adopt	8-1-2011	851-031-0070	11-29-2010	Amend	1-1-2011
847-002-0040	7-13-2011	Adopt	8-1-2011	851-046-0000	12-2-2010	Repeal	1-1-2011
847-002-0045	7-13-2011	Adopt	8-1-2011	851-046-0005	12-2-2010	Repeal	1-1-2011
847-005-0005	7-13-2011	Amend(T)	8-1-2011	851-046-0010	12-2-2010	Repeal	1-1-2011
847-008-0018	7-13-2011	Amend	8-1-2011	851-046-0020	12-2-2010	Repeal	1-1-2011
847-008-0050	7-13-2011	Amend	8-1-2011	851-046-0030	12-2-2010	Repeal	1-1-2011
847-008-0055	7-13-2011	Amend	8-1-2011	851-046-0040	12-2-2010	Repeal	1-1-2011
847-008-0070	4-25-2011	Amend	6-1-2011	851-061-0020	7-11-2011	Amend	8-1-2011
847-008-0075	7-13-2011	Amend	8-1-2011	851-061-0030	7-11-2011	Amend	8-1-2011
847-010-0100	2-11-2011	Renumber	3-1-2011	851-061-0040	7-11-2011	Amend	8-1-2011
847-035-0001	2-11-2011	Amend	3-1-2011	851-061-0050	7-11-2011	Amend	8-1-2011
847-035-0001	7-13-2011	Amend	8-1-2011	851-061-0075	7-11-2011	Adopt	8-1-2011
847-035-0025	7-13-2011	Amend	8-1-2011	851-061-0080	7-11-2011	Amend	8-1-2011
847-035-0030	2-11-2011	Amend	3-1-2011	851-061-0090	7-11-2011	Amend	8-1-2011
847-035-0030	4-8-2011	Amend	5-1-2011	851-061-0110	7-11-2011	Amend	8-1-2011
847-035-0030	4-25-2011	Amend	6-1-2011	851-061-0130	7-11-2011	Amend	8-1-2011

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851-070-0000	12-2-2010	Adopt	1-1-2011	855-011-0020(T)	12-23-2010	Repeal	2-1-2011
851-070-0000(T)	12-2-2010	Repeal	1-1-2011	855-011-0030	12-23-2010	Adopt	2-1-2011
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851-070-0005(T)	12-2-2010	Repeal	1-1-2011	855-011-0040	12-23-2010	Adopt	2-1-2011
851-070-0010	12-2-2010	Adopt	1-1-2011	855-011-0040(T)	12-23-2010	Repeal	2-1-2011
851-070-0010(T)	12-2-2010	Repeal	1-1-2011	855-011-0050	12-23-2010	Adopt	2-1-2011
851-070-0020	12-2-2010	Adopt	1-1-2011	855-011-0050(T)	12-23-2010	Repeal	2-1-2011
851-070-0020(T)	12-2-2010	Repeal	1-1-2011	855-019-0120	7-1-2011	Amend	8-1-2011
851-070-0030	12-2-2010	Adopt	1-1-2011	855-019-0265	4-18-2011	Adopt	6-1-2011
851-070-0030(T)	12-2-2010	Repeal	1-1-2011	855-021-0010	12-23-2010	Amend	2-1-2011
851-070-0040	12-2-2010	Adopt	1-1-2011	855-041-0065	12-23-2010	Amend	2-1-2011
851-070-0040(T)	12-2-2010	Repeal	1-1-2011	855-041-0600	4-18-2011	Amend	6-1-2011
851-070-0050	12-2-2010	Adopt	1-1-2011	855-041-0645	4-18-2011	Adopt	6-1-2011
851-070-0050(T)	12-2-2010	Repeal	1-1-2011	855-045-0220	4-18-2011	Amend	6-1-2011
851-070-0060	12-2-2010	Adopt	1-1-2011	855-045-0240	4-18-2011	Amend	6-1-2011
851-070-0060(T)	12-2-2010	Repeal	1-1-2011	855-080-0021	4-11-2011	Amend	5-1-2011
851-070-0070	12-2-2010	Adopt	1-1-2011	855-080-0021(T)	4-11-2011	Repeal	5-1-2011
851-070-0070(T)	12-2-2010	Repeal	1-1-2011	855-110-0005	7-1-2011	Amend(T)	8-1-2011
851-070-0080	12-2-2010	Adopt	1-1-2011	855-110-0007	7-1-2011	Amend(T)	8-1-2011
851-070-0080(T)	12-2-2010	Repeal	1-1-2011	855-110-0010	7-1-2011	Amend(T)	8-1-2011
851-070-0090	12-2-2010	Adopt	1-1-2011	856-010-0010	6-29-2011	Amend	8-1-2011
851-070-0090(T)	12-2-2010	Repeal	1-1-2011	856-010-0010	6-29-2011	Amend	8-1-2011
851-070-0100	12-2-2010	Adopt	1-1-2011	856-010-0011	6-29-2011	Amend	8-1-2011
851-070-0100(T)	12-2-2010	Repeal	1-1-2011	856-010-0012	6-29-2011	Amend	8-1-2011
852-005-0005	7-1-2011	Amend	8-1-2011	856-010-0013	6-29-2011	Amend	8-1-2011
852-010-0080	7-1-2011	Amend	8-1-2011	856-010-0014	12-14-2010	Amend	1-1-2011
852-020-0045	7-1-2011	Amend	8-1-2011	856-010-0015	6-29-2011	Amend	8-1-2011
852-050-0005	7-1-2011	Amend	8-1-2011	856-010-0021	6-29-2011	Adopt	8-1-2011
852-050-0006	7-1-2011	Amend	8-1-2011	856-010-0022	6-29-2011	Amend	8-1-2011
852-050-0012	7-1-2011	Amend	8-1-2011	856-010-0031	6-29-2011	Adopt	8-1-2011
852-050-0025	7-1-2011	Adopt	8-1-2011	856-010-0035	6-29-2011	Amend	8-1-2011
855-010-0050	2-8-2011	Adopt(T)	3-1-2011	856-010-0045	6-29-2011	Amend	8-1-2011
855-010-0050	7-1-2011	Adopt	8-1-2011	856-010-0048	6-29-2011	Renumber	8-1-2011
855-010-0055	2-8-2011	Adopt(T)	3-1-2011	856-030-0040	6-29-2011	Adopt	8-1-2011
855-010-0055	7-1-2011	Adopt	8-1-2011	858-010-0007	1-25-2011	Amend	3-1-2011
855-010-0057	2-8-2011	Adopt(T)	3-1-2011	858-010-0010	1-25-2011	Amend	3-1-2011
855-010-0057	7-1-2011	Adopt	8-1-2011	858-010-0010	5-31-2011	Amend	7-1-2011
855-010-0060	2-8-2011	Adopt(T)	3-1-2011	858-010-0015	1-25-2011	Amend	3-1-2011
855-010-0060	7-1-2011	Adopt	8-1-2011	858-010-0016	5-31-2011	Amend	7-1-2011
855-010-0065	2-8-2011	Adopt(T)	3-1-2011	858-010-0017	5-31-2011	Amend	7-1-2011
855-010-0065	7-1-2011	Adopt	8-1-2011	858-010-0036	1-25-2011	Amend	3-1-2011
855-010-0067	2-8-2011	Adopt(T)	3-1-2011	858-010-0036	5-31-2011	Amend	7-1-2011
855-010-0067	7-1-2011	Adopt	8-1-2011	858-010-0039	1-25-2011	Amend	3-1-2011
855-010-0070	2-8-2011	Adopt(T)	3-1-2011	858-010-0061	5-31-2011	Adopt	7-1-2011
855-010-0070	7-1-2011	Adopt	8-1-2011	858-010-0065	5-31-2011	Amend	7-1-2011
855-010-0075	2-8-2011	Adopt(T)	3-1-2011	858-020-0085	5-31-2011	Amend	7-1-2011
855-010-0075	7-1-2011	Adopt	8-1-2011	858-040-0015	1-25-2011	Amend	3-1-2011
855-010-0080	2-8-2011	Adopt(T)	3-1-2011	858-040-0035	5-31-2011	Amend	7-1-2011
855-010-0080	7-1-2011	Adopt	8-1-2011	859-300-0001	2-15-2011	Adopt	3-1-2011
855-010-0085	2-8-2011	Adopt(T)	3-1-2011	859-300-0001(T)	2-15-2011	Repeal	3-1-2011
855-010-0085	7-1-2011	Adopt	8-1-2011	859-300-0010	2-15-2011	Adopt	3-1-2011
855-010-0087	2-8-2011	Adopt(T)	3-1-2011	859-300-0010(T)	2-15-2011	Repeal	3-1-2011
855-010-0087	7-1-2011	Adopt	8-1-2011	859-300-0020	2-15-2011	Adopt	3-1-2011
855-011-0005	12-23-2010	Adopt	2-1-2011	859-300-0020(T)	2-15-2011	Repeal	3-1-2011
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859-300-0040(T)	2-15-2011	Repeal	3-1-2011	863-014-0010(T)	9-1-2011	Repeal	9-1-2011
859-300-0050	2-15-2011	Adopt	3-1-2011	863-014-0015	6-22-2011	Amend(T)	8-1-2011
859-300-0050	7-5-2011	Amend(T)	8-1-2011	863-014-0015	9-1-2011	Amend	9-1-2011
859-300-0050(T)	2-15-2011	Repeal	3-1-2011	863-014-0015(T)	9-1-2011	Repeal	9-1-2011
859-300-0060	2-15-2011	Adopt	3-1-2011	863-014-0020	1-1-2011	Amend	1-1-2011
859-300-0060(T)	2-15-2011	Repeal	3-1-2011	863-014-0020	6-22-2011	Amend(T)	8-1-2011
859-300-0070	2-15-2011	Adopt	3-1-2011	863-014-0020	9-1-2011	Amend	9-1-2011
859-300-0070(T)	2-15-2011	Repeal	3-1-2011	863-014-0020(T)	9-1-2011	Repeal	9-1-2011
859-300-0080	2-15-2011	Adopt	3-1-2011	863-014-0030	6-22-2011	Amend(T)	8-1-2011
859-300-0080(T)	2-15-2011	Repeal	3-1-2011	863-014-0030	9-1-2011	Amend	9-1-2011
859-300-0090	2-15-2011	Adopt	3-1-2011	863-014-0030(T)	9-1-2011	Repeal	9-1-2011
859-300-0090(T)	2-15-2011	Repeal	3-1-2011	863-014-0035	6-22-2011	Amend(T)	8-1-2011
859-300-0100	2-15-2011	Adopt	3-1-2011	863-014-0035	9-1-2011	Amend	9-1-2011
859-300-0100(T)	2-15-2011	Repeal	3-1-2011	863-014-0035(T)	9-1-2011	Repeal	9-1-2011
859-300-0110	2-15-2011	Adopt	3-1-2011	863-014-0040	6-22-2011	Amend(T)	8-1-2011
859-300-0110(T)	2-15-2011	Repeal	3-1-2011	863-014-0040	9-1-2011	Amend	9-1-2011
859-300-0120	2-15-2011	Adopt	3-1-2011	863-014-0040(T)	9-1-2011	Repeal	9-1-2011
859-300-0120(T)	2-15-2011	Repeal	3-1-2011	863-014-0050	6-22-2011	Amend(T)	8-1-2011
859-300-0130	2-15-2011	Adopt	3-1-2011	863-014-0050	9-1-2011	Amend	9-1-2011
859-300-0130(T)	2-15-2011	Repeal	3-1-2011	863-014-0050(T)	9-1-2011	Repeal	9-1-2011
859-300-0140	2-15-2011	Adopt	3-1-2011	863-014-0062	6-22-2011	Amend(T)	8-1-2011
859-300-0140(T)	2-15-2011	Repeal	3-1-2011	863-014-0062	9-1-2011	Amend	9-1-2011
859-300-0150	2-15-2011	Adopt	3-1-2011	863-014-0062(T)	9-1-2011	Repeal	9-1-2011
859-300-0150(T)	2-15-2011	Repeal	3-1-2011	863-014-0063	6-22-2011	Amend(T)	8-1-2011
859-300-0160	2-15-2011	Adopt	3-1-2011	863-014-0063	9-1-2011	Amend	9-1-2011
859-300-0160(T)	2-15-2011	Repeal	3-1-2011	863-014-0063(T)	9-1-2011	Repeal	9-1-2011
859-300-0170	2-15-2011	Adopt	3-1-2011	863-014-0065	6-22-2011	Amend(T)	8-1-2011
859-300-0170(T)	2-15-2011	Repeal	3-1-2011	863-014-0065	9-1-2011	Amend	9-1-2011
859-300-0180	2-15-2011	Adopt	3-1-2011	863-014-0065(T)	9-1-2011	Repeal	9-1-2011
859-300-0180(T)	2-15-2011	Repeal	3-1-2011	863-014-0066	6-22-2011	Adopt(T)	8-1-2011
859-300-0190	2-15-2011	Adopt	3-1-2011	863-014-0066	9-1-2011	Adopt	9-1-2011
859-300-0190(T)	2-15-2011	Repeal	3-1-2011	863-014-0066(T)	9-1-2011	Repeal	9-1-2011
859-300-0200	2-15-2011	Adopt	3-1-2011	863-014-0076	6-22-2011	Amend(T)	8-1-2011
859-300-0200(T)	2-15-2011	Repeal	3-1-2011	863-014-0076	9-1-2011	Amend	9-1-2011
859-300-0210	2-15-2011	Adopt	3-1-2011	863-014-0076(T)	9-1-2011	Repeal	9-1-2011
859-300-0210(T)	2-15-2011	Repeal	3-1-2011	863-014-0095	6-22-2011	Amend(T)	8-1-2011
859-300-0220	2-15-2011	Adopt	3-1-2011	863-014-0095	9-1-2011	Amend	9-1-2011
859-300-0220(T)	2-15-2011	Repeal	3-1-2011	863-014-0095(T)	9-1-2011	Repeal	9-1-2011
859-300-0230	2-15-2011	Adopt	3-1-2011	863-020-0025	2-4-2011	Amend(T)	3-1-2011
859-300-0230(T)	2-15-2011	Repeal	3-1-2011	863-020-0025	6-22-2011	Amend(T)	8-1-2011
860-022-0041	2-23-2011	Amend(T)	4-1-2011	863-020-0025	9-1-2011	Amend	9-1-2011
860-024-0020	5-4-2011	Amend	6-1-2011	863-020-0025(T)	6-22-2011	Suspend	8-1-2011
860-024-0021	5-4-2011	Amend	6-1-2011	863-020-0025(T)	9-1-2011	Repeal	9-1-2011
860-027-0050	12-20-2010	Amend	2-1-2011	863-022-0010	6-22-2011	Amend(T)	8-1-2011
860-027-0175	12-2-2010	Adopt	1-1-2011	863-022-0010	9-1-2011	Amend	9-1-2011
860-034-0393	12-20-2010	Amend	2-1-2011	863-022-0010(T)	9-1-2011	Repeal	9-1-2011
860-034-0730	12-20-2010	Amend	2-1-2011	863-022-0015	6-22-2011	Amend(T)	8-1-2011
860-038-0080	6-17-2011	Amend	8-1-2011	863-022-0015	9-1-2011	Amend	9-1-2011
860-038-0480	6-17-2011	Amend	8-1-2011	863-022-0015(T)	9-1-2011	Repeal	9-1-2011
860-084-0190	11-19-2010	Amend	1-1-2011	863-022-0025	6-22-2011	Amend(T)	8-1-2011
863-001-0020	9-1-2011	Adopt	9-1-2011	863-022-0025	9-1-2011	Amend	9-1-2011
863-014-0003	6-22-2011	Amend(T)	8-1-2011	863-022-0025(T)	9-1-2011	Repeal	9-1-2011
863-014-0003	9-1-2011	Amend	9-1-2011	863-022-0060	6-22-2011	Adopt(T)	8-1-2011
863-014-0003(T)	9-1-2011	Repeal	9-1-2011	863-022-0060	9-1-2011	Adopt	9-1-2011

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863-024-0003	6-22-2011	Amend(T)	8-1-2011	875-030-0010	3-2-2011	Amend	4-1-2011
863-024-0003	9-1-2011	Amend	9-1-2011	875-030-0020	3-2-2011	Amend	4-1-2011
863-024-0003(T)	9-1-2011	Repeal	9-1-2011	875-030-0025	3-2-2011	Amend	4-1-2011
863-024-0010	6-22-2011	Amend(T)	8-1-2011	877-001-0006	1-1-2011	Adopt	1-1-2011
863-024-0010	9-1-2011	Amend	9-1-2011	877-001-0015	1-1-2011	Adopt	1-1-2011
863-024-0010(T)	9-1-2011	Repeal	9-1-2011	877-001-0020	1-1-2011	Adopt	1-1-2011
863-024-0015	6-22-2011	Amend(T)	8-1-2011	877-001-0020	7-5-2011	Amend(T)	8-1-2011
863-024-0015	9-1-2011	Amend	9-1-2011	877-001-0025	1-1-2011	Adopt	1-1-2011
863-024-0015(T)	9-1-2011	Repeal	9-1-2011	877-005-0101	1-1-2011	Adopt	1-1-2011
863-024-0020	6-22-2011	Amend(T)	8-1-2011	877-010-0005	1-1-2011	Amend	1-1-2011
863-024-0020	9-1-2011	Amend	9-1-2011	877-010-0010	1-1-2011	Amend	1-1-2011
863-024-0020(T)	9-1-2011	Repeal	9-1-2011	877-010-0015	1-1-2011	Amend	1-1-2011
863-024-0030	6-22-2011	Amend(T)	8-1-2011	877-010-0015	7-5-2011	Amend(T)	8-1-2011
863-024-0030	9-1-2011	Amend	9-1-2011	877-010-0020	1-1-2011	Amend	1-1-2011
863-024-0030(T)	9-1-2011	Repeal	9-1-2011	877-010-0020	7-5-2011	Amend(T)	8-1-2011
863-024-0045	6-22-2011	Amend(T)	8-1-2011	877-010-0025	1-1-2011	Amend	1-1-2011
863-024-0045	9-1-2011	Amend	9-1-2011	877-010-0030	1-1-2011	Amend	1-1-2011
863-024-0045(T)	9-1-2011	Repeal	9-1-2011	877-010-0040	1-1-2011	Amend	1-1-2011
863-024-0050	6-22-2011	Amend(T)	8-1-2011	877-010-0045	1-1-2011	Amend	1-1-2011
863-024-0050	9-1-2011	Amend	9-1-2011	877-015-0105	1-1-2011	Adopt	1-1-2011
863-024-0050(T)	9-1-2011	Repeal	9-1-2011	877-015-0105	7-5-2011	Amend(T)	8-1-2011
863-024-0062	6-22-2011	Amend(T)	8-1-2011	877-015-0108	1-1-2011	Adopt	1-1-2011
863-024-0062	9-1-2011	Amend	9-1-2011	877-015-0108	7-5-2011	Amend(T)	8-1-2011
863-024-0062(T)	9-1-2011	Repeal	9-1-2011	877-015-0131	1-1-2011	Adopt	1-1-2011
863-024-0063	6-22-2011	Amend(T)	8-1-2011	877-015-0136	1-1-2011	Adopt	1-1-2011
863-024-0063	9-1-2011	Amend	9-1-2011	877-015-0136	7-5-2011	Amend(T)	8-1-2011
863-024-0063(T)	9-1-2011	Repeal	9-1-2011	877-015-0146	1-1-2011	Adopt	1-1-2011
863-024-0065	6-22-2011	Amend(T)	8-1-2011	877-015-0155	1-1-2011	Adopt	1-1-2011
863-024-0065	9-1-2011	Amend	9-1-2011	877-020-0000	1-1-2011	Amend	1-1-2011
863-024-0065(T)	9-1-2011	Repeal	9-1-2011	877-020-0005	1-1-2011	Amend	1-1-2011
863-024-0066	6-22-2011	Adopt(T)	8-1-2011	877-020-0005	7-5-2011	Amend(T)	8-1-2011
863-024-0066	9-1-2011	Adopt	9-1-2011	877-020-0008	1-1-2011	Amend	1-1-2011
863-024-0066(T)	9-1-2011	Repeal	9-1-2011	877-020-0008	7-5-2011	Amend(T)	8-1-2011
863-024-0076	6-22-2011	Amend(T)	8-1-2011	877-020-0009	1-1-2011	Amend	1-1-2011
863-024-0076	9-1-2011	Amend	9-1-2011	877-020-0010	1-1-2011	Amend	1-1-2011
863-024-0076(T)	9-1-2011	Repeal	9-1-2011	877-020-0010	7-5-2011	Amend(T)	8-1-2011
863-024-0095	6-22-2011	Amend(T)	8-1-2011	877-020-0015	1-1-2011	Repeal	1-1-2011
863-024-0095	9-1-2011	Amend	9-1-2011	877-020-0016	1-1-2011	Amend	1-1-2011
863-024-0095(T)	9-1-2011	Repeal	9-1-2011	877-020-0016	7-5-2011	Amend(T)	8-1-2011
863-025-0065	1-1-2011	Amend	1-1-2011	877-020-0020	1-1-2011	Repeal	1-1-2011
863-025-0068	1-1-2011	Adopt	1-1-2011	877-020-0030	1-1-2011	Repeal	1-1-2011
875-010-0006	3-2-2011	Amend	4-1-2011	877-020-0036	7-5-2011	Amend(T)	8-1-2011
875-010-0016	3-2-2011	Amend	4-1-2011	877-020-0046	1-1-2011	Amend	1-1-2011
875-010-0021	3-2-2011	Amend	4-1-2011	877-020-0055	1-1-2011	Amend	1-1-2011
875-015-0030	8-5-2011	Amend	9-1-2011	877-020-0057	1-1-2011	Amend	1-1-2011
875-020-0005	3-2-2011	Repeal	4-1-2011	877-020-0060	1-1-2011	Amend	1-1-2011
875-020-0010	3-2-2011	Repeal	4-1-2011	877-022-0005	1-1-2011	Amend	1-1-2011
875-020-0015	3-2-2011	Repeal	4-1-2011	877-025-0001	1-1-2011	Amend	1-1-2011
875-020-0020	3-2-2011	Repeal	4-1-2011	877-025-0006	1-1-2011	Amend	1-1-2011
875-020-0025	3-2-2011	Repeal	4-1-2011	877-025-0006	7-5-2011	Amend(T)	8-1-2011
875-020-0030	3-2-2011	Repeal	4-1-2011	877-025-0011	1-1-2011	Amend	1-1-2011
875-020-0035	3-2-2011	Repeal	4-1-2011	877-025-0011	7-5-2011	Amend(T)	8-1-2011
875-020-0040	3-2-2011	Repeal	4-1-2011	877-025-0016	1-1-2011	Amend	1-1-2011
875-020-0045	3-2-2011	Repeal	4-1-2011	877-025-0021	1-1-2011	Amend	1-1-2011
875-020-0050	3-2-2011	Repeal	4-1-2011	877-030-0025	1-1-2011	Amend	1-1-2011

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877-030-0040	1-1-2011	Amend	1-1-2011	918-098-1530	7-1-2011	Adopt	8-1-2011
877-030-0050	1-1-2011	Repeal	1-1-2011	918-098-1540	5-1-2011	Adopt(T)	5-1-2011
877-030-0070	1-1-2011	Amend	1-1-2011	918-098-1540	7-1-2011	Adopt	8-1-2011
877-030-0080	1-1-2011	Amend	1-1-2011	918-098-1550	5-1-2011	Adopt(T)	5-1-2011
877-030-0090	1-1-2011	Amend	1-1-2011	918-098-1550	7-1-2011	Adopt	8-1-2011
877-030-0100	1-1-2011	Amend	1-1-2011	918-098-1560	5-1-2011	Adopt(T)	5-1-2011
877-035-0000	1-1-2011	Repeal	1-1-2011	918-098-1560	7-1-2011	Adopt	8-1-2011
877-035-0010	1-1-2011	Repeal	1-1-2011	918-098-1570	5-1-2011	Adopt(T)	5-1-2011
877-035-0012	1-1-2011	Repeal	1-1-2011	918-098-1570	7-1-2011	Adopt	8-1-2011
877-035-0013	1-1-2011	Repeal	1-1-2011	918-100-0020	7-1-2011	Amend	8-1-2011
877-035-0015	1-1-2011	Repeal	1-1-2011	918-100-0040	7-1-2011	Amend	8-1-2011
877-040-0000	1-1-2011	Amend	1-1-2011	918-251-0000	4-1-2011	Amend	4-1-2011
877-040-0003	1-1-2011	Amend	1-1-2011	918-251-0010	4-1-2011	Repeal	4-1-2011
877-040-0010	1-1-2011	Amend	1-1-2011	918-251-0020	4-1-2011	Repeal	4-1-2011
877-040-0019	1-1-2011	Adopt	1-1-2011	918-251-0050	4-1-2011	Repeal	4-1-2011
877-040-0050	1-1-2011	Amend	1-1-2011	918-251-0060	4-1-2011	Repeal	4-1-2011
877-040-0050	7-5-2011	Amend(T)	8-1-2011	918-251-0080	4-1-2011	Repeal	4-1-2011
918-001-0006	7-1-2011	Repeal	6-1-2011	918-251-0090	3-11-2011	Amend	4-1-2011
918-098-1000	3-11-2011	Amend	4-1-2011	918-251-0090	10-1-2011	Amend	9-1-2011
918-098-1000	7-12-2011	Amend(T)	8-1-2011	918-282-0270	4-1-2011	Amend	5-1-2011
918-098-1000	10-1-2011	Amend	9-1-2011	918-282-0270	4-1-2011	Amend(T)	5-1-2011
918-098-1010	3-11-2011	Amend	4-1-2011	918-282-0270	7-1-2011	Amend	8-1-2011
918-098-1010	10-1-2011	Amend	9-1-2011	918-282-0280	4-1-2011	Suspend	5-1-2011
918-098-1015	3-11-2011	Amend	4-1-2011	918-282-0280	7-1-2011	Repeal	8-1-2011
918-098-1015	10-1-2011	Amend	9-1-2011	918-305-0005	4-1-2011	Amend	4-1-2011
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918-098-1020	10-1-2011	Amend	9-1-2011	918-305-0030	10-1-2011	Amend	9-1-2011
918-098-1025	3-11-2011	Amend	4-1-2011	918-305-0100	4-1-2011	Amend	4-1-2011
918-098-1025	10-1-2011	Amend	9-1-2011	918-305-0105	4-1-2011	Amend	4-1-2011
918-098-1028	3-11-2011	Adopt	4-1-2011	918-305-0110	4-1-2011	Repeal	4-1-2011
918-098-1028	10-1-2011	Adopt	9-1-2011	918-305-0120	4-1-2011	Repeal	4-1-2011
918-098-1210	3-11-2011	Amend	4-1-2011	918-305-0130	4-1-2011	Repeal	4-1-2011
918-098-1210	10-1-2011	Amend	9-1-2011	918-305-0150	4-1-2011	Repeal	4-1-2011
918-098-1215	3-11-2011	Amend	4-1-2011	918-305-0160	4-1-2011	Repeal	4-1-2011
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918-098-1305	10-1-2011	Amend	9-1-2011	918-305-0210	4-1-2011	Repeal	4-1-2011
918-098-1310	3-11-2011	Amend	4-1-2011	918-305-0250	4-1-2011	Repeal	4-1-2011
918-098-1310	10-1-2011	Amend	9-1-2011	918-305-0265	4-1-2011	Repeal	4-1-2011
918-098-1315	3-11-2011	Amend	4-1-2011	918-305-0270	4-1-2011	Repeal	4-1-2011
918-098-1315	10-1-2011	Amend	9-1-2011	918-305-0280	4-1-2011	Repeal	4-1-2011
918-098-1320	3-11-2011	Amend	4-1-2011	918-305-0290	4-1-2011	Repeal	4-1-2011
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918-098-1325	10-1-2011	Amend	9-1-2011	918-305-0320	4-1-2011	Repeal	4-1-2011
918-098-1330	3-11-2011	Amend	4-1-2011	918-400-0645	12-1-2010	Adopt	1-1-2011
918-098-1330	10-1-2011	Amend	9-1-2011	918-400-0660	12-1-2010	Amend	1-1-2011
918-098-1450	3-11-2011	Amend	4-1-2011	918-400-0755	1-1-2011	Adopt	2-1-2011
918-098-1450	10-1-2011	Amend	9-1-2011	918-400-0800	12-1-2010	Amend	1-1-2011
918-098-1510	5-1-2011	Adopt(T)	5-1-2011	918-440-0000	3-11-2011	Amend	4-1-2011
918-098-1510	7-1-2011	Adopt	8-1-2011	918-440-0000	10-1-2011	Amend	9-1-2011
918-098-1520	5-1-2011	Adopt(T)	5-1-2011	918-440-0010	3-11-2011	Amend	4-1-2011
918-098-1520	7-1-2011	Adopt	8-1-2011	918-440-0010	10-1-2011	Amend	9-1-2011

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918-440-0015	10-1-2011	Amend	9-1-2011	918-690-0410	2-15-2011	Amend	3-1-2011
918-440-0030	3-11-2011	Amend	4-1-2011	918-690-0420	2-15-2011	Amend	3-1-2011
918-440-0030	10-1-2011	Amend	9-1-2011	918-690-0430	2-15-2011	Repeal	3-1-2011
918-440-0040	3-11-2011	Am. & Ren.	4-1-2011	918-750-0100	2-15-2011	Amend	3-1-2011
918-440-0040	10-1-2011	Am. & Ren.	9-1-2011	918-750-0110	2-15-2011	Amend	3-1-2011
918-440-0050	3-11-2011	Amend	4-1-2011	918-750-0120	2-15-2011	Repeal	3-1-2011
918-440-0050	10-1-2011	Amend	9-1-2011	918-750-0130	2-15-2011	Repeal	3-1-2011
918-440-0500	3-11-2011	Amend	4-1-2011	918-750-0140	2-15-2011	Repeal	3-1-2011
918-440-0500	10-1-2011	Amend	9-1-2011	918-750-0150	2-15-2011	Repeal	3-1-2011
918-440-0510	3-11-2011	Amend	4-1-2011	918-750-0160	2-15-2011	Repeal	3-1-2011
918-440-0510	10-1-2011	Amend	9-1-2011	918-750-0170	2-15-2011	Repeal	3-1-2011
918-460-0000	3-11-2011	Amend	4-1-2011	918-750-0180	2-15-2011	Repeal	3-1-2011
918-460-0000	10-1-2011	Amend	9-1-2011	918-750-0190	2-15-2011	Repeal	3-1-2011
918-460-0010	3-11-2011	Amend	4-1-2011	943-001-0005	7-1-2011	Adopt	8-1-2011
918-460-0010	10-1-2011	Amend	9-1-2011	943-001-0007	7-1-2011	Adopt	8-1-2011
918-460-0015	1-1-2011	Amend	2-1-2011	943-001-0009	7-1-2011	Adopt(T)	8-1-2011
918-460-0015	2-15-2011	Amend	3-1-2011	943-001-0020	7-1-2011	Adopt(T)	8-1-2011
918-460-0015	5-13-2011	Amend(T)	6-1-2011	943-003-0000	7-1-2011	Adopt	8-1-2011
918-460-0016	3-11-2011	Repeal	4-1-2011	943-003-0010	7-1-2011	Adopt	8-1-2011
918-460-0016	10-1-2011	Repeal	9-1-2011	943-005-0000	7-1-2011	Adopt(T)	8-1-2011
918-460-0050	3-11-2011	Amend	4-1-2011	943-005-0005	7-1-2011	Adopt(T)	8-1-2011
918-460-0050	10-1-2011	Amend	9-1-2011	943-005-0010	7-1-2011	Adopt(T)	8-1-2011
918-460-0100	7-1-2011	Adopt	8-1-2011	943-005-0015	7-1-2011	Adopt(T)	8-1-2011
918-460-0500	3-11-2011	Adopt	4-1-2011	943-005-0020	7-1-2011	Adopt(T)	8-1-2011
918-460-0500	10-1-2011	Adopt	9-1-2011	943-005-0025	7-1-2011	Adopt(T)	8-1-2011
918-460-0510	3-11-2011	Adopt	4-1-2011	943-005-0030	7-1-2011	Adopt(T)	8-1-2011
918-460-0510	10-1-2011	Adopt	9-1-2011	943-007-0000	7-1-2011	Adopt(T)	8-1-2011
918-465-0010	7-1-2011	Adopt	8-1-2011	943-007-0500	7-1-2011	Adopt(T)	8-1-2011
918-465-0020	7-1-2011	Adopt	8-1-2011	943-012-0005	7-1-2011	Adopt(T)	8-1-2011
918-465-0030	7-1-2011	Adopt	8-1-2011	943-012-0010	7-1-2011	Adopt(T)	8-1-2011
918-465-0040	7-1-2011	Adopt	8-1-2011	943-012-0015	7-1-2011	Adopt(T)	8-1-2011
918-465-0070	7-1-2011	Adopt	8-1-2011	943-012-0020	7-1-2011	Adopt(T)	8-1-2011
918-480-0001	7-1-2011	Amend	6-1-2011	943-012-0025	7-1-2011	Adopt(T)	8-1-2011
918-480-0002	7-1-2011	Amend	6-1-2011	943-014-0000	7-1-2011	Adopt(T)	8-1-2011
918-480-0005	7-1-2011	Amend	6-1-2011	943-014-0010	7-1-2011	Adopt(T)	8-1-2011
918-480-0010	1-1-2011	Amend	2-1-2011	943-014-0015	7-1-2011	Adopt(T)	8-1-2011
918-480-0010	2-15-2011	Amend	3-1-2011	943-014-0020	7-1-2011	Adopt(T)	8-1-2011
918-480-0010	4-15-2011	Amend(T)	5-1-2011	943-014-0030	7-1-2011	Adopt(T)	8-1-2011
918-480-0010	7-1-2011	Amend	6-1-2011	943-014-0040	7-1-2011	Adopt(T)	8-1-2011
918-480-0020	7-1-2011	Amend	6-1-2011	943-014-0050	7-1-2011	Adopt(T)	8-1-2011
918-480-0030	7-1-2011	Amend	6-1-2011	943-014-0060	7-1-2011	Adopt(T)	8-1-2011
918-480-0100	7-1-2011	Amend	6-1-2011	943-014-0070	7-1-2011	Adopt(T)	8-1-2011
918-480-0110	7-1-2011	Amend	6-1-2011	943-014-0200	7-1-2011	Adopt(T)	8-1-2011
918-480-0120	7-1-2011	Amend	6-1-2011	943-014-0205	7-1-2011	Adopt(T)	8-1-2011
918-480-0130	7-1-2011	Amend	6-1-2011	943-014-0300	8-9-2011	Adopt(T)	9-1-2011
918-480-0140	7-1-2011	Amend	6-1-2011	943-014-0305	8-9-2011	Adopt(T)	9-1-2011
918-480-0150	7-1-2011	Amend	6-1-2011	943-014-0310	8-9-2011	Adopt(T)	9-1-2011
918-525-0005	5-2-2011	Amend(T)	6-1-2011	943-014-0315	8-9-2011	Adopt(T)	9-1-2011
918-525-0035	5-2-2011	Amend(T)	6-1-2011	943-014-0320	8-9-2011	Adopt(T)	9-1-2011
918-674-0033	3-11-2011	Amend	4-1-2011	943-045-0000	7-1-2011	Adopt(T)	8-1-2011
918-674-0033	10-1-2011	Amend	9-1-2011	943-045-0250	7-1-2011	Adopt(T)	8-1-2011
918-690-0300	2-15-2011	Amend	3-1-2011	943-045-0260	7-1-2011	Adopt(T)	8-1-2011
918-690-0310	2-15-2011	Repeal	3-1-2011	943-045-0280	7-1-2011	Adopt(T)	8-1-2011
918-690-0325	2-15-2011	Repeal	3-1-2011	943-045-0290	7-1-2011	Adopt(T)	8-1-2011
918-690-0330	2-15-2011	Repeal	3-1-2011	943-045-0300	7-1-2011	Adopt(T)	8-1-2011

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943-045-0320	7-1-2011	Adopt(T)	8-1-2011	943-120-0120	7-1-2011	Adopt(T)	8-1-2011
943-045-0330	7-1-2011	Adopt(T)	8-1-2011	943-120-0130	7-1-2011	Adopt(T)	8-1-2011
943-045-0340	7-1-2011	Adopt(T)	8-1-2011	943-120-0140	7-1-2011	Adopt(T)	8-1-2011
943-045-0350	7-1-2011	Adopt(T)	8-1-2011	943-120-0150	7-1-2011	Adopt(T)	8-1-2011
943-045-0360	7-1-2011	Adopt(T)	8-1-2011	943-120-0160	7-1-2011	Adopt(T)	8-1-2011
943-045-0370	7-1-2011	Adopt(T)	8-1-2011	943-120-0165	7-1-2011	Adopt(T)	8-1-2011
943-045-0400	7-1-2011	Adopt(T)	8-1-2011	943-120-0170	7-1-2011	Adopt(T)	8-1-2011
943-045-0410	7-1-2011	Adopt(T)	8-1-2011	943-120-0180	7-1-2011	Adopt(T)	8-1-2011
943-045-0420	7-1-2011	Adopt(T)	8-1-2011	943-120-0190	7-1-2011	Adopt(T)	8-1-2011
943-045-0430	7-1-2011	Adopt(T)	8-1-2011	943-120-0200	7-1-2011	Adopt(T)	8-1-2011
943-045-0440	7-1-2011	Adopt(T)	8-1-2011	943-120-0300	7-1-2011	Adopt(T)	8-1-2011
943-045-0450	7-1-2011	Adopt(T)	8-1-2011	943-120-0310	7-1-2011	Adopt(T)	8-1-2011
943-045-0460	7-1-2011	Adopt(T)	8-1-2011	943-120-0320	7-1-2011	Adopt(T)	8-1-2011
943-045-0470	7-1-2011	Adopt(T)	8-1-2011	943-120-0325	7-1-2011	Adopt(T)	8-1-2011
943-045-0480	7-1-2011	Adopt(T)	8-1-2011	943-120-0330	7-1-2011	Adopt(T)	8-1-2011
943-045-0490	7-1-2011	Adopt(T)	8-1-2011	943-120-0340	7-1-2011	Adopt(T)	8-1-2011
943-045-0500	7-1-2011	Adopt(T)	8-1-2011	943-120-0350	7-1-2011	Adopt(T)	8-1-2011
943-045-0510	7-1-2011	Adopt(T)	8-1-2011	943-120-0360	7-1-2011	Adopt(T)	8-1-2011
943-045-0520	7-1-2011	Adopt(T)	8-1-2011	943-120-0370	7-1-2011	Adopt(T)	8-1-2011
943-120-0100	7-1-2011	Adopt(T)	8-1-2011	943-120-0380	7-1-2011	Adopt(T)	8-1-2011
943-120-0110	7-1-2011	Adopt(T)	8-1-2011	943-120-0400	7-1-2011	Adopt(T)	8-1-2011
943-120-0112	7-1-2011	Adopt(T)	8-1-2011	943-120-1505	7-1-2011	Adopt(T)	8-1-2011
943-120-0114	7-1-2011	Adopt(T)	8-1-2011	972-040-0000	3-7-2011	Amend	4-1-2011
943-120-0116	7-1-2011	Adopt(T)	8-1-2011				