

# OREGON BULLETIN

Supplements the 2011 *Oregon Administrative Rules Compilation*

**Volume 50, No. 10**  
**October 1, 2011**

**For August 16, 2011–September 15, 2011**



Published by  
**KATE BROWN**  
Secretary of State  
Copyright 2011 Oregon Secretary of State

# INFORMATION AND PUBLICATION SCHEDULE

## General Information

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

## Background on Oregon Administrative Rules

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

## How to Cite

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

## Understanding an Administrative Rule’s “History”

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

## Locating the Most Recent Version of an Administrative Rule

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

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

## Locating Administrative Rules Unit Publications

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

## 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.

© January 1, 2011 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

# TABLE OF CONTENTS

	<i>Page</i>
<b>Information and Publication Schedule</b> .....	2
<b>Table of Contents</b> .....	3
<b>Executive Orders</b> .....	4, 5
<b>Other Notices</b> .....	6–10
<b>Notices of Proposed Rulemaking Hearings/Notices</b>	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Appraiser Certification and Licensure Board, Chapter 161 .....	11
Board of Massage Therapists, Chapter 334 .....	11
Bureau of Labor and Industries, Chapter 839 .....	11
Department of Agriculture, Oregon Hazelnut Commission, Chapter 623 .....	11, 12
Oregon Trawl Commission, Chapter 656 .....	12
Oregon Wheat Commission, Chapter 678 .....	12
Department of Community Colleges and Workforce Development, Chapter 589 .....	12
Department of Consumer and Business Services, Division of Finance and Corporate Securities, Chapter 441 .....	12, 13
Insurance Division, Chapter 836 .....	13
Workers’ Compensation Division, Chapter 436 .....	13, 14
Department of Energy, Chapter 330 .....	14
Department of Environmental Quality, Chapter 340 .....	14, 15
Department of Human Services, Administrative Services Division and Director’s Office, Chapter 407 .....	15
Children, Adults and Families Division: Child Welfare Programs, Chapter 413 .....	15–19
Department of Oregon State Police, Office of State Fire Marshal, Chapter 837 .....	19, 20
Department of State Lands, Chapter 141 .....	20
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735 .....	20–22
Motor Carrier Transportation Division, Chapter 740 .....	22
Oregon Board of Dentistry, Chapter 818 .....	22, 23
Oregon Business Development Department, Chapter 123 .....	23
Oregon Department of Education, Chapter 581 .....	23–25
Oregon Health Authority, Chapter 943 .....	25, 26
Oregon Health Authority, Division of Medical Assistance Programs, Chapter 410 .....	26, 27
Office of Private Health Partnerships, Chapter 442 .....	27
Public Health Division, Chapter 333 .....	27
Oregon Health Licensing Agency, Chapter 331 .....	27, 28
Oregon Liquor Control Commission, Chapter 845 .....	28, 29
Oregon Public Employees Retirement System, Chapter 459 .....	29
Oregon State Lottery, Chapter 177 .....	29, 30
Oregon University System, Chapter 580 .....	30
Parks and Recreation Department, Chapter 736 .....	30
Public Utility Commission, Chapter 860 .....	30, 31
Public Utility Commission, Board of Maritime Pilots, Chapter 856 .....	31
Water Resources Department, Chapter 690 .....	31, 32
<b>Administrative Rules</b>	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Construction Contractors Board, Chapter 812 .....	33, 34
Department of Agriculture, Chapter 603 .....	34–39
Department of Consumer and Business Services, Building Codes Division, Chapter 918 .....	39, 40
Department of Corrections, Chapter 291 .....	40, 41
Department of Environmental Quality, Chapter 340 .....	41–47
Department of Fish and Wildlife, Chapter 635 .....	47–58
Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, Chapter 413 .....	58–64
Self-Sufficiency Programs, Chapter 461 .....	64
Seniors and People with Disabilities Division, Chapter 411 .....	64–66
Department of Oregon State Police, Chapter 257 .....	66, 67
Department of Public Safety Standards and Training, Chapter 259 .....	67, 68
Department of Transportation, Highway Division, Chapter 734 .....	68–70
Employment Department, Chapter 471 .....	70–73
Employment Relations Board, Chapter 115 .....	73
Oregon Business Development Department, Chapter 123 .....	73, 74
Oregon Commission on Children and Families, Chapter 423 .....	74, 75
Oregon Department of Education, Chapter 581 .....	75–77
Oregon Health Authority, Chapter 943 .....	77–103
Oregon Health Authority, Addictions and Mental Health Division: Addiction Services, Chapter 415 .....	104, 105
Mental Health Services, Chapter 309 .....	105, 106
Division of Medical Assistance Programs, Chapter 410 .....	106–108
Office for Oregon Health Policy and Research, Chapter 409 .....	108, 109
Public Health Division, Chapter 333 .....	109–114
Oregon Health Insurance Exchange, Chapter 945 .....	114–117
Oregon Health Licensing Agency, Board of Cosmetology, Chapter 817 .....	117–119
Board of Direct Entry Midwifery, Chapter 332 .....	119
Oregon Housing and Community Services Department, Chapter 813 .....	119–122
Oregon State Lottery, Chapter 177 .....	122–126
Oregon State Marine Board, Chapter 250 .....	126, 127
Oregon University System, Oregon Institute of Technology, Chapter 578 .....	127, 128
Oregon Youth Authority, Chapter 416 .....	128–131
Public Utility Commission, Chapter 860 .....	131–150
Secretary of State, Elections Division, Chapter 165 .....	150, 151
<b>OAR Revision Cumulative Index</b> .....	152–201

## EXECUTIVE ORDERS

### EXECUTIVE ORDER NO. 11 - 08

#### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE ELK FIRE IN JEFFERSON COUNTY

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

A fire known as the "Elk Fire" is burning in Jefferson County, near the city of Madras, Oregon.

The resources necessary for protecting life and property from the Elk Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Jefferson 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 the Elk Fire in Jefferson 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 6:00 p.m. on August 22, 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. Resources responding to the Elk fire, burning near Madras, may be redistributed by the State Fire Marshal.
2. This emergency is declared only for the Elk Fire threatening structures in Jefferson County, and the city of Madras.
3. This order was made by verbal proclamation at 6:00 p.m. the 22nd day of August, 2011.

Done at Portland, Oregon this 26th day of August, 2011.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

### EXECUTIVE ORDER NO. 11 - 09

#### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE HIGH CASCADES COMPLEX FIRE IN JEFFERSON COUNTY

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

The fire known as the "High Cascades Complex Fire" is burning in Jefferson County, near the City of Warm Springs, Oregon.

The resources necessary for protecting life and property from the High Cascades Complex Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Warm Springs Fire 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 a fire known as the High Cascades Complex Fire in Jefferson 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 8:07 p.m. on August 27, 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. Resources responding to the High Cascades Complex Fire, burning near Warm Springs, may be redistributed by the State Fire Marshal.
2. This emergency is declared only for the High Cascades Complex Fire threatening structures in Jefferson County, and the City of Warm Springs.
3. This order was made by verbal proclamation at 8:07 p.m. the 27th day of August, 2011.

Done at Salem Oregon, this 7th day of September, 2011.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

### EXECUTIVE ORDER NO. 11 - 10

#### PROCLAMATION OF STATE OF EMERGENCY DUE TO IMMINENT THREAT OF WILDFIRE

Pursuant to ORS 401.165, I find that the State of Oregon is in a critical fire danger situation. While the State had a late onset of fire season due to favorable weather in June and July, conditions have changed and extreme burning conditions now exist in northeast and central Oregon where fire danger indicators are significantly above average. High fire danger also exists in southwest Oregon. The extended forecast calls for continued warmer and drier than normal conditions over many parts of the state. The imminent threat of wildfire exists over a broad area of the state including forests in the Cascades and eastern and southern Oregon. In fact, several large fires are currently burning in the state in remote and difficult terrain.

With over 2100 firefighters currently engaged in the effort, there is a need for immediate access to the unique air ambulance services that only the Oregon National Guard can provide due to their night and hoist capabilities. This threat is not likely to recede in the near future. It is critically important that National Guard resources can be positioned to respond adequately and effectively to this dangerous and dynamic situation.

Therefore, subject to the limitations described below, I hereby declare a statewide **State of Emergency** due to the imminent threat of wildfire.

## EXECUTIVE ORDERS

### NOW THEREFORE, IT IS DIRECTED AND ORDERED:

1. The Oregon Military Department through its Office of Emergency Management and the Oregon Department of Forestry is authorized to coordinate the use of personnel and equipment of the State for the performance of air ambulance service with hoist capability to respond immediately in the case of a firefighter injury in remote parts of the state.

2. This determination of a fire emergency is statewide. It is not to be construed as a comprehensive declaration or proclamation of emergency for other purposes. It is limited to the use of state resources and personnel for air ambulance services, extended stand-by, and for the purpose of life saving mission assignments as needed. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.

3. This order shall remain in effect until the threat is significantly relieved or the fire season ends.

4. This order was made by verbal proclamation at 1:17 p.m. on the 31st day of August, 2011.

Done at Salem Oregon, this 7th day of September, 2011.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

### EXECUTIVE ORDER NO. 11 - 11

#### PROCLAMATION OF STATE OF EMERGENCY DUE TO IMMINENT THREAT OF WILDFIRE

Pursuant to ORS 401.165, I find that the State of Oregon is in a critical fire danger situation. Much of the state is now in extreme fire danger and red flag warnings have been issued for hot, dry, windy conditions and thunderstorms. Other parts of the country continue to experience fires and similar fire weather. The extended forecast in Oregon calls for continued warm and dry conditions over many parts of the State. The imminent threat of wildfire exists over a broad area

of the State including forests in the Cascades and eastern and southern Oregon. One fire on the Mt Hood National Forest now threatens the water supply of the City of Portland and critical electrical power infrastructure.

With the firefighting aircraft of the nation fully committed, unfilled orders for large helicopters on Oregon fires and the threat of more new ignitions in the near future, there is a need for immediate access to Oregon National Guard resources including firefighting helicopters. This threat is not likely to recede in the near future. It is critically important that National Guard resources can be positioned to respond adequately and effectively to this dangerous and dynamic situation.

Therefore, subject to the limitations described below, I hereby declare a statewide **State of Emergency** due to the imminent threat of wild-fire.

### NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

1. The Oregon Military Department through its Office of Emergency Management and the Oregon Department of Forestry are authorized to coordinate the use of personnel and equipment of the State for wildland firefighting in Oregon with National Guard resources.

2. This determination of a fire emergency is statewide. It is not to be construed as a comprehensive declaration or proclamation of emergency for other purposes. It is limited to the use of state resources and personnel for wildland firefighting. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.

3. This order shall remain in effect until the threat is significantly relieved or the fire season ends.

Done at Salem, Oregon, this 7th day of September, 2011.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

## OTHER NOTICES

### MEDIATION CONFIDENTIALITY RULES DEVELOPED BY THE ATTORNEY GENERAL PURSUANT TO ORS 36.224

ORS 36.220 through 36.238 authorize state agency participation in a confidential mediation. For most agencies, the confidentiality and inadmissibility provisions of this law are available only by adopting rules developed by the Attorney General pursuant to ORS 36.224. The Attorney General has developed two mediation confidentiality rules: A rule for the mediation of workplace interpersonal disputes and a rule covering most other mediations. These rules were revised on 7/27/2011 and are published here.

Agencies who adopted the rule captioned "*Combined Rule 7/16/98 - Confidentiality And Inadmissibility of Mediation Communications*" or the "*Simplified Workplace Interpersonal Dispute Rule - July 15, 1998*" are encouraged to amend their current rule by replacing it with these more recent versions. Additional guidance on the adoption of these rules is available from your agency contact attorney and at <http://www.doj.state.or.us/adr/adr32.shtml>.

#### CONFIDENTIALITY AND INADMISSIBILITY OF MEDIATION COMMUNICATIONS (7/27/2011)

##### OAR \_\_\_\_\_, Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

**(5) Mediations Excluded.** Sections (6)-(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation in which two or more public bodies and a private entity are parties if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential;

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation; or

(f) [List additional exclusions, if any] .

**(6) Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless

(a) all the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) the mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)-(d), (j)-(l) or (o)-(p) of section (9) of this rule; or

(c) [list additional exceptions, if any] .

**(7) Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in sections (8)-(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

**(8) Written Agreement.** Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must refer to this mediation confidentiality rule.

##### **(9) Exceptions to confidentiality and inadmissibility.**

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agree-

## OTHER NOTICES

ment.(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

- (A) a request for mediation, or
  - (B) a communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation, or
  - (C) a final offer submitted by the parties to the mediator pursuant to ORS 243.712, or
  - (D) a strike notice submitted to the Employment Relations Board.
- (l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

- (A) attorney client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege, or
- (B) attorney work product prepared in anticipation of litigation or for trial, or
- (C) prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency, or
- (D) prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation, or
- (E) settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the [Agency director/administrator/board] determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 17.095 or state or federal law requires the terms to be confidential.

(p) In any mediation in a case that that has been filed in court or when a public body's role in a mediation is solely to make mediation available to the parties the mediator may report the disposition of the mediation to that public body or court at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency conducting the mediation or making the mediation available or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(q) A written agreement executed pursuant to Section (8) of this rule is not confidential and may be introduced into evidence in a subsequent proceeding.

(q) [List additional exceptions, if any] .

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where

a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Authority: ORS 36.224

Stat. Implemented: ORS 36.224, 36.228, 36.230, 36.232

### CONFIDENTIALITY AND INADMISSIBILITY OF WORKPLACE INTERPERSONAL MEDIATION COMMUNICATIONS (7/27/2011)

#### OAR \_\_\_\_\_ . Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(3) Nothing in this rule affects any confidentiality created by other law.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

**(5) Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless

- (a) all the parties to the mediation and the mediator agree in writing to the disclosure; or
- (b) the mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)-(j) of section (7) of this rule; or
- (c) [list additional exceptions, if any] .

**(6) Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:

- (a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation, and;
- (b) The person agreeing to the confidentiality of the mediation on behalf of the agency:
  - (A) is neither a party to the dispute nor the mediator, and
  - (B) is designated by the agency to authorize confidentiality for the mediation, and
- (C) is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

#### **(7) Exceptions to confidentiality and inadmissibility.**

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is nec-

## OTHER NOTICES

essary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(j) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(k) [List additional exceptions, if any] .

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Authority: ORS 36.224

Stat. Implemented: ORS 36.230(4)

### OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, REQUEST FOR COMMENTS RECOMMENDED REMEDIAL ACTION REGARDING EYERLY AIRCRAFT SITE, SALEM, MARION COUNTY

**COMMENTS DUE:** 5 pm, October 31, 2011

**PROJECT LOCATION:** 1945 Turner Rd SE, Salem, Oregon

**PROPOSAL:** A 30-day public comment period is required for a proposed final remedial action before the action can be approved by the DEQ. The DEQ is proposing a remedial action for the Eyerly Aircraft site in southeast Salem to address residual chromium and volatile organic contamination in soil and groundwater from past practices and uses of the site.

**HIGHLIGHTS:** The property operated as a military aircraft construction and maintenance facility from 1928 to 1950. A carnival ride maintenance and repair business occupied the site from the 1950's until 2004. The site is currently vacant. The Oregon Military Department's (OMD) Army Aviation Support Facility occupies the adjacent land to the northwest, southwest and southeast. OMD plans to incorporate the Eyerly site into their current support facility operations. Past activities at the site included fiberglass production and chrome electroplating services, several underground and aboveground storage tanks used for storing heating oil and other petroleum fuels, painting operations, and automobile repair and maintenance operations. Chromium and volatile organic contamination resulting from these activities was found in the soil and groundwater during site-wide environmental investigations completed between February 2005 and 2010. Interim removal actions including excavation of chromium and petroleum contaminated soil were completed to reduce the levels of contamination at the site.

Some chromium and petroleum contamination still remains. Some contamination also extends beneath OMDs adjacent properties to the northwest, southwest and southeast. The concentrations of the remaining contaminants are within acceptable levels for the current and likely future occupational uses of the site and OMDs adjacent support facilities as long as the contamination remains in place. A land use restriction is proposed as the final remedial action. The land use restriction will prohibit residential use of the property, the installation or use of groundwater supply wells, and require a soil and groundwater management plan for any future excavation, construction or site development work on the Eyerly site and contaminated areas of the adjacent OMD property.

The proposed final remedial action is protective under DEQ's current risk standards. However, imminent changes in the chromium risk standards may require additional evaluation of the chromium contamination to show that the selected remedy would still be protective. The proposed remedial action includes a contingency requiring such an evaluation if and when new risk standards are implemented.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Salem office at 750 Front St. NE, Suite 120 in Salem, Oregon by contacting Nancy Sawka at 503-378-5075 to make a file review appointment. Site summary information may be accessed electronically by request to sawka.nancy@deq.state.or.us.

Comments on the proposed remedial action need to be received by **5 pm on Monday October 31, 2011**, to be considered in DEQ's decision. Written comments should be sent by mail to Attention: Nancy Sawka, DEQ Project Manager, 750 Front St. NE, Suite 120, Salem, Oregon 97301-1039, by e-mail to sawka.nancy@deq.state.or.us, or fax at 503-373-7944. Upon written request by 10 or more persons or by a group having 10 or more members, DEQ will conduct a public meeting for the purpose of receiving verbal comments regarding the proposed remedial action.

**THE NEXT STEP:** All comments received will be addressed at the completion of the comment period. Once comments are adequately addressed, the DEQ may approve, modify or deny the proposed remedial action.

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



## OTHER NOTICES

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT CONMET

**COMMENTS DUE:** Monday, October 31st.

**PROJECT LOCATION:** 13940 N. Rivergate Blvd., Portland

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a No Further Action determination for the upland portion of the Consolidated Metco (ConMet) property in Portland. DEQ is proposing that no further investigation or cleanup be required at the site because residual contamination does not exceed acceptable risk levels as defined in ORS 465.315.

**HIGHLIGHTS:** An aluminum foundry operated at the ConMet site from 1964 to 2007. During this time, releases of machine coolant and other materials occurred. About 15.5 tons of contaminated soil were removed from the site in 2001. Soil and groundwater sampling was subsequently completed over the entire site, finding modest amounts of contamination (petroleum constituents and metals). In early 2011, DEQ concluded that soil contamination exceeded regulatory standards in three locations, and an additional 53 tons of soil were removed. The site is currently vacant, pending industrial reuse. DEQ's proposal for No Further Action only applies to soil and groundwater contamination at the site; potential impacts to the Willamette River from discharges to the on-site storm sewers are still being investigated.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Northwest Region Office at 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment to review the file, please contact Dawn Weinberger at (503) 229-6729. To access site summary information and the *Site Closure Memorandum* 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 3295 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3295 in the Site ID/Info column. Send written comments by 5:00 PM October 31 to Dan Hafley, Project Manager, by e-mail or regular mail to the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

**THE NEXT STEP:** DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the "No Further Action" determination. A public notice announcing the final decision will be published in this publication.

**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](mailto:deqinfo@deq.state.or.us)

People with hearing impairments may call 711.

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP FOR WILLAMETTE VIEW

**COMMENTS DUE:** Monday, Oct. 31, 2011

**PROJECT LOCATION:** 12705 SE River Road, Milwaukie

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a No Further Action determination based on the results of an Independent Cleanup Pathway Report completed on May 3, 2011 for the Willamette View facility in Milwaukie. DEQ is proposing that no further investigation or cleanup be required at the site because residual contamination does not exceed acceptable risk levels as defined in ORS 465.315.

**HIGHLIGHTS:** In August 1999, three private residences at 13111, 13115 and 13117 SE River Road were torn down prior to construction of a new Health Center building for Willamette View, a continuing care retirement facility. Heating oil tanks were removed from each of the residences. In November 1999, a 1,000-gallon emergency generator diesel tank was removed from the western edge of the

property at 13117. From December 1999 to February 2000, while the foundation for the Health Center was being constructed, two areas of petroleum-contaminated soil were encountered and excavated. A total of 1,052.33 tons of contaminated soil were removed from the site, along with 43,954 gallons of groundwater from the excavation pits. Not all of the contamination could be removed without undermining the new building foundations. However, confirmation samples collected at the time did not show exceedences of DEQ's current, applicable risk-based standards.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Northwest Region Office at 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment to review the file, please contact Dawn Weinberger at (503) 229-6729. To access site summary information and the *No Further Action recommendation* memo 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 2613 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2613 in the Site ID/Info column. Send written comments by 5:00 PM October 31 to Kevin Dana, Project Manager, by e-mail or regular mail to the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

**THE NEXT STEP:** DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the No Further Action determination. A public notice announcing the final decision will be published in this publication.

**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](mailto:deqinfo@deq.state.or.us)

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP FOR LEISURE PUB SITE

**COMMENTS DUE:** 5 p.m., Monday, Oct. 31, 2011

**PROJECT LOCATION:** 8002 N Lombard Street, Portland, Oregon

**PROPOSAL:** The Department of Environmental Quality is recommending a conditional no further action determination for the Leisure Pub property.

**HIGHLIGHTS:** Leisure Public House is a tavern and restaurant. From 1947 to 2005, Courtesy Cleaners, a dry cleaning facility operated at this site.

Investigations in late 2009 identified environmental concerns at the site. Subsequent investigations found two underground storage tanks, one reportedly storing heating oil, and the other for storing solvent. In early 2010, additional assessment and analysis of soil, water, and sub-slab vapor samples indicated limited total petroleum hydrocarbon as Stoddard Solvent and chlorinated solvent contamination in the shallow soil and perched groundwater that exceeded Oregon DEQ's risk based concentrations.

Remedial actions completed at the site in early 2011 consisted of decommissioning of the two tanks, installing of a sub-slab depressurization system to remove and treat soil gas and prevent migration to indoor air, and preparation of a management plan to deal future subsurface work at the site.

Based on evaluation of these cleanup actions, DEQ has determined that no further action, aside from long term operation and maintenance of the sub-slab depressurization system, is required at the site. The completed cleanup is conditional because of the need to maintain engineering controls and conduct long-term monitoring and maintenance of cleanup measure at the site.

**HOW TO COMMENT:** Send comments by 5 p.m., Monday, Oct. 31, 2011 to DEQ Project Manager David Anderson at 475 NE

## OTHER NOTICES

Bellevue Dr, Bend, OR 97701, via email at anderson.david@deq.state.or.us, or via fax at 541-388-8283.

To review the project file, call David Anderson, 541-633-2012 or toll free at 866-863-6668 for a file review appointment.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter 5415 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5415 in the Site ID/Info column.

**THE NEXT STEP:** DEQ will consider all public comments received before making a final decision regarding the "Conditional 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 and Outreach, 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

People with hearing impairments may call 711.

### **REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR ECSI# 2596 D&M PALLETS**

**COMMENTS DUE:** 5 p.m., October 31, 2011

**PROJECT LOCATION:** 13150 SE Highway 212 Clackamas, Oregon

**PROPOSAL:** Removal from Confirmed Release Inventory (ORS 340-122-77) and No Further Action (NFA) designation for the D&M Pallets site located in Clackamas, Oregon. The approximately 2.7 acre site is an undeveloped lot located an industrial and commercial corridor along Hwy 212 between SE 130th and SE 135th Aves.

**HIGHLIGHTS:** In 1998, DEQ Complaints staff received notification of a heavy oily substance leaving the D&M Pallets property and

draining into the western stormwater drainage ditch. Three follow up inspections by DEQ between December 1998 through May 1999 continued to find oil present and draining to the soil stained drainage ditch. The site was listed on the Confirmed Release Inventory in December 2002. 2003 groundwater and soil samples were below human health risk based concentrations for heavy metals and petroleum. In 2003, DEQ recommended excavation and removal of ditch sediments. Ditch sediment was re-tested in July 2011 and all petroleum samples were non-detect. Excavation of ditch sediments is not necessary to complete the cleanup.

The 2011 sampling demonstrated that no further action is needed to assure protection of present and future health to the public and environment.

**HOW TO COMMENT:** Send comments by 5 p.m., October 31, 2011 to DEQ Project Manager Sarah Miller at 2020 SW 4th Ave. Suite #400, Portland, OR 97201; [miller.sarah@deq.state.or.us](mailto:miller.sarah@deq.state.or.us) or 503-229-229-6945.

To review the project file, call Dawn Weinberger at 503-229-6729 for a file review appointment.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter ECSI#2596 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #2596 in the Site ID/Info column.

**THE NEXT STEP:** Once the comment period closes, DEQ will review any comments and determine if the NFA and CRL designation will move forward for the D&M Pallets 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 and Outreach, 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or email to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)

People with hearing impairments may call 711.

# NOTICES OF PROPOSED RULEMAKING

## Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

.....

### Appraiser Certification and Licensure Board Chapter 161

**Rule Caption:** Adopt 2011–2013 budget, and miscellaneous amendments, including criminal background checks and qualifying criteria for licensing.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-24-11	9 a.m.	3000 Market St. NE, Suite 541 Salem OR 97301

**Hearing Officer:** Jill Merwin

**Stat. Auth.:** ORS 183.355, 674.305(7) & 674.310

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

**Stats. Implemented:** ORS 674.310

**Proposed Amendments:** 161-002-0000, 161-006-0000, 161-006-0025, 161-006-0160, 161-006-0175, 161-008-0040, 161-010-0020, 161-010-0025, 161-010-0035, 161-010-0045, 161-010-0085, 161-020-0015, 161-020-0045, 161-020-0055, 161-020-0140, 161-020-0150, 161-025-0060, 161-030-0000

**Last Date for Comment:** 10-24-11, Close of Hearing

**Summary:** Amends Oregon Administrative Rule 161, division 02, rule 0000 regarding definitions; division 6, rules 0000, 0025, 0160 and 0175 regarding budget, and complaints and enforcement; division 8, rule 0040 regarding fees and miscellaneous charges; division 10, rules 0020, 0025, 0035, 0045, and 0085 regarding licensure and certification requirements; division 20, rules 0015, 0045, 0055, 0140, and 0150 regarding educational requirements; division 25, rule 0060 regarding appraisal Standards and USPAP; and division 30, rule 0000 regarding criminal background checks.

**Rules Coordinator:** Karen Turnbow

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

**Telephone:** (503) 485-2555

### Board of Massage Therapists Chapter 334

**Rule Caption:** Address changes required by 2011 Legislative action, create contracting rules, standardize language.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-7-11	9 a.m.	748 Hawthorne Ave. NE Salem, OR 97301

**Hearing Officer:** Kathy Calise, Board Chair

**Stat. Auth.:** ORS 183, 182.456-182.472, 687.011, 687.051, 687.121

**Stats. Implemented:** ORS 182.456-182.472, 687.011, 687.051, 687.057, 687.061, 687.086, 687.121

**Proposed Adoptions:** 334-001-0025, 334-001-0028, 334-001-0032, 334-001-0036, 334-010-0009, 334-010-0018, 334-010-0027

**Proposed Amendments:** 334-001-0000, 334-001-0005, 334-001-0020, 334-001-0060, 334-010-0005, 334-010-0008, 334-010-0010, 334-010-0012, 334-010-0015, 334-010-0017, 334-010-0025, 334-010-0033, 334-010-0046, 334-010-0050, 334-020-0015, 334-030-0001, 334-030-0005, 334-040-0001, 334-040-0010

**Proposed Repeals:** 334-001-0035

**Last Date for Comment:** 11-7-11, Close of Hearing

**Summary:** Following the 2011 legislative session, the Board is required to create rules reflective of statutory changes.

The OBMT has written contracting rules that are more suited to the operations of a small state agency.

The OBMT has amended verbiage to comply with current standards.

**Rules Coordinator:** Diana Nott

**Address:** Board of Massage Therapists, 748 Hawthorne Ave. NE, Salem, OR 97301

**Telephone:** (503) 365-8657, ext. 1

.....

### Bureau of Labor and Industries Chapter 839

**Rule Caption:** Conforms Prevailing Wage Rate rules to provisions of SB 178 (2011) and makes "housekeeping" revisions.

**Stat. Auth.:** ORS 279C.808 & 279C.830

**Other Auth.:** SB 178 (2011)

**Stats. Implemented:** ORS 279C.800–279C.870

**Proposed Amendments:** Rules in 839-025

**Last Date for Comment:** 10-21-11, Close of Business

**Summary:** These proposed rules make permanent temporary rules adopted on June 8, 2011 and July 22, 2011 conforming 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) and ORS 279C.830. The proposed rules also make non-substantive "housekeeping" corrections to existing rules and incorporate appendices referenced in OAR 839-025-0004, 839-025-0015, and 839-025-0050.

**Rules Coordinator:** Marcia Ohlemiller

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

**Telephone:** (971) 673-0784

.....

### Department of Agriculture, Oregon Hazelnut Commission Chapter 623

**Rule Caption:** Amending the assessment on hazelnuts from \$11 per ton to \$14 per ton.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-21-11	8 a.m.	15210 NE Miley Rd. Aurora, OR 97002

**Hearing Officer:** Polly Owen

**Stat. Auth.:** ORS 576

**Stats. Implemented:** ORS 576

**Proposed Amendments:** 623-010-0010

**Last Date for Comment:** 10-20-11, 12 p.m.

# NOTICES OF PROPOSED RULEMAKING

**Summary:** Proposed amendment to OAR 623-101-0010 will increase the assessment to hazelnut growers. Increased revenue is being used to offset decreased federal and state dollars for production research projects and increased state fees. The expected result will be the continued research on the development of eastern filbert blight resistant trees, which will enable the Oregon hazelnut industry to be sustainable.

Copies of the proposed rule are available to any person upon request. The rules are also available by emailing hazelnut@oregonhazelnuts.org

Public comment may be mailed to the above address or sent via email to hazelnut@oregonhazelnuts.org

**Rules Coordinator:** Polly Owen

**Address:** Department of Agriculture, Oregon Hazelnut Commission, 21595 A Dolores Way NE, Aurora, OR 97002-9738

**Telephone:** (503) 678-6823

\*\*\*\*\*

## Department of Agriculture, Oregon Trawl Commission Chapter 656

**Rule Caption:** Amending the basis for assessments of trawl landings.

Date:	Time:	Location:
10-24-11	10 a.m.	2127 SE Marine Dr. Newport, OR 97366

**Hearing Officer:** Nancy Fitzpatrick

**Stat. Auth.:** ORS 576

**Other Auth.:** OAR 656-001-0000

**Stats. Implemented:** ORS 576

**Proposed Amendments:** 656-010-0000, 656-010-0010

**Last Date for Comment:** 10-28-11, 3 p.m.

**Summary:** For 2011, the Pacific Fishery Management Council implemented a Groundfish Trawl Rationalization Catch Share Program (GTRCSP). The program allows trawl vessels to switch gear types and use pots and longline gear to harvest species identified as part of the trawl quota.

The current assessment definition for trawl-landed quota, "fish and shellfish taken (produced) by ocean trawling" was sufficient to cover the activities of the trawl fleet until the 2011 GTRCSP program. The GTRCSP program's gear switching provision makes it necessary to modify the definition so that all trawl quota is treated equally for assessment purposes.

**Rules Coordinator:** Brad Pettinger

**Address:** Department of Agriculture, Oregon Trawl Commission, 16289 Hwy. 101 S, Suite C, Brookings, OR 97415

**Telephone:** (541) 469-7830

\*\*\*\*\*

## Department of Agriculture, Oregon Wheat Commission Chapter 678

**Rule Caption:** Directs Commission to begin assessing barley and updates Commissioner compensation.

Date:	Time:	Location:
10-17-11	12:30 p.m.	Red Lion 304 SE Nye Ave. Pendleton, OR 97801

**Hearing Officer:** Tana Simpson

**Stat. Auth.:** ORS 578

**Stats. Implemented:** ORS 578

**Proposed Amendments:** 678-010-0010, 678-010-0020, 678-010-0030, 678-010-0040, 678-010-0050, 678-030-0000, 678-030-0010

**Last Date for Comment:** 10-14-11, 5 p.m.

**Summary:** The changes incorporate the assessment of barley into the wheat commission rules as allowed in the Oregon Wheat Commission statute as of July 1, 2011. The barley assessment rate and assessment payment process will stay the same with remittance to be redirected to the Oregon Wheat Commission office. Amendments to Division 30 will update the Commissioner per diem to \$100.00 per

day and requesting preapproval of Commissioner expenses over \$500.00.

**Rules Coordinator:** Tana Simpson

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

**Telephone:** (503) 229-6665

\*\*\*\*\*

## Department of Community Colleges and Workforce Development Chapter 589

**Rule Caption:** National Career Readiness Certificate (NCRC) Program.

**Stat. Auth.:** ORS 660.318, 660.330-660.339 & 183

**Stats. Implemented:**

**Proposed Amendments:** 589-007-0700

**Last Date for Comment:** 10-21-11, Close of Business

**Summary:** This rule amendment provides housekeeping only and does not change the intent of the original rule. On August 1, 2011, the agency submitted a technical rules change request to the Secretary of State changing the rule title from Career Readiness Certificate Program to the National Career Readiness Certificate Program. This rule amendment corrects two program references and reorganizes the order of the Participants Eligibility Criteria.

**Rules Coordinator:** Linda Hutchins

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

**Telephone:** (503) 947-2456

\*\*\*\*\*

**Rule Caption:** Oregon On-the-Job training Program.

**Stat. Auth.:** ORS 183, 660.330-660.364

**Stats. Implemented:**

**Proposed Adoptions:** 589-007-0800

**Last Date for Comment:** 10-23-11

**Summary:** 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

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

**Telephone:** (503) 947-2456

\*\*\*\*\*

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

**Rule Caption:** Establishes process and criteria for determining applicability of mortgage loan originator licensing to nonprofit organizations.

Date:	Time:	Location:
11-2-11	9 a.m.	Labor & Industries Bldg. 350 Winter St. NE, Conference Rm. 260 Salem, OR

**Hearing Officer:** Lauren E. Winters

**Stat. Auth.:** ORS 86A.242 & 86A.203

**Other Auth.:** 24 CFR Sec. 3400.103(e)(6)-(7)

**Stats. Implemented:** ORS 86A.203

**Proposed Adoptions:** 441-880-0005, 441-880-0006, 441-880-0007, 441-880-0008

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

**Summary:** In response to the recent housing crisis, the Congress enacted the S.A.F.E. Mortgage Licensing Act of 2008 (Pub. L. 110-289). The S.A.F.E. Act sets minimum standards for the states to adopt for the licensing of mortgage loan originators; i.e., individuals that take mortgage loan applications and negotiate mortgage loan terms.

# NOTICES OF PROPOSED RULEMAKING

After passage of the federal law and implementation at the state level, various groups raised concerns that the S.A.F.E. Act could apply to nonprofit organizations and government entities engaged in loan origination activities. In response, the U.S. Department of Housing and Urban Development issued final regulations in July 2011 (see 76 Fed. Reg. 38464). HUD determined that the S.A.F.E. Act applies to business, not “bona fide” nonprofit organizations and government entities. HUD’s interpretation required states to establish criteria for nonprofit organizations to be considered bona fide, for purposes of the S.A.F.E. Act, and to establish a basic process for making the determination. This proposed rulemaking activity establishes the process and criteria used to determine when a nonprofit organization is bona fide and clarifies that certain government employees need not obtain mortgage loan originator’s licenses.

**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:** Repeals duplicative and unneeded rules relating to credit service organizations.

**Stat. Auth.:** 2009 OL Ch. 604, Sec. 27

**Stats. Implemented:** 2009 OL Ch. 604, Sec. 27

**Proposed Repeals:** 441-830-0010, 441-830-0015, 441-830-0020, 441-830-0030, 441-830-0040

**Last Date for Comment:** 11-15-11, 5 p.m.

**Summary:** Until 2009, Oregon law required credit service organizations — entities registered to improve a consumer’s credit record or to help obtain an extension of credit for a consumer — to register with DCBS. In 2009, the Legislature enacted House Bill 2191 (2009 OL Ch. 604; the Act). The Act consolidated statutes regulating the practices of credit service organizations and debt consolidation agencies into a single series. As part of the consolidation section 27 of the Act, a provision that was not codified on the Oregon Revised Statutes, repealed the existing provisions of law governing credit service organizations. However, several existing rules that implemented the credit service organization statutes remained in the administrative rule compilation. This rulemaking activity proposes to remove these duplicative and unneeded rules relating to credit service organizations.

**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:** Registration of Contracting Entity that Enters into Contracts for Provider Leasing.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-1-11	1:30 p.m.	350 Winter St. NE Conference Rm. F Salem, OR

**Hearing Officer:** Jeannette Holman

**Stat. Auth.:** ORS 731.244

**Other Auth.:** 2011 OL Ch. 561, Sec. 3 (Enrolled SB 634)

**Stats. Implemented:** 2011 OL Ch. 561, Sec. 1 & 3–5 (Enrolled SB 634)

**Proposed Adoptions:** 836-200-0250, 836-200-0255

**Last Date for Comment:** 11-8-11, Close of Business

**Summary:** Rulemaking proposes to establish the process for a contracting entity that is not operating under a certificate of authority or license issued by the Department of Consumer and Business Services (DCBS) to register with DCBS. A contracting entity is a person that contracts directly with a provider for the delivery of health care

services or contracts with a third party for the purposes of selling or making available to the third party the provider’s health care services of discounted rates or the services or rates of a provider panel under a provider network contract. If the contracting entity is not an authorized insurer or licensee operating under a certificate of authority or license issued by DCBS, the contracting entity is required to register with the department.

**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:** Certified retainer medical practices application, renewal and disclosure requirements.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	1:30 p.m.	350 Winter St. NE, Conference Rm. F Salem, Oregon

**Hearing Officer:** Jeannette Holman

**Stat. Auth.:** ORS 731.244

**Other Auth.:** 2011 OL Ch. 499 Sec. 2 & 3 (Enrolled SB 86)

**Stats. Implemented:** 2011 OL Ch. 499 Sec. 2 & 3 (Enrolled SB 86)

**Proposed Adoptions:** 836-200-0300, 836-200-0305, 836-200-0310, 836-200-0315

**Last Date for Comment:** 11-1-11, Close of Business

**Summary:** This rulemaking implements Senate Bill 86, enacted by the 2011 Legislative Assembly. Chapter 499, Oregon Laws 2011 (Enrolled Senate Bill 86) creates an exemption from the Insurance Code for certified retainer medical practices. To be certified, a retainer medical practice must submit an application to the Department of Consumer and Business Services (DCBS) and meet certain criteria. These proposed rules establish a certification framework that includes the process and requirements for the initial certification application and a process to renew the certification. The proposed rules also include provision to clarify the statutory patient disclosure requirements and to add one additional disclosure requirement.

**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, Workers’ Compensation Division Chapter 436

**Rule Caption:** Medical fee schedule; managing care; attending physicians; delay of reconsideration of claim closure pending settlement.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-24-11	10 a.m.*	Labor & Industries Bldg. 350 Winter St. NE, Rm. 260 Salem, OR

**Hearing Officer:** Fred Bruyns

**Stat. Auth.:** ORS 656.726(4), 656.248, 656.260 & 656.268

**Stats. Implemented:** ORS chapter 656, primarily 656.005(12) [OL 2011, ch. 117, HB 2743], 656.245, 656.248, 656.260 [OL 2011, ch. 98, HB 2093] & 656.268 [OL 2011, ch. 99, HB 2094]

**Proposed Amendments:** 436-009-0080, 436-010-0210, 436-010-0230, 436-010-0280, 436-015-0008, 436-030-0003, 436-030-0036, 436-030-0145, 436-030-0165

**Last Date for Comment:** 10-27-11

**Summary:** \*NOTE: The hearing will begin at 10:00 a.m. and end when all present who wish to testify have done so. Written testimony will be accepted through Oct. 27, 2011.

NOTE: “Insurer” in this summary includes self-insured employers. The agency proposes to amend OAR chapter 436 to improve organization, clarity and consistency, and to eliminate obsolete information. More specifically:

# NOTICES OF PROPOSED RULEMAKING

**The agency proposes to amend OAR chapter 436, division 009, "Oregon Medical Fee and Payment Rules," limited to rule 0080, affecting payment for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS). These proposed rules:** Establish maximum payments for DMEPOS Healthcare Common Procedure Coding System (HCPCS) codes published by the Centers for Medicare and Medicaid Services. These codes are commonly used by health care providers and payers. The rule also lists maximum percentages for services and items that have no HCPCS codes, and for equipment that is used or rented.

**The agency proposes to amend OAR chapter 436, division 010, "Medical Services." These proposed rules:** Implement House Bill 2743 by including podiatric physicians and surgeons among those health care providers who may serve as attending physicians, without limitation, in the workers' compensation system. In addition, the agency proposes to correct the term, "lumbar spondylosis," to "lumbar spondylolysis" (upon advice from the Medical Advisory Committee).

**The agency proposes to amend OAR chapter 436, division 015, "Managed Care Organizations." These proposed rules:** Implement House Bill 2093 by referring to civil penalties and to cease and desist orders that may be issued under ORS 656.260(20).

**The agency proposes to amend OAR chapter 436, division 030, "Claim Closure and Reconsideration." These proposed rules:** Implement House Bill 2094 by describing the process for the director to delay the reconsideration proceeding and toll the reconsideration timeline for up to 45 days when both parties request the delay for settlement negotiations. The proposed rules also more fully describe the arbiter selection process, including options for participation by the parties in the selection, and align rule with statute regarding the effective suspension date if a worker fails to attend or cooperate with a medical arbiter examination.

Address questions or requests for paper copies of the rules to: Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7514; e-mail fred.h.bruyns@state.or.us. Proposed rules are available on the Workers' Compensation Division's website: <http://wcd.oregon.gov/policy/rules/rules.html#proprules>

**Rules Coordinator:** Fred Bruyns

**Address:** Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405

**Telephone:** (503) 947-7717

.....  
**Department of Energy**  
**Chapter 330**

**Rule Caption:** Amendments Business Energy Tax Credit rules to implement Oregon Laws 2011, Chapter 730 (HB 3672).

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-21-11	10:30 a.m.	Dept. of Energy 625 Marion St. NE Salem, OR

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 469.040, 469.165, 469.185, 469.225, 2011 OL Ch. 730 (HB 3672)

**Stats. Implemented:** 2011 OL Ch. 730 (HB 3672)

**Proposed Adoptions:** 330-090-0160

**Proposed Amendments:** 330-090-0133

**Last Date for Comment:** 10-21-11, 5 p.m.

**Summary:** These permanent rule amendments implement changes made by Oregon Laws 2011, Chapter 730 (House Bill 3672) to the Business Energy Tax Credit program. These amendments implement statutory changes to the sunset of the program, and provide a process for participants to demonstrate "beginning construction before April 15, 2011" for the purpose of extending the time allowed to receive final certification of their facility.

**Rules Coordinator:** Kathy Stuttaford

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

**Telephone:** (503) 373-2127

**Rule Caption:** Separation of BETC Manufacturing from Rules to implement Oregon Laws 2011, Chapter 474 (HB 2523).

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-21-11	9 a.m.	Dept. of Energy 625 Marion St. NE Salem, OR

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 469.040, 469.165, 469.185-469.225, Oregon Laws 2011, Chapter 474 (HB 2523)

**Stats. Implemented:** Oregon Laws 2011, Chapter 474 (HB 2523)  
**Proposed Adoptions:** 330-091-0100, 330-091-0105, 330-091-0110, 330-091-0120, 330-091-0130, 330-091-0133, 330-091-0140, 330-091-0150, 330-091-0450

**Proposed Amendments:** 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0133, 330-090-0150

**Proposed Repeals:** 330-090-0450

**Last Date for Comment:** 10-21-11, 5 p.m.

**Summary:** These permanent rule amendments implement changes made by Oregon Laws 2011, Chapter 474 (House Bill 2523) to the Business Energy Tax Credit program for Renewable Energy Resource Equipment Manufacturing Facilities. These amendments prepare the rules for the transfer of the administration of the BETC Manufacturing program from the Oregon Department of Energy to the Oregon Business Development Department.

The new rule Division (091) provides a set of rules for the Oregon Business Development Department to use for the administration of the BETC Manufacturing program from January 1, 2012, when the program is transferred, until they adopt new rules. The amendments and repeal in Division 090 remove references to the BETC Manufacturing program from the remaining BETC rules, to prevent conflict with the new division. Rule language has been duplicated within Division 91 based on existing BETC rules in Division 90, the restructuring has been prepared for administrative purposes and no policy changes have been made.

**Rules Coordinator:** Kathy Stuttaford

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

**Telephone:** (503) 373-2127

.....  
**Department of Environmental Quality**  
**Chapter 340**

**Rule Caption:** Water Quality Standards Revision, West Division Main Canal near Hermiston, Oregon.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-2-11	6 p.m.	Good Shepherd Hospital 610 NW 11th St., Conference Center 1 Hermiston, OR

**Hearing Officer:** Duane Smith

**Stat. Auth.:** ORS 468.020, 468B.030, 468B.035 & 468B.048

**Stats. Implemented:** ORS 468B.030, 468B.035 & 468B.048

**Proposed Amendments:** 340-041-0310, 340-041-0315

**Last Date for Comment:** 11-15-11, 5 p.m.

**Summary:** DEQ proposes to revise water quality standards for the West Division Main Canal located near the City of Hermiston. The proposed rulemaking revises the designated beneficial uses for the West Division Main Canal and establishes site-specific water quality criteria (numeric and qualitative goals) for the canal that protect those uses. The canal is a man-made, concrete-lined irrigation water conveyance that is screened at both ends to prevent fish from entering the canal. The current beneficial uses were designated broadly for the Umatilla subbasin, treating the canal as a natural stream. The rulemaking removes uses that do not exist and are not feasibly attainable in the canal, including aquatic life, public and private domestic water supply and fishing. DEQ's proposed revisions will result in water quality standards based on the actual or possible uses of the canal: irrigation, livestock watering and water contact.

The proposed water quality criteria for the canal will be less stringent than existing criteria. The new criteria will make discharge to

## NOTICES OF PROPOSED RULEMAKING

the canal a feasible alternative for the City of Hermiston (indirect effect of rule). The City currently combines land application and discharge to the Umatilla River for warm season discharge. Canal discharge would eliminate the need for both during the warm season.

DEQ does not expect that the revisions to the water quality standards will result in a degradation of water quality within the canal; rather, the proposed revisions are intended to protect existing uses and water quality. As a result, no businesses or land uses will be adversely influenced.

**Rules Coordinator:** Maggie Vandehy

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

**Telephone:** (503) 229-6878

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

**Rule Caption:** Potentially Disqualifying Abuse, Oregon Health Authority, Legislative Changes and Clarifications to Background Check Rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-17-11	1:30 p.m.	Human Services Bldg., Rm. 137C 500 Summer St. NE Salem, OR 97301

**Hearing Officer:** Jennifer Bittel

**Stat. Auth.:** ORS 181.534, 181.537, 183.459, 409.025, 409.027, 409.050, 410.020, 411.060, 411.122, 418.016, 418.640, 441.055, 443.730, 443.735 & 678.153

**Stats. Implemented:** ORS 181.534, 181.537, 183.459, 409.010, 409.025, 409.027, 411.060, 411.122 & 443.004

**Proposed Adoptions:** 407-007-0335

**Proposed Amendments:** 407-007-0200, 407-007-0210, 407-007-0220, 407-007-0230, 407-007-0240, 407-007-0250, 407-007-0290, 407-007-0300, 407-007-0315, 407-007-0320, 407-007-0325, 407-007-0330, 407-007-0340, 407-007-0350, 407-007-0370

**Proposed Repeals:** 407-007-0200(T), 407-007-0210(T), 407-007-0220(T), 407-007-0230(T), 407-007-0240(T), 407-007-0250(T), 407-007-0290(T), 407-007-0300(T), 407-007-0315(T), 407-007-0320(T), 407-007-0325(T), 407-007-0330(T), 407-007-0340(T), 407-007-0350(T)

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

**Summary:** The Department of Human Services and the Oregon Health Authority are implementing ORS 409.027 which allows for the use of abuse investigations in determining a subject individual's fitness to provide care to vulnerable individuals. The use of certain abuse investigations where a subject individual is found to be responsible for the abuse as a potentially disqualifying condition shall be included in the background check process handled by the Background Check Unit, including an expedited hearing process for subject individuals given notice of intent to deny based solely on potentially disqualifying abuse. The requirement for a background check is updated for certain subject individuals. The contested case hearing process is updated pursuant to ORS 183.459 allowing the use of union representatives in contested case hearings for homecare workers. Amendments to these rules also correct grammatical and stylistic errors, and clarify current processes. The creation of the Oregon Health Authority on 7/1/2011 is also addressed in changes and updates to these rules. Adoption of these rules will repeal temporary rules currently in effect.

Proposed rules are available on the Background Check Unit website: <http://www.oregon.gov/DHS/chc/index.shtml>, and the Department of Human Services website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

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

**Rules Coordinator:** Jennifer Bittel

**Address:** Department of Human Services, Administrative Services Division and Director's Office, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 947-5250

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

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005, 418.335 & HB 2052 (2011)

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

**Stats. Implemented:** ORS 183.411-183.685, 411.095, 418.005 & 418.335

**Proposed Adoptions:** 413-010-0501, 413-010-0502

**Proposed Amendments:** 413-010-0500, 413-010-0505, 413-010-0510, 413-010-0515, 413-010-0520, 413-010-0525, 413-010-0530, 413-010-0535

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

**Summary:** OAR 413-010-0500 is being amended to restate the purposes of the contested case hearing rules and the policies about hearing rights, applicable rules, and computation of time. This rule is also being amended to remove definitions, which will be located in OAR 413-010-0501 and to remove its description of policies about representation which will be located in OAR 413-010-0502.

OAR 413-010-0501 about the definitions is being adopted to set out definitions of certain terms used in the contested case rules. The definitions of some of the terms previously defined in OAR 413-010-0500 are being revised.

OAR 413-010-0502 about representation in contested cases and who may attend a hearing is being adopted to set out set out and revise policies on this topic. These topics were previously covered in OAR 413-010-0500.

OAR 413-010-0505 about hearing requests is being amended to clarify and correct references in the rule.

OAR 413-010-0510 about the notice for a contested case hearing is being amended to more clearly specify that the required contents of a notice on the topic of the Department's right to recover payments made pending a hearing decision.

OAR 413-010-0515 about continuation of benefits is being amended to revise the circumstances and timelines under which payments and benefits may continue pending the hearing of a contested case.

OAR 413-020-0520 about informal conferences and OAR 413-020-0525 about the burden of proof are being amended to indicate when defined terms are used.

OAR 413-010-0530 about withdrawals and dismissals is being amended to clarify terms used in the rule.

OAR 413-010-0535 about proposed and final orders is being amended to revise the date on which a proposed and final order becomes a final order when a party does not submit timely exceptions or argument.

These rules (OAR 413-010-0500 to 413-010-0535) are also being amended to make permanent temporary rule changes adopted on June 30, 2011.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to [Annette.Tesch@state.or.us](mailto:Annette.Tesch@state.or.us), faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written

## NOTICES OF PROPOSED RULEMAKING

comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

.....

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005, 418.340 & HB 2052 (2011)

**Stats. Implemented:** ORS 418.005, 418.330, 418.335 & 418.340

**Proposed Amendments:** 413-020-0200, 413-020-0210, 413-020-0230, 413-020-0233, 413-020-0236, 413-020-0240, 413-020-0245, 413-020-0255

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

**Summary:** These rules about enhanced supervision and supervision planning are being changed because the Department is clarifying the structure in which decisions regarding level of care payments are made for guardianship assistance and adoption assistance. These rules are also being amended to fully implement the Fostering connection to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949-3981) that provide for guardianship assistance payments and adoption assistance payments for eligible children up to age 21. These rules are also being amended to explain the Department's responsibility for decision-making in level of care payments. Most of these rule changes make permanent changes adopted by temporary rule on June 30, 2011.

OAR 413-020-0200 about the purpose of the Department's rules (OAR 413-020-0200 to 413-020-0255) regarding the Department's responsibilities regarding enhanced supervision is being amended to clarify the purpose of the rules.

OAR 413-020-0210 about the definitions of key terms used in these rules is being amended to add current and remove and revise outdated definitions of certain terms used throughout these rules.

OAR 413-020-0230 about the referral for and review of the CANS screening is being amended to restate the referral and review of CANS screenings for children and young adults in substitute care and children and young adults receiving or about to receive guardianship assistance or adoption assistance.

OAR 413-020-0233 about when a supervision plan is required is being amended to restate when a supervision plan is or is not required subsequent to determination that a child needs enhanced supervision.

OAR 413-020-0236 is being amended to restate the Department responsibilities for supervision plans and use of physical restraint.

OAR 413-020-0240 is being amended to restate the limitations and reporting requirements when a physical restraint is used.

OAR 413-020-0245 is being amended to restate the monitoring responsibilities of the Department when a child or young adult has a supervision plan.

OAR 413-020-0255 is being amended to restate training required for planned use of physical restraint.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

.....

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005

**Other Auth.:** P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949-3981)

**Stats. Implemented:** ORS 109.119, 418.005, 419A.004 & 419B.192

**Proposed Amendments:** 413-070-0063

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

**Summary:** OAR 413-070-0063 is being amended to clarify the definition of the term relative as used in rules that set out the Department's responsibility to search for and engage a child or young adult's relatives. This amendment also aligns the definition with the definition of the term "relative" used in other child welfare rules, and makes permanent changes to this rule adopted by temporary rule on June 30, 2011.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

.....

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005, 418.340 & HB 2052 (2011)

**Other Auth.:** Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351) and program instructions regarding this law; Title IV-E Waiver Terms and Conditions

**Stats. Implemented:** ORS 418.005, 418.330, 418.335, 418.340 & HB 2052 (2011)

**Proposed Amendments:** 413-070-0900, 413-070-0905, 413-070-0909, 413-070-0917, 413-070-0919, 413-070-0925, 413-070-0934, 413-070-0939, 413-070-0944, 413-070-0949, 413-070-0959, 413-070-0964, 413-070-0969, 413-070-0970, 413-070-0974

**Proposed Repeals:** 413-070-0929, 413-070-0979

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

**Summary:** OAR 413-070-0900 about the purpose is being amended to clarify the rule and to indicate that the rules now cover guardianship assistance that may be extended for certain young adults.

OAR 413-070-0905 about definitions of certain terms used in the guardianship assistance rules is being amended to add current and remove or revise outdated definitions of certain terms used throughout these rules.

OAR 413-070-0909 about funding of guardianship assistance is being amended to explain and update the funding sources for



## NOTICES OF PROPOSED RULEMAKING

guardianship assistance, and indicate that new guardianship assistance will not be available for non-relative guardians.

OAR 413-070-0917 about eligibility is being amended to describe federal changes regarding establishment of guardianship assistance for a child placed outside of the United States, correct references, clarify caseworker duties regarding guardianship, set out sibling eligibility for guardianship assistance purposes, and describe the conditions for an extension of guardianship assistance on behalf of certain young adults. The temporary rule currently in place will be changed in the permanent rule to clarify the condition under which a child who is turning 18 and has a developmental disability may qualify for an extension of guardianship assistance.

OAR 413-070-0919 about eligibility and requirements for a child or young adult in the care or legal custody of a participating tribe is being amended to correct references, update terminology, and clarify requirements for child placement.

OAR 413-070-0925 about eligibility of a potential guardian is being amended to implement new federal education requirements for guardianship assistance and to remove what is now stated in Child Welfare Policy I-E.3.6.1, Guardianship as a Permanency Plan, OAR 413-070-0665(2).

OAR 413-070-0929 about determination of permanency plan for guardianship is being repealed because this topic is now covered in Child Welfare Policy I-E.3.6.1, Guardianship as a Permanency Plan, OAR 413-070-0651 to 413-070-0670.

OAR 413-070-0934 about application requirements and responsibilities is being amended to clarify Department responsibilities and situations that might delay the negotiation of guardianship assistance base rate.

OAR 413-070-0939 about guardianship assistance payments, medical assistance, and nonrecurring guardianship expenses is being amended to clarify and describe the guardianship assistance negotiation and review process. This rule is also being amended to describe requirements for medical assistance and social services, nonrecurring guardianship expenses, and overpayment responsibilities.

OAR 413-070-0944 about legal expenses of a guardian is being amended to clarify the legal expenses that are not authorized for reimbursement by the Department. This rule is also being amended to remove language about funding establishment of a guardianship because the topic is now covered in OAR 413-070-0949.

OAR 413-070-0949 about guardianship assistance agreement requirements is amended to more clearly explain what must be included in a guardianship assistance agreement and to indicate how this rule applies to young adults. The temporary rule currently in place will be changed in the permanent rule to indicate that guardianship assistance can continue when a child or young adult moves out of the guardian's home for school or work if the guardianship assistance agreement so states.

OAR 413-070-0959 about court order of guardianship and OAR 413-070-0964 about changes guardians must report and annual reports guardian must provide are being amended to update and clarify these rules.

OAR 413-070-0964 about information guardians must report to the Department (and which was not amended by temporary rule) is being amended to clarify the circumstances and occurrences that a guardian needs to report to the Department.

OAR 413-070-0969 about renegotiation of a guardianship assistance agreement is being amended to update terminology and clarify the renegotiation process.

OAR 413-070-0970 about guardianship social support services is being amended to cover only topics that need to be in a rule.

OAR 413-070-0974 about review, adjustment, suspension, and termination of guardianship assistance is being amended to clarify the conditions under which guardianship assistance may be reviewed by the Department and how changes or termination of that agreement are made. This rule is also being amended to set out how this rule applies to a young adult who has an extension of guardianship assis-

stance. The temporary rule currently in place will be changed in the permanent rule to more fully explain the conditions under which a guardianship assistance agreement may be reviewed, adjusted, suspended, terminated, and expire.

OAR 413-070-0979 about the guardianship assistance review committee and appeals procedure is being repealed because this topic is now covered in OAR 413-070-0939.

These rules are also being amended to make permanent the temporary rule changes adopted June 30, 2011.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

.....

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005, 418.340 & HB 2052 (2011)

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

**Stats. Implemented:** ORS 418.005, 418.470, 418.330, 418.335, 418.340 & 418.625

**Proposed Amendments:** 413-090-0000, 413-090-0005, 413-090-0010, 413-090-0021, 413-090-0030, 413-090-0040, 413-090-0050

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

**Summary:** These rules about the responsibilities of the Department on behalf of a child or young adult to provide foster care maintenance payments to a certified family; an independent living housing subsidy to an eligible child or young adult who is in the legal custody of the Department, living independently; and payment to an individual eligible for a Chafee housing payment of the Department are being amended to lower payments due to budget constraints faced by the Department and to implement provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008. These amendments also make permanent changes adopted by temporary rule on June 30, 2011.

OAR 413-090-0000 is also being amended to clarify the purposes of OAR 413-090-0000 to 413-090-0050.

OAR 413-090-0005 about the definitions of key terms used in these rules is also being amended to add current and remove outdated definitions of certain terms used throughout these rules.

OAR 413-090-0010 about payments authorized by the Department is also being amended to state the reduced foster care base rate changes approved during the 2011 Legislative session. The reduced rates will start January 1, 2012. This rule is also being amended to revise the eligibility criteria for payments the Department will authorize for family foster care, level of care payments, and payment for a child of a dependent parent, and the payments to youth eligible for a Chafee housing payment or independent living housing payment.

OAR 413-090-0021 about periodic review of eligibility for level of care payments is also being amended to set out the effective date of changes in payments and when a CANS screening is conducted.

OAR 413-090-0030 about payment for temporary absences from family foster care is also being amended to revise and clarify the criteria for receiving these payments.

## NOTICES OF PROPOSED RULEMAKING

OAR 413-090-0040 about payment during adoptive supervision is also being amended to clarify the type of payments and criteria for receiving them.

OAR 413-090-0050 about payment to a certified family moving to another state is also being amended to clarify the payments provided.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

\*\*\*\*\*

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 409.050, 412.084, 418.005 & 418.340

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

**Stats. Implemented:** ORS 409.010, 412.084, 412.144, 418.005, 418.330, 418.335, 418.340, 418.625, 419B.175, 419B.180, 419B.185 & 419B.340

**Proposed Amendments:** 413-100-0135, 413-100-0150

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

**Summary:** These rule changes are part of the implementation of PL 110-351 Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949–3981) for Title IV-E eligibility. OAR 413-100-0135 is being amended to clarify the removal and specified relative criteria as it applies to children ages 0 through 17, and to young adults, ages 18 through 20. OAR 413-100-0150 is being amended to explain that OASDI means Old-Age, Survivors, and Disability Insurance (OASDI) so the rule can be better understood by Department staff or the public. These rule changes make permanent changes adopted by temporary rule on June 30, 2011.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

\*\*\*\*\*

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 409.050 & 418.005

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

**Stats. Implemented:** ORS 326.575, 336.187, 409.010, 418.005, 419B.045, 419B.192, 419B.220 & 419B.343

**Proposed Amendments:** 413-100-0900, 413-100-0905, 413-100-0910, 413-100-0915, 413-100-0920, 413-100-0925, 413-100-0930, 413-100-0940

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

**Summary:** OAR 413-100-0905 defining certain terms used in rules about educational services for a child or young adult in substitute care is being changed to define the term “child”

OAR 413-100-0915 about ensuring the enrollment of a child or young adult in substitute care in school or an educational setting is being amended to clarify the approval process for international study, clarify who has responsibilities for decision making on a child’s school or educational setting, and clarify the Department’s responsibilities to maintain a child in full time attendance in school, except for medical reasons, under Chapter 581 of the Oregon Administrative Rules.

OAR 413-100-0925 about consent for special education services for a child or young adult in substitute care is being amended to clarify authority to consent to special education services for a young adult.

OAR 413-100-0930 about the right to a child’s education records for a child in substitute care is being amended to clarify the protections for special education records.

The above rules are also being amended to make permanent changes adopted by temporary rules on June 30, 2011. These rules along with OAR 413-100-0900, 413-100-0910, 413-100-0920, and 413-100-0940 are also being amended to identify defined terms.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

\*\*\*\*\*

**Rule Caption:** Changing OARs affecting Child Welfare programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 418.005, 418.340 & HB 2052 (2011)

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

**Stats. Implemented:** ORS 418.005, 418.330, 418.335 & 418.340

**Proposed Adoptions:** 413-130-0015, 413-130-0055

**Proposed Amendments:** 413-130-0000, 413-130-0010, 413-130-0020, 413-130-0040, 413-130-0050, 413-130-0070, 413-130-0075, 413-130-0080, 413-130-0090, 413-130-0100, 413-130-0110, 413-130-0125, 413-130-0130

**Proposed Repeals:** 413-130-0045, 413-130-0060, 413-130-0115

**Proposed Ren. & Amends:** 413-130-0030 to 413-130-0077

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

**Summary:** OAR 413-130-0000 is being amended to clarify the purposes of the rules about adoption assistance and to explain when adoption assistance may be extended for certain young adults.

## NOTICES OF PROPOSED RULEMAKING

OAD 413-130-0010 is being amended to add current and revise or remove outdated definitions of terms used throughout the rules about adoption assistance.

OAD 413-130-0015 is being adopted to describe the methods of funding for adoption assistance (state or federal funds) and how the Department responds to adoption assistance applications when neither are available.

OAD 413-130-0020 about special needs determination for adoption assistance eligibility is being amended to clarify the special needs determination requirements.

OAD 413-130-0030 about eligibility for nonrecurring expenses is being renumbered to OAD 413-130-0077.

OAD 413-130-0040 about eligibility for an adoption assistance payment is being amended to revise its description of federal requirements. This rule is also being amended to revise its description of when state-funded adoption assistance may be provided for children.

OAD 413-130-0045 about the connection between a child's immigrant status and adoption assistance is being repealed. This topic is being covered in OAD 413-130-0040.

OAD 413-130-0050 is being amended to revise the description of adoption assistance application requirements and responsibilities and give timelines for the negotiation process of adoption assistance base rate.

OAD 413-130-0055 is being adopted to implement HB 2052 (2011), which implements the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, allowing extension of adoption assistance for certain young adults. This rule is also being amended to clarify the conditions under which a child who is turning 18 may be eligible to extend adoption assistance and to explain how a child with a developmental disability may qualify for an extension of adoption assistance.

OAD 413-130-0060 about written agreements between the Department and adoptive or pre-adoptive families when there is no current need for adoption assistance benefits is being repealed because the topic is now covered in OAD 413-130-0070.

OAD 413-130-0070 is being amended to revise the policies about the negotiation of adoption assistance base rate, level of care requirements, and the review process when an agreement cannot be reached during negotiation.

OAD 413-130-0075 is being amended to update terminology and clarify the conditions under which a pre-adoptive family or adoptive family can request a renegotiation of an adoption assistance agreement.

OAD 413-130-0077 is being renumbered from OAD 413-130-0030 and amended to comply with federal requirements regarding citizenship or residency in the U.S. for an adopted child to receive nonrecurring adoption expenses.

OAD 413-130-0080 is being amended to update terminology and references, and clarify the expenses that the Department will reimburse for nonrecurring expenses.

OAD 413-130-0090 is being amended to clarify Department authorization of a special payment for unanticipated short-term costs directly related to the special needs of a child or young adult.

OAD 413-130-0100 about medical assistance and social services is being amended to remove topics now covered in Child Welfare Policy I-E.6.2, "Title XIX and General Assistance Medical Eligibility", OAD 413-100-0400 to 413-100-0610.

OAD 413-130-0110 is being amended to reorganize and make the rule easier to understand. It also sets out new federal education requirements for adoption assistance and the policies about changes of payees and overpayments.

OAD 413-130-0115 about the adoption assistance review committee and appeals procedure is being repealed because this topic is now covered in OAD 413-130-0070.

OAD 413-130-0125 is being amended to state when adjustments may and may not be made to adoption assistance. This rule also sets out the policy about automatic expiration of an adoption assistance agreement. This rule is also being amended to state how an adoption

assistance payment may be modified by an across-the-board increase or reduction.

OAD 413-130-0130 is being amended to clarify the conditions under which the Department may consider adoption applications after a judgment of adoption has been issued.

Most of these rule changes make permanent temporary rule changes adopted June 30, 2011.

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

Written comments may be submitted until October 28, 2011 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

\*\*\*\*\*

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

**Rule Caption:** Changes to amend rule with reference to mid-cycle amendments to the 2010 Oregon Fire Code.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
11-1-11	9:30 a.m.	4760 Portland Rd. NE Salem, OR 97305

**Hearing Officer:** John Caul

**Stat. Auth.:** ORS 476.030 & 2011 HB 2078

**Stats. Implemented:** ORS 476.030

**Proposed Amendments:** 837-040-0020

**Last Date for Comment:** 11-1-11, 12 p.m.

**Summary:** Rule changes are needed to correct any immediate life threatening situations or conflicts in the codes and to update references to nationally recognized standards since the adoption of the 2010 Oregon Fire Code.

Any costs associated with these changes are necessary to the health and safety of the occupants or the public.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

A copy of rule changes can be obtained by calling the agency or found at the Office of State Fire Marshal website.

**Rules Coordinator:** Connie Dalke

**Address:** Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

**Telephone:** (503) 934-8211

\*\*\*\*\*

**Rule Caption:** Review and update of Administrative Rules for Oregon's Fire Safer Cigarette Program.

**Stat. Auth.:** ORS 476

**Stats. Implemented:** ORS 476.755-476.955

**Proposed Amendments:** 837-035-0000, 837-035-0060, 837-035-0080, 837-035-0100, 837-035-0160, 837-035-0200, 837-035-0220, 837-035-0240

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

**Summary:** Review and update of Administrative Rules for Oregon's Fire Safer Cigarette Program.

The original advisory committee consisting of industry, fire service and other stakeholders were provided opportunity for input in this review of rules originally developed in 2007. Their input has been incorporated in these rule updates.

**Rules Coordinator:** Connie Dalke

# NOTICES OF PROPOSED RULEMAKING

**Address:** Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760  
**Telephone:** (503) 934-8211

\*\*\*\*\*

## Department of State Lands Chapter 141

**Rule Caption:** Amendment of one AUM compensation rate value used by the department to assess grazing fees.

**Date:** 10-27-11  
**Time:** 6 p.m.  
**Location:** Burns Chamber of Commerce  
484 N Broadway  
Burns, OR

**Hearing Officer:** Randy Wiest

**Stat. Auth.:** ORS 183, 273.045 & 273.805–273.825

**Other Auth.:** OR Const. Art. VIII, Sec. 5, Oregon Admission Act

**Stats. Implemented:** ORS 183, 273.045 & 273.805–273.825

**Proposed Amendments:** 141-110-0080

**Last Date for Comment:** 11-4-11, 5 p.m.

**Summary:** 141-110-0080(3)(d) Average weighted calf price (P) shall be based on [USDA Oregon agriculture] (90% of the USDA National) price data indicating the average [statewide] sales price of calves for the preceding one year period based on an October through September year.

[Deleted language]; (added language).

**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, Driver and Motor Vehicle Services Division Chapter 735

**Rule Caption:** Social Security Number Requirements, Proof of Legal Presence and Applicant Temporary Permits.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050, 807.110, 807.310, 807.400 & 807.405

**Stats. Implemented:** ORS 802.200, 807.021, 807.022, 807.050, 807.110, 807.310, 807.400 & 807.405

**Proposed Amendments:** 735-062-0005, 735-062-0010, 735-062-0015, 735-062-0032, 735-062-0033, 735-062-0120, 735-062-0125, 735 070 0110

**Last Date for Comment:** 10-21-11

**Summary:** Chapter 282, Oregon Laws 2011 (HB 2139) was introduced by DMV and passed by the 2011 Oregon Legislature to provide better service to DMV customers. ORS 807.021 currently requires a person applying for a driver license, driver permit or identification card to provide documentation of his or her social security number (SSN) even though DMV must also verify the SSN with the Social Security Administration (SSA). DMV customers are turned away from a DMV counter if they forget to bring the required documentation. HB 2139 amends ORS 807.021 to still require a person to provide his or her SSN, which DMV must verify through the SSA, but gives DMV discretion to require additional proof of the SSN by rule. DMV proposes to amend OAR 735-062-0005 to require an applicant to provide his or her SSN on the application form and if that number is verified, then no further proof of the SSN is necessary. DMV also proposes to amend this rule to allow additional documents as proof of an SSN for issuance of a temporary applicant permit when a SSN cannot be verified because the SSN was issued using a nickname or there is a mistake in the SSA record. In those cases, the temporary applicant permit is issued to give the person the opportunity to contact the SSA to correct any discrepancy so that DMV will be able to verify the SSN.

For proof of legal presence under ORS 807.021, DMV must verify certain documents through the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) Program. DHS has notified DMV that documents marked in a certain way cannot be verified through the SAVE program. DMV

proposes to amend OAR 735-062-0015 to specify that documents marked in this way are not acceptable as proof of legal presence. DMV also proposes to repeal a provision in this rule allowing DMV to determine through means other than SAVE that a specific type of document is valid proof of the person's legal presence in the United States, as after two and a half years experience with documents and SAVE, there is no purpose for such a provision.

Currently, DMV may issue an applicant temporary driver permit under ORS 807.310 or an applicant temporary identification card under ORS 807.405 for 90 days and provide one 60 day extension. The reasons a person would be issued an applicant temporary driver permit or applicant temporary identification card are that a person certifies that to the best of his or her knowledge he or she is legally present in the United States but is unable to provide the required proof of legal presence, or DMV cannot verify the person's SSN or the person certifies that he or she is ineligible for a SSN but does not have documentation of ineligibility. DMV has learned that it does, at times, legitimately take longer than 150 days for a person to get the needed documentation. For instance, to receive a birth certificate from another state's vital record department, to have a delayed birth certificate issued to a person born at home 75 years ago or for a person to receive the necessary replacement permanent resident card often takes longer than 150 days. HB 2139 amends ORS 807.310 and 807.405 to authorize DMV to issue an applicant temporary driver permit or identification card for 90 days, to extend that term twice for an additional 180 days and gives DMV authority to further extend the term of a permit as provided by rule. DMV proposes to amend OAR 735-062-0032 and 735-062-0033 to implement this authority, and to describe the necessary requirements for an additional extension.

The amendments proposed to OAR 735-062-0010, 735-062-0120, 735-062-0125 and 735-070-0110 are to be consistent with the changes in OAR 735-062-0005. Other changes are made for clarity.

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

\*\*\*\*\*

**Rule Caption:** Action Taken Upon Failure to Establish Identity when Committing an Act in ORS 809.310(a) through (h).

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.021 & 807.024

**Stats. Implemented:** ORS 807.021, 807.024, 807.400, 809.135, 809.310, 809.320 & 809.411

**Proposed Amendments:** 735-062-0016, 735-070-0004

**Last Date for Comment:** 10-21-11

**Summary:** Before issuing a driver license or identification card (ID card), a person must submit to collection of biometric data in order to establish the person's identity. This means DMV takes a digital photograph of an applicant for an original, renewal or replacement driver license or ID card, which is then compared to all other digital photos in the DMV database using facial recognition software. Based on this new technology, DMV has identified many cases where a person was issued a driver license or ID card in a false name. Often this occurred many years before when the person obtained identification because he or she was under 21 years of age.

It has been DMV's policy to suspend a person's driving privileges and cancel any driver license or identification card, and to suspend the person's right to apply for driving privileges and an identification card for one year when it is determined the person has committed an act listed in ORS 809.310(3). These acts include submitting false information to DMV, using an invalid license obtained by fraud, or giving false information to a police officer. DMV recently reviewed this policy and determined the sanction is too harsh in most instances, particularly since the majority of these situations arise

## NOTICES OF PROPOSED RULEMAKING

because the person applied for a false driver license or ID card several years ago in order to misrepresent his or her age. State issued identification, either in the form of a driver license or ID card, is a necessity in today's world. Taking both a driver license and ID card away from a person for a year can have a devastating effect on the person's ability to maintain a job, complete financial transactions and travel. DMV has therefore changed its policy and will not suspend an identification card and a person's right to apply for an identification card under these circumstances, although DMV will cancel an ID card that has been issued in a false name.

DMV therefore proposes to amend OAR 735-062-0016 and 735-070-0004 to delete the requirement that DMV suspend an ID card or the right to apply for an ID card when the person commits an act set forth in ORS 809.310(3). The proposed rule amendments also correct a statutory citation in OAR 735-062-0016. The proposed amendments to OAR 735-070-0004 also clarify that DMV will suspend driving privileges and the right to apply for driving privileges in all cases where DMV has determined that the person has knowingly committed an act listed in ORS 809.310(3)(a) through (h).

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

.....

**Rule Caption:** Traffic Offenses used in Driver Improvement, Habitual Offender and other DMV Programs.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 809.480 & 809.605

**Stats. Implemented:** ORS 807.240, 807.270, 809.480, 809.600(2) & 809.605

**Proposed Amendments:** 735-064-0220, 735-072-0035

**Last Date for Comment:** 10-21-11

**Summary:** ORS 809.605 requires DMV to adopt rules specifying which traffic offenses count for the purpose of determining that a person is a habitual offender under ORS 809.600(2). By administrative rule, those offenses are used to determine who qualifies for DMV's Driver Improvement programs, and whether a person has violated the terms of a hardship or probationary permit or has committed a serious traffic violation while operating a commercial motor vehicle. OAR 735-064-0220 specifies those traffic offense convictions DMV will use for the above described purposes. OAR 735-072-0035 is used only in the Driver Improvement Programs and contains a list of traffic offenses where it takes five offenses listed to equal one driver improvement violation. During the 2011 legislative session, two bills were enacted creating new traffic offenses or amending current traffic offense statutes where changes are required in OAR 735-064-0220 and 735-072-0035. DMV proposes to amend OAR 735-064-0220 and 735-072-0035 to implement these laws.

Offenses that an Oregon driver receives in another jurisdiction are posted to the record using an AAMVAnet Code Dictionary (ACD) code. AAMVA (Association of American Motor Vehicle Administrators) is instituting a few new ACD codes effective August 2011. DMV proposes to amend OAR 735-064-0220 to include new ACD codes and update the description of other ACD codes. DMV also proposes to move from OAR 735-072-0035 to OAR 735-064-0220 the offense of failure to carry/present license to police officer. Moving this offense makes the program consistent for the offenses that Oregon links to ACD code B51.

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

**Rule Caption:** Police Reports for Implied Consent Suspension.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 813.100 & 813.120

**Stats. Implemented:** ORS 813.100, 813.120, 813.130 & 813.404-813.460

**Proposed Amendments:** 735-070-0054

**Last Date for Comment:** 10-21-11

**Summary:** OAR 735-070-0054 establishes the information required on the form police send to DMV to suspend driving privileges under the Implied Consent Laws following a driving under the influence arrest and the driver either fails or refuses a chemical test. DMV proposes to remove the requirement that the form indicates if the person holds a commercial driver license, as DMV is also able to determine that information from the person's driving record and amend the form accordingly. DMV also proposes to remove the requirement that the form contain "a suspension period that conforms to the type of suspension in accordance with ORS 813.404 or 813.420." At times the form received by DMV will not indicate the length of suspension. However, the form does include the person's rights and consequences and that section of the form must be read by the police officer to the driver. The rights and consequences clearly state the suspension will be substantially longer if the person refuses a test. The rights and consequences also state: "if you fail or refuse a test, the suspension period will be longer and the wait time for a hardship permit increased if, within the last five years, you have been convicted of DUII, you have had your driving privileges suspended under the Motorist Implied Consent Law, or you have participated in a DUII diversion or similar program." In *Basile v. DMV*, the Oregon Court of Appeals ruled that a specific box indicating suspension length need not be marked on the front of the form for the person to understand that his or her driving privileges are suspended and that the time is longer if he or she refused the test rather than failed the test. Further the person can understand whether he or she will serve the minimum time or the longer time because of some other act within the last five years as mentioned in the rights and consequences. Because of the case law, DMV enters a suspension on a record even if the form does not indicate the length of suspension.

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

.....

**Rule Caption:** Rescinding Driver License Suspensions after Driver Declared No Longer Competent to Drive.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.340, 807.710 & 809.419

**Stats. Implemented:** ORS 802.010(1)(c), 807.340, 807.710 & 809.419

**Proposed Amendments:** 735-062-0135, 735-074-0140, 735-076-0020

**Last Date for Comment:** 10-21-11

**Summary:** A person who no longer drives due to deteriorating health or age related issues may have a suspension of the person's driving privileges under the At-Risk Driver Program. This suspension remains on the person's driving record even after the person has surrendered all driving privileges and can adversely impact the auto insurance rates of other members of the person's household who continue to drive. Chapter 126, Oregon Laws 2011 (HB 3128) amends ORS 809.419 to specify that a suspension ends when a person, whose driving privileges are suspended under the At-Risk Driver Program, voluntarily surrenders driving privileges by recognizing that he or she is no longer competent to drive. DMV proposes to amend OAR 735-062-0135, 735-074-0140 and 735-076-0020 in accordance to the amendments to ORS 809.419, plus specify what happens when a suspension ends and what is required if the person ever reapplies for driving privileges. OAR 735-076-0020 is further amended to remove

## NOTICES OF PROPOSED RULEMAKING

redundant language about CDL medical qualifications, which are already detailed in OAR chapter 735, division 63.

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

\*\*\*\*\*

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

**Rule Caption:** Penalties for failure to produce records.

**Stat. Auth.:** ORS 184.616, 184.619 & 823.011

**Stats. Implemented:** ORS 823.029, 825.137, 825.210, 825.212, 825.232 & 825.515

**Proposed Amendments:** 740-055-0100, 740-300-0010

**Last Date for Comment:** 10-21-11

**Summary:** These rules describe requirements for maintenance and production of records, and associated penalties for failure to produce records. The proposed amendment would allow the Department to assess civil monetary penalties when records are made available for audit but are found to be inadequate. Currently, when the carrier provides inadequate records, the best available information standard is used to audit the records. Using the best available information standard, rather than a carrier's records, often results in an under assessment of taxes due. Carriers that continue to either not maintain records, or provide inadequate records have an advantage. The rule is necessary to provide a tool that can be used on a progressive scale to deter carriers from providing the department with inadequate records after they have been educated with the minimum record requirements.

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

\*\*\*\*\*

### Oregon Board of Dentistry Chapter 818

**Rule Caption:** Adopts, amends, repeals Agency Rules regarding Procedures, Employees, Anesthesia, Licensing, Advertising, Hygienists, Assistants, HPSP Program.

Date:	Time:	Location:
10-27-11	7 p.m.	OHSU School of Dentistry 611 SW Campus Dr., Rm. 220-225 Portland, OR

**Hearing Officer:** Board President

**Stat. Auth.:** ORS 181.534, 676.303, 679 & 680

**Other Auth.:** HB 5017 (2011 OL Ch. 235) & SB 738 (2011 OL Ch. 716)

**Stats. Implemented:** ORS 293.445, 670.280, 676.140, 676.190, 676.195, 676.303, 676.200, 679.010, 679.020, 679.025, 679.060, 679.065, 679.070, 679.080, 679.090, 679.115, 679.120, 679.140, 679.160, 679.185, 679.250, 680.010, 680.040, 680.050, 680.060, 680.070, 680.072, 680.075, 680.082, 680.100, 680.200 & 680.205

**Proposed Adoptions:** 818-005-0000, 818-005-0005, 818-005-0011, 818-005-0015, 818-005-0021, 818-005-0025, 818-005-0030, 818-005-0035, 818-005-0040, 818-005-0045

**Proposed Amendments:** 818-001-0002, 818-001-0087, 818-035-0025, 818-013-0001, 818-015-0007, 818-021-0012, 818-021-0017, 818-021-0025, 818-021-0026, 818-021-0060, 818-021-0070, 818-026-0060, 818-026-0065, 818-026-0070, 818-035-0065, 818-035-0100, 818-042-0040, 818-042-0050, 818-042-0060, 818-042-0120, 818-042-0130

**Proposed Repeals:** 818-001-0087(T), 818-021-0017(T), 818-021-0060(T), 818-021-0070(T), 818-026-0060(T), 818-026-0065(T), 818-026-0070(T), 818-015-0015, 818-015-0020, 818-015-0040

**Last Date for Comment:** 10-27-11, 4 p.m.

**Summary:** The Board is adopting 818-005-0000 Definitions; 818-005-0005 Employee Applicant/Employee; 818-005-0011 Criminal Records Check Required; 818-005-0015 Criminal Records Check Process; 818-005-0021 Potentially Disqualifying Crimes; 818-005-0025 Fitness Determination; 818-005-0030 Incomplete Fitness Determination; 818-005-0035 Contesting a Fitness Determination; 818-005-0040 Agency Representation; 818-005-0045 Record Keeping, Confidentiality, allows fingerprinting and criminal records checks for employee applicants and employees.

The Board is amending 818-001-0002 Definitions to reflect changes in Oregon laws.

The Board is amending 818-001-0087 Fees to allow the Board to increase the Biennial License fees for Dentists and Dental Hygienists, to eliminate the fees for Limited Access Permit Dental Hygienists, and to create a fee for Expanded Practice Dental Hygienists that were effective July 1, 2011.

The Board is amending 818-013-0001 Definitions to reflect the name change from the Oregon Department of Human Services to the Oregon Health Authority.

The Board is amending 818-015-007 Advertising to reflect changes in the regulations.

The Board is amending 818-021-0012 Specialties Recognized to correct the titles in the rule.

The Board is amending 818-021-0017 Application to Practice as a Specialist to allow any Board approved examination to qualify for a Specialty License.

The Board is amending 818-021-0025 Application for License to Practice Dental Hygiene Without Further Examination to reflect the type of examination required.

The Board is amending 818-021-0026 State and National Criminal Background Checks, Fitness Determination to clarify the name of a state agency.

The Board is amending 818-021-0060 Continuing Education - Dentists to clarify that continuing education credit for volunteer pro bono dental services must be in Oregon.

The Board is amending 818-021-0070 Continuing Education - Dental Hygienists to clarify that continuing education credit for volunteer pro bono dental hygiene services must be in Oregon.

The Board is amending 818-026-0060 Moderate Sedation Permit to allow for an additional course to meet the life support requirements.

The Board is amending 818-026-0065 Deep Sedation to require that an electrocardiograph monitor (ECG) be required when Deep Sedation is administered and the patient's heart rhythm shall be recorded.

The Board is amending 818-026-0070 General Anesthesia Permit to require an electrocardiograph monitor (ECG) and continuous monitoring of a patient's heart rhythm when General Anesthesia is administered.

The Board is amending 818-035-0025 Prohibitions to correct an error in the listing of a rule number that did not exist.

The Board is amending 818-035-0065 Limited Access Permits to reflect the changes made by Senate Bill 738 (Chapter 716 2011 Oregon Laws).

The Board is amending 818-035-0100 Record Keeping to reflect the changes made by Senate Bill 738 (Chapter 716 2011 Oregon Laws).

The Board is amending 818-042-0040 Prohibited Acts to reflect the name change from the Oregon Department of Human Services to the Oregon Health Authority and clarify prohibitions.

The Board is amending 818-042-0050, 818-042-0060, and 818-042-0130 to reflect the name change from the Oregon Department of Human Services to the Oregon Health Authority.

# NOTICES OF PROPOSED RULEMAKING

The Board is repealing 818-001-0087(T) Fees; 818-021-0017(T) Application to Practice as a Specialist; 818-021-0060(T) Continuing Education - Dentists, 818-021-0070(T) Continuing Education - Dental Hygienists; 818-026-0060(T) Moderate Sedation Permit; 818-026-0065(T) Deep Sedation and 818-026-0070(T) General Anesthesia Permit as the rules are being made permanent.

The Board is repealing 818-015-0015 Disclosure Requirements, 818-015-0020 Ban on Solicitation and 818-015-0040 Additional Forms of Disciplinary Action to reflect changes in regulations.

**Rules Coordinator:** Sharon Ingram  
**Address:** Oregon Board of Dentistry, 1600 SW 4th Ave., Suite 770, Portland, OR 97201  
**Telephone:** (971) 673-3200

\*\*\*\*\*

## Oregon Business Development Department Chapter 123

**Rule Caption:** The rules relate to the Port Planning and Marketing Fund.

**Stat. Auth.:** ORS 285A.075(5)  
**Stats. Implemented:** ORS 285A.654–285A.660  
**Proposed Adoptions:** 123-025-0016  
**Proposed Amendments:** 123-025-0010, 123-025-0012, 123-025-0015, 123-025-0017, 123-025-0021, 123-025-0025  
**Last Date for Comment:** 10-24-11

**Summary:** This filing revises the Portland Planning and Marketing rules. The Ports Strategic Business Statewide Plan requirements have been moved to their own section (123-025-0016). The Oregon Business Development Commission adopted the Ports Statewide Strategic Business Plan on January 29, 2010. This new section describes what is expected of ports with regards to the plan and potential funding with the authority.

Other basic housekeeping changes were made.

**Rules Coordinator:** Mindee Sublette  
**Address:** Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301  
**Telephone:** (503) 986-0036

\*\*\*\*\*

## Oregon Department of Education Chapter 581

**Rule Caption:** Modifies alternative certificate requirements related to transition services and consent, implementing HB 2283 (2011).

Date:	Time:	Location:
10-26-11	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR 97310

**Hearing Officer:** Cindy Hunt  
**Stat. Auth.:** ORS 329.451  
**Stats. Implemented:** ORS 329.451  
**Proposed Amendments:** 581-022-1135  
**Last Date for Comment:** 11-1-11, 5 p.m.  
**Summary:** Modifies rule relating to alternative certificates awarded by school districts and schools to students, implementing HB 2283 (2011).  
**Rules Coordinator:** Diane Roth  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Modifies modified diploma requirements related to transition services and consent, implementing HB 2283 (2011).

Date:	Time:	Location:
10-26-11	5 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR 97310

**Hearing Officer:** Cindy Hunt  
**Stat. Auth.:** ORS 329.451  
**Stats. Implemented:** ORS 329.451  
**Proposed Amendments:** 581-022-1134  
**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** The 2011 legislature enacted HB 2283 which changed the requirements relating to transition services and consent for the modified diploma.

**Rules Coordinator:** Diane Roth  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Modifies rule requiring school districts to award extended diplomas to certain students, implementing HB 2283 (2011).

Date:	Time:	Location:
10-26-11	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR 97310

**Hearing Officer:** Cindy Hunt  
**Stat. Auth.:** ORS 326.051  
**Stats. Implemented:** ORS 329.451  
**Proposed Amendments:** 581-022-1133  
**Last Date for Comment:** 11-1-11, 5 p.m.  
**Summary:** The 2011 legislature enacted HB 2283, which modifies the extended diploma requirements relating to transition services and consent.  
**Rules Coordinator:** Diane Roth  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Workforce 2000 Vocational Technical Education Program.

**Stat. Auth.:** ORS 961, 909, 1087 & 1991 OL Ch. 859  
**Stats. Implemented:** 1991 OL Ch. 667 & ORS 344.745  
**Proposed Repeals:** 581-044-0080, 581-044-0090, 581-044-0100, 581-044-0110, 581-044-0120, 581-044-0130, 581-044-0140, 581-044-0200  
**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** The rules in Division 44 refer to the Workforce 2000 Vocational Technical Education Program that was established in 1989 to assist public schools and community colleges to prepare an internationally competitive workforce by the year 2000. This federal program has been repealed and no longer exists.

**Rules Coordinator:** Diane Roth  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Small Schools Weighting.  
**Stat. Auth.:** ORS 327.125  
**Stats. Implemented:** ORS 327.077 & 327.125  
**Proposed Amendments:** 581-023-0015  
**Last Date for Comment:** 11-1-11, 5 p.m.  
**Summary:** Modifies rule relating to small school weighting for purposes of State School Fund calculations. Rule amendment clarifies that there is remote small elementary school weighting and small high school weighting for State School Fund calculation. Implements SB 453 (2011).

**Rules Coordinator:** Diane Roth  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Method of Awarding Competitive Grants.  
**Stat. Auth.:** ORS 344.655  
**Stats. Implemented:** ORS 341.655  
**Proposed Repeals:** 581-040-0000  
**Last Date for Comment:** 11-1-11, 5 p.m.  
**Summary:** Method of awarding competitive grants — rule is obsolete.  
**Rules Coordinator:** Diane Roth

## NOTICES OF PROPOSED RULEMAKING

**Address:** Oregon Department of Education, 255 Capitol St. NE,  
Salem, OR 97310  
**Telephone:** (503) 947-5791

.....

**Rule Caption:** Distribution of Job Training Partnership Act Title III Governor's Reserve Funds.

**Stat. Auth.:** ORS 285.035(5), 292.550 & 293.550, 1997 OL Ch. 61, Sec. 19(2)

**Stats. Implemented:** Job Training Partnership Act, Public Law 97-300 & amendments & ORS 293.550

**Proposed Repeals:** 581-070-0000, 581-070-0010, 581-070-0020, 581-070-0030, 581-070-0040, 581-070-0050, 581-070-0060, 581-070-0070, 581-070-0080, 581-070-0090, 581-070-0110, 581-070-0130, 581-070-0140, 581-070-0150, 581-070-0170, 581-070-0180, 581-070-0190, 581-070-0200, 581-070-0210, 581-070-0220, 581-070-0230, 581-070-0240, 581-070-0250, 581-070-0380, 581-070-0390, 581-070-0400, 581-070-0410, 581-070-0420, 581-070-0500, 581-070-0510

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Distribution of JTPA Title III Governor's Reserve Funds — rule is obsolete.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Job Training Partnership Act.

**Stat. Auth.:** PL 97 300, 1982

**Stats. Implemented:** PL 97 300, 1982

**Proposed Repeals:** 581-060-0005, 581-060-0010, 581-060-0015, 581-060-0020

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Funds to State and Local Agencies to Provide Employment and Training Services Under the Job Training Partnership Act (JTPA).

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Radio Television Agreement.

**Stat. Auth.:** ORS 354

**Stats. Implemented:** ORS 354.430 & 354.515

**Proposed Repeals:** 581-071-0005, 581-071-0010

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Radio Television Agreement.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Programs for Talented and Gifted Students.

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 343.391–343.413

**Proposed Amendments:** 581-022-1330

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** This rule requires plans for Talented and Gifted services to be submitted to ODE, implementing HB 2180, which was passed by the 2011 legislature.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Modifies rules relating to Long Term Care and Treatment programs that provide educational services.

**Stat. Auth.:** ORS 326.051 & 343.961

**Stats. Implemented:** ORS 343.961, 343.243 & 326.051

**Proposed Amendments:** 581-015-2570, 581-015-2571, 581-015-2572, 581-015-2573, 581-015-2574

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Rule amendments implement SB 170 by expanding LTCT to include children placed by private entities, child's parent, school districts. Formerly program only included children placed by state agencies. SB 170 also expanded program to include day treatment programs.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Approved Transportation Costs for Payments from the State School Fund.

**Stat. Auth.:** ORS 327.013 & 820.100–820.120

**Stats. Implemented:** ORS 327.013 & 820.100–820.120

**Proposed Amendments:** 581-023-0040

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Amendments to this rule do the following:

(1) Update non-reimbursable cost rate per mile for 2011–12 and 2012–13 school years. It is a requirement that every two years the Department of Education update these rates.

(2) Adds language that charter school may reimburse district for transportation costs. This reimbursement will not reduce district transportation grant.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Virtual Charter School Student Enrollment and Appeal Procedure.

**Stat. Auth.:** ORS 338.025

**Stats. Implemented:** ORS 338.125

**Proposed Adoptions:** 581-020-0342, 581-020-0343

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Implements new state law relating to enrollment in virtual public charter schools. Creates appeal procedure for students who are not approved for enrollment into virtual public charter school by school district. Directs virtual public charter schools to notify districts of student enrollment.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Requirements for Charter School Financial Management System.

**Stat. Auth.:** ORS 338.025

**Stats. Implemented:** ORS 338

**Proposed Amendments:** 581-020-0334

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Changes requirements for charter school financial management system. Implements HB 3417 (2011) which changed the requirements for a charter school financial management system.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

.....

**Rule Caption:** Senate Bill 800 — Mandate Relief. Removes outdated, redundant and obsolete education rules.



## NOTICES OF PROPOSED RULEMAKING

**Stat. Auth.:** ORS 338.025, 326.051, 326, 339.030, 339.035, 339.430, 404, 326.565, 340.574, 336.675, 335.105, 327 & 34 CFR 99.6

**Stats. Implemented:** ORS 338.095, 339.430, 326.051, 339.430, 326.565, 329.105, 340.574, 336.615–336.675, 335.105, 327.290, 327.294 & 327.297

**Proposed Amendments:** 581-020-0336, 581-021-0255, 581-022-1060, 581-023-0112

**Proposed Repeals:** 581-021-0032, 581-021-0034, 581-021-0035, 581-021-0042, 581-021-0044, 581-022-1369, 581-022-1680, 581-023-0012, 581-023-0110

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** Implements SB 800 by eliminating redundant and obsolete mandates placed on public school system. Removes outdated, redundant and obsolete rules. Eliminates mandates relating to inter-scholastic activities, charter schools, school and district reports, expanded options and alternative education programs.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Charter School Attendance.

**Stat. Auth.:** 338.025

**Stats. Implemented:** ORS 338.125

**Proposed Repeals:** 581-020-0339

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** The rule places requirements on charter schools that offer on-line courses for calculation of percentage of students who attend charter school and reside within school district where charter school is located. HB 2301 (2011) eliminated ORS 338.125(2)(b), the so-called “50 percent” provision. OAR 581-020-0339 implemented this provision. Due to the underlying law being repealed, the rule is being repealed.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

\*\*\*\*\*

**Rule Caption:** Personnel Policies, Evaluation, Teaching Standards, Administrator Standards.

**Stat. Auth.:** ORS 326.051 & 342.805–342.937

**Stats. Implemented:** ORS 326.051 & 2011 OL Ch. 729, Sec. 2 (Enrolled SB 290)

**Proposed Adoptions:** 581-022-1723, 581-022-1724, 581-022-1725

**Proposed Amendments:** 581-022-1720

**Last Date for Comment:** 11-1-11, 5 p.m.

**Summary:** SB 290 (2011) directed the State Board to adopt teacher and administrator standards for school districts to use. The rules base the standards on national standards. The rules specify teacher and administrator standards that must be used by districts in evaluations.

**Rules Coordinator:** Diane Roth

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

**Telephone:** (503) 947-5791

\*\*\*\*\*

### Oregon Health Authority Chapter 943

**Rule Caption:** Oregon Health Authority Shared Service and Cooperative Relationships with Department of Human Services.

**Stat. Auth.:** ORS 413.042

**Other Auth.:** HB 2009, 2009 OL Ch. 595 Sec. 19–25

**Stats. Implemented:** ORS 413.042

**Proposed Adoptions:** 943-001-0020

**Proposed Repeals:** 943-001-0020(T)

**Last Date for Comment:** 10-26-11, 5 p.m.

**Summary:** HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services’ (Department) Divisions with respect to health and health care. The Authority needs to adopt this rule to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009(2009). The Authority is adopting this rule permanently for continued operational and business continuity.

Among the functions transferred to the Authority is the medical assistance program. This rule provides for continuity in the relationship between the Authority and the Department when working together in the administration of the medical assistance program and that the Authority and Department shall work cooperatively in the administration of the medical assistance program, including making determinations of eligibility and service e need for medical assistance. This rule also explains that the Authority designated the Department as the operating agency for home and community-based waiver services and as an Organized Health Care Delivery System.

**Rules Coordinator:** Evonne Alderete

**Address:** Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 932-9663

\*\*\*\*\*

**Rule Caption:** Authority Employees, Volunteers and Contractors Background Checks and Contesting Fitness Determinations.

**Stat. Auth.:** ORS 181.534, 181.537 & 413.042

**Other Auth.:** HB 2009, 2009 OL Ch. 595 Sec. 19–25

**Stats. Implemented:** ORS 181.534, 181.537 & 183.341

**Proposed Adoptions:** 943-007-0000, 943-007-0500

**Proposed Repeals:** 943-007-0000(T), 943-007-0500(T)

**Last Date for Comment:** 10-26-11, 5 p.m.

**Summary:** These rules adopt and incorporate by reference the Department of Human Services’ Background Check Unit rules chapter 407-007-0000 to 0075; 407-007-0090 to 0100; 407-0200 to 0325; 407-007-0340 to 0370 and 407-007-0400 to 0460 for matters that involve abuse and neglect checks for employees, volunteers, providers or contractors of the Authority who are subject to background checks before the individual may work, volunteer be employed, hold the position, or provide services.

HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services’ (Department) Divisions with respect to health and health care. Effective July 1, 2011 the Authority needs to adopt and incorporate by reference the Department’s rules which provide the Authority with the legal authority to conduct background checks and screenings on behalf of the Authority.

HB 2100(2011) was signed by the Governor on August 5, 2011, with an emergency clause. HB 2100 allows the Authority to use reports of abuse or neglect when conducting background checks on individuals who are employed, seek employment, volunteer, or seek to be a volunteer, provide care, or seek to be a care provider on behalf of the Authority for clients of the Authority.

The Authority is adopting OAR 943-007-0500 which explains how an individual may contest a fitness determination.

**Rules Coordinator:** Evonne Alderete

**Address:** Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 932-9663

\*\*\*\*\*

**Rule Caption:** Electronic Data Transmission (EDT) Rule.

**Stat. Auth.:** ORS 413.042 & 414.065

**Other Auth.:** HB 2009, 2009 OL Ch. 595, Sec. 9–25

**Stats. Implemented:** ORS 413.042 & 414.065

**Proposed Adoptions:** 943-120-0100, 943-120-0110, 943-120-0112, 943-120-0114, 943-120-0116, 943-120-0118, 943-120-0120, 943-120-0130, 943-120-0140, 943-120-0150, 943-120-0160, 943-120-0165, 943-120-0170, 943-120-0180, 943-120-0190, 943-120-0200

# NOTICES OF PROPOSED RULEMAKING

**Proposed Repeals:** 943-120-0100(T), 943-120-0110(T), 943-120-0112(T), 943-120-0114(T), 943-120-0116(T), 943-120-0118(T), 943-120-0120(T), 943-120-0130(T), 943-120-0140(T), 943-120-0150(T), 943-120-0160(T), 943-120-0165(T), 943-120-0170(T), 943-120-0180(T), 943-120-0190(T), 943-120-0200(T)

**Last Date for Comment:** 10-21-11, 5 p.m.

**Summary:** The Oregon Health Authority (Authority) needs to adopt these rules to ensure the Authority's EDT rules compliment the functionality of the Oregon Replacement Medicaid Management Information System (MMIS) in conjunction with the Health Insurance Portability and Accountability Act (HIPAA) transactions and codes set standards for the exchange of electronic data.

**Rules Coordinator:** Evonne Alderete

**Address:** Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 932-9663

.....

**Rule Caption:** Authorization for Authority employees to appear on behalf of the Authority in contested case hearings.

**Stat. Auth.:** ORS 413.042

**Other Auth.:** HB 2009, 2009 OL Ch. 595 Sec. 19-25

**Stats. Implemented:** ORS 183.452

**Proposed Adoptions:** 943-001-0009

**Proposed Repeals:** 943-001-0009(T)

**Last Date for Comment:** 10-26-11, 5 p.m.

**Summary:** Provides authorization for Authority employees or officers (lay representatives) to appear on behalf of the Authority in contested case hearings. Prohibits Authority lay representatives from making legal arguments and explains process for submitting legal argument when necessary

**Rules Coordinator:** Evonne Alderete

**Address:** Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 932-9663

.....

**Rule Caption:** Confidentiality and Inadmissibility of Mediation and Workplace Interpersonal Dispute Mediation and Communication.

**Stat. Auth.:** ORS 413.042

**Other Auth.:** HB 2009, 2009 OL Ch. 595 Sec. 19-25

**Stats. Implemented:** ORS 36.224, 36.228, 36.230, 36.232 & 36.234

**Proposed Adoptions:** 943-014-0200, 943-014-0205

**Proposed Repeals:** 943-014-0200(T), 943-014-0205(T)

**Last Date for Comment:** 10-26-11, 5 p.m.

**Summary:** HB 2009 (2009) created the Oregon Health Authority (Authority) and transferred to the Authority the Department of Human Services' (Department) Divisions with respect to health and health care. Effective July 1, 2011 the Authority is adopting its own operational and programmatic rules as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009(2009). These rule adoptions duplicate the rules in the Department's chapter 407 and provide legal authority for the Authority to conduct business. These rules set forth the requirements, responsibilities, and duties of the Authority related to the disclosure of communications received as a result of mediations and workplace interpersonal dispute mediations. Those same requirements, responsibilities, and duties remain in the Department of Human Services OAR chapter 407 regarding disclosure of communications received as a result of mediation.

**Rules Coordinator:** Evonne Alderete

**Address:** Oregon Health Authority, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 932-9663

## Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

**Rule Caption:** Hospital Provider Tax Rate Increase.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-19-11	3 p.m.	Human Services Bldg., Rm. 350 500 Summer St. NE Salem, OR 97301

**Hearing Officer:** Jennifer Bittel

**Stat. Auth.:** ORS 413.042

**Stats. Implemented:** OL 2009, Ch. 867 §17, 2007 OL Ch. 780 § 1, & 2003 OL Ch. 736 § 2 & 3

**Proposed Amendments:** 410-050-0861

**Proposed Repeals:** 410-050-0861(T)

**Last Date for Comment:** 10-21-11, 5 p.m.

**Summary:** This proposed hospital provider tax rule change replaces the temporary rule to increase the tax rate from 2.32% to 5.25% effective July 1, 2011.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

If you have questions or would like to submit comments, please contact Jennifer Bittel at (503) 947-5250 or [jennifer.bittel@state.or.us](mailto:jennifer.bittel@state.or.us)

**Rules Coordinator:** Darlene Nelson

**Address:** Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 945-6927

.....

**Rule Caption:** OHP Plus adult dental benefit limitation changes as part of 2011-2013 budget.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-18-11	10:30 a.m.	HSB Bldg., Rm 137C 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 413.042, 414.065 & 414.707

**Other Auth.:** SB 5529, 2011

**Stats. Implemented:** ORS 414.065 & 414.707

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

**Last Date for Comment:** 10-21-11, Close of Business

**Summary:** Ref#: 123-bene-n-0911, Division of Medical Assistance Programs (Division), Dental Services Program

The Division reduced payments to managed Dental Care Organizations (DCOs) in order to comply with budget limitations required by the 2011 Legislative Assembly in SB 5529.

The Division will amend rules to limit some dental services to adult clients (age 21 and older). This will help assure access to services through sufficient provider networks will be maintained following this approximate 11% reduction in capitation rates.

The rules will be amended for the following limits to adults:

- Posterior composites — covered only for one-surface restorations for adults (no multi-surface posterior composites)
- Root canals on molars — covered only for first molars (tooth #s 3, 14, 19, and 30) on pregnant women (no second molar root canals)
- Scaling and root planing — covered once every three years (extended from once every 2 years), and prior authorization for more frequently may be requested when dentally necessary due to pregnancy
- Full mouth debridement — covered once every three years (extended from once every 2 years)
- Periodontal maintenance — covered once every twelve months (extended from once every 6 months) and only following documented periodontal therapy within the past 3 years. Prior authorization for more frequently may be requested when dentally necessary due to pregnancy

## NOTICES OF PROPOSED RULEMAKING

- Denture limits for pregnant adults — same as non-pregnant adults on full denture eligibility requirements, no replacements of full dentures, and annual frequency limits for adjustments and repairs

- Partial dentures — requirement of two additional missing teeth for posterior partials

- Denture rebases — covered once every five years (extended from once every 3 years) and there must be documentation of a current relines that has failed

- Denture relines — covered once every five years (extended from once every 3 years)

The Division will clarify current policies and procedures to ensure these rules are not open to interpretation by the provider or outside parties, help eliminate confusion possibly resulting in non-compliance, and help facilitate provider compliance with eligibility, service coverage and limitations, and billing requirements. The Division may revise text to improve readability and take care of non-substantive (“housekeeping”) corrections if needed.

Proposed rules are available on the Division website: [www.dhs.state.or.us/policy/healthplan/rules/notices.html](http://www.dhs.state.or.us/policy/healthplan/rules/notices.html). For hard-copy requests, call: (503) 947-5081

**Rules Coordinator:** Darlene Nelson

**Address:** Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*

### Oregon Health Authority, Office of Private Health Partnerships Chapter 442

**Rule Caption:** Changes income criteria and modifies reservation list.

**Stat. Auth.:** ORS 735.720–735.740

**Other Auth.:** HB 2116, 1115 Demonstration Waiver

**Stats. Implemented:** ORS 735.724, 735.734 & 735.720–735.740

**Proposed Amendments:** 442-005-0020, 442-005-0030, 442-005-0050, 442-005-0070

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

**Summary:** 442-005-0020 to modify reservation list. 442-005-0030 to modify income criteria. 442-005-0050 to modify reservation list. 442-005-0070 to modify income criteria.

**Rules Coordinator:** Margaret Moran

**Address:** Oregon Health Authority, Office of Private Health Partnerships, 250 Church St. SE, Suite 200, Salem, OR 97301

**Telephone:** (503) 378-5664

\*\*\*\*\*

**Rule Caption:** Eliminate open enrollment periods.

**Stat. Auth.:** ORS 414.826

**Stats. Implemented:** ORS 414.826

**Proposed Amendments:** 442-010-0010 – 442-010-0280

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

**Summary:** Updated to provide clarity.

**Rules Coordinator:** Margaret Moran

**Address:** Oregon Health Authority, Office of Private Health Partnerships, 250 Church St. SE, Suite 200, Salem, OR 97301

**Telephone:** (503) 378-5664

\*\*\*\*\*

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

**Rule Caption:** Change of agency name and definition as a result of HB 2009 (2009).

**Stat. Auth.:** ORS 127.865, 192.531, 409.600, 413.042, 433.040, 433.323, 433.441–433.452, 433.855, 441.020, 442.015, 443.085, 443.340, 446.330, 446.425, 448.100, 448.131, 453.605–453.807, 616.575, 624.510, 624.570

**Other Auth.:** HB 2009, enacted 2009 OL Ch. 595 Sec. 19-25

**Stats. Implemented:** ORS 127.800–127.995, 192.531, 409.600, 413.042, 431.110, 431.150, 431.250, 431.264, 433.040, 433.321-

433.327, 433.441–433.452, 433.835, 441.020, 442.015, 443.005, 443.085, 443.305–443.350, 445.310–446.350, 446.425, 448.100, 448.131, 448.150, 448.273, 448.279, 453.605–453.807, 616.555–616.570, 624.510, 624.570

**Proposed Amendments:** 333-003-0010, 333-003-0065, 333-004-0010, 333-009-0000, 333-010-0105, 333-010-0205, 333-012-0050, 333-015-0030, 333-015-0100, 333-020-0125, 333-025-0100, 333-027-0005, 333-030-0015, 333-048-0010, 333-052-0040, 333-053-0040, 333-061-0020, 333-102-0203, 333-106-0101, 333-175-0021, 333-536-0005, 333-700-0005

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

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently amend rules throughout all of chapter 333. The amendments are mainly in the “definitions” rules of the chapter, and change the name of the agency and the subsequent definition of that name.

These amendments are necessary due to legislation passed by the 75th Legislative Assembly during the 2009 regular session. HB 2009 created the Oregon Health Authority and transferred to the Authority the Department of Human Services’ (Department) divisions with respect to health and health care. Consequently, the Public Health Division is now in the Oregon Health Authority and is no longer a part of the Department of Human Services as defined in statute. Amendments need to be made to the chapter 333 rules to change references of “Department” to “Authority” and “Authority” must be defined. Most other changes of the agency name from “Department” to “Authority” throughout the chapter 333 rules have been made by housekeeping changes as allowed by ORS 183.335(7)(a) and are therefore not a part of this rulemaking.

**Rules Coordinator:** Brittany Sande

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

**Telephone:** (971) 673-1291

\*\*\*\*\*

### Oregon Health Licensing Agency Chapter 331

**Rule Caption:** Adopt qualifications, requirements and practice standards for polysomnographic technologist licensure and streamline rules for consistency.

**Stat. Auth.:** ORS 676.607, 676.615, 688.830 & 2011 OL Ch. 715

**Stats. Implemented:** ORS 676.606, 676.607, 676.612, 676.615, 676.625, 688.815, 688.830, 688.834, 688.836 & 2011 OL Ch. 715

**Proposed Adoptions:** 331-705-0071, 331-705-0080, 331-710-0015, 331-710-0020, 331-710-0040, 331-710-0050, 331-710-0060, 331-710-0070, 331-710-0080, 331-710-0090, 331-710-0100, 331-710-0110, 331-712-0000, 331-712-0010, 331-712-0020, 331-718-0000, 331-718-0010, 331-718-0020, 331-720-0015, 331-740-0000

**Proposed Amendments:** 331-705-0050, 331-710-0010, 331-715-0010, 331-720-0010

**Proposed Repeals:** 331-705-0060, 331-705-0071(T), 331-710-0030, 331-715-0030, 331-715-0045, 331-725-0020

**Last Date for Comment:** 10-28-11

**Summary:** Passage of SB 723 (Oregon Laws 2011, chapter 715) by the 2011 Legislature integrated polysomnographic technologists into the Respiratory Therapist Licensing Board (Board) creating the Respiratory Therapist & Polysomnographic Technologist Licensing Board within the Oregon Health Licensing Agency (Agency), and establishing a Practice Act for licensing polysomnographic technologists. The Agency begins licensing polysomnographic technologists on January 1, 2012 and licensure is required by January 1, 2013. Board members will be appointed by the Governor, and confirmed by the Senate in the future. The Board held an initial meeting on June 10, 2011 and suggested “invited technical experts” from the polysomnography industry be appointed by the Agency to serve on a Sub-committee of the Board. Protocols for the sleep lab exemption will remain intact until licensure for polysomnographic technologists is required 2013.

# NOTICES OF PROPOSED RULEMAKING

Proposed administrative rules identify licensure exemption for supervisors and polysomnography students including exempting students enrolled in an approved education program and student must be under the direct supervision of an licensed polysomnographic technologist or a qualified medical director for polysomnography.

The proposed administrative rules add national criminal background check to application requirements for new permanent or temporary respiratory therapists as well as aligns rules with statutory requirements regarding age and education. Adopt rule that defines a "temporary" respiratory therapist and then application requirements to become a temporary respiratory therapist.

The proposed administrative rules for polysomnographic technologists address requirements for application and licensure including national criminal background checks, education, grandfathering criteria, and reciprocity. Adopt rules which define polysomnographic technologists temporary direct and indirect supervision and application requirements to become a polysomnographic technologists temporary.

Create new divisions which specifically address approved examinations, standards of practice, and fees for respiratory therapy and polysomnography.

Revise renewal requirements to include agency administrative changes and polysomnography. Add rule which clarifies requirements continuing education for polysomnography.

Proposed administrative rule changes are necessary to allow for general amendments to align with current industry, agency and statewide rulemaking standards and principles, as well as changes to administrative rule and statutory references.

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

.....  
**Oregon Liquor Control Commission**  
**Chapter 845**

**Rule Caption:** Amendment removing requirement for Self-Distribution Permit applicants to provide true copy of manufacturing license.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-26-11	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman  
**Stat. Auth.:** ORS 471, 471.030, 471.040 & 471.730(1) & (5)  
**Stats. Implemented:** ORS 471.272 & 471.274  
**Proposed Amendments:** 845-005-0425  
**Last Date for Comment:** 11-9-11, 5 p.m.

**Summary:** This rule describes the qualifications necessary for an out-of-state manufacturer to obtain a Self-Distribution Permit, which allows the permittee to ship wine or cider they manufacture directly to Oregon retail licensees who hold a valid Commission endorsement authorizing its receipt. House Bill (HB) 2147 has passed with an emergency clause, effective June 2, 2011. HB 2147 amends ORS 471.274 and has eliminated the statutory requirement to provide a true copy of an applicant's manufacturing license. The new statutory language now provides the alternative of the applicant providing sufficient information to allow for Commission verification of the out-of-state license by electronic means. Subsection (2)(a) of this rule needs to be amended to bring it into statutory compliance.

**Rules Coordinator:** Jennifer Huntsman  
**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222  
**Telephone:** (503) 872-5004

.....  
**Rule Caption:** Amendment allowing more flexibility in advertising methods when filling retail sales agent vacancies.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-27-11	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman  
**Stat. Auth.:** ORS 471, 471.030 & 471.730(1) & (5)  
**Stats. Implemented:** ORS 471.750(1)  
**Proposed Amendments:** 845-015-0120  
**Last Date for Comment:** 11-10-11, 5 p.m.

**Summary:** This rule describes the Commission's standard procedure for seeking applications from the public to fill a retail sales agent vacancy. Staff is recommending amendments to section (2) of this rule regarding the methods used to advertise retail sales agent vacancies. Since the rule was last substantively amended (in 2003), advertising has evolved to reflect today's technological advances. Staff recommends deleting the language requiring advertisements to be placed in printed newspapers, and to replace it with language that allows for flexibility in advertising methods, including the now more commonly used types of online media.

**Rules Coordinator:** Jennifer Huntsman  
**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222  
**Telephone:** (503) 872-5004

.....  
**Rule Caption:** Amendment implementing statutory changes removing mandatory minimum case for customer special orders of distilled spirits.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-27-11	11 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman  
**Stat. Auth.:** ORS 471, 471.030, 471.175 & 471.730(1) & (5)  
**Stats. Implemented:** ORS 471.175 & 471.750  
**Proposed Amendments:** 845-015-0185  
**Last Date for Comment:** 11-10-11, 5 p.m.

**Summary:** This rule describes the Commission's procedures for special orders for distilled spirits by customers. It currently establishes a one case minimum for such orders. Senate Bill (SB) 944 has passed and eliminates the one case minimum order requirement in some circumstances. SB 944 amends both ORS 471.175 governing distilled spirits purchases by Full On-Premises Sales licensees and ORS 471.750 governing purchases by any person through a retail liquor store. In both statutes, the amendments prohibit the Commission from requiring the purchase of more than one container if: a) the retail price is a minimum of \$30 per container (adjusted annually based on CPI); b) the product is available through a U.S. distributor with only a minimum case order required; c) the product is not regularly stocked by the Commission; and d) is ordered in a 750 milliliter container if available. This rule needs to be amended to bring it into statutory compliance effective January 1, 2012.

**Rules Coordinator:** Jennifer Huntsman  
**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222  
**Telephone:** (503) 872-5004

.....  
**Rule Caption:** Amendment implementing statutory change expanding license types allowed to participate in Responsible Vendor Program.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-25-11	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman  
**Stat. Auth.:** ORS 471, 471.030, 471.040, 471.344 & 471.730(1) & (5)  
**Stats. Implemented:** ORS 471.344  
**Proposed Amendments:** 845-009-0135  
**Last Date for Comment:** 11-08-11, 5 p.m.

**Summary:** This rule describes the Commission's standards and procedures for participation in the Responsible Vendor Program (RVP). The 2011 legislature has passed House Bill (HB) 2148, effective January 1, 2012. HB 2148 amends ORS 471.344 by changing the definition of "retail licensee" for purposes of the RVP. Rather than using

## NOTICES OF PROPOSED RULEMAKING

the definition in ORS 471.392, which excludes certain license types with retail privileges such as a Brewery-Public House license and a Winery license, the new statutory language will allow any licensee with retail privileges to participate in the RVP. Amending OAR 845-009-0135, by deleting the current definition of "retail licensee" and adding language to the now section (2), will bring our rule into compliance with the new statutory language. While the rule is open, staff also recommends amending what will now be (7)(a) so that licensees would not be removed from the RVP if the only program element they are missing is the posting requirement for house policies or legal I.D. signs. The proposed amendments also include the addition in what will now be (3)(e) of the requirement to produce training records for inspection within one business day. And finally, to improve clarity, staff recommends an overall clean up and restructuring of what will now be sections (5) and (7), governing both maintenance of RVP status and program removal & reinstatement.

**Rules Coordinator:** Jennifer Huntsman

**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222

**Telephone:** (503) 872-5004

\*\*\*\*\*

**Rule Caption:** Amend and adopt rules to update and modernize the distilled spirits retail store system.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-31-11	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman

**Stat. Auth.:** ORS 471, 471.030, 471.040, 471.710 & 471.730(1) & (5)

**Stats. Implemented:** ORS 471.710, 471.750 & 471.752

**Proposed Adoptions:** 845-015-0210

**Proposed Amendments:** 845-015-0101, 845-015-0105, 845-015-0115, 845-015-0118, 845-015-0190, 845-015-0196

**Last Date for Comment:** 11-14-11, 5 p.m.

**Summary:** Staff's goal with this rule package is to enhance the distilled spirits retail system within the existing context of a control state structure. By updating and modernizing the system the Commission will enhance its ability to both keep up with customers' growing expectations and provide enough incentive to attract & retain effective liquor store agents. This in turn will lead to optimal revenue generation for the state of Oregon. The proposed amendments in this rule package will provide the flexibility to update the current business model in four key areas: 1) Allowing a corporation to be appointed as a retail sales agent – the proposed amendments to OAR 845-015-0115 Retail Sales Agent Eligibility & OAR 845-015-0118 Retail Sales Agent Prohibited Interests would allow for this additional option while maintaining the ORS 471.710(3) prohibition against a retail sales agent also being a Full On-Premises licensee or a Distillery licensee. 2) Building more flexibility into the retail store classification process – the proposed amendment of OAR 845-015-0105 Types of Retail Liquor Stores would allow the Commission to change a retail liquor store's classification to non-exclusive based on the retail sales agent's business plan in addition to the other factors already considered. The specifics of such a business plan evaluation would be contained in the Retail Operations Manual. 3) Updating the retail liquor agents' resignation buy-out program – the proposed amendments to OAR 845-015-0190 Resignation Buy-Out Program for Retail Liquor Agents would increase the standard buyout percentage to three percent and for those with a current outstanding Annual Evaluation, four percent. 4) Building in additional flexibility to accommodate future pilot programs – to meet this goal staff proposes the adoption of OAR 845-015-0210 Pilot Programs which would give the Commission the flexibility to test new retail sales models through a pilot program of up to three years duration. Staff further proposes the amendment of OAR 845-015-0196 Appointment of a Temporary Agent in order to expand the circumstances under which the Commission may appoint temporary agents beyond just when a current agent becomes unable to operate their liquor store.

Additionally, while this package of Division 15 Retail Sales Agents rules is open, staff proposes housekeeping amendments to OAR 845-015-0101 Definitions.

**Rules Coordinator:** Jennifer Huntsman

**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222

**Telephone:** (503) 872-5004

\*\*\*\*\*

### Oregon Public Employees Retirement System Chapter 459

**Rule Caption:** Amend rule to reference judgments impacting disclosure of retired members' records.

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

**Hearing Officer:** Daniel Rivas

**Stat. Auth.:** ORS 192.502 & 283.650

**Stats. Implemented:** ORS 192.410–192.505

**Proposed Amendments:** 459-060-0020

**Last Date for Comment:** 10-28-11

**Summary:** PERS has begun rulemaking in accordance with the judgments in *PERS v. Oregonian Publishing Company LLC* and *PERS v. Multimedia Holdings Corporation, dba Statesman Journal Media*. The amendments to OAR 459-060-0020, Confidentiality of Member Records, are needed to reference the judgments, which impact what information PERS may release regarding retired members.

Copies of the proposed rules are available to any person upon request. The rules are also available at [http://www.oregon.gov/PERS/about\\_us.shtml](http://www.oregon.gov/PERS/about_us.shtml). Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

**Rules Coordinator:** Daniel Rivas

**Address:** Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

**Telephone:** (503) 603-7713

\*\*\*\*\*

### Oregon State Lottery Chapter 177

**Rule Caption:** Establishes the requirements for Oregon Lottery® second chance drawings

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-18-11	2:30–3 p.m.	Oregon Lottery 500 Airport Rd SE Salem, OR

**Hearing Officer:** Larry Trott

**Stat. Auth.:** ORS 461

**Other Auth.:** Oregon Constitution, Article XV, 4(4)

**Stats. Implemented:** ORS 461.220, 461.230 & 461.250

**Proposed Adoptions:** 177-052-0000, 177-052-0010, 177-052-0020, 177-052-0030, 177-052-0040, 177-052-0050, 177-052-0060, 177-052-0070

**Last Date for Comment:** 10-18-11, 3 p.m.

**Summary:** The purpose of this proposed rulemaking is to adopt rules that set forth the requirements for second chance drawings conducted by the Oregon Lottery®, which are drawings in which an eligible non-winning Oregon Lottery ticket is submitted to Oregon Lottery for entry into a drawing for the chance to win a prize.

These new rules set forth eligibility and entry requirements, the method for selecting winners, how the odds of winning are determined, winner notification, the method and time period for claiming a second chance drawing prize, and the governing law.

**Rules Coordinator:** Mark W. Hohlt

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

**Telephone:** (503) 540-1417

# NOTICES OF PROPOSED RULEMAKING

**Rule Caption:** Describes how Lottery collects cash slip amounts from video retailer's EFT account; limits reimbursement.

**Date:** 11-15-11  
**Time:** 2:30-3 p.m.  
**Location:** Oregon Lottery  
500 Airport Rd. SE  
Salem, OR

**Hearing Officer:** Larry Trott

**Stat. Auth.:** ORS 461

**Other Auth.:** OR Const. Art. XV, Sec. 4(4)

**Stats. Implemented:** ORS 461.215 & 461.217

**Proposed Amendments:** 177-200-0020, 177-200-0032

**Last Date for Comment:** 11-15-11, 3 p.m.

**Summary:** The proposed rulemaking clarifies when a Video Lottery<sup>SM</sup> retailer may not validate and pay a cash slip, and describes how the Lottery collects from a retailer's EFT account the amount for cash slips that are not paid to the retailer. Other amendments clarify when a retailer will not be reimbursed for improperly paying a cash slip.

**Rules Coordinator:** Mark W. Hohlt

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

**Telephone:** (503) 540-1417

.....  
**Oregon University System**  
**Chapter 580**

**Rule Caption:** Refines faculty ranks to reflect national titles, type of faculty work; adds career ladders within ranks.

**Date:** 10-25-11  
**Time:** 10:30 a.m.  
**Location:** 246 Susan Campbell Hall  
1431 Johnson Ln.  
Eugene, OR

**Hearing Officer:** Marcia Stuart

**Stat. Auth.:** ORS 351.070

**Stats. Implemented:** ORS 371.070

**Proposed Amendments:** 580-020-0005

**Last Date for Comment:** 10-28-11

**Summary:** The amended rule provides the definition of faculty rank, creates consistency in titles, and constructs career ladders within titles.

**Rules Coordinator:** Marcia M. Stuart

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

**Telephone:** (541) 346-5749

.....  
**Parks and Recreation Department**  
**Chapter 736**

**Rule Caption:** Amend rules governing non-traditional park use and special use permits.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-18-11	5:30-7 p.m.	Seaside Public Library 1131 Broadway Seaside, OR
10-19-11	6-7 p.m.	Champoeg State Heritage Area Visitor Center 8239 Champoeg Rd. NE Aurora, OR
10-20-11	6-7 p.m.	Bend Park & Recreation Office Riverbend Community Rm. 799 SW Columbia St. Bend, OR
10-25-11	6-7 p.m.	Coos Bay Public Library 525 Anderson Ave. Coos Bay, OR

**Hearing Officer:** Richard Walkoski

**Stat. Auth.:** ORS 390.124

**Stats. Implemented:** ORS 390.111, 390.121 & 390.124

**Proposed Adoptions:** 736-016-0012

**Proposed Amendments:** 736-016-0005, 736-016-0010, 736-016-0015, 736-016-0020, 736-016-0023, 736-016-0025

**Last Date for Comment:** 10-25-11

**Summary:** Amends rules governing non-traditional use of state parks and ocean shores: adds a "definitions" section to the rule; clarifies when a special use permit is required; updates criteria that are used to evaluate applications; updates requirements placed on applicants; clarifies application procedure; aligns fees with legislatively approved fee structure.

**Rules Coordinator:** Vanessa DeMoe

**Address:** Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

**Telephone:** (503) 986-0719

.....  
**Public Utility Commission**  
**Chapter 860**

**Rule Caption:** In the Matter of a Rulemaking Regarding Greenhouse Gas Emissions Requirements.

**Date:** 10-19-11  
**Time:** 9:30 a.m.  
**Location:** 550 Capitol St. NE, 2nd Floor  
Salem, OR 97301

**Hearing Officer:** Shani Pines

**Stat. Auth.:** ORS 756.040, 757.538 & 2009 OL Ch. 751 Sec. 9

**Stats. Implemented:** ORS 757.538 & 2009 OL Ch. 751 Sec. 9

**Proposed Adoptions:** 860-085-0005, 860-085-0010, 860-085-0020, 860-085-0030, 860-085-0040, 860-085-0050

**Last Date for Comment:** 10-26-11, 5 p.m.

**Summary:** These proposed rules implement ORS 757.522 through 757.538 (sections 1 through 6 of SB 101 from the 2009 legislative session) regarding the greenhouse gas emissions standard applicable to electric companies and electricity service suppliers. The hearing previously scheduled for September 16, 2011, was canceled because of a mandatory state furlough day. This notice provides new dates for the hearing and the close of the comment period.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 556 on comments and file them by e-mail to the Commission's Filing Center at [PUC.FilingCenter@apps.puc.state.or.us/edockets/center.htm](mailto:PUC.FilingCenter@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=16922>.

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business October 17, 2011, to request a dial-in number. To present oral comment at the hearing, participants must attend in person. A person may present comments either in writing as set out above or in person at the hearing.

**Rules Coordinator:** Diane Davis

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

**Telephone:** (503) 378-4372

.....  
**Rule Caption:** In the Matter of Updating Rules about Water Regulation including Changes Required by SB 142.

**Date:** 10-26-11  
**Time:** 9:30 a.m.  
**Location:** 550 Capitol St. NE, 1st Flr.  
Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 183, 756, 757 & 2003 OL Ch. 202

**Stats. Implemented:** ORS 98.316, 756.040, 756.105, 756.310, 756.320, 756.350, 756.500, 756.512, 757.005, 757.007, 757.015-757.039, 757.061-757.069, 757.105, 757.120, 757.125, 757.135, 757.205, 757.220, 757.225, 757.230, 757.250, 757.259, 757.270-757.290, 757.405-757.450, 757.480, 757.485, 757.495, 757.542-757.562, 757.750, 757.755, 757.760, 758.300-758.320, 759.650-759.675; Ch. 202, OL 2003

**Proposed Adoptions:** 860-036-0026, 860-036-0128, 860-036-0207, 860-036-0241, 860-036-0242, 860-036-0425, 860-036-0708, 860-036-0816

**Proposed Amendments:** 860-036-0001 - 860-036-0930

# NOTICES OF PROPOSED RULEMAKING

**Proposed Repeals:** 860-036-0245, 060-036-0340, 860-036-0407, 860-036-0625, 860-036-0810

**Proposed Ren. & Amends:** 860-036-0207 to 860-036-0249, 860-036-0625 to 860-036-0616

**Last Date for Comment:** 11-4-11, 5 p.m.

**Summary:** The proposed rules address changes required by Senate Bill 142 (2011 session), which are intended to simplify water utility regulation. The proposed rules also clarify the rules and make housekeeping changes. The proposed changes reduce the regulatory burden on water utilities. The proposed rule changes include but are not limited to:

- Identification of the type of information water utilities are required to keep about each water meter has been added to the metering rule.

- Water utilities are no longer required to file master plans with the PUC thus reducing the regulatory burden on water utilities.

- “Reasonable” advanced customer notice requirement for planned maintenance and repair service interruptions is replaced with a 2 or 5 day advanced notice, depending on the method of notification.

- Applications for water utilities seeking Commission approval to (1) issue stocks and other securities, (2) guaranty indebtedness, and (3) enter into affiliated interest contracts have been simplified and the requirements reduced.

- The threshold revenue requirement for filing the Budget of Expenditures is raised from \$50,000 to \$500,000, reducing the number of water utilities required to file this report. In the future, approximately three water utilities will be filing annual Budget of Expenditures.

- Water utilities are no longer required to file annual Construction Budgets.

- Copies of well logs and water rights are now required in service territory applications; however, water utilities should already have this information.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 559 on comments and file them by e-mail to the Commission’s Filing Center at [PUC.FilingCenter/apps.puc.state.or.us/edockets/center.htm](http://PUC.FilingCenter/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=16941>.

Participants wanting to monitor the hearing by telephone (listen only) must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business October 21, 2011, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

**Rules Coordinator:** Diane Davis

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

**Telephone:** (503) 378-4372

.....

## Public Utility Commission, Board of Maritime Pilots Chapter 856

**Rule Caption:** Adjusts license fees by percentage change in consumer price index for previous 24 months.

**Stat. Auth.:** ORS 670 & 776

**Stats. Implemented:** ORS 776.115, 776.357 & 670.310

**Proposed Amendments:** 856-010-0016

**Last Date for Comment:** 10-26-11

**Summary:** The Board is statutorily required to adjust the amount of the maximum annual license fee for a maritime pilot for each subsequent biennium by a proportional amount equal to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United State department of Labor. The cumulative

CPI for the previous period will increase the license fee from \$2,682 to \$2,718 annually.

**Rules Coordinator:** Susan Johnson

**Address:** Public Utility Commission, Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232

**Telephone:** (971) 673-1530

.....

## Water Resources Department Chapter 690

**Rule Caption:** Implementation of HB 2133 (2011 OL Ch. 51), relating to electronic communication (in lieu of hard copy).

Date:	Time:	Location:
10-24-11	1–2 p.m.	North Mall Bldg., Rm. 124(b) 725 Summer St. SE Salem, OR

**Hearing Officer:** Tom Paul

**Stat. Auth.:** ORS 536.027

**Other Auth.:** 2011 OL Ch. 51

**Stats. Implemented:**

**Proposed Amendments:** 690-053-0015, 690-0153-0030, 690-053-0035, 690-077-0029, 690-077-0031, 690-077-0039, 690-310-0080, 690-310-0090, 690-310-0100, 690-310-0150, 690-315-0050, 690-330-0010, 690-380-4000, 690-380-4020, 690-380-6040, 690-382-0600, 690-382-0800, 690-385-4100, 690-385-4600, 690-385-7600

**Last Date for Comment:** 10-31-11, 5 p.m.

**Summary:** HB 2133, enacted into law by Oregon Legislature in 2011, in part, authorizes OWRD to adopt rules that allow the submission of one or more types of documents to the department by electronic means in lieu of submission by mailing or submission in written form, and with the consent of the recipient, to send one or more types of documents in electronic form in lieu of mailing or other sending of the document in written form. OWRD views implementation of this legislative authorization as a means to reduce costs and streamline department processes for the benefit of applicants and the department and as a means to reduce the overall use of paper products.

**Rules Coordinator:** Ruben Ochoa

**Address:** Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301

**Telephone:** (503) 986-0874

.....

**Rule Caption:** Statutory conformity regarding exempt groundwater commercial uses and public notice requirements; regulatory streamlining regarding mapping requirements; and technical changes.

Date:	Time:	Location:
10-24-11	3–4 p.m.	North Mall Bldg., Rm. 124(b) 725 Summer St. SE Salem, OR

**Hearing Officer:** Tom Paul

**Stat. Auth.:** ORS 536.027

**Stats. Implemented:** ORS 567.545 & 540.520

**Proposed Amendments:** 690-013-0100, 690-018-0050, 690-053-0030, 690-077-0077, 690-300-0010, 690-310-0020, 690-310-0050, 690-380-2260, 690-0380-3100, 690-380-4020, 690-382-0800

**Last Date for Comment:** 10-31-11, 5 p.m.

**Summary:** This rulemaking, in part, proposes changes to several Oregon Water Resources Department administrative rules to bring them into conformity with Oregon statute. With respect to this effort, the rules propose changes to OAR chapter 690, division 300 regarding commercial uses allowed under exempt groundwater use statutes and changes to OAR chapter 690, division 018, 380 and 382 regarding public notice requirements. In addition, this rulemaking proposes regulatory streamlining changes to OAR chapter 690, division 310 and 380 related to mapping requirements and several non-substantive technical changes to OAR chapter 690, division 013, 053 and 077.

**Rules Coordinator:** Ruben Ochoa

## NOTICES OF PROPOSED RULEMAKING

---

**Address:** Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301  
**Telephone:** (503) 986-0874

\*\*\*\*\*

**Rule Caption:** Implementation of HB 2135 (2011 OL Ch. 52), relating to reductions in newspaper notice requirements.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-24-11	2-3 p.m.	North Mall Bldg., Rm. 124(b) 725 Summer St. SE Salem, OR

**Hearing Officer:** Tom Paul

**Stat. Auth.:** ORS 536.027

**Other Auth.:** 2011 OL Ch. 52

**Stats. Implemented:** ORS 536.750 & 543.092

**Proposed Amendments:** 690-013-0310, 690-018-0050, 690-019-0080, 690-053-0015, 690-310-0020, 690-380-2260, 690-380-4020, 690-382-0800

**Last Date for Comment:** 10-31-11, 5 p.m.

**Summary:** HB 2135, enacted into law by the Oregon Legislature in 2011, reduced the number of weeks that public notice is required to be published in newspapers by the department and/or applicants and petitioners to the department prior to the initiation of certain actions by the department. This reflects proposed changes to rule relative to specific statutory changes made in HB 2135 and one proposed change (OAR 690-053-0015) consistent with the intent of 2135. The department views implementation of this legislative as a cost-saving and regulatory streamlining measure.

**Rules Coordinator:** Ruben Ochoa

**Address:** Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301

**Telephone:** (503) 986-0874



# ADMINISTRATIVE RULES

## Construction Contractors Board Chapter 812

**Rule Caption:** Residential Continuing Education (RCE) Exemptions

**Adm. Order No.:** CCB 8-2011(Temp)

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-2-11 thru 12-28-11

**Notice Publication Date:**

**Rules Adopted:** 812-021-0021

**Rules Suspended:** 812-021-0021(T)

**Subject:** This filing is made to add additional exemptions to the temporary rule that was filed on July 1, 2011. The temporary rule filed on July 1, 2011 is being suspended and this temporary rule is replacing that filing.

OAR 812-021-0021 (9/2/11) rule adoption will exempt from the residential continuing education requirement those contractors that are licensed as plumbing or electrical contractors. The rule will also exempt 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 if acting within the scope of their license. See ORS 701.010(8)(a), (b)). The rule will also exempt 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 defines the terms “dwelling” and “outbuilding”.

The exempt persons must take an equivalent number of elective courses to satisfy the 16-hour requirement for CCB’s residential contractor continuing education.

**Rules Coordinator:** Catherine Dixon—(503) 934-2185

### 812-021-0021

#### Exemptions from Continuing Education

(1) For purposes of this rule, “dwelling” means a shelter in which people live, such as buildings used exclusively for residential occupancy, including single-family, two-family (e.g. duplex) and multi-family (e.g. apartment) buildings.

(2) For purposes of this rule, “outbuilding” means a building accessory to a dwelling that is used by the persons who occupy the dwelling, including detached garages, shops, sheds and barns.

(3) The following persons are exempt from obtaining BEST education as required under OAR 812-021-0015(2) or (3)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or an outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform cement work for residential construction; and

(D) Contractors that perform paving for residential construction.

(4) The following persons are exempt from obtaining education in building codes as required under OAR 812-021-0015(2), (3)(a)(B) or (4)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or an outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform cement work for residential construction; and

(D) Contractors that perform paving for residential construction.

(5) Contractors that are exempt from the continuing education requirements under sections (3) or (4) of this rule must complete additional elective continuing education, as provided in OAR 812-021-0019, in an amount totaling the number of core hours that the contractor would otherwise be required to complete under OAR 812-021-0015 but for the exemption.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

Hist.: CCB 6-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; CCB 8-2011(Temp), f. & cert. ef. 9-2-11 thru 12-28-11

\*\*\*\*\*

**Rule Caption:** Arbitration/Mediation of CCB DRS Complaints.

**Adm. Order No.:** CCB 9-2011(Temp)

**Filed with Sec. of State:** 9-9-2011

**Certified to be Effective:** 9-9-11 thru 1-4-12

**Notice Publication Date:**

**Rules Adopted:** 812-004-1440

**Rules Suspended:** 812-004-1440(T)

**Subject:** This filing is made to correct the temporary rule that was filed on July 8, 2011. The temporary rule filed on July 8, 2011 is being suspended and this temporary rule is replacing that filing.

The newly adopted OAR 812-004-1440 (9/9/11) is adopted because under the CCB’s current rules, a complainant may have to waive its contractual right to arbitration in order to obtain CCB mediation. After implementing the temporary DRS rules (7/8/11), CCB finds this is too onerous for complainants. Complainants should be able to obtain CCB mediation and retain their contractual right to arbitration. In addition, CCB can provide mediation to satisfy contractual mediation requirements. If the contractor is entitled to specific mediation and does not want to satisfy the requirement with CCB mediation, it must act affirmatively to initiate the contract mediation process. CCB proposes to suspend the previously adopted temporary rule OAR 812-004-1440T and replace it with this newly adopted temporary 812-004-1440 (9/9/11).

**Rules Coordinator:** Catherine Dixon—(503) 934-2185

### 812-004-1440

#### Contracts With Arbitration Agreements

(1) If a complaint is based on a contract that contains an agreement by the parties to mediate disputes arising out of the contract, the specific terms of the mediation agreement supersede agency rules except as set forth in ORS 701.180.

(2) If the contract requires mediation, the agency will be the mediator unless the contract requires mediation by a specific mediator other than the agency.

(3) If the contract requires mediation by a specific mediator other than the agency, the agency must inform the respondent by written notice that, if the respondent wants to mediate under the terms of the contract, the respondent must initiate the contractual mediation process within the time allowed under ORS 701.180 and submit evidence to the agency within 40 days from the date of the agency’s written notice that respondent initiated mediation under the terms of the contract.

# ADMINISTRATIVE RULES

(4) If mediation under the contract is timely commenced under ORS 701.180, the agency must suspend processing the complaint until the mediation is complete.

(5) Notwithstanding receipt of a notice of intent to file a complaint under ORS 701.133 or any prior communication from the agency referencing a complaint, for purposes of ORS 701.180, a respondent receives notice of a complaint when the agency sends the respondent the notice described under section (3) of this rule.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: Ch. 630 OR Laws 2011

Hist.: CCB 7-2011(Temp), f. & cert. ef. 7-8-11 thru 1-4-12; CCB 8-2011(Temp), f. & cert. ef. 9-2-11 thru 12-28-11; CCB 9-2011(Temp), f. & cert. ef. 9-9-11 thru 1-4-12

\*\*\*\*\*

## Department of Agriculture Chapter 603

**Rule Caption:** Modifications to Sudden Oak Death Quarantine.

**Adm. Order No.:** DOA 14-2011

**Filed with Sec. of State:** 9-9-2011

**Certified to be Effective:** 9-9-11

**Notice Publication Date:** 7-1-2011

**Rules Amended:** 603-052-1230

**Subject:** The sudden oak death (*Phytophthora ramorum*) program in Curry County is transitioning from an eradication program to a slow-the-spread program. The proposed amendments would allow different response actions depending on whether the infested site was inside the generally-infected core area or isolated from it. Isolated sites would continue to be eradicated, subject to available funds. Inside the generally-infected core area, the goal would be disease suppression.

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

### 603-052-1230

#### Quarantine: *Phytophthora ramorum*

(1) Establishing a quarantine: A quarantine is established against *Phytophthora ramorum*, the cause of sudden oak death and other plant diseases. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries and natural resources from the artificial spread of *P. ramorum*. This pathogen causes mortality in susceptible oak (*Quercus* spp.), tanoak (*Notholithocarpus densiflorus* syn. *Lithocarpus densiflorus*), rhododendron (*Rhododendron* spp.), viburnum (*Viburnum* spp.), evergreen huckleberry (*Vaccinium ovatum*), and other plant species. In other susceptible plants it causes leaf spots, twig dieback and/or stem cankers. Methods for exclusion of commodities potentially infected with this disease and procedures for eradication of incipient infections are prescribed in this quarantine.

(2) Area under quarantine:

(a) The following counties in California: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma;

(b) The following portion of Curry County that lies inside the area south of the northern border of T38S R12W sections 29 and 30, T39S R13W sections 1, 2, 3, 4, 5, and 6, and T39S R14W sections 1, 2, 3, 4, and 5; then west of the eastern border of T38S R12W sections 29 and 32, T39S R12W sections 5, 8, 17, 20, 29, and 32, T40S R12W sections 5, 8, 17, 20, 29, and 32, and then north of the southern border T40S R12W sections 31, 32 and T41S R13W section 12, west of the western boundary of section 13, north of the southern boundary of section 14 to the intersection with US Highway 101 and then northeast of US Highway 101 to the intersection with West Benham Lane and then north of West Benham Lane directly west to the Pacific Coastline; then east of the western border of the Pacific Coastline;

(c) Any country, state, county, province or area covered by the federal interim rule, 7 CFR 301.92, *Phytophthora ramorum*; quarantine and regulations;

(d) Any property in Oregon where *P. ramorum* is found, including a buffer zone of up to three (3) miles surrounding the infested site during any eradication or containment program.

(3) The following definitions apply to ORS 603-052-1230:

(a) "Best management practices" is defined as any actions or activities that can be used to prevent or eliminate new *P. ramorum* infections.

(b) "Hosts and associated plants" means plants on the USDA APHIS List of Regulated Hosts and Plants Associated with *Phytophthora ramorum*, last revised February 22, 2010. (NOTE: This list is available from the

Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644).

(c) "Infested site" is defined as the area within fifty (50) feet of one or more plants officially confirmed as infected with *P. ramorum*.

(d) "Treatment area" is defined as the area delimited by the Oregon Department of Agriculture (ODA) or an official cooperater in which treatments to eliminate or reduce *P. ramorum* inoculum and sources thereof is required or recommended. The treatment area may range from 50 to 300 or more feet from infested or symptomatic plants.

(e) "Type 1" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available epidemiological data on disease spread, is considered to be of highest risk for advancing further spread of *P. ramorum* into previously un-infested areas.

(f) "Type 2" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available epidemiological data on disease spread, is considered to be of less risk for advancing further spread of *P. ramorum* into previously un-infested areas.

(g) "Non-commercial" is defined as any activity or entity that does not in some sense involve commerce, relative to similar activities that do have a commercial objective.

(h) "Nursery stock" is defined in ORS 571.005. Tissue culture plantlets in sealed, sterile containers are exempt from this regulation;

(4) Commodities regulated:

(a) All plants and plant parts of hosts and associated plants: Examples of regulated commodities include all portions of the plants including, but not limited to nursery stock, logs, bark, wood chips, mulch, firewood, sawdust, green waste, other plant products that may contain bark or foliage;

(b) Any other plant found to be naturally infected with *P. ramorum*, any product or article that an official inspector determines to present a risk of spreading *P. ramorum*. All life stages of *P. ramorum*.

(5) Provisions of the quarantine: Regulated commodities originating from the area under quarantine, and any other area found to be infested with *P. ramorum* during the life of this quarantine, are prohibited unless one of the following requirements has been met:

(a) All regulated commodities must be kiln-dried or heat-treated to 60 degrees C (140 degrees F) for one (1) hour measured at the core prior to shipment. Treatments must be officially verified. The official certificate must include the following additional declaration "The (type of covered commodity) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." The length and temperature of the treatment must be recorded on the official certificate;

(b) Nursery stock grown in a quarantined county or area may be eligible for shipment to and within Oregon providing the nursery is part of an official certification program and has been inspected and tested as required by the federal interim rule, 7 CFR 301.92, for *P. ramorum*. The official certificate must include the following additional declaration: "The (covered commodity) from (name of county or other location identifier) has met the *Phytophthora ramorum* quarantine requirements for shipment into and within Oregon."

(NOTE: Recipients of tree and shrub nursery stock imported into the state must notify the ODA no later than two business days after its arrival as required by OAR 603-054-0027.)

(c) Soil and potting media from the quarantine area at a known infested site or from within five (5) meters of an infested host plant must be sterilized before shipment. The soil or potting media must reach a minimum temperature of 60 degrees C (140 degrees F) for one (1) hour measured at the center of the mass of soil or potting media. Soil or potting media that has never been associated with the covered commodities is exempt. Treatments must be officially verified. The official certificate must include the following additional declaration "The (soil or potting media) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." The length and temperature of the treatment must be recorded on the official certificate.

(6) Infested properties in Oregon: Confirmation of a *P. ramorum* infection must be made by the ODA or an official cooperater. The ODA or an official cooperater will notify the landowner when *P. ramorum* has been detected on their property. The required response depends on whether the infested site is of high priority (Type 1) or normal priority (Type 2) in terms of importance for slowing disease spread as determined by ODA or an official cooperater.

(a) Type 1 sites must be treated as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for *Phytophthora ramorum* Detections in Residential or Landscaped Commercial Settings, last

# ADMINISTRATIVE RULES

revised September 1, 2009 or the Phytophthora ramorum APHIS Response Protocol for Forest and Wildland Environments Version 1.0, updated November 21, 2008. Subject to the availability of funds dedicated to the rapid treatment of P. ramorum infested sites, the cost of treatment will be borne by the State.

(NOTE: These protocols are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644.)

Affected property owners will be issued infestation and treatment area location and treatment requirements in the form of an Administrative Directive. For public and private forested lands, the Oregon Departments of Agriculture and Forestry (ODF) will work with the landowner to develop a treatment plan that will be based on the best available science. The treatment plan may include some or all of the following activities:

- (i) cutting and piling susceptible trees and shrubs,
- (ii) burning the wood and plant debris when safe to do so,
- (iii) herbicide treatment of stumps, standing trees, and sprouts,
- (iv) fungicide application,
- (v) sampling and monitoring,
- (vi) replanting with suitable plant species to meet landowner objectives and to prevent intensification and spread of the disease.

(b) On Type 2 sites disease suppression through the implementation of best management practices is encouraged. Subject to availability of funds dedicated to the suppression of P. ramorum in urban and forested environments, a cost-share program may be available through the ODF to help defray costs of implementing best management practices to suppress disease spread (Oregon Department of Forestry – Coos District, 63612 Fifth Road, Coos Bay, 97420, telephone: 541-267-4136). A landowner with a Type 2 site may, after consultation with the ODA and ODF, allow use of their infested site(s) for P. ramorum-related research by Oregon State University, ODF, or ODA. Trees killed by P. ramorum within an infested Type 2 treatment area may be used as firewood under the following conditions:

- (i) The firewood is for non-commercial use only;
- (ii) The firewood does not leave the treatment area;
- (iii) Any movement of dead trees for firewood from the treatment area is prohibited unless the landowner obtains a Special Permit (see Section (8)) to move the material.

(NOTE: Best management practices for managing P. ramorum infestations within Type 2 sites are available on the California Oak Mortality Website, <http://www.suddenoakdeath.org>, or from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644, or the Oregon Department of Forestry – Coos Bay, 63612 Fifth Road, Coos Bay, 97420, telephone: 541-267-4136.)

(7) Infested nurseries in Oregon: Confirmation of a P. ramorum infection must be made by the ODA or an official cooperator. Nurseries are required to eradicate the disease as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for Wholesale and Production Nurseries Containing Plants Infected with Phytophthora ramorum Version 8.0, updated October 28, 2008, or the Official Regulatory Protocol for Retail Nurseries Containing Plants Infected with Phytophthora ramorum Version 1.0, modified August 12, 2009, will be implemented immediately. Nurseries from which P. ramorum has been detected in multiple growing seasons will be required to implement best management practices as described in USDA APHIS's official regulatory protocols for positive nurseries for the mitigation of Phytophthora disease in plants for planting.

(NOTE: These best management practices and protocols for nurseries are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644.)

(8) Special permits: The Department, upon receipt of an application in writing, may issue a special permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of P. ramorum.

(9) Violation of quarantine: Violation of this quarantine may result in a fine, if convicted, of not less than \$500 no more than \$5,000, as provided by ORS 561.990. In addition, violators will be subject to civil penalties of up to \$10,000 as provided by ORS 561.995. Commodities shipped in violation of this quarantine may be treated, destroyed or returned to their point of origin without expense or indemnity paid by the state.

Stat. Auth.: ORS 561.190 & 561.560

Stats. Implemented: ORS 561.560

Hist.: DOA 1-2001(Temp), f. & cert. ef. 1-5-01 thru 4-4-01, DOA 5-2001, f. & cert. ef. 3-27-01; DOA 1-2005, f. & cert. ef. 1-24-05; DOA 4-2006, f. & cert. ef. 3-10-06; DOA 7-2007, f. & cert. ef. 3-27-07; DOA 5-2008, f. & cert. ef. 1-16-08; DOA 5-2009, f. & cert. ef. 4-9-09; DOA 21-2010, f. & cert. ef. 12-17-10; DFW 14-2011, f. & cert. ef. 9-9-11

**Rule Caption:** Diesel additive (“winterizing”) sunset clause; Biodiesel production verification; Renewable diesel; and Dispenser labeling.

**Adm. Order No.:** DOA 15-2011

**Filed with Sec. of State:** 9-9-2011

**Certified to be Effective:** 9-9-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 603-027-0420, 603-027-0430

**Subject:** This rule amendment: (1) Implements HB 2827 of the 2011 Legislative Assembly to repeal the sunset clause of provisions permitting sales of biodiesel blended fuel containing additives to prevent gelling; (2) Brings other renewable diesel (also known as renewable diesel and biomass-based diesel) into administrative rule as currently established in ORS 646.922; (3) Removes the biodiesel production facility verification process as it is no longer deemed necessary; and (4) amends dispenser labeling requirements if a seller chooses to label dispensers of 5% biodiesel blend, 5% other renewable diesel, or a combination of the two products.

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

## 603-027-0420

### Standard Fuel Specifications

(1) Gasoline and Gasoline-Oxygenate Blends, as defined in this regulation, shall meet the following requirements:

(a) The ASTM D 4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes those promulgated by Oregon and Federally approved State Implementation Plans (SIP’s)). Gasoline blended with ethanol shall be blended under any of the following three options:

(A) The base gasoline used in such blends shall meet the requirements of ASTM D 4814; or

(B) The blend shall meet the requirements of ASTM D 4814; or

(C) The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM D 4814 specification.

(b) Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

(c) Minimum Antiknock Index (AKI). The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

(d) Minimum Motor Octane Number. The minimum motor octane number must not be less than 82 for gasoline with an AKI of 87 or greater.

(e) Lead Substitute Gasoline. Gasoline and gasoline-oxygenate blends sold as “lead substitute” gasoline shall contain a lead substitute additive which provides a level of protection against exhaust valve seat recession which is equivalent to the level of protection provided by a gasoline containing at least 0.026 gram of lead per liter (0.10 g per U.S. gal).

(2) Ethanol intended for blending with gasoline shall meet the requirements of ASTM D 4806, “Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.”

(3) Gasoline-Ethanol Blends Required

(a) Consistent with ORS 646.912, the Oregon Department of Agriculture shall study and monitor ethanol fuel production, use, and sales in Oregon.

(b) Except as provided in OAR 603-027-0420(3)(c), all retail dealers, nonretail dealers, or wholesale dealers may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(c) A retail dealer, nonretail dealer, or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline:

(A) Has an octane rating, as defined in ORS 646.945, of 91 or above, or if it is for use in;

(B) An aircraft;

(i) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles, or

(ii) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(C) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and

## ADMINISTRATIVE RULES

that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(D) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(E) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(F) An antique vehicle, as defined in ORS 801.125;

(G) A Class I all-terrain vehicle, as defined in ORS 801.190;

(H) A Class III all-terrain vehicle, as defined in ORS 801.194;

(I) A racing activity vehicle, as defined in ORS 801.404;

(J) A snowmobile, as defined in ORS 801.490;

(K) Tools, including but not limited to lawn mowers, leaf blowers, and chain saws; or

(L) A watercraft.

(d) Gasoline-ethanol blends shall contain not less than 9.2 percent by volume of agriculturally derived ethanol, exclusive of denaturants and permitted contaminants, that complies with

(A) OAR 603-027-0420(2) Ethanol ASTM D 4806 standards,

(B) Denatured as specified in 27 C.F.R. parts 20 and 21, and

(C) Complies with the volatility requirements specified in 40 C.F.R. part 80.

(e) The ethanol shall be derived from agricultural product, woody waste or residue.

(f) The gasoline and gasoline-ethanol blends shall comply with OAR 603-027-0420(1).

(g) It is prohibited to blend with casinghead gasoline, absorption gasoline, drip gasoline, or natural gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal.

(4) Gasoline Additive Restrictions.

(a) Effective November 1, 2009, a wholesale dealer, retail dealer, or nonretail dealer may not sell or offer to sell any gasoline blended or mixed with:

(A) Ethanol unless the blend or mixture meets the specifications or registration requirements established by the United States Environmental Protection Agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545 and 40 C.F.R. Part 79, and the ethanol complies with ASTM International specification ASTM D 4806;

(B) Methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume; or

(C) A total of all of the following oxygenates that exceeds one-tenth of one percent, by weight, of;

(i) Diisopropyl ether,

(ii) Ethyl tert-butyl ether,

(iii) Iso-butanol,

(iv) Iso-propanol,

(v) N-butanol,

(vi) N-propanol,

(vii) Sec-butanol,

(viii) Tert-amyl methyl ether,

(ix) Tert-butanol,

(x) Tert-pentanol or tert-amyl alcohol, and

(xi) Any other additive that has not been approved by the California Air Resources Board or the United States Environmental Protection Agency.

(b) Nothing in this section shall prohibit transshipment through this state, or storage incident to the transshipment, of gasoline that contains methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume or any of the oxygenates listed in OAR 603-027-0420(4)(a)(C), provided,

(A) The gasoline is used or disposed of outside of this state; and

(B) The gasoline is segregated from gasoline intended for use within this state.

(c) Notwithstanding the additives in OAR 603-027-0420(4)(a), a person may sell, supply, or offer to sell or supply gasoline in this state that contains any oxygenate other than ethanol, if the California Air Resources Board (CARB), California Environmental Policy Council (CEPC), or the United States Protection Agency (U.S. EPA) allow use of the oxygenate.

(5) Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

(6) Winter or Winterized Diesel Fuel shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and have a cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either

ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Winter or winterized diesel (low temperature operability) is only applicable October 1 - March 31 of each year.

(7) Premium Diesel Fuel — All diesel fuels identified on retail and nonretail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier shall meet the requirements of ASTM D 975, "Standard Specification for Diesel Fuel Oils" and must conform to the following requirements:

(a) Cetane Number — A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613;

(b) Low Temperature Operability — A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Low temperature operability is only applicable October 1 - March 31 of each year;

(c) Thermal Stability — A minimum reflectance measurement of 80 percent as determined by ASTM Standard Test Method D 6468 (180 minutes, 150 OC);

(d) Lubricity — A maximum wear scar diameter of 520 microns as determined by ASTM D 6079. If a single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this part.

(8) Biodiesel; B100 Biodiesel and Biodiesel intended for blending with diesel fuel must,

(a) Meet the requirements of ASTM D 6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels";

(b) Be analyzed and issued a Certificate of Analysis for each batch or production lot produced in or imported into Oregon prior to blending, sale, or offer for sale in Oregon. The Certificates of Analysis expire 45 days following the date the biodiesel sample was obtained.

(c) Biodiesel must be analyzed for and comply with the visual appearance test (ASTM D 4176) upon its first receipt at a wholesale facility and prior to commingling with existing product.

(d) Prior to blending, sale, or offer for sale in Oregon, biodiesel must be analyzed and the Certificate of Analysis issued by:

(A) An accredited motor fuel laboratory, or

(B) A non-accredited motor fuel laboratory that meets all of the following requirements;

(i) The laboratory facilities must house and allow proper operation of all required equipment in accordance with the applicable test procedures,

(ii) The laboratory must use personnel trained to perform and analyze ASTM International D 6751 biodiesel fuel tests and other required tests,

(iii) The laboratory must use testing equipment that has been calibrated or verified to meet the requirements of each ASTM International test procedure used,

(iv) The laboratory must participate in an ASTM International proficiency program or similar national proficiency program for at least three times per year with appropriate results, and

(v) The laboratory must maintain current documentation of personnel qualifications, equipment verification, and proficiency results for at least one year. These records shall be available for inspection and reproduction upon request by the Director.

(9) Biodiesel Blends;

(a) Biodiesel blends through B5 must meet the requirements of ASTM D 975 Standard Specification for Diesel Fuel Oils.

(b) Biodiesel blends of B6 through B20 must meet the requirements of ASTM D 7467, Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20).

(c) Blends of biodiesel and diesel fuels greater than B20 must meet the following requirements:

(A) The base diesel fuel must meet the requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils; and

(B) The biodiesel blend stock must meet:

(i) The requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, and

(ii) The requirements in OAR 603-027-0420(8).

(d) Exception; Biodiesel may be blended with diesel fuel whose sulfur, lubricity, or aromatic levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D S15, 1-D S500, 2-D S15, or 2-D S500 provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

# ADMINISTRATIVE RULES

(10) Other Renewable Diesel must meet its established ASTM International standard, be approved by the United States Environmental Protection Agency, and comply with specifications of the National Conference on Weights and Measures.

(11) Biodiesel Blends Required.

(a) Except as provided in subsection (d) of this section, a retail dealer, nonretail dealer, or wholesale dealer may only sell or offer for sale diesel fuel in Oregon containing:

(A) At least five percent biodiesel by volume, or

(B) As of January 2, 2012, other renewable diesel with at least five percent renewable component by volume, or

(C) Five percent or less biodiesel by volume and five percent or less other renewable diesel by volume provided the combined total of biodiesel and other renewable diesel is at least five percent by volume.

(b) Biodiesel blends and other renewable diesel blends shall contain the volume percent stated to the nearest:

(A) 1 volume percent for blends through 5 volume percent, and

(B) 2 volume percent for blends greater than 5 volume percent through 20 volume percent.

(c) Diesel fuel containing more than five percent biodiesel by volume or other renewable diesel with more than five percent renewable component by volume must be labeled as required in OAR 603-027-0430.

(d) Exemption. The minimum biodiesel fuel content requirements in OAR 603-027-0420 do not apply to diesel fuel:

(A) Sold or offered for sale for use by railroad locomotives, marine engines, or home heating; or

(B) That otherwise meets the requirements in OAR 603-027-0420 but to which there have been added substances to prevent congealing or gelling of diesel fuel containing biodiesel or other renewable diesel. This exception applies only to diesel fuel sold or offered for sale during the period from October 1 of any year to February 28 of the following year.

(12) Aviation Gasoline shall meet the requirements of ASTM D 910, "Standard Specification for Aviation Gasoline."

(13) E85 Fuel Ethanol shall meet the requirements of ASTM D 5798, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(14) M85 Fuel Methanol shall meet the requirements of ASTM D 5797, "Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

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

Stat. Auth.: ORS 561.190, 646.905 - 646.990 & 1997 OL Ch. 310 (SB 414)

Stats. Implemented: ORS 646.905 - 646.990, 183 & 1997 OL Ch. 310 (SB 414)

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp), f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10; DOA 7-2011, f. & cert. ef. 1-26-11; DOA 15-2011, f. & cert. ef. 9-9-11

## 603-027-0430

### Classification and Method of Sale of Petroleum Products

(1) General Considerations:

(a) Documentation.

(A) When gasoline; gasoline-oxygenate blends; reformulated gasoline; M85 and M100 fuel methanol; E85 and E100 fuel ethanol; B100 biodiesel and biodiesel blends; renewable diesel and diesel-renewable diesel blends; diesel fuel; winter or winterized diesel fuel; premium diesel fuel; or aviation gasoline are sold, an invoice, bill of lading, shipping paper or other documentation, must accompany each delivery other than a sale by a retail or nonretail dealer. This document must identify the:

(i) Quantity,

(ii) The name of the product,

(iii) The particular grade of the product,

(iv) The word "Winter" or "Winterized" diesel if applicable,

(v) The word "Premium" diesel if applicable,

(vi) The volume percent biodiesel and other renewable diesel, if a biodiesel, biodiesel blend, other renewable diesel, or diesel-other renewable diesel blend through 5 volume percent to the nearest 1 volume percent and for greater than 5 volume percent through 20 volume percent blends to the nearest 2 volume percent,

(vii) The applicable automotive fuel rating,

(viii) The name and address of the seller and buyer,

(ix) The date and time of the sale,

(x) For gasoline-oxygenate and gasoline-alcohol blends which contain more than 1.5 mass percent oxygen, the documentation shall state the oxygenate type and oxygenate content, in volume percent, to the nearest 0.5 volume percent, and

(xi) For non-ethanol blended gasoline the documentation shall state that the gasoline is non-ethanol blended.

(B) Each operator of a bulk facility and each person who imports motor vehicle fuels into this state for sale in this state shall keep, for at least one year, at the person's registered place of business complete and accurate records of any motor vehicle fuels sold if sold or delivered in this state.

(C) Each biodiesel producer, each operator of a biodiesel bulk facility and each person who imports biodiesel into Oregon for sale in this state shall keep, on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis and the analysis records for visual appearance tests that are performed upon first receipt at a wholesale facility prior to commingling with existing product for each batch or production lot of biodiesel sold or delivered in Oregon.

(D) Each biodiesel producer in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date, and quantity of biodiesel production and sales. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(E) All retail dealers, nonretail dealers, and wholesale dealers in Oregon are required to provide, upon request of the Department, evidence of a certificate of analysis for the biodiesel received.

(F) Each ethanol production facility in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity was attained, quantity of ethanol produced, and sales in Oregon. This documentation shall be completed on a form provided by the Department of Agriculture and mailed on a quarterly basis to the Department in Salem, Oregon.

(G) Retail dealers and nonretail dealers shall maintain at their facilities the octane rating certification or motor vehicle fuel delivery documentation for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel, biodiesel blends, diesel fuel, other renewable diesel fuel, and diesel-other renewable diesel fuel blends sold or offered for sale.

(b) Retail and Nonretail Gasoline Dispenser Labeling. All retail and nonretail gasoline dispensing devices must identify conspicuously on each face of the dispenser(s),

(A) The type of product,

(B) The particular grade of the product,

(C) Type of oxygenate contained if applicable,

(i) Including the specific volume percent of ethanol in gasoline-ethanol blends stating, for example, "THIS PRODUCT CONTAINS 10% ETHANOL" or other similar language in type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position,

(ii) Prohibited terms and phrases include but are not limited to, "Contains Up To 10% Ethanol", "May Contain Ethanol", or any other similar language,

(D) The applicable automotive fuel rating, and

(E) If non-ethanol blended gasoline, other than 91 octane or above, in compliance with OAR 603-027-0420, the dispensers shall be labeled, "NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY (ORS 646.913)" in capital letters and type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous to the consumer.

(c) Posting of Exceptions for Non-Ethanol Blended Gasoline. The exceptions for non-ethanol blended gasoline, other than 91 octane or above, shall be posted at a business that sells or offers for sale non-ethanol blended gasoline in a position that is clear and conspicuous to the consumer. The exceptions shall be posted;

"NON-ETHANOL BLENDED GASOLINE FOR USE IN THE FOLLOWING APPLICATIONS ONLY;" in capital letters and type at least 6.4 millimeters (1/4 inch) in height, 1 millimeter (1/32 inch) stroke (width of type), followed by,

"AIRCRAFT WITH A SUPPLEMENTAL TYPE CERTIFICATE APPROVED BY THE FEDERAL AVIATION ADMINISTRATION THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AIRCRAFT ISSUED A TYPE CERTIFICATE BY AN AIRCRAFT ENGINE MANUFACTURER THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN AIRCRAFT THAT HAS BEEN ISSUED AN EXPERIMENTAL CERTIFICATE, DESCRIBED IN 14 C.F.R. 21.191, BY THE FEDERAL AVIATION ADMINISTRATION AND THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

# ADMINISTRATIVE RULES

A LIGHT-SPORT AIRCRAFT, AS DEFINED IN 14 C.F.R. 1.1, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

A VINTAGE AIRCRAFT, AS DEFINED BY THE OREGON DEPARTMENT OF AVIATION BY RULE, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AN ANTIQUE VEHICLE, AS DEFINED IN ORS 801.125;

A CLASS I ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.190;

A CLASS III ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.194;

A RACING ACTIVITY VEHICLE, AS DEFINED IN ORS 801.404;

A SNOWMOBILE, AS DEFINED IN ORS 801.490;

TOOLS, INCLUDING BUT NOT LIMITED TO LAWN MOWERS, LEAF BLOWERS, AND CHAIN SAWS; OR A WATERCRAFT (Reference ORS 646.913) in capital letters and type at least 3 millimeters (1/8 inch) in height, 0.4 millimeter (1/64 inch) stroke (width of type).

(d) **Grade Name.** The sale of any product under any posted grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade indicated in the posted grade name must be consistent with the applicable standard specified in OAR 603-027-0420 "Standard Fuel Specifications".

(2) **Automotive Gasoline and Automotive Gasoline-Oxygenate Blends:**

(a) **Posting of Antiknock Index Required.** All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with 16 CFR Part 306.

(b) **Use of Lead Substitute Must Be Disclosed.** Each dispensing device from which gasoline or gasoline oxygenate blend containing a lead substitute is dispensed shall display the grade name followed by "With a Lead Substitute" (e.g. "Unleaded With a Lead Substitute"). The lettering of the lead substitute declaration shall not be less than 12.7 millimeters (1/2 in) in height and 1.5 centimeters (1/16 in) stroke (width of type). The color of the lettering shall be in definite contrast to the background color to which it is applied.

(c) **Prohibition of Terms.** It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1.

TABLE 1. MINIMUM ANTIKNOCK INDEX REQUIREMENTS

The minimum antiknock index for Premium, Super, Supreme and High Test is 91

The minimum antiknock index for Mid Grade and Plus is 89

The minimum antiknock index for Unleaded with a Lead Substitute is 88

The minimum antiknock index for Regular and Unleaded (alone) is 87

(3) **Diesel Fuel:**

(a) **Labeling of Product and Grade Required.** Diesel fuel shall be identified by "Diesel" and grades "No. 1-D S15", "No. 1-D S500", "No. 1-D S5000", "No. 2-D S15", "No. 2-D S500", "No. 2-D S5000", or "No. 4-D". Each retail or nonretail dispenser of diesel fuel shall be labeled "Diesel" and the grade being dispensed.

(b) **Location of Label.** These labels shall be located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 in) in height, 1.5 millimeter (1/16 in) stroke (width of type).

(4) **Winter or Winterized Diesel Fuel:**

(a) **Labeling of Product and Grade Required.** The dispensers of winterized diesel fuel must be labeled as required in OAR 603-027-0430(3)(a) and include the words "WINTERIZED DIESEL" or "WINTER DIESEL" (e.g. "WINTERIZED DIESEL No. 2-D S15").

(b) **Location of Winterized Diesel Fuel Label.** The location of the winterized diesel label shall be as required in OAR 603-027-0430(3)(b) or on a "pump topper" mounted on top of each winterized diesel dispenser with lettering as specified in OAR 603-027-0430(3)(b) and must be in a position that is clear and conspicuous from the driver's position.

(5) **Premium Diesel Fuel :**

(a) **Labeling of Premium Diesel Required.** In addition to labeling requirements specified in OAR 603-027-0430(3), all retail and nonretail dispensers of premium diesel shall be labeled "Premium Diesel" (e.g. "Premium Diesel No. 2-D S15").

(b) **Location of Premium Diesel Fuel Label.** The location of the premium diesel fuel label shall be located on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position, in a type at least 12.7 millimeter (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type).

(6) **Biodiesel and Other Renewable Diesel:**

(a) **Identification of Product.**

(A) Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

(B) Other renewable diesel and other renewable diesel blends shall be identified by the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%)

and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend". (Examples: "10% Biomass-Based Diesel Blend"; "20% Biomass-Based Diesel Blend"; "70% Biomass-Based Diesel Blend"; "100% Biomass-Based Diesel".)

(b) **Labeling of Retail and Non-Retail Dispensers Containing Between 5% and Up To and Including 20% Biodiesel or Other Renewable Diesel.**

(A) If containing biodiesel, the dispenser(s) shall be labeled with either:

(i) The capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "Biodiesel Blend" (Examples: "B10 Biodiesel Blend"; "B20 Biodiesel Blend"); or

(ii) The phrase, "Biodiesel Blend Between 5% and 20%" or similar words; or

(iii) The Federal Trade Commission (FTC) 16 CFR Part 306 approved label "Biodiesel Blend" that is appropriate for blends from 5% to 20% biodiesel, or "B20 Biodiesel Blend" that is appropriate for 20% biodiesel blends only.

(B) If containing other renewable diesel, the dispenser(s) shall be labeled with either:

(i) "XX% Biomass-Based Diesel Blend" where the abbreviation "XX" represents the volume percentage of other renewable diesel in the blend; or

(ii) The phrase, "Biomass-Based Diesel Blend Between 5% and 20%" or similar words.

(c) **Labeling of Retail and Non-Retail Dispensers Containing More Than 20% Biodiesel or More Than 20% Other Renewable Diesel.**

(A) If containing more than 20% biodiesel, the dispenser(s) shall be labeled;

(i) "Consult Vehicle Manufacturer Fuel Recommendations", posted on the dispenser front panels in a position clear and conspicuous from the driver's position in block letter type at least 6 mm (1/4 inch) in height by 0.8 mm (1/32) stroke (width of type) and the color must be in definite contrast to the background color to which it is applied; and in addition,

(ii) Separately labeled with the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "Biodiesel" or "Biodiesel Blend" (Examples: "B100 Biodiesel"; "B60 Biodiesel Blend"); or

(iii) The Federal Trade Commission (FTC) 16 CFR Part 306 approved label for biodiesel blends greater than 20% biodiesel.

(B) If containing more than 20% other renewable diesel, the dispenser(s) shall be labeled with the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Biomass-Based Diesel" or "Biomass-Based Diesel Blend" (Examples: "100% Biomass-Based Diesel"; "70% Biomass-Based Diesel Blend").

(d) **Documentation for Biodiesel, Biodiesel Blends, Other Renewable Diesel, and Other Renewable Diesel Blends.** The operator of retail and non-retail dispensers shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel, other renewable diesel, or any combination thereof on an invoice, bill of lading, shipping paper, or other document in compliance with OAR 603-027-0430(1)(a).

(e) **Exemption.**

(A) Biodiesel blends containing 5% or less biodiesel by volume, 5% or less other renewable diesel by volume, or a combination of 5% or less biodiesel by volume and 5% or less other renewable diesel by volume, are exempted from the dispenser labeling requirements in OAR 603-027-0430(6) except,

(B) If a dispenser is labeled with any reference to biodiesel or other renewable diesel and the fuel contains 5% or less biodiesel, 5% or less other renewable diesel, or 5% or less biodiesel by volume and 5% or less other renewable diesel by volume, then it must be labeled as appropriate either:

(i) With the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "Biodiesel Blend" (Example: "B5 Biodiesel Blend"); or

(ii) With the numerical value representing the volume percentage of other renewable diesel immediately followed by the percentage symbol (%) and then the term "Other Renewable Diesel Blend" or "Biomass-Based Diesel Blend" (Example: "5% Other Renewable Diesel Blend" or "5% Biomass-Based Diesel Blend"); or

(iii) If a combination of biodiesel and other renewable diesel not exceeding five percent by volume of each product, "Contains Minimum 5% Renewable Fuel" or similar language.

(f) **Size of Labeling Type.** Except for the FTC 16 CFR Part 306 approved labels and the "Consult Vehicle Manufacturer Fuel

# ADMINISTRATIVE RULES

Recommendations” labels as specified, all labeling required in OAR 603-027-0430(6), shall be in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type).

(7) Aviation Gasoline: Labeling of Grade Required. Aviation gasoline and dispensers shall be identified by and labeled with Grade 80, Grade 100, or Grade 100LL.

(8) E85 Fuel Ethanol:

(a) How to Identify E85 Fuel Ethanol. Fuel ethanol shall be identified as E85. (Example: E85)

(b) Retail or Nonretail E85 Fuel Ethanol Dispenser Labeling.

(A) Fuel ethanol dispensers shall be labeled with its automotive fuel rating in accordance with 16 Code of Federal Regulations Part 306.

(B) A label shall be posted which states, “For Use in Flexible Fuel Vehicles (FFV) Only”. This information shall be posted on the upper 50% of the dispenser front panels in a position clear and conspicuous from the driver’s position, in a type at least 12.7 mm (1/2 inch) in height, 1.5 mm (1/16 inch) stroke (width of type).

(C) A label must be posted that states, “Consult Vehicle Manufacturer Fuel Recommendations”. This label must be posted on the dispenser front panels in a position clear and conspicuous from the driver’s position in block letter type at least 6 mm (1/4 inch) in height by 0.8 mm (1/32 inch) stroke (width of type) and the color must be in definite contrast to the background color to which it is applied.

(9) Fuel Methanol:

(a) Identification of Fuel Methanol. Fuel methanol shall be identified by the capital letter M followed by the numerical value volume percentage of methanol. (Example: M85)

(b) Retail or Nonretail Dispenser Labeling. Each retail or nonretail dispenser of fuel methanol shall be labeled in type at least 12 mm (1/2 inch) in height and 1.5 mm (1/16 inch) stroke (width of type) with the capital letter M followed by the numerical value volume percent methanol and ending with the word “methanol”. (Example: M85 Methanol).

(c) Additional Labeling Requirements. Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

Stat. Auth.: ORS 561.190, 646.905 - 646.990 & 1997 OL Ch. 310 (SB 414)  
Stats. Implemented: ORS 183, 646.905 - 646.990 & 1997 OL Ch. 310 (SB 414)  
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08; DOA 20-2007(Temp) f. & cert. ef. 11-29-07 thru 4-11-08; DOA 8-2008, f. & cert. ef. 2-15-08; DOA 12-2008(Temp), f. 3-14-08, cert. ef. 3-17-08 thru 9-12-08; DOA 21-2008, f. & cert. ef. 9-11-08; DOA 11-2009(Temp), f. & cert. ef. 7-24-09 thru 1-17-10; DOA 16-2009, f. 12-23-09, cert. ef. 1-1-10; DOA 19-2010, f. & cert. ef. 9-14-10; DOA 15-2011, f. & cert. ef. 9-9-11

\*\*\*\*\*

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

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

**Adm. Order No.:** BCD 25-2011(Temp)

**Filed with Sec. of State:** 8-18-2011

**Certified to be Effective:** 8-18-11 thru 10-1-11

**Notice Publication Date:**

**Rules Adopted:** 918-098-1580

**Rules Amended:** 918-098-1510, 918-098-1530

**Subject:** 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. Specifically, these temporary rules address specialized electrical inspector certifications.

**Rules Coordinator:** Stephanie Snyder—(503) 373-7438

### 918-098-1510

#### Purpose and Scope

(1) The specialized inspector certification program, in OAR 918-098-1510 through 918-098-1580, establishes a program for training, qualifying and certifying individuals as specialized building inspectors authorized to perform inspections and enforce portions of the state building code. Inspector certifications cover limited commercial and other multidisciplinary inspections that presently are not independently authorized by the division in existing inspector certifications.

(2) Specialized inspectors may, after receiving certification issued under these rules, conduct inspections as provided in these rules. These rules apply to applicants and certificate holders, training providers, and participating jurisdictions for the purposes of administering and enforcing the restrictions and requirements under these rules.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: BCD 10-2011(Temp), f. 4-15-11, cert. ef. 5-1-11 thru 6-30-11; BCD 15-2011, f. 6-30-11, cert. ef. 7-1-11; BCD 25-2011(Temp), f. & cert. ef. 8-18-11 thru 10-1-11

### 918-098-1530

#### Training Programs

(1) Approved applicants must complete an appropriate division-approved training program and pass a division-approved examination for the desired specialized certification. Training program requirements are stated in OAR 918-098-1560 for the Specialized Solar Photo-Voltaic Inspector Certification, in OAR 918-098-1570 for the Specialized Plumbing Inspector Certification, and in OAR 918-098-1580 for the Specialized Electrical Inspector Certification.

(2) Instructor Qualifications. Specialized certification training course instructors must be approved by the division under these rules.

(a) Training course instructors may apply for approval as part of the course approval process or independent of the course approval process.

(b) Approved training course instructors must be qualified by training, licensure, and experience to teach the subject matter and supervise the corresponding fieldwork training inspections of a specialized inspector certification training program.

(c) Approved fieldwork supervisors must be qualified by training, licensure, and experience to perform the specialized inspector certification fieldwork inspections being performed.

(d) Division staff teaching training courses of supervising related fieldwork in the normal course of their duties are considered approved instructors for the purposes of these rules.

(3) Fieldwork Training. A specialized inspector certification applicant is eligible to perform the required fieldwork training after the applicant has begun the required academic coursework.

(4) Fieldwork Supervision. All specialized certification fieldwork training must be supervised and verified by an inspector with a valid Oregon Inspector Certification required to conduct the inspections being performed.

(a) An applicant’s fieldwork training must be documented on a division-approved form and signed by the inspector who supervised the inspections.

(b) An inspector supervising and verifying an applicant’s fieldwork training may not be qualified to conduct the inspections performed based solely on a specialized inspector certification issued according to these rules.

(5) Fieldwork Training Approval. A specialized inspector certification applicant must submit proof of completed fieldwork training to the division for verification and approval, and issuance of specialized inspector certification.

(6) Examination Approval. A specialized inspector certification applicant is eligible to take a certification examination after the division receives proof that the applicant has successfully completed the required academic coursework and fieldwork training.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: BCD 10-2011(Temp), f. 4-15-11, cert. ef. 5-1-11 thru 6-30-11; BCD 15-2011, f. 6-30-11, cert. ef. 7-1-11; BCD 25-2011(Temp), f. & cert. ef. 8-18-11 thru 10-1-11

### 918-098-1580

#### Specialized Electrical Inspector Certification

(1) Scope of Activities and Authority.

(a) Specialized Electrical Inspectors may conduct electrical inspections in buildings less than 75 feet above grade as defined in the Oregon Structural Specialty Code where the building service or the feeder to the electrical installation being inspected is not more than 400 amps at less than 150 volts to ground or 200 amps at 150 volts or more to ground.

(b) A Specialized Electrical Inspector may not inspect any of the following:

(A) Separately derived systems, other than renewable energy, rated more than 150kw;

(B) Renewable energy systems rated more than 25kw;

(C) Occupancies classified as Assembly or Education, or any (I)-Institutional Occupancies as defined in the Oregon Structural Specialty Code;

# ADMINISTRATIVE RULES

(D) Installations governed by Chapter 5 or Articles 610, 668, 669, 695 and 700 of the Oregon Electrical Specialty Code, except for the following:

(i) Electrical connection to or alteration of a single mobile home, recreational vehicle or manufactured dwelling, including the service but excluding park construction, alteration or enlargement.

(ii) Agricultural buildings that do not contain excessive dust or corrosive areas as defined in OESC 547.1 (A) and (B).

(E) New or replacement motor loads over 100 HP.

(2) Procedure for Qualification. An applicant for certification under this rule must meet the general qualifications in OAR 918-098-1520 and Section (3) of this rule, complete a training program that meets minimum requirements established by the division, make application, pay the required fees, and pass a division-approved examination.

(3) Experience, Education, and Training Requirements. Specialized Electrical Inspector Certification applicants must have:

(a) A current One- and Two-Family or Residential Electrical Inspector Oregon Code Certificate;

(b) Held a current One- and Two-Family or Residential Electrical Inspector Oregon Code Certificate for one year prior to applying for Specialized Electrical Inspector Certification; and

(c) Been employed as an inspector and performed inspections in the specialty code area listed in (a) above for a minimum of one year prior to applying for Specialized Electrical Inspector Certification.

(4) Certification. Upon completion of all training, and after passing a division-approved examination, the division will certify an applicant as a Specialized Electrical Inspector, and issue the appropriate documentation.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: BCD 25-2011(Temp), f. & cert. ef. 8-18-11 thru 10-1-11

\*\*\*\*\*

## Department of Corrections Chapter 291

**Rule Caption:** Reimbursement to Counties for Costs of Incarcerating Persons Sentenced for Driving Under the Influence of Intoxicants.

**Adm. Order No.:** DOC 17-2011(Temp)

**Filed with Sec. of State:** 9-9-2011

**Certified to be Effective:** 9-9-11 thru 3-7-12

**Notice Publication Date:**

**Rules Adopted:** 291-208-0010, 291-208-0020, 291-208-0030, 291-208-0040, 291-208-0050

**Subject:** These temporary rules are necessary to establish the manner in which a county may submit a claim to the Department of Corrections for reimbursement for incarceration costs of persons who committed the crime of Felony Driving Under the Influence of Intoxicants. These rules implement 2011 legislation, SB 395.

**Rules Coordinator:** Janet R. Worley—(503) 945-0933

### 291-208-0010

#### Authority, Purpose, Policy, and Applicability

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with 2011 Or Laws, ch 598, ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to prescribe the manner in which a county may submit a claim to the Department of Corrections for reimbursement for the costs of incarcerating persons sentenced under section 3, chapter 1, Oregon Laws 2011, as authorized in 2011 Or Laws, ch 598, including the costs of pretrial incarceration.

(3) Policy:

(a) It is the policy of the Department of Corrections to reimburse counties for the costs of incarcerating persons sentenced under section 3, chapter 1, Oregon Laws 2011, as authorized in 2011 Or Laws, ch 598 including the costs of pretrial incarceration, in accordance with these rules from moneys appropriated to the Department of Corrections for this purpose.

(b) Applicability: Reimbursement to counties for the costs of incarcerating offenders under these rules is limited to incarceration costs for offenders who committed the crime of Felony Driving Under the Influence of Intoxicants on or after December 2, 2010.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Hist.: DOC 17-2011(Temp), f. & cert. ef. 9-9-11 thru 3-7-12

### 291-208-0020

#### Definitions

(1) Incarceration: For the purposes of these rules, incarceration means confinement in a local correctional facility. This does not include confinement in an alternative form of incarceration, including but not limited to work release, work crew, home detention, or day reporting.

(2) Local Correctional Facility: For the purposes of these rules, a local correctional facility means a local or regional jail for the reception and confinement of prisoners that is provided, maintained, and operated by a county and holds persons for more than 36 hours.

(3) Qualifying sentence: For purposes of these rules a qualifying sentence means any sentence imposed for a conviction for Felony Driving Under the Influence of Intoxicants committed on or after December 2, 2010.

(4) Offender: For purposes of this rule, an offender means a person who is sentenced to serve a qualifying sentence.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Hist.: DOC 17-2011(Temp), f. & cert. ef. 9-9-11 thru 3-7-12

### 291-208-0030

#### Reimbursement Process

(1) A county or group of counties requesting reimbursement from the Department of Corrections under these rules must submit an invoice to the Director of the Department of Corrections or designee on a quarterly basis. The invoice shall be on a form developed by the Department of Corrections and made available to counties by the department for this purpose on the department's website.

(2) In order for a county to receive reimbursement for the costs of incarcerating an offender under these rules, the offender must have:

(a) Completed their qualifying sentence during the quarter for which the invoice is submitted; or,

(b) Been transferred to a state correctional facility to serve the balance of their qualifying sentence during the quarter for which the invoice is submitted; or,

(c) Been transferred to another county's local correctional facility to continue or complete the term of incarceration; or

(d) Been released from incarceration due to a federal court order.

(3) Incarceration for probation or post-prison supervision sanctions or revocations is not subject to reimbursement under this rule.

(4) Reimbursement will be made for each day or portion of each day served in a local correctional facility for a qualifying sentence.

(5) If an offender serves a qualifying sentence in multiple counties, each county may submit an invoice for reimbursement for the numbers of days actually incarcerated in a local correctional facility in their county.

(6) Invoices may be submitted by a county or a group of counties.

(7) The invoice and supporting documents will include at a minimum the following information and documentation:

(a) Offender's name;

(b) Offender's State Identification Number (SID), if assigned;

(c) A certified copy of the Statement of Imprisonment, which certifies the dates the offender was actually incarcerated in a local correctional facility, including pre-trial incarceration, for the qualifying sentence;

(d) A copy of the court's judgment order imposing the qualifying sentence; and

(e) The sentence completion date.

(8)(a) Upon receipt of an invoice and the supporting documents described in subsection (7) of this section, the Director or designee will review and approve the invoice and determine the correct amount of reimbursement.

(b) Once the invoice is approved and the correct amount of the reimbursement is determined, the Director or designee will forward the invoice to the department's Accounting unit for payment.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Hist.: DOC 17-2011(Temp), f. & cert. ef. 9-9-11 thru 3-7-12

### 291-208-0040

#### Rate of Reimbursement

(1) Reimbursement to counties from the Department of Corrections for the costs of incarcerating an offender under these rules will be calculated using the rate at which the department provides funds to counties under ORS 423.530 for persons sentenced to 12 months or less of incarceration.

(2) The rate of reimbursement shall be established by the Department of Corrections each biennium.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598

Hist.: DOC 17-2011(Temp), f. & cert. ef. 9-9-11 thru 3-7-12



# ADMINISTRATIVE RULES

## 291-208-0050

### Limits of Reimbursement

(1) In no case shall reimbursement to a county for the costs of incarcerating an offender exceed the number of days of incarceration ordered by the court.

(2) The total amount of funds paid by the Department of Corrections as reimbursement to counties for incarceration costs under these rules in a biennium will not exceed the amount of funds appropriated to the Department of Corrections for this purpose.

(3) Reimbursements made to counties under these rules are subject to audit by the Department of Corrections.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598  
Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012 & 2011 OL Ch. 598  
Hist.: DOC 17-2011(Temp), f. & cert. ef. 9-9-11 thru 3-7-12

\*\*\*\*\*

## Department of Environmental Quality Chapter 340

**Rule Caption:** Rules pertaining to the permitting of graywater reuse and disposal systems.

**Adm. Order No.:** DEQ 15-2011

**Filed with Sec. of State:** 9-12-2011

**Certified to be Effective:** 9-12-11

**Notice Publication Date:** 2-1-2011

**Rules Adopted:** 340-053-0050, 340-053-0060, 340-053-0070, 340-053-0080, 340-053-0090, 340-053-0100, 340-053-0110

**Rules Amended:** 340-045-0070, 340-045-0075

**Subject:** The Oregon Environmental Quality Commission adopted new rules for the permitting of graywater reuse and disposal systems under OAR Chapter 340, Divisions 45 and 53. The rules:

- Establish a public policy to encourage the reuse of graywater for beneficial purposes such as irrigation.
- Establish general requirements for all graywater reuse and disposal systems necessary to protect public health and the environment.
- Define three types of graywater based on level of treatment and identify reuse activities, treatment and monitoring requirements, setbacks, access and exposure controls, and site management practices necessary to protect public health and the environment.
- Establish design and construction standards for graywater reuse and disposal systems.
- Create a three-tier permitting system that defines permitting requirements based primarily on the volume of graywater produced.
- Establish requirements for entering into agreements with local governments to act as program agents.

**Rules Coordinator:** Maggie Vandehey—(503) 229-6878

## 340-045-0070

### Permit Fees

(1) Except for a person assigned to the 700-PM general permit, a person required to have a WPCF or NPDES permit is subject to a two-part fee consisting of the applicable new-permit application fee and annual fee in OAR 340-045-0075.

(a) A person submitting an application for a new NPDES or WPCF permit must submit the amount equal to the new-permit application fee and the first year's annual fee.

(b) A person is not required to submit a fee with an application for renewal of a NPDES or WPCF permit, unless the permit is to be modified as described in OAR 340-045-0075. A person requesting a permit modification must submit the appropriate modification fee in OAR 340-045-0075 with the application.

(c) A person is not required to pay a fee for modification of an existing, unexpired permit if the department initiates the modification and determines the modification does not require re-filing or department review of an application, plans, or specifications.

(d) When a governmental entity has an agreement with the department to assist with implementation of a general permit, the department may in that agreement lower the general permit fees established in OAR 340-045-0075 and allow the governmental entity to collect the fee for the department and retain a portion of the fee for its services.

(2) A person must pay the applicable annual fee in OAR 340-045-0075 for as long as the permit is active.

(a) The annual fee must be paid by the date specified by the department.

(b) The department will apply the annual fee submitted as part of an application for a new NPDES or WPCF permit to the first 12 months the permitted facility is put into operation.

(c) The director may alter the due date for the annual fee upon receipt of a justifiable request from a permittee. The commission may reduce or suspend the annual fee if a hardship is demonstrated.

(3) The department may refund a new-permit application fee submitted in whole or in part if the department determines that:

(a) A permit is not required; or

(b) The wrong application was filed.

(4) All fees must be made payable to the Department of Environmental Quality or the department's agent.

(5) A person assigned to the 700-PM general permit must pay either an annual fee or an optional 5-year permit registration fee according to the schedule provided in OAR 340-045-0075. The applicable fee must be submitted with the permit application and is non-refundable unless the department or the department's agent determines that the permittee cannot be assigned to the general permit. Fees must be made payable to the Department of Environmental Quality. An annual fee must be paid at the time of application, and for each following year that the permit is valid on a date specified by the department.

Stat. Auth.: ORS 454.625, 454.745, 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 454.745, 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-045-0075

### Permit Fee Schedule

(1) The fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits is found in OAR chapter 340, division 071.

(2) The department has established fees for various industrial, domestic and general permit categories. The industrial and domestic permit categories and fees are listed in Tables 70B and 70C. The general permit categories are defined in OAR 340-045-0033 and the fees are listed in Table 70G.

(3) The department must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

- (A) Discharges at a flowrate that is greater than or equal to 1 mgd; or
- (B) Discharges large biochemical oxygen demand loads; or
- (C) Is a large metals facility; or
- (D) Has significant toxic discharges; or
- (E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or
- (F) Needs special regulatory control, as determined by the department.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

- (A) Has a dry weather design flow of 1 mgd or greater; or
- (B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicable new-permit application fee listed in Table 70A, 70C or 70G (available on the department's website or upon request) must be submitted with each application. The amount of the fee is based on the facility category and type of permit (e.g., individual vs. general).

(5) Permit modification fee. Permit modification fees are listed in Tables 70A and 70C (available on the department's website or upon request). They vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

- (A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department;
- (B) Minor modification — does not involve significant analysis by the department.

(b) Modification prior to permit renewal:

# ADMINISTRATIVE RULES

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department. A permittee requesting a significant modification to their permit may be required by the department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the department “to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;”

(B) Minor modification — does not involve significant analysis by the department.

(6) Annual fees. Applicable annual fees for General and Industrial permit holders may be found in Tables 70G and 70B (available on the department’s website or upon request). Annual fees for domestic sources may also be found in Table 70C (available on the department’s website or upon request), and consist of the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a population-based fee. The applicable fee may be found in Table 70D (available on the department’s website or upon request);

(c) Pretreatment fee. A source required by the department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. The applicable fee may be found in Table 70E (available on the department’s website or upon request).

(7) Technical activities fee. Technical activity fees are listed in Tables 70F and 70H (available on the department’s website or upon request). They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70H (available on the department’s website or upon request) when the following activities are required for application review:

- (A) Disposal system plan review;
- (B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the following fees are applicable until superseded by a fee schedule established by the Oregon Department of Agriculture:

(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;

(b) Individual Permits:

- (A) Filing Fee — \$50;
- (B) New applications — \$6,280;

(C) Permit renewals (including request for effluent limit modifications) — \$3,140;

(D) Permit renewals (without request for effluent limit modifications) — \$1,416;

(E) Permit modifications (involving increase in effluent limit modifications) — \$3,140;

(F) Permit modifications (not involving an increase in effluent limitations) — \$500;

(G) Annual compliance determination fee for dairies and other confined feeding operations — \$705;

(H) Annual compliance determination fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;

(I) Annual compliance determination fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.

(c) Annual compliance determination fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.

(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.

Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:

less than 5 mgd = \$6,975  
5 mgd to 9.9 mgd = \$13,950  
10 mgd and greater = \$20,925

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

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0050

### Purpose and Policy

(1) Purpose. OAR 340-053-0050 to 340-053-0110 prescribes requirements for the permitting of graywater reuse and disposal systems. The purpose of this division is to protect public health, safety and welfare; public water supplies; and waters of the state.

(2) Policy. It is the policy of the Environmental Quality Commission to encourage the use of graywater for beneficial purposes not requiring potable water because it reduces demand on drinking water sources and may conserve groundwater and stream flows by reducing withdrawal.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010

Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050

Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0060

### Applicability

(1) This division of rules applies to graywater reuse and disposal systems where some or all of the graywater is diverted from discharge to a sewerage system or an onsite wastewater treatment system to beneficial purposes.

(2) This division of rules does not apply to:

(a) The discharge of graywater to an approved sewerage system or an onsite wastewater treatment system approved under OAR 340-071;

(b) The reuse of graywater for activities inside a structure such as toilet and urinal flushing, commercial car washing or laundry washing when allowed under the Oregon Specialty Plumbing Code and the resulting wastewater is discharged to an approved sewerage system or an onsite wastewater treatment system approved under OAR 340-071;

(c) The treatment or reuse of recycled water as defined in OAR 340-055-0010; or

(d) The treatment, disposal or reuse of industrial waste as defined in OAR 340-045-0010 or process wastewater as defined in 340-045-0010.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010

Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050

Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0070

### Definitions

The following definitions apply to this division of rules:

(1) “Beneficial purpose or reuse” means graywater is utilized for a resource value, such as to provide moisture. Examples include, but are not limited to, the irrigation of landscape vegetation, planters, greenhouses, vegetated roofs, and living walls.

(2) “Department” means the Oregon Department of Environmental Quality.

(3) “Evapotranspiration” means the combined loss of water from a given area, and during a specified period of time, by evaporation from the soil surface and by transpiration from plants.

(4) “Graywater” has the meaning given for “gray water” in ORS 454.605.

(a) “Type 1 graywater” means graywater that contains dissolved oxygen and may have passed through primary graywater treatment, but has not passed through secondary graywater treatment.

(b) “Type 2 graywater” means graywater that is oxidized and has passed through secondary graywater treatment.

(c) “Type 3 graywater” means graywater that is oxidized and has been disinfected following secondary graywater treatment.

(5) “Graywater treatment” means the alteration of the quality of graywater by physical, chemical, or biological means or combination thereof to reduce the risk of failure of the graywater reuse and disposal system, degradation of water quality or the environment, and risk to public health.

(a) “Primary graywater treatment” means a physical process to remove a portion of the grease, floatable and settleable solids from graywater.

# ADMINISTRATIVE RULES

(b) "Secondary graywater treatment" means a chemical or biological process to remove a portion of the dissolved or suspended biodegradable organic matter and other suspended solids.

(6) "Graywater reuse and disposal system" means any existing or proposed graywater collection and distribution system equipped with a diversion device that can direct graywater between beneficial reuse and disposal.

(7) "Holding tank system" has the meaning given in OAR 340-071-0100.

(8) "Irrigation" means the application of water to soil, mulch or compost usually to supplement precipitation and supply moisture for the growth of vegetation or for the production of compost.

(9) "Landscape pond" means a constructed body of water that does not normally result in public contact through activities such as boating, fishing or body-contact recreation. Typical landscape ponds include fish ponds, water gardens and golf course water ponds. Landscape ponds do not include ponds designed to capture and infiltrate stormwater.

(10) "Mulch" means a protective covering spread or left on the ground to reduce evaporation, maintain even soil temperature, prevent erosion, control weeds or enrich the soil.

(11) "Onsite wastewater treatment system" has the meaning given in OAR 340-071-0100.

(12) "Owner" means any person who alone, jointly or severally:

(a) Has legal title to the single lot, parcel, dwelling, dwelling unit or commercial facility on which a graywater reuse and disposal system is located;

(b) Has care, charge or control of any real property on which a graywater reuse and disposal system is located, as agent, executor, administrator, trustee, commercial lessee or guardian of the estate of the holder of legal title; or

(c) Is the contract purchaser of real property on which a graywater reuse and disposal system is located.

(13) "Oxidized graywater" means a treated graywater in which the organic matter is stabilized, nonputrescible, and contains dissolved oxygen.

(14) "Person" has the meaning given in ORS 468.005.

(15) "Sewerage system" has the meaning given in ORS 468B.005.

(16) "Stormwater management structure" means both public and private structural stormwater controls such as swales, infiltration basins, Underground Injection Control (UIC) systems or similar structures intended to infiltrate stormwater into the ground.

(17) "Subsurface irrigation" means the slow release of water below the surface of soil, compost or mulch for the purpose of supplying moisture.

(18) "Vegetated roof" means a system of soil and vegetation that partially or completely covers the roof of a building or man-made structure. Vegetated roofs are also known as living roofs, green roofs or ecoroofs.

(19) "Waters of the state" has the meaning given in ORS 468B.005.

(20) "WPCF permit" means a Water Pollution Control Facilities permit as defined in OAR chapter 340, division 45.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010

Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050

Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0080

### General Requirements for Graywater Reuse and Disposal Systems

(1) Responsibility to comply with rules. Any person owning or operating a graywater reuse and disposal system must ensure that the graywater is used only in accordance with the rules in this division.

(2) Permit required. A person may not construct, install or operate a graywater reuse and disposal system unless authorized by a permit issued by the department under OAR chapter 340, division 45.

(a) A person owning a property with a graywater reuse and disposal system must obtain a permit as specified under OAR 340-053-0100 to operate the system or must abandon the system as specified under OAR 340-053-0100.

(b) On the transfer of a property with a graywater reuse and disposal system, the person releasing claim to the property must notify the receiving person that a graywater reuse and disposal system is present.

(3) Beneficial purpose. A person must only use graywater for beneficial purposes as specified for the applicable levels of treatment described in OAR 340-053-0090.

(4) Prohibited use for human consumption. A person may not use graywater for drinking, personal hygiene bathing, showering, cooking, dishwashing or maintaining oral hygiene regardless of the level of treatment, unless approved in writing by the department and with written approval from the Oregon Health Authority.

(5) Connection to a wastewater disposal system. Unless authorized by the department in a permit issued under OAR 340-053-0110(2) or 340-071-0162, a person may not construct, install or operate a graywater reuse and disposal system unless the system is connected to an approved sewerage system or a functioning onsite wastewater treatment system approved under OAR 340-071.

(6) Surface and stormwater discharges prohibited. A person may not allow graywater to discharge to surface waters of the state, a municipal separate storm sewer system (MS4), an industrial stormwater system or a stormwater management structure.

(7) Groundwater protection. The department will not authorize a graywater reuse and disposal system for use unless the groundwater quality protection requirements in OAR chapter 340, division 40 are met. The requirements in OAR chapter 340, division 40 are presumed to be met if the graywater is applied in a manner and at a rate that minimizes the movement of contaminants to groundwater and does not adversely impact groundwater quality. If the use of graywater occurs in a designated groundwater management area declared under ORS 468B.180, a wellhead protection area established under OAR 340-040-0140 through 340-040-0210, or a geographic region identified in an area wide aquifer management plan established by OAR 340-040-0070, the department may require additional conditions to be met.

(8) Graywater limitations. A person must divert the following wastewaters to an approved sewerage system, a functioning onsite wastewater treatment system or holding tank system approved under OAR 340-071:

(a) Wastewater originating from kitchen sinks that has not passed through primary graywater treatment;

(b) Wastewater from dishwashers or garbage disposals or both;

(c) Wastewater resulting from the washing of soiled diapers or other similarly infectious or soiled materials; and

(d) Wastewater containing residual waste from activities such as, but not limited to, cleaning of oily rags; rinsing of paint brushes; disposal of pesticides, herbicides, or other chemicals; or disposal of waste solutions from hobbyist activities like home photo labs.

(9) Waste strength limitations. A person may not divert graywater from an onsite wastewater treatment system if the resulting septic tank effluent concentration exceeds the criteria for residential strength wastewater as defined in OAR 340-071-0100. If the resulting septic tank effluent concentration does exceed the criteria for residential strength wastewater, the owner or operator of the graywater reuse and disposal system must take appropriate measures to reduce the septic tank effluent waste strength, such as but not limited to reducing the amount of graywater diverted from the onsite wastewater treatment system.

(10) Graywater reuse and disposal system design flow. A person must design a graywater reuse and disposal system to treat, store or use the volume of graywater needed for the intended beneficial purpose or purposes. Graywater in excess of the design flow must be diverted to an approved sewerage system, or a functioning onsite wastewater treatment system or holding tank system approved under OAR 340-071. The department will use the design flows in Table 1 to determine the appropriate graywater reuse and disposal system permit and may require a person to use the graywater flow volumes in Table 1 in the design of a graywater reuse and disposal system.

(11) System design plan. The owner or operator of a graywater reuse and disposal system must have and maintain a written system design plan and must transfer it to the new owner or operator on property transfer.

(a) The system design plan must include, but is not limited to, the following information:

(A) Location of the system;

(B) Fixtures that are the source of graywater;

(C) Design flow of the graywater reuse and disposal system;

(D) Design of the distribution and reuse system;

(E) Description of any graywater treatment system used;

(F) Beneficial purposes; and

(G) Name and contact information for the person responsible for the design of the system.

(b) For graywater reuse and disposal systems producing greater than 300 gallons per day for irrigation, the system design plan must include the irrigation design, including but not limited to, pipe and valve sizes, discharge areas and rates.

(12) Operation and maintenance. The owner or operator of a graywater reuse and disposal system must operate and maintain the system in compliance with all permit conditions and applicable requirements of this division.

(13) Operation and maintenance manual.

# ADMINISTRATIVE RULES

(a) The owner or operator of a graywater reuse and disposal system must maintain a written operation and maintenance manual that includes, but is not limited to, the following:

(A) A detailed description of the graywater system, including any graywater treatment;

(B) A detailed description of any activities required to operate and maintain the system;

(C) If monitoring is required by the rules of this division, graywater monitoring procedures; and

(D) If required by the rules of this division, a description of how the public and personnel at the use area will be notified of graywater use.

(b) On the transfer of a property with a graywater reuse and disposal system, the person releasing claim to the property must ensure the operation and maintenance manual remains with the system.

(14) Reporting. When required by permit or the rules of this division, the owner or operator of a graywater reuse and disposal system must submit an annual report to the department with a certification statement that during the previous year, the system was operated in compliance with the rules of this division and the permit limits and conditions for graywater reuse. At minimum, the report must also include a description of the operation and maintenance of the system, including any required monitoring results.

(a) The annual report must be received by the department by the date specified in the permit.

(b) If the department does not receive an annual report by the date specified in the permit, the owner or operator of a graywater reuse and disposal system must pay a penalty fee equal to the annual fee specified in OAR 340-045-0070.

(15) Graywater irrigation site evaluation. A person must evaluate and ensure that a graywater irrigation site meets the irrigation site selection and management requirements specified in OAR 340-053-0090. When required by the rules of this division, a person must submit to the department for review and approval a site evaluation report including, but not limited to, the following site information:

(a) A diagram of the property receiving graywater showing:

(A) Area and slope of the graywater reuse area;

(B) Surface streams, springs or other bodies of water;

(C) Onsite wastewater treatment systems;

(D) Stormwater management structures or stormwater collection systems;

(E) Existing and proposed wells;

(F) Escarpments, cuts and fills; and

(G) Any unstable landforms;

(b) Parcel size;

(c) Soil profile descriptions, including water infiltration rates;

(d) Water table levels;

(e) Description of vegetation in the reuse area;

(f) Evapotranspiration rates for the vegetation during the period of use; and

(g) Any other observations or information relevant to the evaluation of the graywater irrigation site, including offsite features, as appropriate.

(16) Property lines crossed. A person may reuse graywater only on the property on which it was generated, unless all of the following conditions are met:

(a) Both the person generating graywater and the person reusing graywater agree to reuse graywater in accordance with the rules in this division.

(b) A written agreement exists and is being honored between the person generating graywater and the person who owns the property where graywater reuse occurs.

(c) The state's officers, agents, employees and representatives are allowed access to enter and inspect all portions of the graywater reuse and disposal system, regardless of location.

(17) Land use evaluation. A person is not required to obtain a land use compatibility statement (LUCS) signed by the local planning agency for a graywater reuse and disposal system producing less than 1,200 gallons per day if the system is connected to an approved sewerage system or an onsite wastewater treatment system approved under OAR 340-071.

(18) Additional permit limitations and conditions. The department may include additional permit limitations or conditions to protect public health or the environment.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010

Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050

Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0090

### Graywater Quality and Standards for Reuse

(1) All graywater. Unless otherwise approved by the department in writing, the following requirements apply to all types of graywater:

(a) Beneficial purposes.

(A) A person may use graywater only for the beneficial purposes described in this rule and must divert graywater not suitable for reuse or graywater exceeding the volume required for a beneficial purpose to an approved sewerage system, or a functioning onsite wastewater treatment system or holding tank system approved under OAR 340-071.

(B) A person may request an alternative beneficial purpose not specified in this rule and must demonstrate to the department's satisfaction that public health and the environment would be adequately protected. The department, in a permit issued under OAR 340-053-0110(2), will include limitations or conditions or both necessary to protect public health and the environment.

(b) Treatment. All graywater originating from kitchen sinks must pass through primary graywater treatment.

(c) Setback distances.

(A) Except as otherwise allowed under this rule, a person may not operate a graywater reuse and disposal system unless it is designed and installed to meet the minimum horizontal separation distances in Table 2.

(B) On a case-by-case basis, the department may consider and approve in a permit issued under OAR 340-053-0110(2) a setback distance other than what is required in this rule. A person requesting a reduced setback distance must demonstrate to the department's satisfaction that public health and the environment would be adequately protected.

(d) Access and exposure. The owner or operator of a graywater reuse and disposal system must take all reasonable steps to ensure that contact with graywater by humans and domestic pets is avoided.

(e) Irrigation site selection and management. The owner or operator of a graywater reuse and disposal system may not use graywater for irrigation unless the following requirements are satisfied:

(A) Irrigation sites must be located on stable geologic formations that are not subject to flooding or excessive runoff from adjacent land at the time of irrigation.

(B) Graywater must not be applied to areas with slopes exceeding 45 percent.

(C) Graywater must not be discharged to frozen or saturated soils.

(D) At the time of irrigation, the minimum separation distance between the point of graywater discharge and the groundwater must be at least four feet.

(E) Irrigation may occur only when evapotranspiration rates exceed natural precipitation.

(F) The soil and vegetation in the irrigation area must have capacity to accommodate the volume and rate of graywater applied so that discharge to surface water or groundwater does not occur.

(2) Type 1 graywater. In addition to the requirements in section 1 of this rule, the following requirements apply to the use of Type 1 graywater:

(a) Beneficial purposes. A person may use Type 1 graywater only for the following beneficial purposes and only if the rules of this division are met:

(A) Subsurface irrigation of gardens, lawns and landscape plants;

(B) Subsurface irrigation of food crops, except root crops or crops that have edible portions that contact graywater;

(C) Subsurface irrigation of vegetated roofs that do not drain to stormwater management structures; and

(D) Subsurface irrigation of compost.

(b) Treatment. Type 1 graywater is presumed to contain dissolved oxygen if it has been stored 24 hours or less and does not have an objectionable odor.

(c) Access and exposure. A person may not use Type 1 graywater for subsurface irrigation unless the point of graywater discharge is covered by at least two inches of soil, mulch, compost or other suitable material.

(d) Site management. A person may use Type 1 graywater only if the following site management requirements are met:

(A) Type 1 graywater must not be stored for more than 24 hours.

(B) When irrigating a parcel for the production of a food crop, the edible portion of the crop must not contact the graywater, and fruit or nuts must not be harvested off the ground for human consumption.

(C) Graywater must not surface, pond or runoff.

(3) Type 2 graywater. In addition to the requirements listed in section 1 of this rule, the following requirements apply to the use of Type 2 graywater:

# ADMINISTRATIVE RULES

(a) Beneficial purposes. A person may use Type 2 graywater only for the following beneficial purposes and only if the rules of this division are met:

- (A) Any beneficial purpose defined in subsection (2)(a) of this rule;
- (B) Landscape ponds not intended for human contact; and
- (C) Surface drip irrigation of gardens, lawns, living walls, greenhouses and landscape plants.

(b) Treatment. Type 2 graywater must meet the following secondary graywater treatment criteria:

(A) A five-day biochemical oxygen demand concentration of 10 mg/L or less and

(B) A total suspended solids concentration of 10 mg/L or less.

(c) Monitoring. The owner or operator of a graywater reuse and disposal system must monitor Type 2 graywater as follows:

(A) Analysis of graywater quality must be made on a sample collected at a time and from a location representative of the quality of graywater produced. Monitoring for five-day biochemical oxygen demand and total suspended solids must occur at the following frequencies:

(i) A system producing 300 gallons per day or less must be sampled at least one time per calendar year.

(ii) A system producing greater than 300 gallons per day must be sampled at least two times per calendar year.

(B) The department may reduce monitoring requirements for a technology-based graywater treatment system that satisfies the requirement of OAR 340-053-0100(2)(a) and is used as specified by the manufacturer.

(d) Access and exposure. A person may not use Type 2 graywater unless the public is restricted from direct contact with the graywater.

(e) Site management practices. A person may not use Type 2 graywater unless the following site management requirements are met:

(A) When irrigating a parcel for the production of a food crop, the edible portion of the crop must not contact the graywater, and fruit or nuts must not be harvested off the ground for human consumption.

(B) When using graywater on a parcel for a surface irrigation or a landscape pond, signs must be posted at the use area and be visible to the public. The signs must state graywater is used and is not safe for drinking.

(C) Unless authorized by the department in a permit issued under OAR 340-053-0110(2), when using graywater for a landscape pond, the pond must not combine or effect a junction with underground waters.

(4) Type 3 graywater. In addition to the requirements listed in section 1 of this rule, the following requirements apply to the use of Type 3 graywater:

(a) Beneficial purposes. A person may use Type 3 graywater for the following beneficial purposes and only if the rules of this division are met:

- (A) Any beneficial purpose defined in subsection (3)(a) of this rule;
- (B) Sprinkler irrigation of gardens, lawns, living walls, greenhouses and landscape plants;
- (C) Wash water for mechanical cleaning of equipment, cars, sidewalks and streets;

(D) Industrial, commercial or constructions uses limited to industrial cooling, rock crushing, aggregate washing, mixing concrete and dust control; and

(E) Stand-alone fire suppressions system in commercial and residential buildings, toilet or urinal flushing, or floor drain trap priming.

(b) Treatment. Type 3 graywater must meet the following criteria:

(A) Secondary Treatment. Prior to disinfection, graywater must meet the secondary treatment criteria in subsection (3)(b) of this rule.

(B) Disinfection. After disinfection, graywater must not exceed a median of 2.2 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 23 total coliform organisms per 100 milliliters in any single sample.

(c) Monitoring. The owner or operator of a graywater reuse and disposal system must monitor Type 3 graywater as follows:

(A) Graywater analyses must be performed on a representative sample collected at a time and from a location representative of the quality of graywater produced.

(B) Monitoring for secondary treatment criteria must occur, at a minimum, at the frequency prescribed in subsection (3)(c) of this rule.

(C) Monitoring of a graywater disinfection system for total coliform organisms must occur three times per week at a minimum.

(d) Setback distances. In addition to the setback distance requirements listed in subsection (1)(c) of this rule, a person may use Type 3 graywater for sprinkler irrigation only if the following setback distances are followed:

(A) There must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(B) Graywater must not be sprayed within 10 feet of an area where food is being prepared or served, or where a drinking fountain is located.

(e) Access and exposure. A person may use Type 3 graywater only if the following access and exposure requirements are met:

(A) During irrigation of a public landscape, the public must be restricted from direct contact with the graywater.

(B) If aerosols are generated when using graywater for an industrial, commercial or construction purpose, the aerosols must not create a public health hazard.

(C) When using graywater for an agricultural or horticultural purpose where sprinkler irrigation is used, or an industrial, commercial or construction purpose, the public and personnel at the use area must be notified that the water used is graywater and is not safe for drinking. The operations and maintenance plan must specify how notification will be provided.

(f) Site management practices. A person may use Type 3 graywater only if the following requirements are met:

(A) Irrigation of processed food crops where the edible portion of the plant is in contact with graywater is prohibited for three days before harvesting.

(B) When using graywater for a landscape impoundment or for irrigating a public-accessible area such as, but not limited to, a golf course, park, cemetery, highway median, or industrial or business campus, signs must be posted at the use area and be visible to the public. The signs must state graywater is used and is not safe for drinking.

(C) Unless authorized by the department in a permit issued under OAR 340-053-0110(2), when using graywater for a landscape pond, the pond must not combine or effect a junction with underground waters.

(D) Aerator or decorative fixtures that may generate aerosols from graywater are allowed only if authorized in writing by the department.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010  
Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050  
Hist.: DEQ 15-2011, F. & cert. ef. 9-12-11

## **340-053-0100 Graywater Reuse and Disposal System Design and Construction Standards**

(1) Graywater collection system. A person may not install a graywater collection system unless it complies with the following requirements:

(a) All pipes, valves and other plumbing appurtenances of the graywater collection system must comply with the requirements of the Oregon Plumbing Specialty Code.

(b) Unless otherwise approved in writing by the department, a warning sign must be visible at each fixture from which graywater is diverted in a nonresidential building. The signs must notify the employees and public that water from the fixture is reused and that chemicals, petroleum oils and hazardous materials must not be disposed down the drain.

(2) Treatment system. In order to meet the rules of this division for Type 2 and Type 3 graywater, a person may install a graywater treatment system that meets one of the following requirements:

(a) A technology-based graywater treatment system that bears the appropriate graywater product standard seal of approval from the American National Standards Institute (ANSI), the International Association of Plumbing and Mechanical Officials (IAPMO), the Canadian Standards Association (CSA), or any other standard setting body recognized by both the department and the Oregon Department of Business Services, Building Codes Division, to establish graywater product standard requirements.

(b) A performance-based treatment system capable of meeting the treatment requirements in OAR 340-053-0090(3)(b) or 340-053-0090(4)(b).

(3) Diversion valve. A person may not install a graywater reuse and disposal system unless the system has a graywater diversion valve that allows graywater flow to be directed between beneficial reuse and either an approved sewerage system, or a functioning onsite wastewater treatment system or holding tank system approved under OAR 340-071. The graywater diversion valve must be readily accessible and clearly labelled. The diversion valve must be constructed of material that is durable, corrosion resistant, watertight and designed to accommodate the inlet and outlet pipes in a secure and watertight manner.

(4) Cross connection control. A person may not install a direct-connection between a potable water supply system and graywater reuse and disposal system. The department may authorize in writing the discharge of potable water to a graywater reuse and disposal system that uses an air gap separation or other back flow prevention device allowed under Oregon Plumbing Specialty Code and has been permitted by the community water system having jurisdiction.

# ADMINISTRATIVE RULES

(5) Storage and surge tanks. A person may install a graywater reuse and disposal system storage or surge tank only if it is:

- (a) Sized to accommodate peak graywater flow;
- (b) Fitted with controls to limit access to humans, domestic pets and vectors;
- (c) Installed below ground on level, well-compacted soil, or above ground on a level, stable footing, per the manufacturer's installation instructions;
- (d) Equipped with an anti buoyancy device, if installed below ground where high groundwater could dislodge the tank;
- (e) Designed to prevent overturning, if installed above ground;
- (f) Labelled with "Caution — Nonpotable Water — Not Safe to Drink" to identify it as containing nonpotable water; and
- (g) Fitted with an overflow drain with a diameter at least equal to that of the inlet that flows by gravity to an approved sewerage system, or a functioning onsite wastewater treatment system or holding tank system approved under OAR 340-071. The overflow drain must not be equipped with a shutoff valve.

(6) Distribution system. A person may not install a graywater reuse and disposal system unless the distribution system, excluding irrigation components, satisfies the following requirements:

- (a) All piping and other plumbing components must be listed by an ANSI accredited product listing program.
- (b) System components must be properly identified as to the manufacturer.
- (c) Installation must conform to the equipment and installation methods identified by the manufacturer and product listing.

(d) All exterior graywater piping, valves and other graywater equipment must be marked or labelled to identify it as containing nonpotable water. All exterior piping and tanks must be labelled: "Caution — Nonpotable Water — Not Safe to Drink."

(7) Irrigation system. A person installing a graywater irrigation system must ensure the irrigation components are marked or labeled as containing nonpotable water and meet the irrigation specifications in the system design plan.

(8) Graywater reuse and disposal system abandonment. A person abandoning a graywater reuse and disposal system must remove the graywater diversion valve and direct all graywater flow to an approved sewerage system or an onsite wastewater treatment system approved under OAR 340-071.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010  
Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050  
Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

## 340-053-0110

### Permit Requirements for Graywater Reuse and Disposal Systems

(1) Graywater reuse and disposal system WPCF general permits. Under OAR 340-045-0033, the department may issue general permits for certain categories of minor discharge sources or minor activities where individual WPCF permits are not necessary to adequately protect public health or the environment. The department will use the following categories when issuing a graywater reuse and disposal system WPCF general permit:

- (a) Tier 1 graywater reuse and disposal system WPCF general permit.
  - (A) A graywater reuse and disposal system meeting the following criteria is eligible for coverage under a Tier 1 graywater reuse and disposal system WPCF general permit unless a specific geographic area graywater reuse and disposal system WPCF general permit is required:
    - (i) Total graywater flow must not exceed 300 gallons per day;
    - (ii) Graywater must only originate from a single family residence or residential duplex; and
    - (iii) The system produces Type 1 graywater used only for subsurface irrigation.

(B) A person requesting coverage under a Tier 1 graywater reuse and disposal system general permit must apply for permit coverage as directed by the general permit and pay fees as specified in OAR 340-045-0070.

(C) Except in years when the Tier 1 graywater reuse and disposal system WPCF general permit is renewed, the department will waive or reduce the annual fee specified in OAR 340-045-0070 if an annual report for the previous year meeting the requirements of OAR 340-053-0080(14) is submitted timely to the department on a department-approved form.

- (b) Tier 2 graywater reuse and disposal system WPCF general permit.
  - (A) A graywater reuse and disposal system meeting the following criteria is eligible for coverage under a Tier 2 graywater reuse and disposal system WPCF general permit unless a specific geographic area graywater reuse and disposal system WPCF general permit is required:
    - (i) Total graywater flow must not exceed 1,200 gallons per day;

(ii) Graywater originates from any residential, commercial or institutional structure; and

(iii) The system only produces Type 1 or Type 2 graywater.

(B) A person requesting coverage under a Tier 2 graywater reuse and disposal system WPCF general permit must apply for permit coverage as directed by the general permit and pay fees as specified in OAR 340-045-0070. In addition, the following information is required:

- (i) A system design plan meeting the requirements of OAR 340-053-0080(11);
- (ii) An operations and maintenance manual meeting the requirements of OAR 340-053-0080(13);
- (iii) A site evaluation report meeting the requirements of OAR 340-053-0080(15);

(iv) For a system using performance-based treatment, treatment system plans and specifications showing how the system will meet the requirements in OAR 340-053-0090(3)(b);

(v) For a system diverting graywater from an onsite wastewater treatment system approved under OAR 340-071, plans and specifications certified and signed by a professional engineer registered in accordance with ORS 672 or a wastewater specialist registered in accordance with ORS 700 to not result in a septic tank effluent concentration exceeding the criteria for residential strength wastewater; and

(vi) Any other information requested by the department as necessary to evaluate the permit application.

(C) The owner or operator of a graywater reuse and disposal system covered under a Tier 2 permit must submit to the department an annual report meeting the requirements of OAR 340-053-0080(14) on a form approved by the department as specified in the permit.

(c) Specific geographic area graywater reuse and disposal system WPCF general permit.

(A) When necessary to protect public health or the environment, the department may issue a graywater reuse and disposal system WPCF general permit that covers a specific geographic area.

(B) A person required to be covered under a graywater reuse and disposal system WPCF general permit for a specific geographic area must apply for permit coverage as directed by the geographic area graywater reuse and disposal system WPCF general permit.

(C) Except in years when the specific geographic graywater reuse and disposal system WPCF general permit is renewed, the department may waive or reduce the annual fee specified in OAR 340-045-0070 if an annual report for the previous year meeting the requirements of OAR 340-053-0080(14) is submitted timely to the department on a department-approved form.

(2) Graywater reuse and disposal system WPCF individual permit (Tier 3 graywater reuse and disposal system WPCF individual permit).

(a) Any person seeking to obtain a permit for a graywater reuse and disposal system that is not covered by a graywater reuse and disposal system WPCF general permit or any person not wishing to be covered by a general permit may apply for a graywater reuse and disposal system WPCF individual permit issued under OAR 340-045-0037.

(b) To apply for a Tier 3 graywater reuse and disposal system WPCF individual permit or modify an existing individual permit, a person must submit the following information:

(A) An application on a form approved by the department;

(B) WPCF permit fees specified in Table 9D of OAR 340-071-0140, including the annual compliance determination fee for "Other systems with design capacities less than 20,000 gpd" or "Other systems with design capacities greater than 20,000 gpd";

(C) A system design plan meeting the requirements of OAR 340-053-0080(11);

(D) An operations and maintenance manual meeting the requirements of OAR 340-053-0080(13);

(E) A copy of a site evaluation report meeting the requirements of OAR 340-053-0080(15);

(F) For any system producing Type 2 or Type 3 graywater, treatment system plans and specifications showing how the system will meet the requirements in OAR 340-053-0090(3)(b) for Type 2 graywater or OAR 340-053-0090(4)(b) for Type 3 graywater. For any system producing greater than 1,200 gallons per day, the plans and specifications must be signed by a professional engineer registered in accordance with ORS 672 or a wastewater specialist registered in accordance with ORS 700 and reviewed and approved in accordance with OAR chapter 340, division 52;

(G) For a system diverting graywater from an onsite wastewater treatment system approved under OAR 340-071, plans and specifications certified and signed by a professional engineer registered in accordance with

# ADMINISTRATIVE RULES

ORS 672 or a wastewater specialist registered in accordance with ORS 700 to not result in a septic tank effluent concentration exceeding the criteria for residential strength wastewater as defined in OAR 340-071-0100; and

(H) Any other information requested by the department as necessary to complete the permit application.

(c) Where allowed by the rules of this division, the applicant for a Tier 3 graywater reuse and disposal system WPCF individual permit may request permit conditions different from those described in this division. The request must describe how those alternate conditions will protect public health and the environment.

(d) The department will review the information listed in subsection (3)(b) of this rule and determine permit conditions necessary to protect public health and the environment. At a minimum, permit conditions will include:

(A) The monitoring requirements in OAR 340-053-0090; and

(B) A requirement that the graywater system owner must submit an annual report to the department describing the effectiveness of the system to comply with the operations and maintenance plan, the permit limits and conditions, and the rules of this division.

(3) Program agent. The department may enter an agreement with a local government authorizing that local government to become the department's agent for permitting graywater reuse and disposal systems, including receiving and processing applications, issuing permits, enforcing and performing required inspections. The department retains responsibility to develop specific geographic area graywater reuse and disposal system WPCF general permits and graywater reuse and disposal system WPCF individual permits.

(a) A program agent must:

(A) Agree to implement and operate a program consistent with the rules of this division;

(B) Specify their geographic area of responsibility;

(C) Submit to the department for approval a graywater program implementation plan that describes how their graywater program will meet the rules of this division;

(D) Adopt and submit to the department a fee schedule for services rendered and permits issued;

(E) Agree to forward the proceeds of a mutually established surcharge fee to the department to offset program administration and oversight costs;

(F) When appropriate for the geography, climate or other environmental considerations of a specific geographic area, request the department develop one or more geographic permits authorizing graywater discharges in the area of authorization;

(G) Provide permit applicants with information on how to apply for a permit;

(H) Review permit applications for completeness and accuracy;

(I) Approve or deny coverage under a graywater reuse and disposal system permit based on information submitted by the applicant;

(J) Review and maintain any monitoring data or annual reports or both;

(K) Maintain all records in accordance with the State Record Retention Schedule;

(L) Provide the department an annual update with information on the number of applications for coverage under a permit as well as the location of any systems with new, renewed, expired or revoked coverage; and

(M) Respond to any complaints associated with graywater discharges in their jurisdiction.

(b) The department may:

(A) Provide the agent with any necessary graywater forms or application materials;

(B) Assist the agent in reviewing applications when requested;

(C) Coordinate with the agent on renewing permit registrant coverage under newly issued general permits;

(D) Evaluate and respond to any request for a specific geographic area graywater reuse and disposal system WPCF general permit or deny the request with appropriate justification;

(E) Provide assistance, training and program guidance to the agent that ensures the program is being implemented consistently; and

(F) Provide assistance to the agent with complaint response, system inspections, and enforcement.

(c) The department and the agent must meet at least once annually to exchange information regarding permit administration, implementation, technical issues, training and program guidance.

Stat. Auth.: ORS 454.610, 454.625, 468.020, & 468B.010

Stats. Implemented: ORS 454.610, 454.615, 468B.020 & 468B.050

Hist.: DEQ 15-2011, f. & cert. ef. 9-12-11

**Rule Caption:** Underground Storage Tank Soil Matrix Cleanup service Provider and Supervisor Licensing Categories — repeal.

**Adm. Order No.:** DEQ 16-2011

**Filed with Sec. of State:** 9-12-2011

**Certified to be Effective:** 9-12-11

**Notice Publication Date:** 8-1-2011

**Rules Repealed:** 340-162-0005, 340-162-0010, 340-162-0020, 340-162-0025, 340-162-0030, 340-162-0035, 340-162-0040, 340-162-0150

**Subject:** This proposed rule would repeal the Underground Storage Tank (UST) Soil Matrix Cleanup Service Provider License and the UST Soil Matrix Supervisor License.

- The UST Soil Matrix Cleanup Service Provider License is for businesses performing soil matrix cleanup services at regulated tank sites. The two-year license fee is \$600.

- The UST Soil Matrix Cleanup Supervisor License is for individuals performing soil matrix cleanups. Supervisors must demonstrate their knowledge of the rules by passing a qualifying examination given by the International Code Council through a professional testing company. The examination cost is \$70 and the two-year license fee is \$150.

**Rules Coordinator:** Maggie Vandehey—(503) 229-6878

\*\*\*\*\*

## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Amend rule to Modify the Hunt Area for Bighorn Sheep Hunts 568B1 and 568B2

**Adm. Order No.:** DFW 115-2011(Temp)

**Filed with Sec. of State:** 8-16-2011

**Certified to be Effective:** 8-16-11 thru 2-11-12

**Notice Publication Date:**

**Rules Amended:** 635-067-0030

**Subject:** Amend rule to clarify the hunt boundary and to allow this year's tag holders the greatest opportunity for success.

Amendment will expand the East Trout Creek sheep hunt boundary to the following: that part of Unit 68 south of Whitehorse Ranch Rd; west of Hwy 95; and east of Fields-Denio Rd.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

### 635-067-0030

#### Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2011 Oregon Big Game Regulations:

(1) the open area described on page 40 for the Upper Owyhee hunts (hunt numbers 568A1 and 568A2) is expanded to include that part of Unit 68 south and east of Hwy 95, and the entire Owyhee Unit (unit 67).

(2) the open area described on page 40 for the East Trout Creek Mountains hunts (hunt numbers 568B1 and 568B2) is expanded to include that part of Unit 68 south of Whitehorse Ranch Rd., west of Hwy 95 and east of Fields-Denio Rd.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; DFW 81-2011, f. 6-29-11, cert. ef. 8-20-11; DFW 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12

\*\*\*\*\*

**Rule Caption:** Amend Rule to Extend the Hunt Season for Bighorn Sheep Controlled Hunts 567A2 and 569B.

**Adm. Order No.:** DFW 116-2011(Temp)

**Filed with Sec. of State:** 8-19-2011

**Certified to be Effective:** 8-19-11 thru 10-1-11

**Notice Publication Date:**

# ADMINISTRATIVE RULES

**Rules Amended:** 635-067-0030

**Rules Suspended:** 635-067-0030(T)

**Subject:** The current season is from September 6 to September 19, 2011 and this amendment would extend the season to September 28-2011 to accommodate active duty tag holders who are currently deployed. This extended season is open to all tag holders.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-067-0030

### Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2011 Oregon Big Game Regulations:

(1) The open area described on page 40 for the Upper Owyhee hunts (hunt numbers 568A1 and 568A2) is expanded to include that part of Unit 68 south and east of Hwy 95, and the entire Owyhee Unit (unit 67).

(2) The open area described on page 40 for the East Trout Creek Mountains hunts (hunt numbers 568B1 and 568B2) is expanded to include that part of Unit 68 south of Whitehorse Ranch Rd., west of Hwy 95 and east of Fields-Denio Rd.

(3) The season dates listed on page 39 for the Lower Owyhee No.2 (567A2) and North Catlow Rim (569B) Controlled Big Horn Sheep hunts are extended to be September 19 through September 28, 2011.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. & cert. ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. & cert. ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; DFW 81-2011, f. & cert. ef. 8-20-11; DFW 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12; DFW 116-2011(Temp), f. & cert. ef. 8-19-11 thru 10-1-11

.....

**Rule Caption:** Amend rule to correct the dates for the 2011 Adult Pheasant Hunting Clinic

**Adm. Order No.:** DFW 117-2011(Temp)

**Filed with Sec. of State:** 8-19-2011

**Certified to be Effective:** 8-19-11 thru 9-19-11

**Notice Publication Date:**

**Rules Amended:** 635-051-0065

**Subject:** The current 2011-2012 Oregon Game Bird Regulations published this two-day Adult Pheasant Hunting Clinic in the Klamath Wildlife Area for September 16 and 17, 2011. The clinic dates should have been listed as September 17 and 18, 2011. This amendment corrects the dates for this two-day pheasant hunt.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-051-0065

### State Wildlife Area Regulations

Notwithstanding the provisions of the 2011 Oregon Game Bird Regulations, the 2011 Adult Pheasant Hunting Clinic described on page 35 for the Klamath Wildlife Area will be held on September 17 and 18, 2011.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 70-1982, f. & ef. 10-8-82; FWC 46-1983, f. & ef. 9-19-83; 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 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 60-1989, f. & cert. ef. 8-15-89; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 115-1990(Temp), f. & cert. ef. 10-11-90; FWC 119-1990(Temp), f. & cert. ef. 10-31-90; FWC 78-1991, f. & cert. ef. 7-29-91; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 63-1997(Temp), f. & cert. ef. 10-7-97; DFW 117-2011(Temp), f. & cert. ef. 8-19-11 thru 9-19-11

.....

**Rule Caption:** Fall Chinook Sport Fishery In Snake River Below Hells Canyon Dam Opens September 1, 2011

**Adm. Order No.:** DFW 118-2011(Temp)

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 9-1-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 635-023-0134

**Subject:** Amended rule implements a fall Chinook fishery on the Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning on September 1, 2011 to coincide with the state of Idaho's regulations for this fishery.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0134

### Snake River Fishery

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2011 Oregon Sport Fishing Regulations**.

(2) Notwithstanding, all other specifications and regulations as outlined in the 2011 Oregon Sport Fishing Regulations, the following conditions apply:

(a) The Snake River from the Oregon-Washington border upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Wednesday, September 1, 2011 through the close of fishing on Monday, October 31, 2011, or until further notice.

(b) Daily bag limit is six (6) adipose fin-clipped fall Chinook salmon per day. There are no daily, possession or season limits for jack fall Chinook salmon.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11

.....

**Rule Caption:** Treaty Indian Fall Commercial Fisheries for Columbia River Modified

**Adm. Order No.:** DFW 119-2011(Temp)

**Filed with Sec. of State:** 8-26-2011

**Certified to be Effective:** 8-29-11 thru 10-31-11

**Notice Publication Date:**

**Rules Amended:** 635-041-0045, 635-041-0075

**Rules Suspended:** 635-041-0045(T), 635-041-0075(T)

**Subject:** Amended rules extends, by two additional days, the period in which commercial sales of fish caught during Treaty Indian commercial Fall fisheries in the Columbia River Are allowed. The first additional day of fishing occurs at 6:00 a.m. Monday, August 29, 2011. Modifications are consistent with action taken August 25, 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

## 635-041-0045

### Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Umatilla and Nez Perce tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open from 6:00 a.m. through 8:00 p.m. each day on Monday June 6, Tuesday June 7 and Wednesday June 8; and from 6:00 a.m. Thursday June 9 through midnight Wednesday June 15. The fisheries will reopen at 6:00 a.m. Thursday, June 16, 2011 and continue until further notice.



# ADMINISTRATIVE RULES

(A) Allowable sales include pink salmon, Chinook, steelhead, sockeye, coho, walleye, shad, catfish, yellow perch, bass and carp. However, sockeye caught from 6:00 p.m. Sunday, July 10, through 6:00 a.m. Monday, August 29, 2011 may not be sold, but may be retained for subsistence. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line. Beginning at 6:00 a.m. Thursday, June 16, 2011 gear is restricted to hook-and-line or as defined by each tribe's MOU/MOA until further notice.

(C) Salmon, steelhead, walleye, shad, carp, bass, catfish, and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of

the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. & cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. & cert. ef. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. & cert. ef. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. & cert. ef. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11

## 635-041-0075

### Fall Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed until further notice.

(a) Chinook, pink, sockeye and coho salmon, steelhead, shad, walleye, 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 prior to 6:00 a.m. Monday, August 29, 2011 but may be retained for subsistence.

(b) 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 may be sold or retained for subsistence use from August 1 through August 13, 2011.

(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. Monday, August 22 through 6:00 p.m. Thursday, August 25, 2011 (3.5 days); from 6:00 a.m. Monday, August 29 through 6:00 p.m. Friday, September 2, 2011 (4.5 days); and from 6:00 a.m. Tuesday, September 6 through 6:00 p.m. Saturday, September 10 (4.5 days).

(a) Chinook, pink, sockeye 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.

(b) Sturgeon may not be sold, but white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be retained for subsistence use.

(c) Gear is restricted to gill nets. Only gill nets with a minimum mesh size of 8 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.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982 (Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-





# ADMINISTRATIVE RULES

**Rule Caption:** 2011 Fall Commercial Seasons for Tongue Point Select Area Fisheries Modified

**Adm. Order No.:** DFW 122-2011(Temp)

**Filed with Sec. of State:** 8-29-2011

**Certified to be Effective:** 9-19-11 thru 10-31-11

**Notice Publication Date:**

**Rules Amended:** 635-042-0170

**Rules Suspended:** 635-042-0170(T)

**Subject:** Amended rules modify fishing periods previously set for fall commercial gill net salmon seasons in the Tongue Point Select Area of the Columbia River. Nightly fishing periods previously set for 4:00 p.m. through 8:00 a.m. the following morning on Mondays through Fridays (4 nights) from Monday September 19 through Friday October 28, 2011, have been expanded by 2 hours each to run from 4:00 p.m. through 10:00 a.m. the following morning. Modifications are consistent with action taken August 25, 2011 by the Columbia River Compact agencies of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 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) 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:

(a) 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 10:00 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. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; 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; DFW 122-2011(Temp), f. 8-29-11, cert. ef. 9-19-11 thru 10-31-11

\*\*\*\*\*

**Rule Caption:** Additional Harvest Opportunity During Shortened Recreational Fishing Season on South Twin Lake

**Adm. Order No.:** DFW 123-2011(Temp)

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-3-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 635-018-0090

**Rules Suspended:** 635-018-0090(T)

**Subject:** This amended rule liberalizes daily catch or possession limits and gear types, and removes size limits for game fish in South Twin Lake from September 3 through October 23, 2011. The lake is scheduled for treatment with rotenone on October 24, 2011. These modifications will aid in reducing fish stocks prior to eradication of all fish in the lake.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-018-0090

### Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Central 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 Hood River is open from the mouth to mainstem confluence with the East Fork and the West Fork from the confluence with the mainstem upstream to the angling deadline 200 feet downstream of Punchbowl Falls to retention of:

(a) Adipose fin-clipped coho salmon and adipose fin-clipped steelhead from January 1 through December 31. The catch limit is two adult adipose fin-clipped salmon or steelhead per day and five adipose fin-clipped jack salmon per day, with the exception that one additional adipose fin-clipped steelhead may be retained per day for a total aggregate of 3 adult fish harvested daily; and

(b) All salmon and steelhead that have not been adipose fin-clipped must be released unharmed. All other catch limits and restrictions remain unchanged from those listed for Hood River in the **2011 Oregon Sport Fishing Regulations**.

(3) The Deschutes River from the mouth at the I-84 Bridge upstream to Sherars Falls is open to angling for trout, steelhead, and Chinook salmon from August 1 to October 31, 2011.

(a) The catch limit for Chinook salmon during the period described in section (3) above is two adults and five jacks per day. Catch limits and restrictions applying to trout, steelhead, and coho remain unchanged from those listed in the **2011 Oregon Sport Fishing Regulations** for Area 1 of the Deschutes River.

(4) South Twin Lake is open to angling for all game fish species from September 3 through October 23, 2011 with the following restrictions:

(a) Allowed harvest methods are by hand, dip net, or angling;



# ADMINISTRATIVE RULES

12-03 cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; 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; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11

\*\*\*\*\*

**Rule Caption:** Adopt new rules for license refunds and exchanges

**Adm. Order No.:** DFW 125-2011

**Filed with Sec. of State:** 9-8-2011

**Certified to be Effective:** 9-8-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 635-001-0055

**Rules Amended:** 635-001-0050

**Subject:** Amend rules to provide a consistent method for addressing license refunds and exchanges.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-001-0050

### License Refunds

Consistent with the authority to make refunds prescribed in ORS 293.445(2), the Department will issue a refund of moneys received in excess of the amount legally due:

(1) If the Department determines a person has made an overpayment of more than \$5; or

(2) Upon written request from a person who made an overpayment, or the person's legal representative, if the request is submitted to the Department within three years of the date that the Department received the overpayment.

(3) License and tag refunds will be granted upon request only to a person furnishing satisfactory evidence to the Department that:

(a) More licenses or tags than necessary have been acquired;

(b) A higher fee than set by statute was paid for;

(c) A license agency made an error; or

(d) Death of a tag holder occurs before the opening of the season for which the tag was issued; only the tag fee shall be refunded. For the purpose of this rule the person in possession of the deceased's tag shall be presumed to be entitled to the refund.

(4) Where seasons have closed that affect a large number of license buyers and where other similar opportunities are not available, the Director may authorize a license refund for monies received by the state, which, in equity and good conscience, it is not entitled to.

Stat. Auth.: ORS 293.445

Stats. Implemented: ORS 293.445

Hist.: FWC 79-1985, f. & ef. 12-11-85; FWC 25-1987, f. & ef. 6-11-87; FWC 81-1994, f. & cert. ef. 10-26-94; DFW 4-2009(Temp), f. 1-13-09, cert. ef. 1-14-09 thru 7-12-09; Administrative correction 7-21-09; DFW 125-2011, f. & cert. ef. 9-8-11

## 635-001-0055

### License Exchanges

(1) A license may be exchanged for a combination hunting and fishing license, a senior combination license or a Sports Pac.

(2) The Department will refund (in full or in part) the license fee to a customer who has purchased a full price license if the Department determines that at the time of purchase, the licensee was qualified for one of the following free or reduced-price licenses:

(a) Senior license;

(b) Pioneer license; or

(c) Disabled Veterans license.

(3) Exchanges must occur within 90 days of the purchase of the original license.

(4) Exchanges and refunds must be done in person at a Department Field Office or at the Department's Salem Headquarters; exchanges or refunds may also be requested by mail order by contacting the Department's Salem Headquarters.

(a) To request an exchange or refund under this rule, a person must provide the Department with the original license being returned, along with any controlled hunt applications, tags and permits issued under that license;

(b) All mail order requests for exchanges or refunds must also include:

(A) A completed license application;

(B) A letter requesting a refund or exchange (specifying the type of license being requested); and

(5) Full payment of the new license is due at the time of exchange, plus shipping and handling charges for mail order requests.

(6) License refunds will be mailed to the licensee after a replacement license has been issued.

(7) Refunds will be mailed to the customer within six to eight weeks.

(8) Agent fees are non refundable.

Stat. Auth.: ORS 293.445

Stats. Implemented: ORS 293.445

Hist.: DFW 125-2011, f. & cert. ef. 9-8-11

\*\*\*\*\*

**Rule Caption:** Cumulative Trip Limits for Black and Blue Rockfish, Cabezon, Greenling Increased for Periods 5-6.

**Adm. Order No.:** DFW 126-2011(Temp)

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-15-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 635-004-0033

**Rules Suspended:** 635-004-0033(T)

**Subject:** This amended rule increases the cumulative trip limits for black rockfish and blue rockfish combined by 400 pounds in each of periods 5 and 6.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-004-0033

### Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

(a) Minor Shelf Rockfish;

(b) Minor Slope Rockfish;

(c) Black and Yellow Rockfish;

(d) Brown Rockfish;

(e) Calico Rockfish;

(f) China Rockfish;

(g) Copper Rockfish;

(h) Gopher Rockfish;

(i) Grass Rockfish;

(j) Kelp Rockfish;

(k) Olive Rockfish;

(l) Quillback Rockfish;

(m) Treefish;

(n) Black Rockfish;

(o) Blue Rockfish;

(p) Cabezon;

(q) Canary Rockfish;

(r) Greenling;

(s) Tiger Rockfish;

(t) Vermilion Rockfish;

# ADMINISTRATIVE RULES

- (u) Widow Rockfish;
- (v) Yelloweye Rockfish;
- (w) Yellowtail Rockfish;
- (x) Darkblotched Rockfish;
- (y) Pacific Ocean Perch;
- (z) Longspine Thornyhead;
- (aa) Shortspine Thornyhead;
- (bb) Arrowtooth Flounder;
- (cc) Dover Sole;
- (dd) Petrale Sole;
- (ee) Rex Sole;
- (ff) Other Flatfish;
- (gg) Lingcod;
- (hh) Sablefish;
- (ii) Pacific Whiting.

(2) For the purpose of this rule, "Other nearshore rockfish" means: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serripes*).

(3) For the purpose of this rule a "commercial harvest cap" is defined as the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries. For 2011, the commercial harvest cap for black rockfish is 139.2 metric tons.

(4) For the purpose of this rule a "commercial landing cap" is defined as the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries. For 2011, the commercial landing caps are:

- (a) Black rockfish, 137.9 metric tons.
- (b) Black rockfish and blue rockfish combined of 141.9 metric tons.
- (c) Other nearshore rockfish, 14.3 metric tons.
- (d) Cabezon, 31.3 metric tons.
- (e) Greenling, 23.4 metric tons.

(5) For the purpose of this rule, the periods to which cumulative trip limits apply are: January through February (period 1); March through April (period 2); May through June (period 3); July through August (period 4); September through October (period 5); and November through December (period 6).

(6) For black and blue rockfish combined, no vessel may land more than:

- (a) 800 pounds in period 1;
  - (b) 1,000 pounds in period 2;
  - (c) 1,400 pounds in period 3;
  - (d) 1,600 pounds in period 4;
  - (e) 1,400 pounds in period 5; and
  - (f) 1,200 pounds in period 6.
- (7) In each period, no vessel may land more than:
- (a) 700 pounds of other nearshore rockfish, combined;
  - (b) 1,500 pounds of cabezon; or
  - (c) 250 pounds of greenling species in periods 1-6.

Stat. Auth.: ORS 506.109 & 506.119  
Stats. Implemented: ORS 506.129  
Hist.: FWC 73-1982(Temp), f. & ef. 10-27-82; FWC 1-1983 (Temp), f. & ef. 1-6-83; FWC 10-1983, f. & ef. 3-1-83; FWC 23-1983(Temp), f. & ef. 6-14-83; FWC 41-1983(Temp), f. & ef. 9-6-83; FWC 3-1984 f. & ef. 1-26-84; FWC 18-1984 (Temp), f. 5-4-84, ef. 5-6-84; FWC 36-1984(Temp), f. 7-31-84, ef. 8-1-84; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f. & ef. 2-19-85; FWC 18-1985(Temp), f. 4-26-85, ef. 4-27-85; FWC 52-1985(Temp), f. 8-30-85, ef. 9-1-85; FWC 65-1985 (Temp), f. & ef. 10-4-85; FWC 82-1985, f. 12-16-85, ef. 1-1-86; FWC 50-1986(Temp), f. & ef. 8-29-86; FWC 81-1986, f. 12-31-86, ef. 1-1-87; FWC 57-1987(Temp), f. & ef. 7-24-87; FWC 104-1987, f. 12-18-87, ef. 1-1-88; FWC 97-1988(Temp), f. & ef. 1-6-88; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 49-1989(Temp), f. & cert. ef. 7-26-89; FWC 69-1990 (Temp), f. 7-24-90, cert. ef. 7-25-90; FWC 122-1990, f. 11-26-90, cert. ef. 11-29-90; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 48-1991(Temp), f. & cert. ef. 5-3-91; FWC 82-1991(Temp), f. 7-30-91, cert. ef. 7-31-91; FWC 83-1991, f. 8-1-91, cert. ef. 7-31-91; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 9-1992, f. 2-20-92, cert. ef. 2-21-92; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 10-1993, f. & cert. ef. 2-10-93; FWC 1-1994, f. & cert. ef. 1-14-94; FWC 32-1994, f. & cert. ef. 6-3-94; FWC 44-1994, f. 7-26-94, cert. ef. 8-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 94-1995(Temp), f. 12-29-95, cert. ef. 1-1-96; FWC 9-1996, f. 3-5-96, cert. ef. 3-8-96; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 119-2002(Temp), f. 10-24-02, cert. ef. 10-25-02 thru 12-31-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 14-2003(Temp), f. 2-20-03, cert. ef. 2-21-03 thru 8-19-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 60-2003(Temp), f. 7-15-03, cert. ef. 7-16-03 thru 12-31-03; DFW 79-2003(Temp), f. & cert. ef. 8-18-03 thru 12-31-03; DFW 102-2003(Temp), f. 9-30-03, cert. ef. 10-1-03 thru 12-31-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 76-2004(Temp), f. 7-23-04, cert. ef. 7-28-04 thru 12-31-04; DFW 100-2004(Temp), f. & cert. ef. 9-28-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 31-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 82-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 12-31-05; DFW 86-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 119-2005(Temp), f. 10-10-05, cert. ef. 10-11-05 thru 12-31-05; DFW 135-2005(Temp), f. 11-30-05, cert. ef. 12-1-05 thru 12-31-05; DFW 138-2005, f. 12-7-05, cert.

ef. 1-1-06; DFW 50-2006(Temp), f. 6-28-06, cert. ef. 7-1-06 thru 12-27-06; DFW 83-2006(Temp), f. 8-10-06, cert. ef. 8-11-06 thru 2-6-07; DFW 108-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; DFW 133-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 83-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 12-31-07; DFW 120-2007(Temp), f. 10-30-07, cert. ef. 11-1-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 128-2007, f. 12-13-07, cert. ef. 1-1-08; Administrative Correction 1-24-08; DFW 70-2008(Temp), f. 6-26-08, cert. ef. 7-1-08 thru 12-27-08; DFW 123-2008(Temp), f. 9-30-08, cert. ef. 10-2-08 thru 12-31-08; DFW 154-2008(Temp), f. 12-29-08, cert. ef. 1-1-09 thru 6-29-09; DFW 21-2009(Temp), f. 2-26-09, cert. ef. 3-1-09 thru 8-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 75-2009(Temp), f. 6-26-09, cert. ef. 7-1-09 thru 12-28-09; DFW 127-2009(Temp), f. 10-8-09, cert. ef. 10-10-09 thru 12-31-09; DFW 155-2009, f. 12-28-09, cert. ef. 1-1-10; DFW 110-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 12-31-10; DFW 148-2010(Temp), f. & cert. ef. 10-15-10 thru 12-31-10; Administrative correction 1-25-11; DFW 77-2011(Temp), f. 6-28-11, cert. ef. 7-5-11 thru 12-31-11; DFW 126-2011(Temp), f. 9-14-11, cert. ef. 9-15-11 thru 12-31-11

\*\*\*\*\*

**Rule Caption:** 2011 Columbia River Fall Sport Fishery Modified.  
**Adm. Order No.:** DFW 127-2011(Temp)

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-16-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 635-023-0130

**Rules Suspended:** 635-023-0130(T)

**Subject:** This amended rule modifies the 2011 recreational fall salmon season regulations for the mainstem Columbia River, effective on September 16, 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. Modifications are consistent with action taken on September 12, 2011 by the Columbia River Compact agencies of Oregon and Washington.

**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 15;

(B) From Friday, September 16 through Saturday, December 31 the combined daily bag limit may include up to two adult 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, September 16 through September 18, 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; and two adult salmon or steelhead in any combination during September 16 through September 18, 2011. Chinook retention re-opens October 1 through December 31, 2011 with a daily limit of 2 adult salmon or steelhead in any combination.

(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

# ADMINISTRATIVE RULES

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.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 496.162  
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. 9-30-04 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; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11

\*\*\*\*\*

**Rule Caption:** Fall Commercial Drift Gill Net Seasons Extended In Columbia River Mainstem.

**Adm. Order No.:** DFW 128-2011(Temp)

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-18-11 thru 9-30-11

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** Amended rule expands the 2011 commercial fall salmon drift gill net season for the Columbia River mainstem. This ongoing fishery was expanded with one new 9-hour fishing period, from 9:00 p.m. Sunday September 18 to 6:00 a.m. Monday September 19, 2011, in the area of zones 1 through 5; and with three new 10-hour fishing periods, starting at 8:00 p.m. and continuing to 6:00 a.m. the following mornings on September 19, 20, and 22, 2011, in the area of zones 4 and 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. Sunday, September 18 to 6:00 a.m. Monday, September 19, 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:

8:00 p.m. Monday, September 19 to 6:00 a.m. Tuesday, September 20, 2011 (10 hours);

8:00 p.m. Tuesday, September 20 to 6:00 a.m. Wednesday, September 21, 2011 (10 hours); and

8:00 p.m. Thursday, September 22 to 6:00 a.m. Friday, September 23, 2011 (10 hours);

(2) Only drift gill nets may be used. It is *unlawful* to use a gill net having a mesh size less than 8 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)). Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(3) A maximum of seven (7) white sturgeon, 43–54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday). The sturgeon possession and sales limit includes mainstem fisheries only. Sales of white sturgeon from

fall Select Area fisheries is prohibited. Retention of green sturgeon is prohibited.

(4) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified above. Only the Washougal River and Sandy River sanctuaries are in effect for fisheries described in section (1)(b) above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129  
Stats. Implemented: ORS 506.119 & 507.030  
Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11

\*\*\*\*\*

**Rule Caption:** Recreational White Sturgeon Fishery Re-Opens October 1 Above Wauna Powerlines.

**Adm. Order No.:** DFW 129-2011(Temp)

**Filed with Sec. of State:** 9-15-2011

**Certified to be Effective:** 9-30-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 635-023-0095

**Rules Suspended:** 635-023-0095(T)

**Subject:** This amended rule re-opens the recreational white sturgeon retention season in the mainstem Columbia River above the Wauna powerlines effective at 12:01 a.m., Saturday October 1, 2011. Modifications are consistent with action taken September 15, 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



# ADMINISTRATIVE RULES

(b) October 1 through December 31.

(3) The retention of white sturgeon in the area identified in section (2) of this rule is prohibited August 1 through September 30, 2011.

(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 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;

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31; and

(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. Sunday April 10, 2011 the retention of sturgeon in the John Day Pool and tributaries is prohibited.

(10) Effective 12:01 a.m. Saturday June 9, 2011 the retention of sturgeon in the Bonneville Pool and tributaries is prohibited.

(11) Effective 12:01 a.m. Saturday July 30, 2011 the retention of sturgeon in The Dalles Pool and tributaries is prohibited.

(12) 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.

(13) The retention of white sturgeon in the area identified in section (12) of this rule is prohibited August 1 through January 31.

(14) Retention of green sturgeon is prohibited all year in all areas.

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 18-2009, 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; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11

\*\*\*\*\*

**Rule Caption:** Treaty Indian Fall Commercial Fisheries for Columbia River Continues.

**Adm. Order No.:** DFW 130-2011(Temp)

**Filed with Sec. of State:** 9-15-2011

**Certified to be Effective:** 9-19-11 thru 10-31-11

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** This amended rules extends the ongoing Treaty Indian commercial Fall fisheries in the Columbia River by an additional 4.5 day fishing period. The additional fishing period begins at 6:00 a.m. Monday, September 19 and runs through 6:00 p.m. Friday, September 23, 2011. Modifications are consistent with action taken September 15, 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

**635-041-0075**

**Fall Salmon Season**

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed until further notice.

(a) Salmon, steelhead, shad, walleye, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes.

(b) 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 may not be sold but may be 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. Monday, August 22 through 6:00 p.m. Thursday, August 25, 2011 (3.5 days); from 6:00 a.m. Monday, August 29 through 6:00 p.m. Friday, September 2, 2011 (4.5 days); from 6:00 a.m. Tuesday, September 6 through 6:00 p.m. Saturday, September 10 (4.5 days); from 6:00 a.m. Monday, September 12 through 6:00 p.m. Friday, September 16, 2011 (4.5 days); and from 6:00 a.m. Monday, September 19 through 6:00 p.m. Friday, September 23, 2011 (4.5 days).

(a) 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.

(b) Sturgeon may not be sold, but white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be retained for subsistence use.

(c) Gear is restricted to gill nets. Only gill nets with a minimum mesh size of 8 inches may be used.

(d) Closed areas in Zone 6, including 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.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC

# ADMINISTRATIVE RULES

90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; 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; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11

\*\*\*\*\*

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

**Rule Caption:** Changing OARs affecting Child Welfare programs  
**Adm. Order No.:** CWP 17-2011(Temp)

**Filed with Sec. of State:** 9-1-2011

**Certified to be Effective:** 9-1-11 thru 2-28-12

**Notice Publication Date:**

**Rules Amended:** 413-200-0404, 413-200-0409, 413-200-0414, 413-200-0419, 413-200-0424

**Subject:** OAR 413-200-0404, 413-200-0409, 413-200-0414, 413-200-0419, and 413-200-0424 about Department responsibilities dur-

ing screening and assessment of a child abuse or neglect report involving the home of a Department-certified foster parent or relative caregiver are being amended to reflect current Department practice under a new database system and a redesigned structure in which the written assessment is located and assigned to a family and a child. These amendments also extend the use of consistent definitions and terminology, and remove references to positions no longer in the Department.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 413-200-0404

### Purpose

(1) The purpose of these rules (OAR 413-200-0404 to 413-200-0424) is to describe Department responsibilities during the screening and assessment of a *report of child abuse or neglect* involving the home of a Department certified *foster parent* or *relative caregiver*. A report involves the home of a Department-certified *foster parent* or *relative caregiver* if the *report* alleges that someone in the home abused or neglected any *child*.

(2) When a *report* is received involving the home of a Department-certified *foster parent* or *relative caregiver*, these rules, Child Welfare Policies I-AB.1 to I-AB.7, "Child Protective Services" (OAR 413-015-0100 to 413-015-1230), II-B.1, "Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents" (OAR 413-200-0301 to 413-200-0396), II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents" (OAR 413-200-0270 to 413-200-0296), and I-B.1, "Monitoring Child Safety" (OAR 413-080-0040 to 413-080-0067) apply.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12

## 413-200-0409

### Definitions

The following definitions apply to OAR 413-200-0404 to 413-200-0424:

(1) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.

(2) "Certified family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a *child* or *young adult* in the care or custody of the Department.

(3) "Certifier" means a Child Welfare employee who conducts assessments of applicants interested in providing relative or foster care to a *child* or *young adult* in the care or custody of the Department or an adoptive applicant, determines whether or not to recommend approval of the operation of a relative care or foster home or an adoptive applicant, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.

(4) "Child" means a person under 18 years of age.

(5) "Child protective services assessment (CPS assessment)" means activities and interventions that identify and analyze safety threats, determine if there is reasonable cause to believe *child* abuse or neglect occurred, and assure *child* safety through protective actions or ongoing safety planning.

(6) "Child protective services supervisor (CPS supervisor)" means an employee of Child Welfare trained in child protective services and designated as a supervisor.

(7) "Child protective services worker (CPS worker)" means an employee of Child Welfare who has completed the mandatory Department training for child protective service workers.

(8) "Consulting foster parent or relative caregiver" means an individual who maintains or has held a Certificate of Approval to operate a foster or *relative caregiver* home, received Department approved training on the role of a consulting *foster parent* or *relative caregiver*, and agrees to serve in this role.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(11) "Inactive referral status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional *child* or *young adult* with a *certified family*. The *certified family* or the Department may initiate the inactive referral status.

# ADMINISTRATIVE RULES

(12) "Initial contact" means the first face-to-face contact between a *CPS worker* and a family. The initial contact includes face-to-face contact with the alleged *child* victim, his or her siblings, parent or caregiver, and other children and adults living in the home; accessing the home environment; identifying safety threats; and determining if a protective action is needed.

(13) "Referral" means a *report* that has been assigned for the purpose of *CPS assessment*.

(14) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.

(15) "Report" means an allegation of *child* abuse or neglect provided to Child Welfare that the *screener* evaluates to determine if it constitutes a report of *child* abuse or neglect as defined in ORS 419B.005.

(16) "Screener" means a Child Welfare employee with training required to provide screening services.

(17) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12

## 413-200-0414

### Department Actions During Screening

#### (1) Screener Actions.

(a) When a *screener* receives information involving the home of a *certified family*, the *screener* must:

(A) Refer to and follow Child Welfare Policy I-AB.2, "Screening", OAR 413-015-0200 to 413-015-0225 to gather and share information;

(B) Consult with the *CPS supervisor* before determining the Department's response;

(C) Notify the assigned caseworker of each *child* or *young adult* placed in the home, each assigned caseworker's supervisor, the assigned *certifier*, and the *certifier's* supervisor of all information received; and

(D) If the information is closed at screening as described in Child Welfare Policy I-AB.2, "Screening", OAR 413-015-0210(4):

(i) Document the information in provider case notes in the Department's information system; and

(ii) Notify the individuals listed in paragraph (C) of this subsection that the information was closed at screening.

(b) When a *screener* receives information alleging abuse or neglect of a *young adult* living in the home of a *certified family*, the *screener* must provide the information to the young adult's caseworker; and

(A) Provide the information to the Department's Seniors and People with Disabilities Division when the *young adult* is an individual with a diagnosed disability; or

(B) Provide the information to law enforcement.

(2) *Certifier* Actions. When the assigned *certifier* is notified by a *screener* that information involving the home of a *certified family* was closed at screening, the *certifier* must examine the information received and follow Child Welfare Policy II-B.1.1., "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents" (OAR 413-200-0270 to 413-200-0296).

#### (3) Assigned Caseworker Actions.

(a) When a *report* of information alleging abuse or neglect of a *young adult* has been shared with Seniors and People with Disabilities Division because the *young adult* is an individual with a diagnosed disability, the young adult's caseworker must coordinate the Department's response with the Seniors and People with Disabilities Division.

(b) When a *report* of information alleging abuse or neglect of a *young adult* has been shared with law enforcement, the young adult's caseworker must coordinate the Department's response with law enforcement.

(c) When a *report* is received alleging that a *child* or *young adult* in substitute care in the home of a *certified family* may have been subjected to abuse or neglect, and the *screener* determines that the *report* constitutes a *report* of *child* abuse or neglect as defined in ORS 419B.005, within three business days of the Department's receipt of the report, the caseworker of the *child* or *young adult* in substitute care who is the alleged victim must notify the following individuals that a *report* was received:

(A) The attorney for the *child* or *young adult* ;

(B) The court appointed special advocate (CASA) for the *child* or *young adult* ;

(C) The parents of the *child* or *young adult* ;

(D) Any attorney representing the parents of the *child* or *young adult* ; and

(E) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.

(d) The notification of the parents of the *child* or *young adult* and any attorney representing the parents of the *child* or *young adult* in paragraphs (3)(c)(C) and (D) of this rule is not required if the notification may interfere with an investigation or assessment or jeopardize the safety of the *child* or *young adult*. The *CPS supervisor*, or the supervisor of a caseworker of the *child* or *young adult* may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12

## 413-200-0419

### Department Actions During the CPS Assessment

#### (1) CPS Worker and CPS Supervisor Actions.

(a) If the *report* involving the home of a *certified family* is referred for a *CPS assessment*, the assigned *CPS worker* must convene a staffing before making *initial contact* unless the timing of the staffing will compromise *child* safety. The purpose of the staffing is:

(A) To determine and coordinate the response to the *referral*;

(B) To notify the *certifier* assigned to the home, the caseworkers assigned to each *child* or *young adult* placed in the home, and their respective supervisors of the *referral*; and

(C) To share information known by the Department regarding the children or young adults placed in the home and the *certified family*.

(b) The *CPS worker* must ensure that the following people are invited to the staffing:

(A) The assigned *certifier* or the *certification supervisor*; and

(B) The assigned caseworker of each *child* or *young adult* in the home or each caseworker's supervisor.

(c) The *CPS supervisor* or his or her designee must:

(A) Ensure that the staffing discussed in subsection (a) of this section occurs prior to the *initial contact* unless the timing of the staffing will compromise *child* safety;

(B) Determine whether the Child Welfare Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and

(C) If the staffing does not occur prior to the *initial contact*, ensure the staffing occurs the next business day and that all persons identified in subsection (b) of this section share information known by the Department regarding children or young adults placed in the home, the *certified family*, and any other individuals living in the home.

(d) The *CPS worker* must complete the following activities during the *CPS assessment*:

(A) At *initial contact*, in addition to the requirements in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485, provide the *certified family* with the appropriate "What you need to know about a Child Protective Service Assessment" pamphlet;

(B) Consult with a *CPS supervisor* before making the decision to remove any *child* or *young adult* from the home;

(C) Provide on-going information to the assigned *certifier* and to the caseworkers of each *child* or *young adult* placed in the home on the status of the *CPS assessment*; and

(D) Complete the *CPS assessment*.

(2) *Certifier* and *Certification Supervisor* Actions. When the assigned *certifier* is notified that information received by a *screener* involving the home of a *certified family* is referred for a *CPS assessment*:

(a) Within one business day after the *CPS worker* has made *initial contact*, the *certifier* must contact and notify the *certified family* and provide them with the following information:

(A) The *certifier* is available to answer questions related to certification but will not discuss the specifics of the *CPS assessment*;

(B) The *certified family* is immediately placed on *inactive referral status* pending the completion of the *CPS assessment*;

(C) The *certified family* has the option of having a *consulting foster parent* or *relative caregiver* available for support during the assessment; and

(D) The names of foster parents and relative caregivers who have agreed to serve as a *consulting foster parent* or *relative caregiver*.

(b) Within one business day, the *certifier* must document the initiation of a *CPS assessment* and the placement of the *certified family* on *inactive referral status* in FACIS provider notes.

(c) Within one business day, the *certifier* must notify Department staff responsible for placement that the *certified family's* home is on *inactive referral status*.

# ADMINISTRATIVE RULES

(d) Within 14 days of the notification required in paragraph (2)(a)(B) of this rule, the Department must provide written notification to the *certified family* that the home has been placed on *inactive referral status* and place a copy of the written notification in the certification file.

(e) The *certifier* must provide ongoing information regarding the *certified family* and any individuals living in the home to the assigned *CPS worker* and the caseworkers of each *child* or *young adult* placed in the home.

(f) The *certification supervisor* must ensure that the actions required in subsections (a) through (e) of this section are completed if the *certifier* is unavailable.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12

## 413-200-0424

### Department Actions at the Conclusion of the CPS Assessment

(1) CPS Worker and Supervisor Actions.

(a) In addition to the actions required in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485, the *CPS worker* must convene a staffing within five business days of the completion of the *CPS assessment* to:

(A) Share information acquired during the *CPS assessment*, and the results of the *CPS assessment*;

(B) Discuss and determine whether any additional actions described in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485 are appropriate;

(C) Determine who needs to be notified of the disposition of the *CPS assessment* and determine which staff will be responsible for providing notification;

(D) Discuss certification actions that have been taken and whether any additional actions described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296 are appropriate.

(b) The *CPS worker* must ensure that the following staff members are invited to the staffing:

(A) The *CPS supervisor*;

(B) The assigned *certifier* or the *certification supervisor*; and

(C) The caseworkers assigned to each *child* or *young adult* placed in the home of the *certified family* or their respective supervisors.

(c) The *CPS supervisor* or his or her designee must:

(A) Ensure that the staffing, discussed in subsection (a) of this section occurs;

(B) Determine whether the Child Welfare Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and

(C) Approve notification of the following individuals of the disposition of the *CPS assessment*:

(i) The attorney for the *child*;

(ii) The court appointed special advocate (CASA) for the *child*;

(iii) The parents of the *child*;

(iv) Any attorney representing the parents of the *child*; and

(v) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.

(D) The supervisor may authorize an exception to the notification of the parents of the *child* and any attorney representing the parents of the *child* required in paragraph (C) of this subsection if the notification may interfere with an investigation or assessment or jeopardize the safety of the *child*.

(d) At the conclusion of any *CPS assessment*, regardless of the disposition, the *CPS supervisor* must immediately notify the assigned caseworkers, the *certifier*, the CPS Consultant, and the Foster Care Coordinator that the *CPS assessment* has been completed and approved.

(2) Assigned Caseworker Actions.

(a) Within ten business days of the Department determining the disposition of a *CPS assessment* involving the alleged abuse of a *child* placed in the home of a *certified family*, the caseworker for the *child* must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition unless an exception, described in paragraph (1)(c)(D) of this rule, is authorized by the *CPS supervisor* or his or her designee.

(b) Within ten business days of the conclusion of a law enforcement determination involving the alleged abuse of a *young adult* placed in the home of a *certified family*, the caseworker for the *young adult* must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposi-

tion, unless notification may interfere with an investigation or assessment or jeopardize the young adult's safety as authorized by the caseworker's supervisor.

(3) Certifier and Certification Supervisor Actions.

(a) At the conclusion of the *CPS assessment*, during or within five business days of the meeting required in subsection (1)(a) of this rule, the *certifier* and *certification supervisor* must:

(A) Staff the case and review all the information in the *CPS assessment*;

(B) Determine whether the information indicates certification actions described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296 should be taken; and

(C) Assure documentation of the results of the staffing in provider case notes.

(b) After completing the staffing required in subsection (1)(a) of this rule, if the Department determines:

(A) That the Certificate of Approval for the *certified family* should be revoked, the assigned *certifier* must initiate revocation of the Certificate of Approval as described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0296.

(B) That *inactive referral status* should continue because one or more of the conditions in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0294 are present, the assigned *certifier* must summarize the outcome of the assessment and the reasons for continuing *inactive referral status* in a letter delivered to the *certified family* within 10 days of the completed *CPS assessment*. The *certifier* must retain a copy of the letter in the certification file.

(C) That the certificate will not be revoked after a founded or unable to determine disposition, the assigned *certifier* must:

(i) Submit written documentation supporting the continued certification of the *certified family* to the District Manager or Child Welfare Program Manager for approval;

(ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the *certified family* from *inactive referral status*;

(iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager, send written notification to the *certified family* that the home is no longer on *inactive referral status* and retain a copy of the written notification in the certification file; and

(iv) Notify Department staff responsible for placement that the *certified family* is no longer on *inactive referral status*.

(4) The *CPS worker* or supervisor, and the *certifier* or supervisor must meet with the *certified family* within ten business days of the completion of the *CPS assessment* to explain the disposition and any certification actions that will be taken unless the *certified family* declines the opportunity for a meeting.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2008(Temp), f. & cert. ef. 7-17-08 thru 1-13-09; CWP 26-2008, f. & cert. ef. 10-1-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12

\*\*\*\*\*

**Rule Caption:** Changing OARs affecting Child Welfare programs

**Adm. Order No.:** CWP 18-2011

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-2-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 413-010-0000, 413-010-0010, 413-010-0030, 413-010-0035, 413-010-0045, 413-010-0055, 413-010-0065, 413-010-0068, 413-010-0075

**Subject:** OAR 413-010-0000, 413-010-0010, 413-010-0030, 413-010-0035, 413-010-0045, 413-010-0055, 413-010-0065, 413-010-0068, and 413-010-0075 about the disclosure of client information without a court order in child welfare programs are being amended to update references to program names.

OAR 413-010-0010 defining certain terms used in rules about the disclosure of client information without a court order in child wel-

# ADMINISTRATIVE RULES

fare programs is also being amended to add definitions related to program names.

OAR 413-010-0035 is also being amended to clarify its description of prohibited disclosures for child welfare programs.

OAR 413-010-0055 is also being amended to revise its requirements about when the Director must submit a written report of the findings and conclusions of the sensitive review committee to the President of the Senate and the Speaker of the House of Representatives.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 413-010-0000

### Purpose

The purpose of these rules is to describe the circumstances in which the Department may and may not disclose client information without a court order.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.255 & 409.225

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0010

### Definitions

(1) "Adult" means a person who is 18 years of age or older.

(2) "Child" means a person who is under 18 years of age.

(3) "Client" means a person to whom the Department provides services and includes children, parents, legal guardians, and legal custodians of unemancipated minor children who receive services. Individuals who apply for and individuals who are granted certifications to operate foster homes are not clients. Adoptive parents are clients when:

(a) The Department has placed a child with them on a designated adoption basis; or

(b) They have signed a legal risk adoption agreement.

(4) "Client File" means a file that the Department marks with the names of one or more clients, into which the Department places all of the named clients' records. A client file may contain confidential information about other clients and persons who are not clients.

(5) "Client Information" means confidential information about a client or identified with a client.

(6) "Client Record" means any "record," as defined in section (12) of this rule, which includes client information and is created by, requested by, or held by the Department. A client record does not include general information, policy statements, statistical reports or similar compilations of data, which are not identified with an individual child, family or other recipient of services.

(7) "Confidential Information" means information that is unavailable to the public by statute, rule, or court order.

(8) "Court Appointed Special Advocate (CASA)" means a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Disclose" means reveal or provide client information to a person, agency, organization or other entity. Disclosing includes, but is not limited to:

(a) Showing or providing a client record or copy of a client record; and

(b) Orally transmitting client information.

(11) "Legally Emancipated" means a person under 18 years of age who is married or has been emancipated by the court in accordance with the requirements of ORS 419B.558.

(12) "Record" means a record, file, paper, or communication and includes but is not limited to any writing or recording of information including automated records and printouts, handwriting, typewriting, printing, photostating, photographing, magnetic tapes, videotapes or other documents.

(13) "Service" means assistance that the Department provides clients and includes, but is not limited to homemakers, intensive family service workers, foster parents, child care centers, private child care agencies treatment centers, mental health professionals, volunteers, student interns, child protection teams, physicians and other health care providers, and Indian social service and child welfare agencies.

(14) "Voluntary Services" means services that the Department provides at the request of a person or persons and there is no open and related juvenile court proceeding.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 419A.255, 419A.170 & 409.225

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0030

### Protection of Information

In the interest of family privacy and to protect children, families and other recipients of services, except as provided by Oregon statutes and these rules:

(1) Client information is confidential.

(2) Client records are not available for public inspection.

(3) Oregon statutes and these rules regulate the Department's disclosure of client information by prohibiting disclosure of some client information, mandating disclosure of some information, and giving the Department discretion to disclose some information, as summarized below:

(a) Summary of some "prohibited disclosures", See OAR 413-010-0035, generally, which includes but is not limited to:

(A) Information compiled for criminal law enforcement purposes. See OAR 413-010-0035(3);

(B) Alcohol and drug abuse treatment records. See OAR 413-010-0035(6);

(C) Information in records sealed by a court order of expunction. See OAR 413-10-0035(7);

(D) Adoption records. See OAR 413-010-0035(8);

(E) Adoption assistance records. See OAR 413-010-0035(9);

(F) Information identifying a person who reported suspected child abuse. See OAR 413-010-0035(10);

(G) Records and reports of child abuse. See OAR 413-010-0035(11); and

(H) Juvenile court records. See OAR 413-010-0035(12).

(b) Summary of some "mandatory disclosures", See OAR 413-010-0045 which includes but is not limited to:

(A) A client 18 years or older. See OAR 413-010-0045(2)(a);

(B) A parent or guardian of a child receiving voluntary services. See OAR 413-010-0045(2)(b);

(C) A juvenile or tribal court. See OAR 413-010-0045(2)(d);

(D) A child's attorney in a juvenile proceeding. See OAR 413-010-0045(2)(e);

(E) A parent or guardian of a child provided services in certain circumstances. See OAR 413-010-0045(2)(b),(c); and

(F) A Court Appointed Special Advocate (CASA). See OAR 413-010-0045(4).

(c) Summary of some "mandatory disclosures if it is in the child's best interest." See OAR 413-010-0055, generally, which includes but is not limited to:

(A) Department employees as needed to perform their duties and provide services to the child or family. See OAR 413-010-0055(1)(a); and

(B) Persons providing services to the family to the extent necessary to provide those services described in OAR 413-010-0055(1)(c).

(d) Summary of some "discretionary disclosures". See OAR 413-010-0065 generally, which includes but is not limited to:

(A) The Department and other state employees for audits, program reviews, or quality control;

(B) Law enforcement or district attorney's offices for child abuse assessments and investigations and proceedings connected with administering the child welfare laws. See OAR 413-010-0065(2)(b);

(C) The public if a child in the Department's custody has been abducted or is believed abducted. See OAR 413-010-0065(2)(c);

(D) General information, policy statements, statistical reports or similar compilations not identified with a client. See OAR 413-010-0065(3);

(E) Adult's presumed waiver of confidentiality. See OAR 413-010-0065(4);

(F) Review of the Department records for research purposes. See OAR 413-010-0065(5); and

(G) Investigation of Other Crime. See OAR 413-010-0065(6).

Stat. Auth.: ORS 418.005 & 418.340

Stats. Implemented: ORS 7.211, 409.225, 419A.255, 419A.260, 419B.035, 430.763 & 432.420

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0035

### Prohibited Disclosures

(1) If a court order or a specific statute requires the Department to disclose information that this rule protects, the Department shall disclose the information.

(2) The Department shall not disclose client information:

## ADMINISTRATIVE RULES

(a) For purposes not directly connected with the administration of child welfare laws; or

(b) When disclosure is neither required nor authorized by:

(A) ORS 419B.035 (governing confidentiality of child abuse records), set out below in OAR 413-010-0035(11);

(B) ORS 419A.255 (governing confidentiality of juvenile court records) set out below in OAR 413-010-0035(12); or

(C) Another statute.

(3) The Department shall not disclose investigatory information compiled for criminal law purposes, including the record of an arrest or a report of a crime, unless law enforcement explicitly authorizes the Department to disclose such information.

(4) Department employees shall not disclose the information described in section (3) of this rule unless authorized to do so by the branch manager or designee.

(5) A person authorized to review client records may not review the complete case file if the complete file contains confidential information about other persons, including, but not limited to other client's, ex-spouses, battering partners, housemates, and half-siblings unless the other person provides written consent that meets the requirements of OAR 413-010-0045(2)(a).

(6) The Department shall not disclose the records of a patient at a drug and alcohol abuse treatment facility to any person without the consent of the patient.

(7) The Department shall not disclose client information contained in a record sealed by a court order of expunction or any part of the expunged record.

(8) Disclosure of Adoption Records:

(a) The Department shall neither disclose nor release identifying information to anyone regarding the birth parents of a child who is placed for adoption. It is the intent of this rule to protect from release any information about a child placed for adoption that will link the child to the birth family or the birth family to the child. The whereabouts and new identity of a child shall not be revealed to anyone seeking information about the child by his or her birth name, except as otherwise provided by law;

(b) Identifying information from adoption files may be given to an adult adoptee or adult genetic sibling (age 21 or older) and to a birth parent when they have met the legal requirements of the Voluntary Adoption Registry as specified in ORS 109.425 to 109.507 and OAR 413-130-0300 to 413-130-0360;

(c) When an adoption is finalized, the records must be sealed and may be opened only pursuant to a court order. Only the Department central office adoption staff shall have access to the files. The adoption manager or designee may approve the release of non-identifying information from the files to the child or to the adoptive parents or their designee to provide information about the child's early history or familial history;

(d) The Department shall not disclose information about adoptive placements.

(9) Disclosure of Adoption Assistance Records:

(a) Records and information obtained or created by the Department for the purposes of determining eligibility or making payment for adoption assistance are confidential. Only the Department central office adoption staff shall have access to the files. The Department shall not use or disclose the information except for purposes directly connected with the administration of the adoption assistance program (42 USC 671(a)(8));

(b) Notwithstanding section (1) of this rule, use and disclosure of adoption records are governed by ORS 7.211, 432.420.

(10) Reporter of Abuse. The identity of the person(s) making a report of suspected child abuse, and any identifying information about the reporting person(s), shall be removed from the records or shielded from view before records are viewed or copied. The name, address or other identifying information shall only be disclosed to a law enforcement officer or district attorney in order to complete an investigation report of child abuse.

(11) Reports and Records Compiled Pursuant to the Child Abuse Reporting Law:

(a) Each report of suspected child abuse shall be immediately reported to a law enforcement agency;

(b) The Department shall assist in the protection of a child who is believed to have been abused or neglected by providing information as needed to:

(A) The juvenile court;

(B) The district attorney;

(C) Any law enforcement agency or a child abuse registry in another state investigating a child abuse report;

(D) Members of a child protection team or consultants involved in assessing whether or not abuse occurred and determining appropriate treatment for the child and family;

(E) A physician who is examining a child or providing care or treatment, and needs information about the child's history of abuse; and

(F) A non-abusing parent, foster parent or other non-abusing person responsible for the care of the child.

(c) A report, record, or findings of an assessment of child abuse shall not be disclosed until the assessment is completed, except for the reasons stated in subsections (e)(A) and (B) of this rule. An assessment will not be considered completed while either a protective service assessment or a related criminal investigation is in process. The Department is responsible for determining when the protective service assessment is completed. The district attorney determines when a criminal investigation is completed.

(d) Records or findings of completed child abuse assessments shall be released upon request to the following:

(A) Attorneys of record for the child or child's parent or guardian in a juvenile court proceeding for use in that proceeding; and

(B) A citizen review board established by the Department or by a juvenile court to review the status of children under the jurisdiction of the court for the purpose of completing a case review. Before providing information to a citizen review board, the Department shall assure that the board has informed participants of their statutory responsibility to keep the information confidential, and will maintain records in an official, confidential file.

(e) Records or information from records of abuse and neglect assessments may be disclosed to other interested parties if the Department determines that disclosure to a person or organization is necessary to:

(A) Administer child welfare services and is in the best interests of the affected child. When disclosure is made for the administration of child welfare services, the Department will release only the information necessary to serve its purpose; and

(B) Prevent abuse and neglect, to assess reports of abuse and neglect or to protect children from further abuse or neglect.

(12) Juvenile Court Records in the Department files:

(a) The juvenile court's "record of the case" is the "legal file", which includes the summons, other process, the petition, all papers in the nature of pleadings, motions, orders of the court and other papers filed with the court;

(b) The legal file is confidential and unavailable for public inspection, but is open to inspection by the child's parent, guardian, court appointed special advocate, surrogate, intervenor under ORS 109.119(1) and their attorneys;

(c) The juvenile court's social file includes reports and other material relating to the child's history and prognosis;

(d) The social file shall, except at the request of the child, not be disclosed directly or indirectly to anyone other than the juvenile judge and staff acting under the judge's direction, service providers in the case, and the attorneys of record for the child or the child's parent, guardian, court appointed special advocate, surrogate or intervenor under ORS 109.119(1);

(e) No information in the legal and social files may be disclosed to any other person not described in subsections(2) and (4) of this rule without the consent of the court, except:

(A) For evaluating the child's eligibility for special education under ORS Chapter 343; or

(B) In connection with a proceeding in another juvenile court concerning the child.

(f) The following information in the juvenile court's file is not confidential and must be disclosed upon request:

(A) The name and date of birth of the child;

(B) The basis for the juvenile court's jurisdiction over the child;

(C) The date, time and place of any juvenile court proceeding in which the child is involved.

Stat. Auth.: ORS 418.005 & 418.340

Stats Implemented: ORS 7.211, 409.194, 409.225, 419A.102, 419A.255, 419A.2623, 419B.035, 430.763 & 432.420

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

### 413-010-0045

#### Mandatory Disclosure

(1) The Department shall disclose client information if disclosure is required by ORS 419A.255 or ORS 419B.035.

(2) Unless a client record is exempt from disclosure under the Public Records Law, ORS Chapter 192, the Department shall disclose the client record in the circumstances described below:

# ADMINISTRATIVE RULES

(a) If the client is 18 years or older or legally emancipated, the Department shall disclose, upon request:

(A) The client's records to the client if no court order prohibits the disclosure; or

(B) The client's records to a third party if no court order prohibits the disclosure and the client has authorized the Department in writing to disclose the records to the third party.

(b) Upon the request of a child's parent or legal guardian, the Department shall disclose a child's client records to the parent or legal guardian if the child is receiving voluntary Department services;

(c) Upon the request of a child's parent or legal guardian, the Department shall disclose a child's client records to the parent or legal guardian if the child is or has been in the Department's custody except:

(A) If the child objects;

(B) Disclosure would be contrary to the best interests of any child; or

(C) Disclosure could be harmful to the person caring for the child, which includes, but is not limited to, foster parents, treatment providers and relatives other than the child's parent or legal guardian.

(d) The Department shall disclose a child's client record to the juvenile court in juvenile proceedings, including tribal proceedings regarding the child;

(e) The Department shall disclose a child's client records to an attorney who identifies himself or herself as the child's attorney if the juvenile court confirms that he or she is the attorney of record in a juvenile proceeding.

(3) Information related to the Department's activities and responsibilities in child abuse or neglect cases. Upon request, the Director or the Director's designee shall review the information related to the Department's activities and responsibilities:

(a) When child abuse or neglect causes the death or near death of a child or an adult is charged with a crime related to child abuse or neglect; and

(b) Unless the information is exempt from disclosure under other law, the Director or the Director's designee shall determine an appropriate time for disclosing the information and that determination shall depend on, among other things, the status of any child abuse or criminal investigations and the privacy interests of the victims.

(4) Disclosure to Court Appointed Special Advocate (CASA):

(a) Access to information. Upon presentation of the order of appointment by the court, a CASA, without the consent of the child or children or parents, may inspect and copy any records relating to the child or children involved in the case held by the following entities:

(A) The Department, the state courts, and any other agency, office or department of the state; and

(B) Hospital, school organization, division, doctor, nurse or other health care provider, psychologist, psychiatrist, police department or mental health clinic.

(b) All records and information acquired or reviewed by a CASA during the course of official duties are confidential;

(c) When a CASA is also the guardian ad litem pursuant to federal law, this rule governs the guardian ad litem's access to information.

(5) If, in the professional judgment of the caseworker, information about a child indicates that the child presents a clear and immediate danger to another person or entity, the Department shall disclose the information to the appropriate authority and to the person or entity in danger. The decision to release information in these circumstances will be made in consultation with a supervisor.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 192, 409.225, 419A.170 & 419B.035

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0055

### Mandatory Disclosure if in the Child's Best Interest

(1) Unless client information is exempt from disclosure under another provision of law, and if disclosure is in the child's best interest, the Department shall disclose the client information records to the following persons:

(a) Employees of the Department of Human Services to the extent necessary to perform their official duties, determine the child's or family's eligibility for services, or provide services to the child or family;

(b) The Division of Child Support of the Department of Justice, when information is needed in order to locate children or absent parents, and to establish support for children in substitute care; and

(c) Treatment providers, foster parents, adoptive parents, school officials or other persons providing services to the child or family to the extent that such disclosure is necessary to provide services to the child or family.

Such services include, but are not limited to, those provided by homemakers, intensive family service workers, foster parents, child care centers, private child caring agencies, treatment centers, Indian social service or child welfare agencies, physicians and other health care providers, mental health professionals, volunteers, student interns, child protection teams.

(2) Sensitive Review Committee.

(a) The Director of the Department of Human Services (Director) may choose to convene, either on the Director's own motion or upon a request of the President of the Senate or the Speaker of the House, a sensitive review committee for the purpose of reviewing the actions of the Department, in order to improve the quality of and strengthen child welfare practice in future cases. If the Director convenes a committee at the request of the President or the Speaker, then the Director shall submit the final written report containing the findings, conclusions, and recommendations of the committee to the President and the Speaker no more than 180 days after receiving the request from the President or the Speaker.

(b) Unless client information is exempt from disclosure under ORS Chapter 192 or another provision of law, and if disclosure is in the child's best interest, the Director or the Director's designee shall direct disclosure of relevant client information to persons appointed to a sensitive review committee convened by the Director.

(A) Any record disclosed to the committee members shall be kept confidential by the members of the committee and shall be used only for the purpose for which the record was disclosed.

(B) Any records disclosed to the committee members shall be returned to the Department upon completion of the review.

Stat. Auth.: ORS 409.050, 409.194 & 418.005

Stats. Implemented: ORS 409.010, 409.194, 409.225 & 418.005

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 17-2010(Temp), f. & cert. ef. 7-19-10 thru 1-15-11; CWP 24-2010, f. & cert. ef. 12-29-10; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0065

### Discretionary Disclosure

(1) The Department may disclose client information when disclosure is required or authorized by:

(a) ORS 491B.035 (governing confidentiality of child abuse reports and records), set out in OAR 413-010-0035(11); or

(b) ORS 419A.255 (governing confidentiality of juvenile court records) set out in OAR 413-010-0035(12).

(2) The Department may disclose client information for purposes directly connected with the administration of child welfare laws including, but not limited to:

(a) Disclosure to employees of the Secretary of State's Office, the Department of Administrative Services, the Department of Health and Human Services, and the Department who require information to complete audits, program reviews and quality control;

(b) Disclosure to law enforcement officers and district attorneys' offices needing information for child abuse assessments, criminal investigations, civil and criminal proceedings connected with administering the agency's child welfare programs; and

(c) Disclosure to the public if a child in the Department's legal custody has been abducted or is missing and believed to be abducted, and is in danger of harm or a threat to the welfare of others. The Department may disclose limited information to the extent necessary to identify, locate, or apprehend the child, including the child's name, description, and that the child may pose a threat to the public or himself or herself.

(3) The Department may disclose general information including, but not limited to policy statements, statistical reports or similar compilations of data which are not identified with an individual child, family or other recipient of services, unless protected by other provisions of law.

(4) Presumed waiver of protection of ORS 409.225(1). The Department may disclose the information described in section (4)(f) of this rule if the Director or the Director's designee determines that all of the following circumstances are present:

(a) An adult client is the subject of client information made confidential by ORS 409.225(1);

(b) The Public Records Law does not exempt the information from disclosure;

(c) The adult client has publicly revealed or caused to be revealed any significant part of the confidential information and thus is presumed to have voluntarily waived the confidentiality protection of ORS 409.225(1);

(d) Disclosure is in the best interest of the child; and

(e) Disclosure is necessary to the administration of the child welfare laws;

# ADMINISTRATIVE RULES

(f) If disclosure is authorized, the Department may disclose the following: information about the person making or causing the public disclosure, not already disclosed, but related to the information made public.

(5) Review of the Department records for research purposes. The Director or the Director's designee may authorize a person or organization to review the Department records for research purposes. The Department may not approve the request until the researcher has agreed, in writing, to maintain the confidentiality of individual clients, not to copy the Department records, and not to include identifying information about any client in the report(s) of the research.

(6) Investigation of Other Crime:

(a) Except as authorized by OAR 413-010-0065(2)(b), and ORS 409.225, Department employees shall not disclose to law enforcement client information obtained from client records, conversations with clients or other sources if the employee(s) acquired the information because a person is or has been a client of the Department;

(b) A manager or the manager's designee may disclose to law enforcement a client's current address when:

(A) The law enforcement officer provides the name and social security number of the client; and

(B) The officer satisfactorily demonstrates that the client is a fugitive felon (as defined by the state), the location or apprehension of such felon is within the law officer's official duties, and the request is made in the proper exercise of those duties.

Stat. Auth.: ORS 418.005 & 419B.035

Stats. Implemented: ORS 409.225, 409B.230, 419A.225 & 419B.035

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0068

### Disclosure of Information Exempt Under the Public Records Law

Unless required by court order or specific statute, the Department shall not disclose information in a client file if the information is exempt under the Public Records Law.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

## 413-010-0075

### Disclosure Procedures

(1) The manager or the manager's designee shall supervise access to records.

(2) The manager or manager's designee must approve in writing to the disclosure or redisclosure of client information in the following circumstances:

(a) The Department currently is the child's legal custodian or guardian or the Department was the child's legal custodian or guardian when the Department authorized services;

(b) The Department currently is serving the child pursuant to an Interstate Compact or other interstate agreement; and

(c) The child is or was evaluated or provided services in conjunction with the Department assessment following a protective service report, regardless of the child's legal status at the time.

(3) The Department may require a reasonable period of time to prepare a client's record for review at the branch or disclosure by mail.

(4) The Department may require that a person who seeks to review client records, review the records at an appointed time.

(5) Except as provided in OAR 413-010-0065(5), (access to records for research purposes), a person authorized to review the Department record may copy the record.

(6) Any record disclosed shall be kept confidential by the person to whom the record is disclosed and shall be used only for the purpose for which disclosure was made.

(7) To redisclose lawfully, the person must obtain, before the redisclosure, the written consent of the branch manager or the branch manager's designee.

(8) All social service agencies, courts, foster parents, service providers (including medical providers), or agents of the Department providing services to the Department's client at the request of the agency are subject to the Oregon statutes and the Department rules governing disclosure of client information.

(9) The Department shall not permit a person authorized to review a particular client's file to review the complete file if the file includes information about any other client. The Department shall permit review of the particular client's records.

(10) When copies of confidential information are released, the material must be stamped: "Confidential not to be redisclosed".

(11) When confidential records and information are part of the record in an administrative hearing before the Department, the Department and all participants in the hearing shall take all reasonable measures to maintain the confidentiality of the information.

Stat. Auth.: ORS 418.005 & 419B.035

Stats. Implemented: ORS 418.005 & 419A.255

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 18-2011, f. & cert. ef. 9-2-11

.....  
**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 24-2011(Temp)

**Filed with Sec. of State:** 8-19-2011

**Certified to be Effective:** 8-19-11 thru 2-15-12

**Notice Publication Date:**

**Rules Amended:** 461-155-0320

**Subject:** OAR 461-155-0320 about the payment standard for the Department's State Family Pre-SSI/SSDI (SFPSS) program is being amended to set new and lower payment standards. As a result of budget reductions during the 2011 legislative session, the SFPSS grants are being reduced by removing enhanced grants. The grant will equal what the clients would have been receiving in a Temporary Assistance for Needed Families (TANF) grant.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-155-0320

### Payment Standard; SFPSS

In the SFPSS program:

(1) Except as provided in section (3) of this rule, the following payment standards apply:

(a) When one adult in the *filing group* (see OAR 461-110-0330) is applying for SSI: [Table not included. See ED. NOTE.]

(b) When two or more adults in the filing group are applying for SSI: [Table not included. See ED. NOTE.]

(2) Except as provided in sections (3) and (4) of this rule, the standard for eleven individuals or more in the need group (see OAR 461-110-0530) is the sum of the payment for ten individuals in the need group, plus \$109 for each additional individual in the need group, plus the cooperation incentive for ten individuals in the need group.

(3) Effective October 1, 2010, the following payment standards apply:

(a) When one adult in the *filing group* (see OAR 461-110-0330) is applying for SSI: [Table not included. See ED. NOTE.]

(b) When two or more adults in the filing group are applying for SSI: [Table not included. See ED. NOTE.]

(c) The standard for eleven individuals or more in the need group is the sum of the 43 percent SSI amount for ten individuals in the need group, plus the payment for ten individuals in the need group, plus \$110 for each additional individual in the need group.

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

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.014, 412.049

Stats. Implemented: ORS 409.050, 411.060, 411.070, 412.006, 412.014, 412.049

Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 15-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 24-2011(Temp), f. & cert. ef. 8-19-11 thru 2-15-12

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

**Rule Caption:** Eligibility and Entry and Exit Standards for Support Services for Adults with Developmental Disabilities

**Adm. Order No.:** SPD 21-2011(Temp)

**Filed with Sec. of State:** 8-31-2011

**Certified to be Effective:** 8-31-11 thru 12-28-11

**Notice Publication Date:**

**Rules Amended:** 411-340-0100, 411-340-0110

**Rules Suspended:** 411-340-0100(T)

**Subject:** The Department of Human Services (Department) is temporarily amending the support services for adults with developmental



# ADMINISTRATIVE RULES

disabilities rules in OAR chapter 411, division 340 to make the receipt of support services contingent on eligibility for the federally approved Support Services Waiver in most cases. Prior to this, eligibility for the Support Services Waiver was not a requirement for support services

The temporary rulemaking requires that all individuals not eligible for the Support Services Waiver exit brokerage services after September 30, 2011. This eligibility change was included in the 2011-2013 Legislatively Approved Budget for the Department.

**Rules Coordinator:** Christina Hartman—(503) 945-6398

## 411-340-0100

### Eligibility for Support Service Brokerage Services

(1) **NON-DISCRIMINATION.** Individuals determined eligible according to section (2) of this rule may not be denied brokerage services or otherwise discriminated against on the basis of age, diagnostic or disability category, race, color, creed, national origin, citizenship, income, or duration of Oregon residence.

(2) **ELIGIBILITY.** The CDDP of an individual's county of residence may find the individual eligible for a brokerage when:

(a) The individual is an Oregon resident who has been determined eligible for developmental disability services by the CDDP; AND

(b) The individual is an adult living in the individual's own home or family home and not receiving other Division-paid in-home or community living support other than State Medicaid Plan services; AND

(c) The individual is not enrolled in comprehensive services; AND

(d) At the time of initial enrollment in the brokerage, the individual is not receiving short-term services from the Division because the individual is eligible for, and at imminent risk of, civil commitment under ORS chapter 427.215 through 427.306; AND

(e) The individual or the individual's legal representative has chosen to use a brokerage for assistance with design and management of personal supports; AND

(f) The individual is an adult eligible for enrollment in the Support Services Waiver according to OAR 461-135-0750; OR

(g) The individual turns eighteen years old and:

(A) Meets the Level of Care that qualifies the individual for enrollment to the Support Services Waiver; and

(B) Had been enrolled in the Children's Intensive In-home Services (CIIS) Program up to the individual's 18th birthday.

(3) **CONCURRENT SERVICES.** Individuals are not eligible for service by more than one brokerage unless the concurrent service:

(a) Is necessary to affect transition from one brokerage to another;

(b) Is part of a collaborative plan between the affected brokerages; and

(c) Does not duplicate services and expenditures.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 427.005, 427.007, 430.610-430.695

Hist.: MHD 9-2001(Temp), f. 8-30-01, cert. ef. 9-1-01 thru 2-27-02; MHD 5-2002, f. 2-26-02 cert. ef. 2-27-02; Renumbered from 309-041-1840, SPD 22-2003, f. 12-22-03, cert. ef. 12-28-03; SPD 8-2008, f. 6-27-08, cert. ef. 6-29-08; SPD 8-2009, f. & cert. ef. 7-1-09; SPD 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SPD 21-2011(Temp), f. & cert. ef. 8-31-11 thru 12-28-11

## 411-340-0110

### Standards for Support Service Brokerage Entry and Exit

(1) The brokerage must make accurate, up-to-date information about the brokerage available to individuals referred for services. This information must include:

(a) A declaration of brokerage philosophy;

(b) A brief description of the services provided by the brokerage, including typical timelines for activities;

(c) A description of processes involved in using the services, including application and referral, assessment, planning, and evaluation;

(d) A declaration of brokerage employee responsibilities as mandatory abuse reporters;

(e) A brief description of individual responsibilities for use of public funds;

(f) An explanation of individual rights, including an individual's right to:

(A) Choose a brokerage from among Division contracted brokerages in an individual's county of residence that is serving less than the total number of individuals specified in the brokerage's current contract with the Division;

(B) Choose a personal agent among those available in the selected brokerage;

(C) Select providers among those willing, available, and qualified according to OAR 411-340-0160, 411-340-0170, and 411-340-0180 to provide supports authorized through the ISP;

(D) Direct the services of providers; and

(E) Raise and resolve concerns about brokerage services, including specific rights to notification and hearing for Medicaid recipients according to OAR 411-340-0060(3) when services covered under Medicaid are denied, terminated, suspended, or reduced.

(g) Indication that additional information about the brokerage is available on request. The additional information must include but not be limited to:

(A) A description of the brokerage's organizational structure;

(B) A description of any contractual relationships the brokerage has in place or may establish to accomplish the brokerage functions required by rule; and

(C) A description of the relationship between the brokerage and the brokerage's Policy Oversight Group.

(2) The brokerage must make information required in section (1) of this rule available using language, format, and presentation methods appropriate for effective communication according to individuals' needs and abilities.

(3) **ENTRY INTO BROKERAGE SERVICES.**

(a) To enter brokerage services:

(A) An individual must be determined by the CDDP to be eligible for brokerage services according to OAR 411-340-0100(2);

(B) The individual or the individual's legal representative must choose to receive services from a selected brokerage; and

(C) The individual must be enrolled to the Support Services Waiver unless eligibility for support services is based upon OAR 411-340-0100(2)(g).

(b) The Division may implement guidelines that govern entries when the Division has determined that such guidelines are prudent and necessary for the continued development and implementation of support services.

(c) The brokerage may not accept individuals for entry beyond the total number of individuals specified in its current contract with the Division.

(4) **EXIT FROM A BROKERAGE.**

(a) An individual must exit a brokerage:

(A) At the written request of the individual or the individual's legal representative to end the service relationship;

(B) No less than 30 days after the brokerage has served written notice of intent to terminate services, when the individual either cannot be located or has not responded to repeated attempts by brokerage staff to complete ISP development and monitoring activities, and does not respond to the notice of intent to terminate;

(C) Whenever the individual's emergent status exceeds 270 consecutive days;

(D) Upon entry into a comprehensive service; or

(E) When the individual is incarcerated or in a medical hospital, psychiatric hospital, or convalescent center and it is determined that the individual will not return home, or will not return home after 90 consecutive days.

(F) After September 30, 2011 when the individual does not meet the eligibility criteria for the Support Services Waiver under OAR 461-135-0750, except that:

(i) An individual who has applied for a disability determination from the Social Security Administration, and has applied for Medicaid in Oregon, on or before May 1, 2011, may remain enrolled in support services until a disability determination is made and eligibility for OSIP-M (Oregon Supplemental Income Program Medical) is determined. An appeal of a previous denial of disability from the Social Security Administration does not constitute an application.

(ii) An individual who has an active application with the Division's Presumptive Medicaid Disability Determination Team dated on or before July 15, 2011 may remain enrolled in brokerage services until a disability determination is made.

(G) After ten days when an individual is eligible for support services based on OAR 411-340-0100(2)(g) and:

(i) The individual does not apply for a disability determination and OSIP-M within 10 business days of the individual's 18th birthday; OR

(ii) The Social Security Administration or the Division's Presumptive Medicaid Disability Determination Team finds that an individual does not have a qualifying disability; OR

(iii) The individual is determined by the State of Oregon to be ineligible for OSIP-M.

# ADMINISTRATIVE RULES

(b) Any individual being exited from a brokerage must be given written notice of the intent to terminate service at least 10 days prior to the termination regardless of Medicaid status.

(c) An individual who exits support services as a result of the application of section (4)(a)(F) of this rule may not receive continuation of benefits pending a contested case hearing if a hearing is requested to contest the decision to exit from support services.

(d) Each brokerage must have policies and procedures for notifying the CDDP of an individual's county of residence when that individual plans to exit, or exits, brokerage services. Notification method, timelines, and content must be based on agreements between the brokerage and CDDP's of each county in which the brokerage provides services.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 427.005, 427.007, 430.610-430.695

Hist.: MHD 9-2001(Temp), f. 8-30-01, cert. ef. 9-1-01 thru 2-27-02; MHD 5-2002, f. 2-26-02 cert. ef. 2-27-02; MHD 4-2003(Temp); f. & cert. ef. 7-1-03 thru 12-27-03; Renumbered from 309-041-1850, SPD 22-2003, f. 12-22-03, cert. ef. 12-28-03; SPD 32-2004, f. & cert. ef. 10-25-04; SPD 8-2005, f. & cert. ef. 6-23-05; SPD 17-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 8-2008, f. 6-27-08, cert. ef. 6-29-08; SPD 8-2009, f. & cert. ef. 7-1-09; SPD 21-2011(Temp), f. & cert. ef. 8-31-11 thru 12-28-11

\*\*\*\*\*

## Department of Oregon State Police Chapter 257

**Rule Caption:** Suspension or revocation of the right to apply or reapply for a letter of appointment

**Adm. Order No.:** OSP 4-2011

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-7-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 257-050-0050, 257-050-0155, 257-050-0157

**Subject:** Deletes the undefined term "owner" and inserts the word "principal" in its place. Defines "principal" to include an owner. Gives the department continuing jurisdiction over pending suspension or revocation proceedings by authorizing it to revoke or suspend the right to apply for a letter of appointment. Gives the department continuing jurisdiction over pending suspension or revocation proceedings by authorizing it to revoke or suspend the right to reapply for a letter of appointment. The department's current administrative rules only allow it to suspend or revoke an existing letter of appointment of either a "qualified tow business" or any owner or employee of a "qualified tow business" that commits a violation of law chargeable as a violation or crime. "Owner" is not defined. Additionally, the department's current administrative rules only allows it to suspend or revoke a tow vehicle, tow equipment, or a "qualified tow business" that already has a letter of appointment from being on the department's non-preference tow program for a violation of law other than a law chargeable as a violation or a crime. The department's current administrative rules do not allow it suspend or revoke either the right of a tow business or its principals to apply for a letter of appointment, or the right of a "qualified tow business" or its principals to reapply for a letter of appointment once that business' current letter of appointment expires. Under Oregon law, an administrative agency loses jurisdiction over a revocation proceeding once a license expires unless the agency's statutory authority provides otherwise. On July 14, 2010, the department temporarily adopted these rules because it had administrative proceedings pending that involved the revocation or suspension of qualified tow businesses from its non-preference tow program. These rules gave the department continuing jurisdiction in those cases where the letter of appointment for a tow business, tow truck, "qualified tow business," or principal or employee thereof, will expire prior to the department completing its administrative suspension or revocation action and issuing a final order. Due to inadvertence by the department, the department's temporary rules expired on January 10, 2011 without permanent rules being adopted. These administrative rules are intended to the temporary rule changes permanent. The rule changes contained in these permanent rules are made retroactive to January 1, 2009.

**Rules Coordinator:** Cort Dokken—(503) 934-0228

## 257-050-0050

### Definitions

(1) "Abandoned Auto" or "Abandoned Vehicle" – A vehicle, as defined in ORS 819.110, that has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance.

(2) "Area Commander" or "Station Commander" – The local commanding officer of an area established by the Oregon State Police.

(3) "Business Records" – Those records maintained by a qualified tow business that relate to the non-preference tows and which include, but are not limited to, tow bills, letters of appointment, and inspection sheets.

(4) "Certified" or "Certification" – The successful completion by an employee of a tow business of a written test administered by a nationally recognized towing affiliated body/organization relating to the level of towing the employee operates.

(5) "Convicted" – An adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

(6) "Denial" – Action taken by the Department in refusing to issue a letter of appointment to a tow business.

(7) "Department" – The Department of State Police, also referred to as "Oregon State Police," and its employees.

(8) "Employee" – Any person in the service of a tow business under contract of hire, express or implied, oral or written, where the business has the power or right to control and direct the employee in the material details of how the work for the business is to be performed.

(9) "Fencing" – Permanent fencing meeting zoning requirements, with a minimum height of six (6) feet.

(10) "Hazardous Vehicle" – A vehicle, as defined in ORS 819.120, that is disabled, abandoned, parked, or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway given that term in OAR 734-020-0147.

(11) "Hearings Officer" – A person appointed by an agency or entity contracted by the Department of State Police to conduct contested case hearings.

(12) "Highway" – Every public way, road, street, thoroughfare and place including bridges, viaducts and other structures within the boundaries of the state open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right (ORS 801.305).

(13) "Inspector" – A commissioned officer or other appointed representative of the Oregon State Police who has been designated by the Department to examine tow trucks and qualified tow businesses.

(14) "Letter of Appointment" – A letter issued by the Department that authorizes a tow business to tow abandoned or disabled vehicles on a non-preference rotational basis for the Oregon State Police.

(15) "Non-Preference tow rotational List" or "Non-Preference List" – The list of qualified tow businesses maintained at Oregon State Police Headquarters that is used to dispatch the tow trucks on an equitable basis when no choice or preference to a tow business is stated by the vehicle owner, driver, or other person responsible for the vehicle.

(16) "On Road Time" – The time it takes a qualified tow business to have a tow truck started and on the road from the time the dispatcher was called by the Department.

(17) "Patrol Services Division" – The administrative body of the Oregon State Police that is located at General Headquarters in Salem, Oregon.

(18) "Place of Business" – A separate building or physical structure that a qualified tow business occupies, either continuously or at regular times, where the qualified tow business' business books and records are kept and the business of towing vehicles is transacted in each assigned tow zone. Multiple or different qualified tow businesses may operate on a single piece of real property, provided that each qualified tow business maintains individual and separate records, storage facilities, and letters of appointment in order to be placed on the Department's non-preference tow rotational list.

(19) "Principal" – an owner, partner, corporate officer or other person who controls or manages the business organization or employees or agents of the business organization.

(20) "Qualified Tow Business" is a tow business with a current letter of appointment issued by the Department.

(21) "Region Commander" or "District Commander" – The commanding officer of the region as established by the Oregon State Police.

(22) "Recovery Vehicle" – A motor vehicle that is:

# ADMINISTRATIVE RULES

(a) A commercially available truck chassis equipped with a commercially manufactured tow body or bed, that is rated and issued a serial number by the manufacturer;

(b) Designed and equipped for, and used in, the towing and/or recovery of vehicles;

(c) Capable of towing a vehicle by means of a tow bar, sling or wheel lift; and

(d) Capable of recovering a vehicle by means of a hoist, winch and towline.

(23) "Response Time" – The reasonable driving time it takes a tow truck to respond to the dispatched location once the tow truck is on the road.

(24) "Revocation" and "revoked" – The termination of a letter of appointment or right to apply for a letter of appointment, and the removal from the Oregon State Police's non-preference towing program for a period of not less than 10 years, which becomes effective from the date of the Notice of Revocation from the Oregon State Police.

(25) "Right to apply" – The right of a tow business or its principal(s) to apply for, and the right of a qualified tow business or its principal(s) to re-apply for, a letter of appointment.

(26) "Suspension" and "suspend" – The temporary withdrawal of a letter of appointment or right to apply for a letter of appointment, and the removal from the Oregon State Police non-preference towing program for a period of not more than 10 years.

(27) "Tow business" – Any person, enterprise, corporation or partnership that engages in the impounding, transporting, recovery or storage of towed or abandoned vehicles or in the disposal of abandoned vehicles.

(28) "Tow Vehicle" – A motor vehicle that is:

(a) Altered or designed and equipped for, and used in, the business of towing vehicles; and

(b) Used to tow vehicles by means of a crane hoist, tow bar, towline or dolly, or otherwise used to render assistance to other vehicles (ORS 801.530).

(29) "Tow Zone" – The geographical area designated by the area commander for the removal of vehicles.

(30) "Vehicle Storage Area" – The approved yard or enclosed building where a qualified tow business keeps or stores towed vehicles.

Stat. Auth.: ORS 181.440

Stats. Implemented: ORS 181.440

Hist.: OSP 1-1989, f. & cert. ef. 1-3-89; OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89; OSP 5-1992, f. & cert. ef. 12-16-92; OSP 2-1995, f. & cert. ef. 10-20-95; OSP 1-1999(Temp), f. & cert. ef. 9-10-99 thru 3-7-00; OSP 1-2000, f. & cert. ef. 3-15-00; OSP 2-2000(Temp), f. & cert. ef. 7-14-00 thru 1-9-01; Administrative correction 6-12-01; OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06; OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10; OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10; OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10; OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10; OSP 5-2010(Temp), f. 7-13-10, cert. ef. 7-14-10 thru 1-10-11; Administrative correction 1-25-11; OSP 4-2011, f. 9-2-11, cert. ef. 9-7-11

## 257-050-0155

### Suspension and Revocation (for Violation of a Law Chargeable as a Violation or Crime)

(1) The following suspension or revocation periods apply when a tow business, qualified tow business, or any principal or employee of a tow business or qualified tow business, has been convicted of a violation of law charged as a Violation or Crime:

(a) "First Suspension" – any first violation shall be for a period of not less than 60 days.

(b) "Second Suspension" – any second violation that is committed within a one (1) year period from the date of any final order under this rule shall be for a period of not less than one (1) year.

(c) "Third Suspension" – any third violation that is committed within a three (3) year period of the date of any final order under this rule shall be a revocation.

(2) The following constitute grounds for suspension:

(a) Commission of a violation or traffic crime of Oregon Law during the course and operation of the tow business' or qualified tow business' tow business.

(b) A principal or employee of a tow business or qualified tow business that commits any violation of Oregon Law while in the performance of his or her duties of employment.

(3) The following constitutes grounds for revocation:

(a) Commission of a crime, other than a traffic crime and that is chargeable as a misdemeanor or felony, by a tow business or qualified tow business during the course and operation of the tow business' or qualified tow business' tow business.

(b) A principal or employee of a tow business or qualified tow business that commits a crime chargeable as a misdemeanor or felony while in the performance of his or her duties of employment.

Stat. Auth.: ORS 181.440

Stats. Implemented: ORS 181.440

Hist.: OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06; OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10; OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10; OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10; OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10; OSP 5-2010(Temp), f. 7-13-10, cert. ef. 7-14-10 thru 1-10-11; Administrative correction 1-25-11; OSP 4-2011, f. 9-2-11, cert. ef. 9-7-11

## 257-050-0157

### Suspension or Revocation for Violation (other than a Law Chargeable as a Violation or Crime)

(1) Suspensions or revocations, unless otherwise outlined or defined in these rules, shall fall under one of the following four levels:

(a) Immediate suspension – A suspension that takes place immediately, upon written notice from the Oregon State Police, as evidenced by the date of the postmark, removing a tow vehicle, tow equipment, tow business, or a qualified tow business from the non-preference rotational tow list.

(b) Level one suspension – any first violation of these Administrative Rules unless otherwise defined in the rule and shall be for a period of not less than sixty (60) days, and not more than one (1) year in length.

(c) Level two suspension – any second violation of these Administrative Rules that is committed within a one (1) year period from the date of any final order and shall be for a period of not less than one (1) year and not more than two (2) years in length.

(d) Revocation – any third violation of these Administrative Rules that is committed within a three (3) year period of the date of any final order and shall result in a revocation.

(2) A suspension shall be in effect until the violation is corrected, or the Department orders reinstatement of a letter of appointment or right to apply for a letter of appointment.

Stat. Auth.: ORS 181.440

Stats. Implemented: ORS 181.440

Hist.: OSP 5-2005, f. & cert. ef. 11-18-05; OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06; OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10; OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10; OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10; OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10; OSP 5-2010(Temp), f. 7-13-10, cert. ef. 7-14-10 thru 1-10-11; Administrative correction 1-25-11; OSP 4-2011, f. 9-2-11, cert. ef. 9-7-11

\*\*\*\*\*

## Department of Public Safety Standards and Training Chapter 259

**Rule Caption:** New Model Rule Adoption

**Adm. Order No.:** DPSST 13-2011

**Filed with Sec. of State:** 8-29-2011

**Certified to be Effective:** 8-29-11

**Notice Publication Date:**

**Rules Amended:** 259-001-0015, 259-003-0015, 259-005-0015

**Subject:** Per DOJ advice, this rule change adopts the current version of the Attorney General's Model Rules of Procedure, effective January 1, 2008.

**Rules Coordinator:** Linsay Hale—(503) 378-2431

## 259-001-0015

### Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency rulemaking in effect on January 1, 2008.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 2-1981, f. & ef. 12-18-81; PS 1-1983, f. & ef. 12-16-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; 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 9-2001, f. & cert. ef. 9-19-01; DPSST 13-2011, f. & cert. ef. 8-29-11

## 259-003-0015

### Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to proceedings for agency declaratory rulings under the Administrative Procedures Act as amended and in effect on January 1, 2008.

Stat. Auth.: ORS 181.640(5) & 703.230(2)

Stats. Implemented: ORS 181.640(5) & 703.23(2)

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; 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; DPSST 13-2011, f. & cert. ef. 8-29-11

# ADMINISTRATIVE RULES

259-005-0015

## Rules of Procedures

Pursuant to the provisions of ORS 183.341, the Board and Department adopt the Attorney General's Model Rules of Procedure applicable to contested cases under the Administrative Procedures Act as amended and in effect on January 1, 2008.

Stat. Auth.: ORS 181.640  
Stats. Implemented: ORS 181.640  
Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1997, f. 3-20-97, cert. ef. 3-25-97; 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 6-2000, f. & cert. ef. 9-29-00; DPSST 13-2011, f. & cert. ef. 8-29-11

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

**Rule Caption:** Implementation of new regulations for Digital Outdoor Advertising Signs

**Adm. Order No.:** HWD 9-2011(Temp)

**Filed with Sec. of State:** 8-24-2011

**Certified to be Effective:** 9-29-11 thru 3-26-12

**Notice Publication Date:**

**Rules Adopted:** 734-060-0007

**Rules Amended:** 734-060-0000

**Subject:** Legislation authorizing digital billboards (SB 639) becomes effective September 29, 2011. The temporary adoption of these rules will allow the agency to begin processing applications for digital billboards on the effective date, while undertaking the permanent rule adoption.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

734-060-0000

### Outdoor Advertising Sign Application Process

(1) Application forms. An application for a sign permit under the Oregon Motorist Information Act (OMIA) is made by completing and submitting the appropriate form, attaching to the form all documents necessary to show the application meets the requirements of the law, and submitting the correct fee to the Outdoor Advertising Sign Program of the Oregon Department of Transportation. Application forms are available from the Outdoor Advertising Sign Program. There are three different Outdoor Advertising Sign application forms: "Standard Outdoor Advertising Sign Permit Application" for new permits for outdoor advertising signs that pre-existed the law change on May 30, 2007, relocations and reconstructions of such permitted signs; "Digital Billboard Outdoor Advertising Sign Application" for digital permits newly issued under ORS 377.710, or relocation and reconstruction of such permitted signs and "Application for Transit Bench or Shelter Sign" for signs on bus/transit benches and bus/transit shelters. The Department may deny a permit application if the applicant does not use the correct form.

(2) Copies of sign laws. The Department will make available copies of all state sign statutes, administrative rules, federal statutes, federal regulations, and federal-state agreements in effect. The Department may charge for the copies at the rate established by law for public records requests, and may require prepayment. The Department may also provide these documents by e-mail, web site, or in other forms for the convenience of the public and the Department.

(3) Summary of regulations. To assist potential permit applicants and the general public, the Department will make available a summary of sign permit regulations. The summary does not bind the Department to the items listed or waive its right and duty to enforce all requirements under the law.

(4) Contents of applications for Standard Outdoor Advertising Signs and Digital Billboard Outdoor Advertising Signs. To be complete the application must include the following.

(a) Application form Part 1: Applicant Information, Sign Specifications. Information must be complete and accurate for applicant, sign builder, purpose of application, description, township/range/section/tax lot, highway route number or name and side of highway, how site is marked, name and address of property owner, and why the sign will be an "outdoor advertising sign." The location boxes should be completed to the best of applicant's ability to enable the Department to find the site.

(b) Application form Part 2: Certification of Applicant. The application form must be signed and dated by the applicant, certifying the information provided by applicant is accurate and has not been changed after the

local government certification (see section (c) below). If the applicant is a corporate or other business entity the individual signing must include their title or role so as to indicate the authority to sign for the applicant.

(c) Application form Part 3: Certification of Local Jurisdiction. After completing Part 1, applicant must submit the complete application form to the local jurisdiction for zoning and local compliance information. The local official must complete all of Part 3 and, if relevant, attach a letter of explanation of local code compliance. The local official must sign and date Part 3.

(d) Fee. The fee is based on square footage as described in administrative rule. To be complete applicant must submit the correct application fee. The Sign Program does not accept cash, debit or credit cards; checks must be made out to Oregon Department of Transportation.

(e) Written proof of landowner consent. Upon adoption of this rule, an application for a reconstruction permit, relocation permit, or a new pre-existing sign permit must include written proof the landowner consents to have applicant maintain the proposed sign. The document must be signed by the landowner and the application filed during the base term of the agreement, or during a renewal term that is automatic or at applicant's election. If during a renewal period applicant must certify that the renewal was exercised and continues in effect. Examples of acceptable documents are the land lease, land lease plus applicant's certification as described above, land lease plus owner's written confirmation that an extension is being exercised, or a current memo signed and dated by land owner stating that applicant has permission to put the sign at the specified location. Payment information need not be included unless it is the evidence that compensation is exchanged making it an outdoor advertising sign.

(f) Business License. The applicant and the sign builder must have a current outdoor advertising sign business license as required under ORS 377.730.

(g) Relocation permit application. For a relocation application, if the zoning was first commercial or industrial after 1/1/1973, or the local jurisdiction cannot determine the date, the applicant must submit a sketch or other document showing the site is within 750 feet of a commercial or industrial area to comply with ORS 377.767(3).

(h) Pre-existing sign permit application. For an application for a new permit for an outdoor advertising sign under HB 2273 (2007), the following additional items are required:

(A) Complete the application form "Supplement for Pre-existing Sign Permit" and sign it before a notary public;

(B) Submit documents demonstrating each of your claims, such as a lease showing the sign was posted for compensation; and

(C) Pursuant to ORS 377.712(1), include information demonstrating that applicant was ignorant of the law's permit requirement for that sign.

(5) Digital Billboard applications must also include the following information:

(a) When being reconstructed or relocated for the first time as a digital billboard the applicant must provide the eligible permit(s) or relocation credit(s) being retired pursuant 377.700 to 377.840 and OAR 734-060-0007.

(b) Whether the proposed sign is a "Poster" or "Bulletin" sign as described in (3).

(c) Emergency malfunction contact information including name, phone number along with proposed response procedure to possible malfunction.

(d) Whether or not a renewable energy source is available and being utilized. If yes, list the source including name and contact information of company to provide stated energy source. If none, then the applicant must complete the affidavit attesting that no renewable source is available.

(e) Specification sheet for the electronic light emitting diodes to be used in proposed sign.

(6) Transit Bench or Shelter Application. For an application for an outdoor advertising sign on a transit shelter or bench under Oregon Administrative Rules Division 60 or 65, include official documentation that the site is at a bus or transit stop on a city or urban transit system route.

(7) Complete Applications.

(a) The Outdoor Advertising Sign Program's mailing address is: Oregon Department of Transportation, Right of Way Section – Sign Program, 4040 Fairview Industrial Drive SE, MS #2, Salem OR 97302. The Sign Program receives hand deliveries at 4040 Fairview Industrial Drive SE, Salem Oregon. The Sign Program receives facsimiles at 503-986-3625. The Sign Program receives electronic mail at OutdoorAdvertising@odot.state.or.us.

(b) The Department requires original signatures and original initials to any changes on the application form. Therefore the Department will not

# ADMINISTRATIVE RULES

accept the application form by electronic transmission (including facsimile). The Department may accept other documents by electronic transmission. The Department will not accept any changes made verbally; all changes must be in writing.

(c) The Department will indicate on each application document the date and time received. Application materials received by mail will be treated as received at the time a representative of the sign program physically receives the program's mail for that day. Application materials received in person, by fax, or by electronic transmission will be treated as received when a representative of the sign program physically receives those materials.

(d) The Department will only process applications that are complete. An application is complete when the Outdoor Advertising Sign program receives the signed application form including all necessary information, all documents necessary for issuance of a permit, and the correct application fee. Within 15 calendar days of receiving an application the Department will provide to the applicant written notice whether the application is complete. If the Department determines the application is complete, the notice will state the application's priority among all pending, complete applications. If the Department determines any information provided is incorrect, the application is not complete. The Department may rescind a notice of completeness and priority date if it later determines that information provided by applicant is not correct.

(e) If an application is not complete, within 15 calendar days of receiving the application the Department will return the entire application with written instructions on what is needed to complete it. The applicant must initial any subsequent changes and, if the changes are substantive to the local jurisdiction, must obtain a new certification from the local jurisdiction. If the form is complete, but the application is otherwise incomplete due to insufficient supporting documents or fee, the Department may return the entire application with written instructions for completion, or may hold the application and notify the applicant in writing of what is needed and when it must be provided. Within 15 days of receiving the corrected form or additional materials the Department will provide the applicant written notification whether it is complete and, if complete, the priority among all pending, complete applications. If the applicant makes any change to the application after it is complete, the Department will change the priority date to the date of that change. If the Department has held an incomplete application for 60 days from date of initial receipt the application is deemed withdrawn by the applicant. The Department will return the entire application and refund any eligible deposited fee.

(8) Processing of complete permit application.

(a) The Department will approve or deny a permit within 60 days of the complete application's priority date as determined under 7(d) or (e)] if the application clearly does not conflict with another complete application.

(b) An application for a permit that conflicts with the location of an expired or canceled permit will not be processed until the time for any hearing or appeal on the latter permit has passed, unless the permit is being canceled as a condition for issuance of the new permit.

(c) When a complete application might conflict with another complete application due to spacing or any other reason, the application with the earlier priority date and time takes precedence over the later application. Subject to all other requirements of the OMIA, the Department will issue the permit to the earlier applicant.

(d) If multiple complete applications have the same priority date and time, and are determined by the Department to compete for the same spot, the Department shall notify the applicants of the circumstances within seven days of the Department's determination. If an affected applicant requests a contested case hearing, the matter will be determined by a single contested case hearing under Oregon's Administrative Procedures Act. The Department shall refer the matter to the Office of Administrative Hearings within seven days of an applicant's written hearing request.

(e) If the Department does not approve or deny a permit application within the time allowed under (8)(a), this does not require the Department to issue a permit or require any remedy except as provided otherwise in law.

(9) Field checks. Applicant requirements and Department method.

(a) When the Department determines an application is complete, the Department will perform a field check to determine the milepoint and all other information necessary to process the application.

(b) The applicant must place a marking at the site to show the proposed location for the sign permit. The applicant may use a stake, ribbon, paint, or any method or material that will allow the Department to easily locate the site and attribute it to the applicant. If the marked site is other than that represented to the local authority in obtaining its signature on the

application form, or is other than where the applicant actually builds the sign, the Department may consider that a violation of ORS 377.725(10).

(c) If the Department can not locate the site it will notify the applicant pursuant to (5)(e) above that the application is incomplete due to incorrect information and may request reasonable action by the applicant to identify the site.

(d) The Department will conduct a field check by traveling to the proposed site and calculating the milepoint to the one-hundredth of a mile or, when necessary, to the one-thousandth of a mile. The Department may also determine the engineering station. The Department may also make any other determination regarding the site that is relevant to the application, such as proximity to the right of way and to a commercial or industrial area. Once a field check has been conducted the application fee is non-refundable.

(e) The Department may use intersections, highway structures, or other highway feature and its corresponding milepoint or engineering station, to measure and calculate the milepoint of the proposed site. Milepost markers are for the convenience of motorists and are not precise indications of the milepoint, therefore the Department will not use milepost markers for these calculations without other indication of accuracy.

(10) Denied Permit Applications. If the Department denies an application, it will consider that site as conflicting with other applications:

(a) Until the time to request a hearing elapses without a hearing request from the applicant; or

(b) If a hearing is requested, until the time to request an appeal on the final order has elapsed or until the final appellate court enters a judgment on the matter, whichever is later.

(c) The Department will return the original application and any accompanying documents when an application is denied.

(11) Issued Permits.

(a) The permit will specify the 180th day by which the sign must be constructed.

(b) Within 190 days of permit issuance, the permittee must notify the Department in writing if the action described in the permit has been completed, and include at least one photograph demonstrating that completion. For a reconstruction permit or a relocation permit based on a relocation credit, the notice must state that the new sign has been constructed. For a direct relocation the notice must state that the new sign has been constructed and the former sign on which the permit was based has been removed. If the Department has not received the notification within 180 days the Department will alert permittee to the deficiency and the upcoming 190-day deadline. If the permittee fails to submit the written notice and photograph within the time allowed, the Department will cancel the permit to relocate or reconstruct, and the permit will revert to its prior status. No fees will be refunded.

(c) "Constructed" means that the structure and all sign faces are permanently in place and the permit plate is attached. "Removed" means the taking down, removing, or eliminating all sign structure elements that are visible from the state right of way

(12) This rule applies to permit applications filed after the effective date of this rule.

Stat. Auth.: ORS 184.616, 184.619, 377.715, 377.725

Stats. Implemented: ORS 377.715, 377.725

Hist.: HWD 2-2009, f. 3-20-09, cert. ef. 3-23-09; HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12

## 734-060-0007

### Digital Billboard Procedures

(1) As provided in ORS 377.710(6), This rule provides for the method for implementation of new regulations for Digital Outdoor Advertising Signs.

(2) Qualification for receiving a new digital state sign permit:

(a) The proposed site and sign must meet all requirements of the OMIA pursuant to ORS 377.710(6) and 377.720(3)(d)(A), (B) and (C), including the requirement that the message change no more frequently than once every 8 seconds and the entire message changes in 2 seconds or less.

(b) Applicant must submit a completed application for a digital billboard using the approved form that may be obtained by one of the following methods:

(A) Requesting from Sign Program Staff by phone at 503-986-3656;

(B) Email: [OutdoorAdvertising@odot.state.or.us](mailto:OutdoorAdvertising@odot.state.or.us);

(C) Website [http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/contact\\_us.shtml](http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/contact_us.shtml)

(c) The Department of Transportation personnel must confirm that the standing permitted Outdoor Advertising Sign being retired for the purpose of receiving a state sign permit for a new Digital Billboard has been

# ADMINISTRATIVE RULES

removed (including structure) before the new permit will be issued. The Department will not charge a Banking Permit Fee for the cancellation of state sign permits retired for the purpose of receiving a new digital billboard permit.

(d) Department of Transportation personnel must confirm the sign including structure has been removed for any relocation credit being retired to obtain a new Digital Billboard before a permit will be issued.

(3) The following sets forth the criteria for determining the required relocation credits and/or standing permitted signs that an applicant is required to retire to receive 1 new digital state sign permit:

(a) Applicants who own 10% or less of the active relocation credits at the time the application is submitted shall either remove 1 existing state permitted outdoor advertising sign with a display area of at least 250 square feet or provide one active relocation credit of at least 250 square feet and retire that permit. Applicants meeting this criteria are not limited to either "Bulletin" or "Poster" billboards.

(b) Applicants who own more than 10% of the active relocations credits may apply for a new digital billboard permit for either a Bulletin (14'x48') or Poster (10'x25'). To apply the applicant is required to do the following:

(A) For a Bulletin, choose one of the three options listed:

(i) Remove 2 eligible existing state permitted bulletins, and provide 3 active relocation credits for retirement;

(ii) Remove 1 existing state permitted bulletin, and 2 existing state permitted Posters, and provide 3 active relocation credits; or

(iii) Remove 4 existing posters and provide 3 active relocation credits.

(B) For a Poster, choose either of the options listed:

(i) Remove 2 existing state permitted posters, and provide 3 active relocation credits; or

(ii) Remove 1 existing bulletin and provide 3 active relocation credits.

(c) For an active relocation credit to be eligible it must be at least 250 square feet. All permits and relocation credits submitted under these procedures will be permanently cancelled and are not eligible for relocation credits.

(d) The state sign permits submitted for retirement must include the written statement notifying the Department that the "lease has been lost or cancelled."

(4) The Department will determine the percentage of relocation credits owned by an applicant for a new digital billboard permit by calculating the total number of unused relocation credits and the total number of unused relocation credits owned by the Applicant on the day the application is received.

(5) Two digital sign permits are required for any back to back or V-type digital sign. A separate application is required for each digital sign permit.

(6) The first time a "New Digital Billboard" is permitted it is not subject to the 100-mile rule. The site of the newly permitted billboard will become the established location for future reference. See ORS 377.767(4)

(7) Relocation or reconstruction of permitted digital billboards or relocation credits. The Department will issue 1 digital relocation credit for each permitted digital sign that is removed. The issued digital relocation credit will be for the same square footage as the permitted digital sign that was removed. A digital relocation credit can only be used to relocate or reconstruct a digital billboard.

(8) Use of renewable energy source. The applicant must provide a statement with the submitted application that clarifies what, if any, renewable energy source is available at the site and is being utilized. If none, then a notarized statement to that effect must be included with the application.

(9) All permitted digital billboards must have a feature that will either freeze the sign in a static position or display a full black screen in the event of a malfunction.

(a) The applicant must provide emergency contact information that has the ability and authority to make modifications to the display and lighting levels in the event of emergencies or a malfunction.

(b) The Department through the Outdoor Advertising Sign Program will notify the Sign Owner's contact of a malfunction that has been confirmed by ODOT personnel in the following instances:

(A) The light impairs the vision of a driver of any motor vehicle; or

(B) The message is in violation of ORS 377.710(6) or 377.720(3)(d)(A, B & C)

(10) Measurement of light emitted from State permit digital billboards.

(a) The Department will take measurements of the permitted digital billboard when notified that the sign has been constructed and the permit plate has been installed.

(b) The Department will use an approved luminance meter designed for use in measuring the amount of light emitted from digital billboards using the industry standard for size and distance as follows:

(A) 150 feet for 12'x 25'

(B) 200 feet for 10.5'x 36'

(C) 250 feet for 14'x 48'

Stat. Auth.: ORS 184.616, 184.619, 377.710, 377.729, 377.753

Stats. Implemented: ORS 377.710, 377.720, 377.750, 377.767

Hist.: HWD 9-2011(Temp), f. 8-24-11, cert. ef. 9-29-11 thru 3-26-12

## Employment Department Chapter 471

**Rule Caption:** Clarify definition of "good cause" for late and reopened appeals

**Adm. Order No.:** ED 8-2011(Temp)

**Filed with Sec. of State:** 8-26-2011

**Certified to be Effective:** 8-26-11 thru 2-18-12

**Notice Publication Date:**

**Rules Amended:** 471-040-0010, 471-040-0040, 471-040-0041, 471-041-0070

**Subject:** For late hearing requests, requests to reopen hearings, and late requests to reopen hearings, clarify what constitutes "good cause". This modification will convey reasons that are acceptable for late request.

This change impacts both lower appeals hearings with the Office of Administrative Hearings as well as higher appeals hearings with the Employment Appeals Board.

**Rules Coordinator:** Courtney Brooks—(503) 947-1724

### 471-040-0010

#### Late Request for Hearing

Late Request for Hearing

(1) "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control.

(a) Good cause includes but is not limited to:

(A) Failure to receive a document because the Employment Department or Office of Administrative Hearings mailed it to an incorrect address despite having the correct address;

(B) For telephone hearings, unanticipated, and not reasonably foreseeable, loss of telephone service.

(b) Good cause does not include:

(A) Failure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal;

(B) Not understanding the implications of a decision or notice when it is received.

(2) Notwithstanding section (1) of this rule, good cause for failing to file a timely request for hearing shall exist when the appellant provides satisfactory evidence that the Employment Department failed to follow its own policies with respect to providing service to a limited English proficient person, including the failure to communicate orally or in writing in a language that could be understood by the limited English proficient person upon gaining knowledge that the person needed or was entitled to such assistance.

(3) "A reasonable time," is seven days after the circumstances that prevented a timely filing ceased to exist.

(4) The appellant shall set forth the reason(s) for filing a late request for hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for the late filing, and whether the request was filed within a reasonable time.

(5) Nothing in subsection (4) of this rule prevents the OAH from scheduling a hearing if in the sole judgment of the OAH testimony is required.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.875

Hist.: 1DE 150, f. & ef. 2-9-76; ED 10-2006(Temp), f. & cert. ef. 9-27-06 thru 3-21-07; ED 12-2006, f. 12-1-06, cert. ef. 12-3-06; ED 8-2011(Temp), f. & cert. ef. 8-26-11 thru 2-18-12

# ADMINISTRATIVE RULES

## 471-040-0040

### Reopening of a Hearing

(1) After service of an administrative law judge's written decision as set forth in ORS 657.270, an administrative law judge may reopen the hearing if the party:

- (a) Requesting the reopening failed to appear at the hearing;
- (b) Files in writing, within 20 days of the date of mailing of the hearing decision, a request to reopen; and
- (c) Has good cause for failing to appear at the hearing.

(2) "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control.

(a) Good cause includes but is not limited to:

(A) Failure to receive a document because the Employment Department or Office of Administrative hearings mailed it to an incorrect address despite having the correct address;

(B) For telephone hearings, unanticipated, and not reasonably foreseeable, loss of telephone service.

(b) Good cause does not include:

(A) Failure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal;

(B) Not understanding the implications of a decision or notice when it is received.

(3) The party requesting reopening shall set forth the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing.

(4) The administrative law judge's ruling on a request to reopen the hearing shall be in writing and mailed to the parties.

(5) The filing date for a request to reopen shall be determined under OAR 471-010-0040.

(6) The OAH will treat as a request to reopen the hearing any application for review that a party files with the Employment Appeals Board or the Employment Department, where the filing party failed to appear at the hearing that led to the decision on appeal, unless the applicant specifically states in the application that the applicant does not wish to have the case reopened. In the event that the OAH subsequently denies the request to reopen the hearing, it shall return the case to the Employment Appeals Board, which will then proceed to review the merits of the substantive decision. The original application for review shall serve as the basis for the Employment Appeals Board's review of the merits of that decision.

(7) Nothing in subsection (3) of this rule prevents the OAH from scheduling a hearing if in the sole judgment of the OAH testimony is required.

(8) This rule is effective for all requests to reopen filed after the effective date of this rule.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.280, 657.610 & 657

Hist.: IDE 150, f. & ef. 2-9-76; IDE 153, f. 12-23-77, ef. 1-1-78; ED 3-1999, f. 6-29-99, cert. ef. 7-4-99; ED 2-2004(Temp), f. 5-3-04, cert. ef. 5-4-04 thru 10-31-04; ED 4-2004, f. 7-30-04, cert. ef. 8-1-04; ED 10-2006(Temp), f. & cert. ef. 9-27-06 thru 3-21-07; ED 12-2006, f. 12-1-06, cert. ef. 12-3-06; ED 8-2011(Temp), f. & cert. ef. 8-26-11 thru 2-18-12

## 471-040-0041

### Late Request to Reopen

(1) The period within which a party may request reopening may be extended if the party requesting reopening:

- (a) Has good cause for failing to request reopening within the time allowed; and
- (b) Acts within a reasonable time.

(2) "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control.

(a) Good cause includes but is not limited to:

(A) Failure to receive a document because the Employment Department or Office of Administrative hearings mailed it to an incorrect address despite having the correct address;

(B) For telephone hearings, unanticipated, and not reasonably foreseeable, loss of telephone service.

(b) Good cause does not include:

(A) Failure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal;

(B) Not understanding the implications of a decision or notice when it is received.

(3) "A reasonable time," is seven days after the circumstances that prevented a timely filing ceased to exist.

(4) The party requesting reopening shall set forth the reason(s) for filing a late request to reopen in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time.

(5) The filing date for a late request to reopen shall be determined under OAR 471-010-0040.

(6) Nothing in subsection (4) of this rule prevents the OAH from scheduling a hearing if in the sole judgment of the OAH testimony is required.

(7) The administrative law judge's decision on a late request to reopen shall be in writing and mailed to the parties.

(8) This rule is effective for all late requests to reopen filed after the effective date of this rule.

Stat. Auth.: ORS 657.270, 657.875

Stats. Implemented: ORS 657.280, 657.610 & 657.875

Hist.: ED 10-2006(Temp), f. & cert. ef. 9-27-06 thru 3-21-07; ED 12-2006, cert. ef. 12-3-06; ED 8-2011(Temp), f. & cert. ef. 8-26-11 thru 2-18-12

## 471-041-0070

### Late Application for Review

(1) An application for review is timely if it is filed within 20 days of the date that OAH mailed the hearing decision sought to be reviewed. EAB shall dismiss a late application for review, unless the filing period is extended in accordance with this rule.

(2) The filing period may be extended a reasonable time upon a showing of good cause as provided by ORS 657.875.

(a) "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control.

(A) Good cause includes but is not limited to:

(i) Failure to receive a document because the Employment Department or Office of Administrative hearings mailed it to an incorrect address despite having the correct address;

(ii) For telephone hearings, unanticipated, and not reasonably foreseeable, loss of telephone service.

(B) Good cause does not include:

(i) Failure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal;

(ii) Not understanding the implications of a decision or notice when it is received.

(b) "A reasonable time" is seven days after the circumstances that prevented timely filing ceased to exist.

(3) The applicant shall include with the application for review a written statement describing the circumstances that prevented a timely filing. Nothing in this rule prevents EAB from referring the matter to OAH for a hearing if in EAB's discretion, a hearing is necessary to EAB's determination under section (2).

Stat. Auth.: ORS 183, 657.610 & 657.685

Stats. Implemented: ORS 657.685(6)

Hist.: EAB 1-1983(Temp), f. & ef. 9-14-83; EAB 1-1984, f. & ef. 3-20-84; ED 3-1993, f. & cert. ef. 10-1-93; ED 4-1993, f. & cert. ef. 11-22-93; Renumbered from 472-010-0007; ED 1-1995, f. & cert. ef. 1-9-95; Administrative correction 6-2-99; ED 5-1999, f. 7-28-99, cert. ef. 8-1-99; ED 11-2006, f. 10-26-06, cert. ef. 10-29-06; ED 8-2011(Temp), f. & cert. ef. 8-26-11 thru 2-18-12

.....

**Rule Caption:** Suspend rule which modified "good cause" definition for higher order appeals.

**Adm. Order No.:** ED 9-2011(Temp)

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 8-30-11 thru 2-18-12

**Notice Publication Date:**

**Rules Amended:** 471-041-0070

**Rules Suspended:** 471-041-0070(T)

**Subject:** Suspend temporary rule which modified "good cause" definition for higher order appeals. Change was meant to impact first level appeals only.

**Rules Coordinator:** Courtney Brooks—(503) 947-1724

# ADMINISTRATIVE RULES

## 471-041-0070

### Late Application for Review

(1) An application for review is timely if it is filed within 20 days of the date that OAH mailed the hearing decision sought to be reviewed. EAB shall dismiss a late application for review, unless the filing period is extended in accordance with this rule.

(2) The filing period may be extended a reasonable time upon a showing of good cause as provided by ORS 657.875.

(a) "Good cause" exists when the applicant provides satisfactory evidence that factors or circumstances beyond the applicant's reasonable control prevented timely filing.

(b) "A reasonable time" is seven days after the circumstances that prevented timely filing ceased to exist.

(3) The applicant shall include with the application for review a written statement describing the circumstances that prevented a timely filing. Nothing in this rule prevents EAB from referring the matter to OAH for a hearing if in EAB's discretion, a hearing is necessary to EAB's determination under section (2).

Stat. Auth.: ORS 183, 657.610 & 657.685

Stats. Implemented: ORS 657.685(6)

Hist.: EAB 1-1983(Temp), f. & ef. 9-14-83; EAB 1-1984, f. & ef. 3-20-84; ED 3-1993, f. & cert. ef. 10-1-93; ED 4-1993, f. & cert. ef. 11-22-93; Renumbered from 472-010-0007; ED 1-1995, f. & cert. ef. 1-9-95; Administrative correction 6-2-99; ED 5-1999, f. 7-28-99, cert. ef. 8-1-99; ED 11-2006, f. 10-26-06, cert. ef. 10-29-06; ED 8-2011(Temp), f. & cert. ef. 8-26-11 thru 2-18-12; ED 9-2011(Temp), f. & cert. ef. 8-30-11 thru 2-18-12

\*\*\*\*\*

**Rule Caption:** Updates due to legislative changes; clarifies eligibility for individuals in training.

**Adm. Order No.:** ED 10-2011(Temp)

**Filed with Sec. of State:** 9-13-2011

**Certified to be Effective:** 9-13-11 thru 3-9-12

**Notice Publication Date:**

**Rules Amended:** 471-030-0080

**Subject:** The proposed amendments to OAR 471-030-0080 make the following changes:

- Revise "Professional Technical Training" to "Career and Technical Training" as a result of changes in HB 2109, which passed in the 2009 Legislative Session.

- Defines when the Director may waive the requirement that an individual be a full time student to be approved for training. This change removes the reference to ORS 657.337, which was repealed by HB 2203 in the 2009 Legislative Session.

- Clarify eligibility requirements for unemployment benefits to individuals who are in approved training. Individuals who do not attend their approved training during the week are required to meet regular unemployment insurance eligibility requirements for those weeks.

**Rules Coordinator:** Courtney Brooks—(503) 947-1724

## 471-030-0080

### Career and Technical Training

(1) Career and technical training, as defined in ORS 657.335, shall not be approved by the Director unless the public or private institution, school, or agency offering such program is certified or licensed by the Oregon State Board of Education, the Superintendent of Public Instruction, the Oregon Workforce Investment Board, or another Oregon State agency authorized to grant such certification or license or an equivalent state agency in the state where the training is to be provided.

(2) Career and technical training shall not be approved by the Director if the Director finds that the planned curriculum of classes and course activity is less than the equivalent of full-time student status as defined by the training provider. The Director may waive this requirement if:

(a) Classes needed to complete the training are not available to the individual; or

(b) The number of classes needed to complete the training is less than the equivalent of a full-time schedule.

(3) To receive benefits for any week during career and technical training, a dislocated worker who is otherwise eligible for unemployment insurance benefits must:

(a) Submit a written application for approval of career and technical training on forms prescribed or approved for such purpose by the Director, with the Employment Department Benefits Section — UI Training Programs Unit within 90 days of:

(A) Certification as a dislocated worker; or

(B) Termination from the dislocating employment; or

(C) The filing of a claim for unemployment insurance benefits; and

(b) Submit to the Employment Department a timely claim for such week in accordance with OAR 471-030-0045(4) which establishes the individual:

(A) Was physically present in the individual's labor market as defined in OAR 471-030-0036(6); and

(B) Attended and participated in all scheduled classes for each week of approved career and technical training; or

(C) If the individual failed to attend or participate in all scheduled classes during the week, was able and available for work; and

(c) At the end of each term provide to the Employment Department grades or completion of program documentation from the training facility which certifies that the claimant was satisfactorily pursuing the approved career and technical training; and

(4) Decisions of the Director to approve or disapprove an application for course approval or to discontinue such approval for one or more weeks during career and technical training or to approve or deny supplemental benefits under the provisions of ORS 657.335 through 657.360 shall be in writing, shall set forth the reasons therefore, and shall be served upon the claimant by mailing to the claimant's last known address of record with the Employment Department.

(5) As used in ORS 657.335(1):

(a) "Eligible dislocated workers" includes:

(A) For purposes of ORS 657.345(1), any worker attending training financed wholly or in part, or directly delivered by, a recipient or subrecipient administering Title 1B of the Workforce Investment Act of 1998 (P.L. 105-220).

(B) For purposes of ORS 657.345(2), any worker identified as dislocated by the Employment Department under ORS 657.335(1).

(b) "Unlikely to return to their previous industry or occupation" includes the following:

(A) The individual has been identified as meeting the Worker Profiling Program participation threshold developed by the Employment Department, or

(B) The individual has been permanently separated from an employer in an occupation identified as declining by the Employment Department in that geographic area in which the claimant resides, or

(C) The individual has been evaluated and referred to training by a vocational rehabilitation provider, including but not limited to Vocational Rehabilitation Division, Workers Compensation Division, or a private insurance carrier.

(c) "Long-term unemployed" means unemployed from the dislocated occupation for at least 15 of the last 26 weeks or for at least 8 consecutive weeks immediately prior to application (including survival jobs during such period).

(6) In applying the provisions of ORS 657.340, the Director may approve a program of instruction, including transfer credit programs of instruction given at community colleges, leading toward a baccalaureate or higher degree or training that has for its purpose the preparation of persons for employment in occupations which require a baccalaureate or higher degree from institutions of higher education if:

(a) The individual does not have significant transferable skills for other occupations in the statewide labor market;

(b) Unless previously approved in accordance with the provisions of Title 1B of the Workforce Investment Act of 1998 (P.L. 105-220), the individual is within 48 quarter credit hours (or the semester equivalent) from completing the baccalaureate or higher degree; and

(c) Completing the baccalaureate or higher degree offers the best chance of long term employment.

(7) As used in ORS 657.340(2), "attendance in career and technical training" means the period of time beginning with the starting date of the training and ends with satisfactory completion of the training program. The period of time defined in this section includes customary academic recesses for holidays and between academic terms but does not include the customary academic summer recess. For purposes of applying ORS 657.340(2), an individual may be determined not to be in "attendance in career and technical training" as defined in this section if the individual fails to demonstrate satisfactory progress and attendance as defined in section (3) of this rule.

(8) As used in ORS 657.340(3), "terms and conditions" includes "benefit year" as defined in ORS 657.010(3). In applying the provisions of ORS 657.340(3), the benefit year of an eligible dislocated worker may be extended, whether or not the benefit year has expired, if the eligible dislo-



# ADMINISTRATIVE RULES

cated worker has not filed a subsequent initial claim establishing a new benefit year.

(9) The determination that an individual meets the definition of dislocated worker may be made by the Employment Department for purposes of paying benefits under ORS 657.335 to 657.360.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.335 - 657.360

Hist.: IDE 150, f. & ef. 2-9-76; IDE 1-1983(Temp), f. & ef. 3-9-83; IDE 2-1983, f. & ef. 8-12-83; ED 1-1991, f. & cert. ef. 4-1-91; ED 4-1991(Temp), f. & cert. ef. 12-30-91; ED 3-1992, f. & cert. ef. 6-29-92; ED 4-1992(Temp), f. & cert. ef. 10-19-92; ED 1-1993, f. & cert. ef. 3-22-93; ED 4-1994, f. & cert. ef. 9-2-94; ED 1-1996, f. 4-24-96, cert. ef. 4-29-96; ED 5-2000, f. 10-6-00, cert. ef. 10-8-00 thru 4-6-01; ED 5-2001(Temp), f. 4-6-01, cert. ef. 4-7-01 thru 10-4-01; ED 6-2001, f. 4-20-01, cert. ef. 4-22-01; ED 8-2002, f. 11-22-02 cert. ef. 11-24-02; ED 11-2003, f. 7-25-03, cert. ef. 7-27-03; ED 10-2005, f. 12-29-05, cert. ef. 1-1-06; ED 11-2008, f. & cert. ef. 9-16-08; ED 10-2011(Temp), f. & cert. ef. 9-13-11 thru 3-9-12

## Employment Relations Board Chapter 115

**Rule Caption:** Amends rules relating to computation of time to account for closure days

**Adm. Order No.:** ERB 2-2011(Temp)

**Filed with Sec. of State:** 8-25-2011

**Certified to be Effective:** 9-1-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 115-010-0012

**Subject:** Amends agency rules to account for statewide closure days and the possibility of other closure days (e.g., natural disaster, inclement weather) in the computation of time for filing of documents.

**Rules Coordinator:** Leann G. Wilcox—(503) 378-8610

### 115-010-0012

#### Computation of Time

Unless otherwise specifically provided in these rules, time will be computed by excluding the first day and including the last day unless the last day falls upon a legal holiday, Saturday, or a day when the office is closed before the end of or all of the normal workday, in which case the last day also is excluded.

Stat. Auth.: ORS 243

Stats. Implemented: ORS 240.086(3), 243.766(7) & 663.320

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-2011(Temp), f. 8-25-11, cert. ef. 9-1-11 thru 12-31-11

## Oregon Business Development Department Chapter 123

**Rule Caption:** Amend rules related to the Oregon Investment Advantage

**Adm. Order No.:** OBDD 4-2011

**Filed with Sec. of State:** 8-31-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 123-635-0000, 123-635-0100, 123-635-0175, 123-635-0200, 123-635-0400

**Subject:** Basic housekeeping changes have been made throughout the division to ensure rule consistency.

**Rules Coordinator:** Mindee Sublette—(503) 986-0036

### 123-635-0000

#### Purpose and Scope

These administrative rules specify procedures and criteria necessary to guide certification under the Oregon Investment Advantage Act for the exemption of qualified facilities from State of Oregon business income or corporate excise taxation, as allowed under ORS 316.778 or 317.391. These exemptions of taxable income/profits encourage businesses to invest in new Oregon operations with new full-time employees (earning minimum compensation levels) at qualifying facilities in counties exhibiting the worst per capita incomes and unemployment rates statewide.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.495, 285C.500 - 285C.506, 316.778 & 317.391

Hist.: EDD 17-2002, f. 11-27-02, cert. ef. 12-2-02; EDD 9-2005, f. & cert. ef. 11-4-05; EDD 1-2009, f. 2-23-09, cert. ef. 2-24-09; OBDD 5-2010, f. 1-29-10, cert. ef. 2-1-10; Renumbered from 123-155-0000, OBDD 1-2011, f. & cert. ef. 1-3-11; OBDD 4-2011, f. 8-31-11, cert. ef. 9-1-11

### 123-635-0100

#### Definitions

As used in this division of administrative rules, in addition to definitions in OAR 123-001 (Procedural Rules), unless the context dictates otherwise:

(1) "Business firm" means a person operating or conducting one or more trades or businesses for profit, and does not include any governmental agency, municipal corporation or nonprofit corporation, other than a people's utility district or a joint operating agency under ORS 262.005.

(2) "Facility" has the meaning given under ORS 285C.500(4).

(3) "Municipal Corporation" means the following with respect to the location of a Facility proposed in an application for preliminary certification:

(a) The county government of the county, the territory of which contains the Facility, regardless of whether the location is incorporated or not;

(b) A city government, if the Facility will be located within the corporate limits or urban growth boundary of the city; and

(c) A Port for which the Facility will be located within the territorial limits of the port district.

(4) "Qualified Location" means a site for a Facility as described in OAR 123-635-0150.

(5) "Unique Operations" has the meaning described in OAR 123-635-0175.

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

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.500 & 285C.503

Hist.: EDD 17-2002, f. 11-27-02, cert. ef. 12-2-02; EDD 9-2005, f. & cert. ef. 11-4-05; OBDD 5-2010, f. 1-29-10, cert. ef. 2-1-10; Renumbered from 123-155-0100, OBDD 1-2011, f. & cert. ef. 1-3-11; OBDD 4-2011, f. 8-31-11, cert. ef. 9-1-11

### 123-635-0175

#### Unique Operations

Under ORS 285C.503(5)(e), a business firm's operations that comprise a Facility proposed for preliminary certification must be new business operations respective to the site of the Facility and to any other location in this state where the firm operates, such that:

(1) In the case of the business firm itself, the business operations at the Facility must be categorically different from any operations in which that same firm has recently engaged. (As an example, a business firm may receive certification for a Facility that will manufacture or distribute certain products here for the first time, even if the firm's products were already for sale in this state)

(2) In the case where the business firm has 100-percent common equity interest or is under common control (by way of corporate, familial or similar affiliations) with one or more other business firms operating in this state, the business operations at the Facility must be significantly dissimilar from any operations in which any other such firm has recently engaged. (As an example, a corporate subsidiary is certifiable for a new, first-in-Oregon facility fabricating a laminated wood product, even if another subsidiary of the same parent company already makes essentially the same product in this state, but the new operations utilize an advanced generation of technology with which the product has higher performance standards or weight-bearing specifications)

(3) Irrespective of section (1) or (2) of this rule, the acquisition of a preexisting Facility does not qualify as new business operations, unless both of the following are satisfied:

(a) The business firm invests appreciably in real property or extensively in terms of installing personal property at the Facility after applying for preliminary certification; and

(b) The operations that the firm will undertake pursuant to the new investment are significantly dissimilar from operations recently performed at the Facility.

(4) For purposes of this rule:

(a) "Categorically different" means that the existing, in-state business operations produce, render, deliver or provide essentially another type of good or service that is also for a distinct market segment or customer base.

(b) "Recently" means during the 12 months before the date, on which the Department received the application for preliminary certification.

(c) "Significantly dissimilar" means that the existing, in-state business operations, or the goods or services arising from them, utilize different technology, processes, delivery methods, points in supply chain, marketing, brand names or the like.

(5) How much a Facility's proposed operations are like those of any other business existing anywhere in Oregon does not matter, except as provided under ORS 285C.503(4)(b)(A) and (5)(f), to the extent the operations will compete with local business(es), see OAR 123-635-0270(4)(b) and (5).

Stat. Auth.: ORS 285A.075

# ADMINISTRATIVE RULES

Stats. Implemented: ORS 285C.500 & 285C.503  
Hist.: EDD 9-2005, f. & cert. ef. 11-4-05; EDD 1-2009, f. 2-23-09, cert. ef. 2-24-09;  
Renumbered from 123-155-0175, OBDD 1-2011, f. & cert. ef. 1-3-11; OBDD 4-2011, f. 8-31-11, cert. ef. 9-1-11

## 123-635-0200

### Preliminary Certification Application

For purposes of ultimately seeking the exemption under ORS 316.778 or 317.391:

(1) A business firm must complete an application for preliminary certification and send it to the Department, as follows:

- (a) Using the form prescribed by the Department; and
- (b) Before the following:

(A) Commencement of construction, installation or similar activities with respect to any new property or improvements comprising the proposed Facility; and

(B) Hiring of any employee, who will constitute the five or more required employees at that location.

(2) The preliminary certification application must include a fee of \$500 in the form of a check or money order payable to the Department.

(3) Applications shall be submitted to: Business Development, Business Oregon, State Lands Building Suite 200, 775 Summer Street NE, Salem OR 97301-1280.

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

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.503

Hist.: EDD 17-2002, f. 11-27-02, cert. ef. 12-2-02; EDD 9-2005, f. & cert. ef. 11-4-05; OBDD 5-2010, f. 1-29-10, cert. ef. 2-1-10; Renumbered from 123-155-0200, OBDD 1-2011, f. & cert. ef. 1-3-11; OBDD 4-2011, f. 8-31-11, cert. ef. 9-1-11

## 123-635-0400

### Application Fees, Waivers

With respect to application fees as described in this division of administrative rules:

(1) The Department may excuse the fee or reduce the required amount:

(a) If a business firm's Facility readily qualifies for certification, but as determined based on Department experience and expertise relative to general business activity in the county, region or statewide, it:

(A) Is very small in size;

(B) Has minimal employment; or

(C) Will likely have modest revenue prospects and little likelihood of effectively realizing much benefit from the exemption on taxable income; or

(b) If it can be demonstrated that such a waiver will further the goals and objectives of the program and other relevant public policies, for example, when partial or non-imposition of the fee might promote business investments in areas of the state where the exemption has not yet been used.

(2) The Department shall return or refund the amount collected to the applicant, if it rejects the application or denies the preliminary or annual certification, pending a final order to that effect.

(3) The moneys collected would defray administrative costs; in particular, they may be critical for offsetting legal expenses in the event of contested case appeal.

Stat. Auth.: ORS 285A.075, 285C.503(3) & 285C.506(4)

Stats. Implemented: ORS 285C.503 & 285C.506

Hist.: EDD 17-2002, f. 11-27-02, cert. ef. 12-2-02; EDD 9-2005, f. & cert. ef. 11-4-05; OBDD 5-2010, f. 1-29-10, cert. ef. 2-1-10; Renumbered from 123-155-0400, OBDD 1-2011, f. & cert. ef. 1-3-11; OBDD 4-2011, f. 8-31-11, cert. ef. 9-1-11

## Oregon Commission on Children and Families Chapter 423

**Rule Caption:** Remove "Preservation Services" from Program Area title and from portion of Service Area.

**Adm. Order No.:** OCCF 1-2011

**Filed with Sec. of State:** 9-12-2011

**Certified to be Effective:** 9-12-11

**Notice Publication Date:** 7-1-2011

**Rules Amended:** 423-010-0024

**Subject:** The use of Federal Title IV-B2 funds received by Agency was clarified by the Children's Bureau/ACYF/ACF — Region 10 of the US Department of health and Human Services. Agency is directed by federal guidance to target use of Title IV-B2 funds received by Agency to the "Family Support" portion of the act. Agency may no longer use these funds for Family Preservation services.

**Rules Coordinator:** Marsha Clark—(503) 373-1283

## 423-010-0024

### Program Purposes and Restrictions

Activities and initiatives will have measurable outcomes and support county goals adopted in the Local Plan. These outcomes will be reported using the format and timeline prescribed by the Agency. It is the intent of the State Commission that activities and initiatives will be provided in a culturally competent and gender-specific manner that reflects the population, needs and resources of the county. The following purposes and restrictions will apply to county allocations:

(1) Program Area: Great Start:

(a) Age: Prenatal services to expectant mothers, children 0 through eight years of age and the children's families;

(b) Service Areas: Programs and services that promote outcomes identified in the Local Plan including, but not limited to, research-based early childhood programs and services in county settings that meet the needs of the community.

(2) Program Area: Child Care and Development Fund:

(a) Age: 0 up to 13 years of age, except children with special needs 0 up to 18 years of age;

(b) Service areas: Program and services support priorities established in the State Plan for the Federal Child Care and Development Fund and the Child Care and Development Fund Guidelines. Both documents are available on the Agency's website or by contacting the Agency.

(3) Program Area: Children, Youth and Families Fund:

(a) Age: 0 through 18 and their families;

(b) Service Area: Programs and services supported with Children, Youth and Families Funds will be used to promote outcomes identified in the local comprehensive plans. These funds must support research-based services, systems, initiatives, and programs. These funds are intended to allow maximum flexibility by counties to fund those areas of highest priority.

(4) Program Area: Court Appointed Special Advocates (CASA):

(a) Age: 0 through 18 years of age;

(b) Service areas: CASA programs provide for the recruitment, training, support and supervision of CASA. See OAR 423-045-0030 through 423-045-0035.

(5) Program Area: Youth Investment:

(a) Age: Ages 13 through 18 years, although 11 and 12 year olds may be included where appropriate;

(b) Service Areas: Services to non-delinquent youth who are chronically acting out or are victims of neglect. Programs and services will promote outcomes identified in the Local Plan. Youth are considered chronically acting out when they are exhibiting school behavior problems, are out of parental control, are runaway and homeless, or are exhibiting other risk factors. Youth are non-delinquent if they have no history of, or current involvement with, the juvenile justice system, or have been diverted from the juvenile justice system. Youth who have been referred to a juvenile department for a criminal activity, or who have been placed on an informal accountability agreement are not considered to be non-delinquent for purposes of this funding. These funds must support research-based services, systems, initiatives and programs.

(6) Program Area: Healthy Start:

(a) Age: Children prenatal through five and their families;

(b) Service Areas: Provide funding for voluntary family support services following the Healthy Families America model. See OAR 423-045-0005 through 423-045-0015.

(7) Program Area: Family Support Services:

(a) Age: All children and their families;

(b) Service Areas:

(A) Family Support Services: Family support services means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development. *US Department of Health and Human Services, Administration for Children and Families.*

(B) Family Support Services must be (1) Family-focused and targeted to the family and not only the child or other individual family member(s); (2) Must be focused on at-risk families so that the services will have an impact on the population that would otherwise require services from DHS, Children, Adults and Families (CAF); and (3) Focus on child welfare (not educational needs or other services which are the responsibility of other agencies). Family Support (Title IV-(B)(2)) funds allocated to coun-

# ADMINISTRATIVE RULES

ties may not be used for family preservation or family reunification services as these are services provided by DHS-CAF.

(C) Family Support Services funds are federal Title IV-B(2). Use and expenditure of these funds must meet all federal requirements. Family support services may include:

(i) Services, including in-home visits, parent support groups, and other programs designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition. Example of programs may include Parenting Classes, Parent-to-Parent Support, and In-Home Visitation classes;

(ii) Respite care of children to provide temporary relief for parents and other caregivers. Example of program may include Family Respite Care;

(iii) Structured activities involving parents and children to strengthen the parent-child relationship. Example of program may include Healthy Start;

(iv) Drop-in centers to afford families opportunities for informal interaction with other families and with program staff. Example of program may include Family Resource Centers;

(v) Transportation, information and referral services to afford families access to other community services, including child care, health care, nutrition programs, adult education literacy programs, legal services, and counseling and mentoring services. Example of programs may include Dial-a-ride, Child Care Referral, and Outreach Centers;

(vi) Early developmental screening of children to assess the needs of such children, and assistance to families in securing specific services to meet these needs. Example of programs may include Healthy Start.

(8) Program Area: Relief Nurseries:

(a) Clients: The clients of Relief Nurseries are children birth through age five and their parents or caregivers who have multiple risk factors linked to child abuse and neglect. Some children may turn six years of age and continue in the program until the start of school;

(b) Service Areas: Relief Nurseries are community-based organizations that seek to prevent the cycle of child abuse and neglect through early intervention programs that focus on developing successful and resilient children, strengthening family skills of parents or caregivers, and preserving families. Relief Nursery services are offered within a comprehensive and integrated early childhood and family support system to appropriately meet the needs of the individual family with children who have been abused or are at risk of child abuse and neglect. Relief Nurseries must include therapeutic early childhood education programs, home visitation and parent education and support. Relief Nursery services are voluntary, strength-based, culturally appropriate, and designed to achieve appropriate early-childhood benchmarks and healthy family functioning.

(c) Eligibility for State Funding:

(A) An emerging Relief Nursery must work collaboratively with the Local Commission to ensure that the program is consistent and aligned with the Local Comprehensive Plan. Relief Nurseries must participate in local community efforts to develop and implement an early childhood system of supports and services towards the achievement of positive outcomes for children and families, maximizing the effective use of available resources and avoiding duplication of services;

(B) Applications for State Funding must be submitted to the Agency by the Local Commission in the county where an emerging Relief Nursery exists. The application process must include no less than three existing Relief Nursery program directors in review and approval of the Relief Nursery program for meeting the requirements in OAR 423-045-0101 through 0185. The Local Commission will submit review and approval documentation to the Agency with the application for State Funding;

(C) Eligibility for State funding requires local community financial support as described in OAR 423-0024(8)(d) Matching Funds.

(d) Matching Funds: To be eligible to receive state funds, Relief Nursery programs are required to provide matching community financial support equal to a minimum of 25 percent of any state allocation;

(e) Funding Processes for Existing Relief Nurseries:

(A) Local Commissions are not required to do a competitive process every biennium to fund existing Relief Nurseries;

(B) Local Commissions may consider a competitive or collaborative funding process when significant changes occur within an existing Relief Nursery or when the Local Commission determines necessary.

Stat. Auth.: ORS 417.705-417.797 & 419A.170

Stats. Implemented: ORS 417.705-417.900 & 419A.170

Hist.: CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 1-2007, f. & cert. ef. 2-12-07; OCCF 1-2008, f. & cert. ef. 4-16-08; OCCF 1-2011, f. 9-12-11

\*\*\*\*\*

## Oregon Department of Education Chapter 581

**Rule Caption:** Special Education Responsibilities for Students in Charter Schools

**Adm. Order No.:** ODE 10-2011(Temp)

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 8-23-11 thru 2-19-12

**Notice Publication Date:**

**Rules Amended:** 581-015-2005, 581-015-2010, 581-015-2040, 581-015-2075, 581-015-2080

**Subject:** Shifts student special education responsibilities from resident school district to the district in which the charter school is located if student is enrolled in a charter school in another school district from which the student resides.

**Rules Coordinator:** Diane Roth—(503) 947-5791

### 581-015-2005

#### Criteria for Approving School District Special Education Programs

(1) School districts operating or initiating special education programs must have their programs approved by the State Superintendent of Public Instruction in order to qualify such programs for state reimbursement. As part of this process, districts must subscribe to the following:

(a) Special education instructional programs in the district must include a continuum of services to meet the individual special education needs of all resident children with disabilities, including resident children with disabilities enrolled in public charter schools. For all school purposes residency for children with disabilities enrolled in charter schools is determined in accordance with ORS chapter 338.

(b) Special education must be established and conducted as an integral part of the district's regular school program.

(c) Children who require special education have the same rights and privileges provided to other students.

(2) In addition, the school district must have on file with the Oregon Department of Education a set of assurances and other documentation as required that ensure district compliance with requirements set forth in Oregon Revised Statutes and Oregon Administrative Rules for the education of children with disabilities.

Stat. Auth.: ORS 343.041, 343.045

Stats. Implemented: ORS 343.221

Hist.: 1EB 208, f. 12-19-75, ef. 1-16-76; Renumbered from 581-022-0175; 1EB 248, f. & ef. 9-23-76; 1EB 269, f. & ef. 12-22-77; 1EB 48-1978, f. & ef. 11-17-78; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0035, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 10-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

### 581-015-2010

#### Census and Data Reporting

(1) Each school district must report to the Department all resident children with disabilities who have been identified, located and evaluated and are receiving early intervention, early childhood special education or special education from a public or private educational program on December 1 of each school year.

(2) Charter School Students — Each school district in which a charter school is located reports children with disabilities enrolled in the charter schools located in the district and receiving services described in (1), regardless of parental residency. Residency for children enrolled in charter schools is determined in accordance with ORS chapter 338.

(2) If no children have been identified, located, and evaluated as being disabled, school districts must report this fact.

(3) Private School Students — Each school district must conduct an annual count of the number of private school children as follows:

(a) On October 1 of each year, each school district must count all children attending private schools located within the boundaries of the district.

(b) On December 1 of each year, each school district must count all parentally placed children with disabilities attending non-profit private schools located within the boundaries of the district, in accordance with OAR 581-015-2475, whether or not these children are receiving equitable special education services as described in OAR 581-015-2460.

(4) School districts must report to the Department additional data as required by the Department for the preparation of reports to federal or state agencies. The Department will notify school districts of additional data

# ADMINISTRATIVE RULES

needed to meet the requirements of federal or state law and the applicable reporting dates.

Stat. Auth.: ORS 343.041, 343.045 & 343.055;  
Stats. Implemented: ORS 338.165, 343.155, 34 CFR 300.137 & 139  
Hist.: ODE 2-2000, f. & cert. ef. 2-1-00; Renumbered from 581-015-0038, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 10-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

## 581-015-2040

### Free Appropriate Public Education (FAPE) and Age Ranges

(1) School districts must provide special education and related services to all resident school-age children with disabilities, except as provided in OAR 581-015-2045. "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.

(2) An otherwise eligible person whose 21st birthday occurs during the school year is eligible for FAPE for the remainder of the school year.

(3) The requirements of this rule also apply to children with disabilities who have been suspended or expelled from school in accordance with OAR 581-015-2410 to 581-015-2440.

(4) For purposes of this rule, residency is determined in accordance with ORS chapter 339, except for children enrolled in charter schools. For all school purposes residency for charter school students is determined in accordance with ORS chapter 338.

Stat. Auth.: ORS 343.055  
Stats. Implemented: ORS 338.165, 343.041, 339.115, 34 CFR 300.101  
Hist.: ODE 3-2000, f. & cert. ef. 2-1-00; Renumbered from 581-015-0600, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 10-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

## 581-015-2075

### Charter Schools

(1) For all school purposes, residency for charter school children is determined in accordance with ORS chapter 338, revised 2011.

(2) In accordance with procedural safeguards for special education, a school district must serve resident children with disabilities attending public charter schools located in the district in the same manner as the school district serves children with disabilities in other district schools, including but not limited to:

(a) Identifying, locating, and evaluating students, in accordance with OAR 581-015-2100 – OAR 581-015-2180, to determine which children enrolled in a public charter school may be in need of special education and related services.

(b) Implementing special education and related services according to each child's individual education programs (IEP) in accordance with OAR 581-015-2200 – 581-015-2230.

(c) Providing supplementary and related services on site at the public charter school to the same extent to which the school district has a policy or practice of providing such services on site to its other public schools.

(3) A school district in which a public charter school is located must provide IDEA funds to those charter schools on the same basis as the school district provides IDEA funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.

(4) When a student enrolls in a public charter school, the school district in which the public charter school is located shall:

(a) Provide written notification of the student's enrollment to the district in which the student resides;

(b) Request, in accordance with applicable confidentiality provisions in IDEA and OAR 581-015-0220 through 581-015-0400 and 34 CFR §§300.610 through 300.620, the student records of the student, including all information related to an individualized education program developed for the student;

(c) If a student resides in another district, provide written notification to the student's parent, guardian, or person in parental relationship to provide information about:

(i) The school district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and

(ii) The methods by which the school district may be contacted to answer questions or provide information related to special education and related services.

(5) Each school district that receives an individualized education program under subsection (4)(b) must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed. If the information received was in effect in a previous school district in another state, the district will implement it in accordance with OAR 581-015-2230(2).

(6) When a student who resides in another district no longer is enrolled in a public charter school for any reason other than graduation, the school district in which the public charter school is located shall notify:

(a) The school district in which the student resides to provide notice: (i) that the student no longer is enrolled in the public charter school; and

(ii) that the district will provide the student education records including all information related to the student's individualized education program if the student seeks enrollment or services from the district in which the student resides. Transfer of the information in (6)(b)(ii) is subject to the confidentiality provisions of IDEA and OAR 581-021-0230 – 581-021-0400.

(b) The student's parent, guardian or person in parental relationship to provide information about:

(i) The responsibility of the school district in which the student resides to identify, locate and evaluate students and implement services; and

(ii) The methods by which the school district in (6)(a) may be contacted to answer questions or provide information about special education and related services.

(iii) The responsibility of the district to provide student education records, including all information related to the student's individualized education program, if the student seeks enrollment or services from another school district, including the parental resident district. Transfer of student education records (6)(b)(ii) is subject to the requirements of IDEA and OAR 581-021-0230 – 581-021-0400.

Stat. Auth.: ORS 338.165  
Stats. Implemented: ORS 338.165, 343.045, 34 CFR 300.209  
Hist.: ODE 10-2007, f. & cert. ef. 4-25-07; ODE 10-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

## 581-015-2080

### Child Find

(1) The requirements of this rule apply to all children unless they are no longer entitled to a free appropriate public education under OAR 581-015-2040 – 581-015-2050.

(2) School districts must identify, locate and evaluate all resident children with disabilities, regardless of the severity of the disability, who are in need of early intervention, early childhood special education, or special education services, including:

(a) Highly mobile children with disabilities (such as migrant and homeless children),

(b) Children who are wards of the state;

(c) Indian preschool children who reside on reservations;

(d) Children who are suspected of having a disability even though they are advancing from grade to grade;

(e) Children enrolled in public charter schools;

(f) Children who are home schooled;

(g) Children below the age of compulsory school attendance who are not enrolled in a public or private school program; and

(h) Children above the age of compulsory school attendance who have not graduated with a regular high school diploma.

(3) For purposes of this rule, residency is determined in accordance with ORS chapter 339, except for children enrolled in charter schools. Residency for children enrolled in charter schools is determined in accordance with ORS chapter 338. The district in which the charter school is located is responsible for child find for students enrolled in the charter school regardless of parental resident district.

(4) The district in which the private school is located is responsible for conducting child find activities for all children enrolled in the private school, in accordance with OAR 581-015-2085, regardless of parental resident district.

Stat. Auth.: ORS 343.041, 343.045, 343.157  
Stats. Implemented: ORS 343.045, 343.157, 34 CFR 300.111  
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 14-1983, f. 11-23-83, ef. 11-25-83; EB 11-1995, f. & cert. ef. 5-25-95; ODE 16-2000, f. & cert. ef. 5-23-00; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0037, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 10-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

.....

**Rule Caption:** Virtual Public Charter School Student Enrollment and Appeal Procedure

**Adm. Order No.:** ODE 11-2011(Temp)

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 8-23-11 thru 2-19-12

**Notice Publication Date:**

**Rules Adopted:** 581-020-0342, 581-020-0343

# ADMINISTRATIVE RULES

**Subject:** Implements new state law relating to enrollment in virtual public charter schools. Creates appeal procedure for students who are not approved for enrollment into virtual public charter school by school district. Directs virtual public charter schools to notify districts of student enrollment.

**Rules Coordinator:** Diane Roth—(503) 947-5791

## 581-020-0342

### Virtual Public Charter School Student Enrollment

(1) As used in this rule:

(a) "Notice" means a written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the notice.

(b) "Parent" means parent, legal guardian or person in parental relationship as defined in ORS 339.133.

(c) "Reside in a school district" means the school district in which the student's parent resides.

(d) "School district" means a school district in which more than three percent of the students who reside in the school district are enrolled in one or more virtual public charter schools.

(e) "Student" means a student who seeks to enroll in a virtual public charter school on or after August 2, 2011.

(f) "Virtual public charter school" is as that term is defined in OAR 581-020-0338.

(2) A parent must provide notice to the school district in which the parent resides that the parent intends to enroll a student in a virtual public charter school. Upon receiving the notice, a school district may choose to do nothing further until receiving notice the student is enrolled in the school or if more than three percent of the students who reside in the school district are enrolled in virtual public charter schools not sponsored by the district, the district must provide notice to the parent that the district:

(a) Approves the student for enrollment in the virtual public charter school; or

(b) Does not approve the student for enrollment in the virtual public charter school and provide a copy of this rule and OAR 581-020-0343 to the student and a list of two or more other online options available to the student.

(3) If a parent does not receive a notice of approval or disapproval from a school district under subsection (2) of this rule within 14 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.

(4) A parent may appeal a decision of a school district to not approve a student for enrollment to the State Board of Education pursuant to OAR 581-020-0343.

(5) A virtual public charter school may only enroll a student if the school receives evidence the student's parent has notified the resident school district of the student's intent to enroll in the school. A school shall consider any of the following as evidence the resident school district received adequate notice:

(a) A copy of the notice of intent to enroll sent to the district by the parent;

(b) A notice of approval for enrollment from the district; or

(c) A copy of a final order issued by the Superintendent pursuant to OAR 581-020-0343 that finds that the student is approved for enrollment in the school.

(6) A virtual public charter school shall send a list of students to each school district in which a student who is enrolled in the school resides. The list shall be sent monthly when the virtual school is in session.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.125

Hist.: ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

## 581-020-0343

### Virtual Public Charter School Student Enrollment Appeal Procedure

(1) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation includes issuing a final order. An order issued by the Superintendent or designee shall be considered an order in other than a contested case under ORS 183.484.

(2) A parent may appeal a decision of a school district to not approve enrollment of a student in a virtual public charter school under OAR 581-020-0342 by sending a notice of appeal in writing by mail, fax or e-mail or by personally delivering a copy to the Superintendent of Public Instruction. The notice must be received by the Superintendent within 10 days of the date on which the parent received notice from the district, the district did not approve enrollment of a student in a virtual public charter school. The

parent must also provide a copy of the notice of appeal and any other supporting documents included with the notice to the school district prior to sending the notice of appeal to the Superintendent or within 24 hours of when the parent sent or delivered the notice of appeal to the Superintendent.

(3) The notice of appeal must include:

(a) The parent and student's name and contact information.

(b) The name of the resident school district.

(c) The name of the virtual public charter school in which the student wants to enroll.

(d) A copy of the notice of intent to enroll provided by the parent to the school district.

(e) A copy of the notice of disapproval of enrollment received by the parent from the school district.

(f) The reason for the appeal and any supporting documents including evidence the parent would like considered as part of the appeal.

(4) A school district upon receiving a notice of appeal from a parent may file a reply to the notice with the Superintendent. The reply must be received by the Superintendent within 10 days of when the school district received a copy of the notice of appeal from the parent. The school district shall provide a copy of the reply and any supporting documents included with the reply to the parent.

(5) The Superintendent shall overturn the decision of the school district to not approve the enrollment of the student if the Superintendent determines that:

(a) The school in which the student intends to enroll is not a virtual public charter school.

(b) The resident school district does not have more than three percent of the resident students of the district enrolled in virtual public charter schools not sponsored by the district.

(c) The parent did not receive the notice of disapproval from the district within 14 days of when the parent sent the district the notice of intent to enroll.

(6) The Superintendent may consider the following in deciding whether to uphold or overturn a decision of the school district to not approve the enrollment of a student:

(a) The health and safety of the student.

(b) The student's educational needs and interests.

(c) The availability of other online options to the student.

(d) Any other information that the Superintendent deems relevant to the decision.

(7) The Superintendent shall issue a final order within 30 days of receiving the notice of appeal from the parent. The Superintendent shall send a copy of the final order to the parent, the school district and the virtual public charter school.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.125

Hist.: ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

\*\*\*\*\*

## Oregon Health Authority Chapter 943

**Rule Caption:** Authority Employees, Volunteers and Contractors Background Checks and Contesting Fitness Determinations

**Adm. Order No.:** OHA 17-2011(Temp)

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11 thru 12-27-11

**Notice Publication Date:**

**Rules Amended:** 943-007-0000

**Rules Suspended:** 943-007-0000(T)

**Subject:** HB 2009 (2009) created the Oregon Health Authority and transferred to the Authority the Department of Human Services' (Department) Divisions with respect to health and health care. Effective July 1, 2011 the Authority adopted and incorporate by reference the Department's rules chapter 407-007-000 to 0075; 407-007-0090 to 0100; 407-0200 to 0325; and 407-007-0340 to 0370 for matters that involve employees, volunteers, providers or contractors of the Authority are subject to background checks before the individual may work, volunteer be employed, hold the position, or provide services.

HB 2100(2011) was signed by the Governor on August 5, 2011, with an emergency clause. HB 2100 allows the Authority to use reports of abuse or neglect when conducting background checks on individuals who are employed, seek employment, volunteer, or seek

# ADMINISTRATIVE RULES

to be a volunteer, provide care, or seek to be a care provider on behalf of the Authority for clients of the Authority.

This rule is being amended to adopt and incorporate by reference the Department of Human Services' Background Check Unit rules chapter 407-007-0400 to 0460 for matters that involve abuse and neglect checks for employees, volunteers, providers or contractors of the Authority who are subject to background checks before the individual may work, volunteer be employed, hold the position, or provide services.

The Authority needs to amend OAR 943-007-0000 which allows the Authority to use reports of abuse and neglect when conducting background checks on subject individuals.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-007-0000

### Criminal History Checks

Employees, volunteers, providers and contractors for the Oregon Health Authority (Authority) are subject to background checks and screening to determine if they have a history of criminal behavior such that they should not be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules.

(1) The Authority adopts and incorporates by reference the rules established in: OAR 407-007-0000 to 0075 and 407-007-0090 to 0100 (Employees, Volunteers and Contractors); for those matters that involve employees, volunteers, or contractors of the Authority, except as otherwise provided in this rule.

(2) The Authority adopts and incorporates by reference the rules established in: OAR 407-007-0200 to 0325; and 407-007-0335 to 0370 (Providers) for those matters that involve any entity or agency licensed, certified, registered, or otherwise regulated by the Authority, except as otherwise provided in this rule.

(3) The Authority adopts and incorporates by reference the rules established in OAR 407-007-0400 to 0460 for those matters that involve abuse checks for Authority employees, volunteers, and applicants for employment or volunteer positions, except as otherwise provided in this rule.

(4) Any reference to any rule from OAR 407-007-0000 to 407-007-0100 in rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to employees, volunteers, providers, or contractors of the Authority.

(5) References in OAR 407-007-0000 to 407-007-00400 to the Department of Human Services (Department) or to the Oregon Health Authority shall be construed to be references to either or both agencies.

(6) The Authority authorizes the Department to act on its behalf in carrying out background checks and screening associated with the administration of programs or activities administered by the Authority.

(7) Appeals shall be conducted by the Authority pursuant to OAR 943-007-0500.

Stat. Auth.: ORS 181.534, 181.537, 413.042  
Stats. Implemented: ORS 181.534, 181.537, 183.341  
Hist.: OHA 6-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 17-2011(Temp), f. 8-30-11, cert. ef. 9-1-11 thru 12-27-11

\*\*\*\*\*

**Rule Caption:** Establishment of process for restricting an individual's access to Authority premises, employees, and visitors

**Adm. Order No.:** OHA 18-2011

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 943-012-0005, 943-012-0010, 943-012-0015, 943-012-0020, 943-012-0025

**Subject:** Allows the Authority to protect Authority employees, visitors, and its premises from threats or acts of violence. Defines prohibited conduct and establishes criteria for restricting an individual's access to Authority employees, visitors, and its premises when an individual has engaged in prohibited conduct.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-012-0005

### Definitions

The following definitions apply to OAR 943-012-0005 through 943-012-0025:

(1) "Authority" means the Oregon Health Authority.

(2) "Division" means every individual organizational unit within the Authority.

(3) "Employee" means individuals acting in the course and scope of their duties who are on the State of Oregon payroll, contract employees, employees of temporary service agencies, and volunteers. It also includes employees of other government or social service agencies who, at the time they are accompanying an Authority employee on Authority business, are the target of conduct described in OAR 943-012-0010.

(4) "Premises" means any land, building, facility, and other property owned, leased, or in the possession of, and used or controlled by the Authority. When the Authority occupies space in a building occupied by multiple tenants, the definition includes the common areas of the building used by all tenants such as, but not limited to, restrooms, hallways, and food service areas.

(5) "Restriction of Access" means the Authority has limited an individual's access to specific Authority premises, employees, or methods of communication.

(6) "Weapon" includes, but is not limited to:

(a) A dangerous or deadly weapon as defined in ORS 161.015;

(b) Any other object or substance used in a manner that compromises the safety of Authority employees or visitors on Authority premises;

(c) An imitation or replica of any of the above.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 654.010

Hist.: OHA 7-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 18-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-012-0010

### Prohibited Conduct

(1) Conduct that may result in restriction of access includes, but is not limited to the following:

(a) Causing or threatening to cause physical injury to Authority employees or visitors;

(b) Engaging in actions which compromise the safety or health of Authority employees or visitors;

(c) Causing or threatening to cause harm to the family or property of an employee or visitors through written, electronic, or verbal communication;

(d) Causing or threatening to cause damage to Authority premises;

(e) Bringing a deadly or dangerous weapon onto the Authority's premises, unless authorized by ORS chapter 166 to carry a handgun;

(f) Displaying, attempting, or threatening to use any weapon, on or off Authority premises, that compromises the safety of Authority employees or visitors;

(g) Engaging in harassing conduct as defined in ORS 166.065.

(h) Engaging in telephonic harassment as defined in ORS 166.090.

(2) The conduct listed in section (1) is also prohibited if it occurs during employees' off-work hours and off Authority premises and the prohibited conduct is related to the employee's work with the Authority.

(3) Prior to issuing a restriction of access notice, the Authority shall make an individualized assessment as to whether the conduct listed in section (1) of this rule is a result of a disability of which the Authority has knowledge and whether the conduct is a "direct threat" to others as described in OAR 943-005-0000 through 943-005-0030. If the Authority determines the disabled individual's conduct is not a direct threat, the Authority shall explore the possibility of a reasonable accommodation to mitigate the safety risk.

(4) The prohibitions on conduct in this rule do not apply to individuals who are residents of an Authority-operated residential facility.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 654.010

Hist.: OHA 7-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 18-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-012-0015

### Continuation of Eligible Services

(1) An individual whose access has been restricted by the Authority shall continue to be provided services for which the individual meets program eligibility requirements by an alternate and effective method of communication as determined by the Authority.

(2) Alternate methods may include telephone, electronic mail, written communication, meeting at a designated secure site, or through the individual's representative.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 654.010

Hist.: OHA 7-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 18-2011, f. 8-30-11, cert. ef. 9-1-11

# ADMINISTRATIVE RULES

## 943-012-0020

### Notification

(1) If the Authority determines that it is necessary to restrict access or the methods of communication because of prohibited conduct, the individual will be provided written notification, signed by the assistant director or deputy assistant director of the affected division, and sent by certified mail or other traceable means. The notice shall describe the following:

- (a) Conduct giving rise to the restrictions;
- (b) The specific premises or parts of premises from which the individual is excluded; or the forms of communication which are restricted;
- (c) The alternate method by which services may be obtained;
- (d) Contact information for services or appointment scheduling;
- (e) The availability of the review process, including notification that individuals with disabilities are entitled to request modification;
- (f) The potential criminal consequences for violating the notice of restriction of access; and

- (g) The law enforcement agency being notified.
- (2) The notice shall be effective upon issuance.

(3) Restrictions on access to Authority premises or methods of communication shall remain in place until the Authority determines the individual no longer poses a threat and issues an official notification of removal.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 413.042, 654.010  
Hist.: OHA 7-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 18-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-012-0025

### Authority Review

(1) The Authority shall establish an internal review process to ensure that a notice of restriction of access is warranted prior to issuing a written notice of restriction of access.

(2) Following the Authority's issuance of a notice of restriction of access, the recipient of the notice may request review of the Authority's determination. The request must be submitted to the office of the Director of the Authority. The request must be in writing and submitted, by mail or personal delivery, within 15 business days of the date of issuance of the notice of restriction of access. If the request is submitted by mail, it must be postmarked within 15 business days. No particular format is required for the request for review; however, the individual should include specific grounds for requesting the review.

(3) Upon receipt of a request for review, the Director or an assistant director shall review the request and issue a written decision. The review may include an informal conference. The decision shall be issued within ten days of receipt of the request for review.

(4) The Authority's decision is final.

(5) If the Authority's decision rules in favor of the individual, the restricted individual's access restriction shall be immediately lifted. If the decision is unfavorable to the restricted individual, the restricted individual may seek further review after six months have lapsed since the date of issuance by following the process described in this rule.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 413.042, 654.010  
Hist.: OHA 7-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 18-2011, f. 8-30-11, cert. ef. 9-1-11

\*\*\*\*\*

**Rule Caption:** Establish policy of non-discrimination against individuals with disabilities

**Adm. Order No.:** OHA 19-2011

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 943-005-0000, 943-005-0005, 943-005-0010, 943-005-0015, 943-005-0020, 943-005-0025, 943-005-0030

**Rules Repealed:** 943-005-0000(T), 943-005-0005(T), 943-005-0010(T), 943-005-0015(T), 943-005-0020(T), 943-005-0025(T), 943-005-0030(T)

**Subject:** These rules establish the Authority policy of non-discrimination on the basis of disability in accordance with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. The rules establish Authority policy for communication and accessibility for clients, client applicants and the public. The intent and content of the rules is to mirror existing Federal

civil rights laws and to strengthen the Authority practice of these laws.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-005-0000

### Purpose

These rules (OAR 943-005-0000 through 943-005-0030) establish an Oregon Health Authority policy of non-discrimination on the basis of disability in accordance with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 413.042  
Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-005-0005

### Definitions

The following definitions apply to OAR 943-005-0000 through 943-005-0030:

(1) "Alternate Format Communication" means printed material converted to a communication style that meets the accessibility needs of individuals with disabilities to achieve "effective communication." The types of alternate format that the Oregon Health Authority offers include but are not limited to: large print, Braille, audiotape, electronic format (E-mail attachment, diskette, or CD-ROM) and oral presentation.

(2) "Americans with Disabilities Act" is a comprehensive federal law passed in 1990, which prohibits discrimination on the basis of disability in employment, programs and services provided by state and local governments; goods and services provided by private companies; commercial facilities; telecommunications and transportation. The ADA was crafted upon a body of existing legislation, particularly the Rehabilitation Act of 1973 (Section 504), which states that no recipient of federal financial assistance may discriminate against qualified individuals with disabilities solely because of a disability. (Public Law 101-336)

(3) "An Individual with a Disability" means an individual who:

(a) Has a physical or mental impairment that substantially limits one or more major life activities; or

(b) Has a record or history of such an impairment; or

(c) Is regarded as having such an impairment.

(4) "Authority" means the Oregon Health Authority.

(5) "Auxiliary Aids or Services" mean devices or services that meet the accessibility needs of individuals with hearing, cognitive or speech impairments to achieve "effective communication." The types of auxiliary aids and services that the Authority offers include but are not limited to: qualified sign language interpreters, text telephone (TTYs), oral presentation, note takers and communication through computer keyboarding.

(6) "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated or reduced to an accepted level through the provision of auxiliary aids and services or through reasonably modifying policies, practices or procedures, that person is not considered a qualified individual with a disability and may be excluded from Authority programs services or activities.

(7) "Federal Discrimination Complaint" means a complaint by a client, client applicant or specific class of individuals or their representative filed with a federal agency alleging an act of discrimination by a public entity.

(8) "Qualified Individual with a Disability" means an individual who can meet the essential eligibility requirements for the program, service or activity with or without reasonable modification of rules, policies or procedures, or the provision of auxiliary aids and services.

(9) "Reasonable Modifications" means a modification of policies, practices or procedures made to a program or service that allows an individual with a disability to participate equally in the program or benefit from the service.

(10) "Report of Discrimination" means a report filed with the Authority by a client, client applicant or specific class of individuals or their representative alleging an act of discrimination by the Authority or an Authority contractor, their agents or subcontractors, or a governmental entity under intergovernmental agreement with the Authority, regarding delivery of Authority services, programs or activities that are subject to Title II of the ADA or Section 504 of the Rehabilitation Act.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 413.042  
Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

# ADMINISTRATIVE RULES

## 943-005-0010

### Non-discrimination

(1) No qualified individual with a disability shall, on the basis of disability, be discriminated against, be excluded from participation in, or be denied the benefits of the services, programs or activities of the Authority. In providing any benefit or service, the Authority may not, directly or through contractual or other arrangements, on the basis of a disability deny a qualified individual the opportunity to participate in a service, program or activity or to receive the benefit or services offered. The Authority may not discriminate against a qualified individual with a disability, on the basis of disability in the granting of licenses and certificates.

(2) The Authority shall provide services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities within the context of the program being administered. For purposes of this section, "Integrated Setting" means a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

(3) The Authority may not require a qualified individual with a disability to participate in services, programs, or activities that are separate or different, despite the existence of permissibly separate or different programs or activities.

(4) The Authority may not apply eligibility criteria or standards that screen out or tend to screen out an individual with a disability from fully and equally enjoying any goods or services, unless such criteria can be shown to be necessary for the provision of those goods and services or is determined by the Authority to be a legitimate safety requirement.

(5) The Authority shall ensure each program, service, or activity, including public meetings, hearings and events, when viewed in the entirety, is readily accessible to and usable by individuals with disabilities. For purposes of this section, accessible means the ability to approach, enter, operate, participate in, or to use safely and with dignity by a person with a disability.

(6) Nothing in these rules prohibits the Authority from providing benefits or services to individuals with disabilities, or to a particular class of individuals with disabilities, beyond those required by law.

(7) Nothing in these rules requires an individual with a disability to accept a modification, service, opportunity, or benefit provided under these rules that the individual decides not to accept.

(8) The Authority shall provide auxiliary aids and services or alternate format communication to individuals with disabilities where necessary to ensure an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity, unless it would result in a fundamental alteration of the program or an undue financial or administrative burden. Although the Authority shall determine which aid or format, if any, can be provided without fundamental alteration or undue burden, primary consideration should be given to the choice of the requestor.

(9) Except as authorized under specific programs, the Authority is not required to provide personal devices, individually prescribed devices, readers for personal use or study, or services of a personal nature.

(10) The Authority may not assess a charge or fee to an individual with a disability or any group of individuals with disabilities to cover the costs of measures required to provide the individual with the non-discriminatory treatment required by this policy.

(11) The Authority may not deny individuals the opportunity to participate on planning or advisory boards based on their disability.

(12) The Authority may not discriminate against individuals that do not have disabilities themselves, but have a known relationship or association with one or more individuals with disabilities.

(13) The Authority's determination of direct threat to the health and safety of others must be based on an individualized assessment relying on current medical evidence, or the best available objective evidence that shows:

- (a) The nature, duration and severity of the risk,
- (b) The probability that a potential injury will actually occur; and
- (c) Whether reasonable modifications of policies, practices or procedures will lower or eliminate the risk.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-005-0015

### Illegal Drug Use

(1) Except as provided in section (2) of this rule, OAR 943-005-0000 through 943-005-0030 does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) The Authority may not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current use of drugs, if the individual is otherwise entitled to such services. However, a drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(3) A program may adopt reasonable policies related to drug testing that are designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in the current illegal use of drugs.

(4) A client with a psychoactive substance use disorder resulting from current illegal use of drugs is not considered to have a disability under OAR 943-005-0000 through 943-005-0030 unless the client has a disability due to another condition.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-005-0020

### Reasonable Modifications

(1) The Authority shall make reasonable modifications to policies, practices or procedures of a program, services or activity when the modifications are necessary to avoid discrimination based on disability unless the modification would fundamentally alter the nature of the program, service or activity or create an undue administrative or financial burden.

(2) When providing program access to a qualified individual with a disability would cause a fundamental alteration of the program, service or activity or undue financial or administrative burden, the Authority shall, to the extent the benefit of the program, service or activity can be achieved, provide program access to the point at which the program becomes fundamentally altered or experiences an undue burden.

(3) Alternate format communication is considered to be within the scope of reasonable modifications.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-005-0025

### Requesting a Reasonable Modification

(1) To request a reasonable modification to an Authority program, service, or activity a client applicant, client or public member must submit to program staff a request for a reasonable modification to the applicable program. Requests may be made verbally or by completing the Request for Reasonable Modification form.

(2) Upon receipt of a request for modification the Authority shall:

(a) Determine whether additional documentation regarding the claimed disability is needed and request such documentation;

(b) Within 15 working days of the request or the receipt of additional medical documentation, whichever is later, provide to the requestor notification of approval, approval with alternative modifications or denial of the request for reasonable modification. All denials and approvals with alternative modifications that were not requested shall be clearly labeled a "Preliminary Notification Subject to Review"; and

(c) Ensure that approved modifications occur within a reasonable time.

(3) A "Reasonable Modification Team" (Team) means a two person team appointed by program managers that meet to evaluate a Request for Reasonable Modification decision that either denied the request or approved the request but with modifications other than those requested.

(4) This process may include additional communication with the individual requesting the reasonable modifications.

(5) Preliminary Notifications shall be reviewed by a Reasonable Modification Team, which shall notify the requestor of the final result of the review within 15 working days of the preliminary notification or within 15 working days following receipt of medical or other supporting documentation requested by the Team, whichever is later.

(6) An individual whose request for reasonable modification has been denied or approved with alternative modifications which the individual believes to be inadequate may file a Report of Discrimination with the Authority within 60 days of the final result or file a complaint with the appropriate federal regulatory agency within 180 days of the final result.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11



# ADMINISTRATIVE RULES

## 943-005-0030

### Report of Discrimination and Other Remedies Available for Alleged Discrimination

(1) A client or client applicant or specific class of individuals or their representative may file with the Authority a Report of Discrimination based on disability in the following circumstances:

(a) The final result under OAR 943-005-0025 for a Reasonable Modification Request was denied or was approved with an alternative to the requested modification which is believed to be inadequate;

(b) A request for auxiliary aids and services was denied or was approved with an alternative to the request which is believed to be inadequate;

(c) A request for an alternate format communication was denied or was approved with an alternative to the request which is believed to be inadequate;

(d) Inability to access facilities used for Authority programs;

(e) Denial of participation in Authority programs and services.

(2) A Report of Discrimination must be filed within 60 calendar days of the date of the alleged discrimination unless otherwise set forth in these rules

(3) A Report of Discrimination may be submitted verbally or on a Report of Discrimination Form available at any Authority office or by calling any Authority office.

(4) The claim of discrimination shall be investigated and shall include an interview with the complainant. At the conclusion of the investigation, a Letter of Determination shall be issued within 40 calendar days from the receipt of the Discrimination Report.

(5) An individual may appeal the Letter of Determination to the Civil Rights Review Board (CRRB) within 30 calendar days of receiving the Letter of Determination. CRRB means a panel of Authority employees appointed by the Director that reviews the decisions made by the Authority ADA Coordinator or the Civil Rights Investigator on discrimination complaints filed with the Authority.

(6) At the discretion of CRRB, this may include additional communication with the client.

(7) The remedies available under OAR 943-005-0000 through 943-005-0030 are available in addition to other remedies available under state or federal law or Oregon Administrative Rules, except that these remedies must be exhausted where exhaustion is a requirement of seeking remedies in another forum.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHA 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 19-2011, f. 8-30-11, cert. ef. 9-1-11

.....

**Rule Caption:** Provider Enrollment and Claiming using Medicaid Management Information System

**Adm. Order No.:** OHA 20-2011

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 943-120-0300, 943-120-0310, 943-120-0320, 943-120-0325, 943-120-0330, 943-120-0340, 943-120-0350, 943-120-0360, 943-120-0370, 943-120-0380, 943-120-0400

**Rules Repealed:** 943-120-0300(T), 943-120-0310(T), 943-120-0320(T), 943-120-0325(T), 943-120-0330(T), 943-120-0340(T), 943-120-0350(T), 943-120-0360(T), 943-120-0370(T), 943-120-0380(T), 943-120-0400(T)

**Subject:** The Authority is adopting Authority-wide provider rules (OAR 943-120-0300 to 943-120-0380) which govern provider enrollment and claiming using the Medicaid Management Information System (MMIS). These rules ensure that Oregon Medicaid clients will be able to receive consistent and uninterrupted service and that providers are assured their correct and appropriate reimbursement at times that necessitate exceptions to normal, ongoing communications.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-120-0300

### Definitions

The following definitions apply to OAR 943-120-0300 to 943-120-0400:

(1) "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices resulting in an unnecessary cost to the

Oregon Health Authority, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes actions by clients or recipients that result in unnecessary cost to the Oregon Health Authority.

(2) "Advance Directive" means a form that allows an individual to have another individual make health care decisions when he or she cannot make decisions and informs a doctor if the individual does not want any life sustaining help if he or she is near death.

(3) "Authority" means the Oregon Health Authority.

(4) "Benefit Package" means the package of covered health care services for which the client is eligible.

(4) "Billing Agent or Billing Service" means a third party or organization that contracts with a provider to perform designated services in order to facilitate claim submission or electronic transactions on behalf of the provider.

(5) "Billing Provider" means an individual, agent, business, corporation, clinic, group, institution, or other entity who, in connection with submission of claims to the Authority, receives or directs payment from the Authority on behalf of a performing provider and has been delegated the authority to obligate or act on behalf of the performing provider.

(6) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Division of Medical Assistance Programs.

(7) "Claim" means a bill for services, a line item of a service, or all services for one client within a bill. Claim includes a bill or an encounter associated with requesting reimbursement, whether submitted on paper or electronically. Claim also includes any other methodology for requesting reimbursement that may be established in contract or program-specific rules.

(8) "Client or Recipient" means an individual found eligible by the Authority to receive services under the OHP demonstration, medical assistance program, or other public assistance programs administered by the Authority. The following OHP categories are eligible for enrollment:

(a) Temporary Assistance to Needy Families (TANF) are categorical-ly eligible families with income levels under current TANF eligibility rules;

(b) CHIP children under one year of age whose household has income under 185% Federal Poverty Level (FPL) and do not meet one of the other eligibility classifications;

(c) Poverty Level Medical (PLM) adults under 100% of the FPL and clients who are pregnant women with income under 100% of FPL;

(d) PLM adults over 100% of the FPL are clients who are pregnant women with income between 100% and 185% of the FPL;

(e) PLM children under one year of age who have family income under 133% of the FPL or were born to mothers who were eligible as PLM adults at the time of the child's birth;

(f) PLM or CHIP children one through five years of age who have family income under 185% of the FPL and do not meet one of the other eligibility classifications;

(g) PLM or CHIP children six through 18 years of age who have family income under 185% of the FPL and do not meet one of the other eligibility classifications;

(h) OHP adults and couples are clients age 19 or over and not Medicare eligible, with income below 100% of the FPL who do not meet one of the other eligibility classifications, and do not have an unborn child or a child under age 19 in the household;

(i) OHP families are clients, age 19 or over and not Medicare eligible, with income below 100% of the FPL who do not meet one of the other eligibility classifications, and have an unborn child or a child under the age of 19 in the household;

(j) General Assistance (GA) recipients are clients who are eligible by virtue of their eligibility under the GA program, ORS 411.710 et seq.;

(k) Assistance to Blind and Disabled (AB/AD) with Medicare eligibles are clients with concurrent Medicare eligibility with income levels under current eligibility rules;

(l) AB/AD without Medicare eligibles are clients without Medicare with income levels under current eligibility rules;

(m) Old Age Assistance (OAA) with Medicare eligibles are clients with concurrent Medicare Part A or Medicare Parts A and B eligibility with income levels under current eligibility rules;

(n) OAA with Medicare Part B only are OAA eligibles with concurrent Medicare Part B only income under current eligibility rules;

(o) OAA without Medicare eligibles are clients without Medicare with income levels under current eligibility rules; or

# ADMINISTRATIVE RULES

(p) Children, Adults and Families (CAF) children are clients with medical eligibility determined by CAF or Oregon Youth Authority (OYA) receiving OHP under ORS 414.025, 418.034, and 418.189 to 418.970. These individuals are generally in placement outside of their homes and in the care or custody of CAF or OYA.

(9) "Client Representative" means an individual who can make decisions for clients who are not able to make such decisions themselves. For purposes of medical assistance, a client representative may be, in the following order of priority, an individual who is designated as the client's health care representative under ORS 127.505(12), a court-appointed guardian, a spouse or other family member as designated by the client, the individual service plan team (for developmentally disabled clients), an Authority case manager, or other Authority designee. To the extent that other Authority programs recognize other individuals who may act as a client representative, that individual may be considered the client representative.

(10) "Clinical Records" means the medical, dental, or mental health records of a client. These records include the Primary Care Provider (PCP) records, the inpatient and outpatient hospital records and the Exceptional Needs Care Coordinator (ENCC), complaint and disenrollment for cause records which may be located in the Prepaid Health Plan (PHP) administrative offices.

(11) "Conviction or Convicted" means that a judgment of conviction has been entered by a federal, state, or local court, regardless of whether an appeal from that judgment is pending.

(12) "Covered Services" means medically appropriate health services or items that are funded by the legislature and described in ORS Chapter 414, including OHP authorized under ORS 414.705 to 414.750, and applicable Authority rules describing the benefit packages of covered services except as excluded or limited under OAR 410-141-0500 or such other public assistance services provided to eligible clients under program-specific requirements or contracts by providers required to enroll with the Authority under OAR 943-120-0300 to 943-120-0400.

(13) "Date of Service" means the date on which the client receives medical services or items, unless otherwise specified in the appropriate provider rules.

(14) "Authority" means the Oregon Health Authority.

(15) "Diagnosis Code" means the code as identified in the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM). The primary diagnosis code is shown in all billing claims and PHP encounters, unless specifically excluded in individual provider rules. Where they exist, diagnosis codes must be shown to the degree of specificity outlined in OAR 943-120-0340 (claim and PHP encounter submission).

(16) "Electronic Data Transaction (EDT)" means the electronic exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, conducted by either web portal or electronic data interchange pursuant to the Authority's electronic data transaction rule (OAR 943-120-0100 to 943-120-0200).

(17) "Exclusion" means the Authority may not reimburse a specific provider who has defrauded or abused the Authority for items or services that a provider furnished.

(18) "False Claim" means a claim or PHP encounter that a provider knowingly submits or causes to be submitted that contains inaccurate or misleading information, and that information would result, or has resulted, in an overpayment or improper use for per capita cost calculations.

(19) "Fraud" means an intentional deception or misrepresentation made by an individual with the knowledge that the deception could result in some unauthorized benefit to himself or herself, or some other individual. It includes any act that constitutes fraud or false claim under applicable federal or state law.

(20) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures and supplies. HCPCS consists of the Level I -- American Medical Association's Physicians' Current Procedural Terminology (CPT), Level II -- National Codes and Level III -- Local Codes.

(21) "Health Insurance Portability and Accountability Act (HIPAA)" means a federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information and guarantee security and privacy of health information.

(22) "Hospice" means a public agency or private organization or subdivision of either that is primarily engaged in providing care to terminally

ill individuals, is certified for Medicare, accredited by the Oregon Hospice Association, and is listed in the Hospice Program Registry.

(23) "Individual Adjustment Request" means a form (DMAP 1036) used to resolve an incorrect payment on a previously paid claim, including underpayments or overpayments.

(24) "Medicaid" means a federal and state funded portion of the medical assistance program established by Title XIX of the Social Security Act, as amended, and administered in Oregon by the Authority.

(25) "Medicaid Management Information System (MMIS)" means the automated claims processing and information retrieval system for handling all Medicaid transactions. The objectives of the system include verifying provider enrollment and client eligibility, managing health care provider claims and benefit package maintenance, and addressing a variety of Medicaid business needs.

(26) "Medical Assistance Program" means a program for payment of health care provided to eligible Oregonians. Oregon's medical assistance program includes Medicaid services including the OHP Medicaid Demonstration, and CHIP. The medical assistance program is administered and coordinated by DMAP, a division of the Authority.

(27) "Medically Appropriate" means services and medical supplies that are required for prevention, diagnosis, or treatment of a health condition that encompasses physical or mental conditions, or injuries and which are:

(a) Consistent with the symptoms or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community, evidence based medicine, and professional standards of care as effective;

(c) Not solely for the convenience of a client or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to a client in the provider's judgment.

(28) "Medicare" means the federal health insurance program for the aged and disabled administered by the Centers for Medicare and Medicaid Services (CMS) under Title XVIII of the Social Security Act.

(29) "National Provider Identification (NPI)" means a federally directed provider number mandated for use on HIPAA covered transactions by individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider (45 Code of Federal Regulations (CFR) 160.103) and who conduct HIPAA covered transactions electronically.

(30) "Non-Covered Services" means services or items for which the Authority is not responsible for payment. Non-covered services are identified in:

(a) OAR 410-120-1200, Excluded Services and Limitations;

(b) OAR 410-120-1210, Medical Assistance Benefit Packages and Delivery System;

(c) OAR 410-141-0480, OHP Benefit Package of Covered Services;

(d) OAR 410-141-0520, Prioritized List of Health Services; and

(e) The individual Authority provider rules, program-specific rules, and contracts.

(31) "Non-Participating Provider" means a provider who does not have a contractual relationship with the PHP.

(32) "Nursing Facility" means a facility licensed and certified by the Department of Human Services Seniors and People with Disabilities Division (SPD) defined in OAR 411-070-0005.

(33) "Oregon Health Plan (OHP)" means the Medicaid demonstration project that expands Medicaid eligibility to eligible clients. The OHP relies substantially upon prioritization of health services and managed care to achieve the public policy objectives of access, cost containment, efficacy, and cost effectiveness in the allocation of health resources.

(34) "Out-of-State Providers" means any provider located outside the borders of Oregon:

(a) Contiguous area providers are those located no more than 75 miles from the border of Oregon;

(b) Non-contiguous area providers are those located more than 75 miles from the borders of Oregon.

(35) "Post-Payment Review" means review of billings or other medical information for accuracy, medical appropriateness, level of service, or for other reasons subsequent to payment of the claim.

(36) "Prepaid Health Plan (PHP)" means a managed health, dental, chemical dependency, physician care organization, or mental health care organization that contracts with DMAP or Addictions and Mental Health Division (AMH) on a case managed, prepaid, capitated basis under the OHP. PHP's may be a Dental Care Organization (DCO), Fully Capitated

# ADMINISTRATIVE RULES

Health Plan (FCHP), Mental Health Organization (MHO), Primary Care Organization (PCO) or Chemical Dependency Organization (CDO).

(37) "Prohibited Kickback Relationships" means remuneration or payment practices that may result in federal civil penalties or exclusion for violation of 42 CFR 1001.951.

(38) "PHP Encounter" means encounter data submitted by a PHP or by a provider in connection with services or items reimbursed by a PHP.

(39) "Prior Authorization" means payment authorization for specified covered services or items given by Authority staff, or its contracted agencies, or a county if required by the county, prior to provision of the service. A physician or other referral is not a prior authorization.

(40) "Provider" means an individual, facility, institution, corporate entity, or other organization which supplies health care or other covered services or items, also termed a performing provider, that must be enrolled with the Authority pursuant to OAR 943-120-0300 to 943-120-0400 to seek reimbursement from the Authority, including services provided, under program-specific rules or contracts with the Authority or with a county or PHP.

(41) "Quality Improvement" means the effort to improve the level of performance of key processes in health services or health care. A quality improvement program measures the level of current performance of the processes, finds ways to improve the performance and implements new and better methods for the processes. Quality improvement includes the goals of quality assurance, quality control, quality planning, and quality management in health care where "quality of care is the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge."

(42) "Quality Improvement Organization (QIO)" means an entity which has a contract with CMS under Part B of Title XI to perform utilization and quality control review of the health care furnished, or to be furnished, to Medicare and Medicaid clients; formerly known as a "Peer Review Organization."

(43) "Remittance Advice" means the automated notice a provider receives explaining payments or other claim actions.

(44) "Subrogation" means the right of the state to stand in place of the client in the collection of third party resources, including Medicare.

(45) "Suspension" means a sanction prohibiting a provider's participation in the Authority's medical assistance or other programs by deactivation of the assigned provider number for a specified period of time or until the occurrence of a specified event.

(46) "Termination" means a sanction prohibiting a provider's participation in the Authority's programs by canceling the assigned provider number and agreement unless:

- (a) The exceptions cited in 42 CFR 1001.221 are met; or
- (b) Otherwise stated by the Authority at the time of termination.

(47) "Third Party Resource (TPR)" means a medical or financial resource, including Medicare, which, by law, is available and applicable to pay for covered services and items for a medical assistance client.

(48) "Usual Charge" means when program-specific or contract reimbursement is based on usual charge, and is the lesser of the following, unless prohibited from billing by federal statute or regulation:

(a) The provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The provider's lowest charge per unit of service on the same date that is advertised, quoted, or posted. The lesser of these applies regardless of the payment source or means of payment; or

(c) Where the provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200% of the FPL, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to TPR must be considered.

(49) "Visit Data" means program-specific or contract data collection requirements associated with the delivery of service to clients on the basis of an event such as a visit.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0310

### Provider Requirements

(1) All providers seeking reimbursement from the Authority, a PHP, or a county pursuant to a county agreement with the Authority for the provision of covered services or items to eligible recipients, must comply with these rules, OAR 943-120-0300 to 943-120-0400, and the applicable rules or contracts of the specific programs described below:

(a) Programs administered by DMAP including the OHP and the medical assistance program that reimburses providers for services or items provided to eligible recipients, including but not limited to chapter 410, division 120; chapter 410, division 141; and provider rules in chapter 410 applicable to the provider's service category;

(b) Programs administered by AMH that reimburse providers for services or items provided to eligible AMH recipients; or

(c) Programs administered by SPD that reimburse providers for services or items provided to eligible SPD recipients.

(2) Authority programs use visit data to monitor service delivery, planning, and quality improvement activities. Visit data must be submitted by a program-specific rule or contract. A provider shall make accurate, complete, and timely submission of visit data. Visit data is not a HIPAA transaction and does not constitute a claim for reimbursement.

(3) CHIP and Medicaid-Funded Covered Services and Items.

(a) Covered services or items paid for with Medicaid (Title XIX) and CHIP (Title XXI) funds (referred to as the medical assistance program) are also subject to federal and state Medicaid rules and requirements. In interpreting these rules and program-specific rules or contracts, the Authority shall construe them as much as possible in a manner that shall comply with federal and state medical assistance program laws and regulations, and the terms and conditions of federal waivers and the state plans

(b) If a provider is reimbursed with medical assistance program funds, the provider must comply with all applicable federal and state laws and regulations pertaining to the provision of Medicaid services under the Medicaid Act, Title XIX, 42 United States Code (USC) 1396 et. seq., and CHIP services under Title XXI, including without limitation:

(A) Maintaining all records necessary to fully disclose the extent of the services provided to individuals receiving medical assistance and furnish such information to any state or federal agency responsible for administration or oversight of the medical assistance program regarding any payments claimed by an individual or institution for providing Medicaid services as the state or federal agency may from time to time request;

(B) Complying with all disclosure requirements of 42 CFR 1002.3(a) and 42 CFR 455 subpart (B);

(C) Maintaining written notices and procedures respecting advance directives in compliance with 42 USC 1396(a)(57) and (w), 42 CFR 431.107(b)(4), and 42 CFR 489 subpart I;

(D) Certifying that the information is true, accurate and complete when submitting claims or PHP encounters for the provision of medical assistance services or items. Submission of a claim or PHP encounter constitutes a representation of the provider's understanding that payment of the claim shall be from federal or state funds, or both and that any falsification or concealment of a material fact may result in prosecution under federal or state laws.

(c) Hospitals, nursing facilities, home health agencies (including those providing personal care), hospices, and HMOs must comply with the Patient Self-Determination Act as set forth in Section 4751 of OBRA 1991. To comply with the obligation under the above-listed laws to deliver information on the rights of the individual under Oregon law to make health care decisions, the named providers and organizations must give capable individuals over the age of 18 a copy of "Your Right to Make Health Care Decisions in Oregon," copyright 1993, by the Oregon State Bar Health Law Section. Out-of-state providers of these services must comply with Medicare and Medicaid regulations in their state. Submittal to the Authority of the appropriate claim form requesting payment for medical services provided to a Medicaid eligible shall be considered representation to the Authority of the medical provider's compliance with the above-listed laws.

(d) Payment for any service or item furnished by a provider of CHIP or Medicaid-funded services or items may not be made by or through (directly or by power of attorney) any individual or organization, such as a collection agency or service bureau, that advances money to a provider for accounts receivable that the provider has assigned, sold, or transferred to the individual or organization for an added fee or a deduction of a portion of the accounts receivable.

(e) The Authority shall make medical assistance provider payments only to the following:

(A) The provider who actually performed the service or provided the item;

(B) In accordance with a reassignment from the provider to a government agency or reassignment by a court order;

(C) To the employer of the provider, if the provider is required as a condition of employment to turn over his or her fees to the employer, and the employer is enrolled with the Authority as a billing provider;

# ADMINISTRATIVE RULES

(D) To the facility in which the service is provided, if the provider has a contract under which the facility submits the claim, and the facility is enrolled with the Authority as a billing provider;

(E) To a foundation, PHP, clinic, or similar organization operating as an organized health care delivery system, if the provider has a contract under which the organization submits the claim, and the organization is enrolled with the Authority as a billing provider; or

(F) To an enrolled billing provider, such as a billing service or an accounting firm that, in connection with the submission of claims, receives or directs payments in the name of the provider, if the billing provider's compensation for this service is:

(i) Related to the cost of processing the billing;

(ii) Not related on percentage or other basis to the amount that is billed or collected and not dependent upon the collection of the payment.

(f) Providers must comply with TPR requirements in program-specific rules or contracts.

(4) The Authority uses several approaches to promote program integrity. These rules describe program integrity actions related to provider payments, including provider reimbursement under program-specific rules, county agreements, and contracts. The program integrity goal is to pay the correct amount to a properly enrolled provider for covered services provided to an eligible client according to the program-specific coverage criteria in effect on the date of service.

(a) Program integrity activities include but are not limited to the following:

(A) Medical or professional review including but not limited to following the evaluation of care in accordance with evidence-based principles, medical error identification, and prior authorization processes, including all actions taken to determine the coverage and appropriateness of services or items;

(B) Provider obligations to submit correct claims and PHP encounters;

(C) Onsite visits to verify compliance with standards;

(D) Implementation of HIPAA electronic transaction standards to improve accuracy and timeliness of claims processing and encounter reporting;

(E) Provider credentialing activities;

(F) Accessing federal Department of Health and Human Services (DHHS) database (exclusions);

(G) Quality improvement activities;

(H) Cost report settlement processes;

(I) Audits;

(J) Investigation of false claims, fraud or prohibited kickback relationships; and

(K) Coordination with the Department of Justice Medicaid Fraud Control Unit (MFCU) and other health oversight authorities.

(b) The following individuals may review a request for services or items, or audit a claim or PHP encounter for care, services, or items, before or after payment, for assurance that the specific care, item, or service was provided pursuant to the program-specific and the generally accepted standards of a provider's field of practice or specialty:

(A) Authority staff or designee;

(B) Medical utilization and professional review contractor;

(C) Dental utilization and professional review contractor; or

(D) Federal or state oversight authority.

(c) Payment may be denied or subject to recovery if the review or audit determines the care, service, or item was not provided pursuant to provider rules or does not meet the criteria for quality or medical appropriateness of the care, service, or item or payment. Related provider and hospital billings shall also be denied or subject to recovery.

(d) If the Authority determines that an overpayment has been made to a provider, the amount of overpayment is subject to recovery.

(e) The Authority may communicate with and coordinate any program integrity actions with the MFCU, DHHS, and other federal and state oversight authorities.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065, 414.115; 414.125; 414.135; & 414.145

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0320

### Provider Enrollment

(1) In some Authority program areas, being an enrolled Authority provider is a condition of eligibility for an Authority contract for certain services or activities. The Authority requires billing providers to be enrolled as providers consistent with the provider enrollment processes set forth in

this rule. If reimbursement for covered services will be made under a contract with the Authority, the provider must also meet the Authority's contract requirements. Contract requirements are separate from the requirements of these provider enrollment rules. Enrollment as a provider with the Authority is not a promise that the enrolled provider will receive any amount of work from the Authority, a PHP, or a county.

(2) Provider enrollment establishes essential Authority provider participation requirements for becoming an enrolled Authority provider. The details of provider qualification requirements, client eligibility, covered services, how to obtain prior authorization or review (if required), documentation requirements, claims submission, and available electronic access instructions, and other pertinent instructions and requirements are contained in the program-specific rules or contract.

(3) Prior to enrollment, providers must:

(a) Meet all program-specific or contract requirements identified in program-specific rules or contracts in addition to those requirements identified in these rules;

(b) Meet Authority contracting requirements, as specified by the Authority's Office of Contracts and Procurement (OC&P);

(c) Meet Authority and federal licensing requirements for the type of service for which the provider is enrolling;

(d) Meet Authority and federal certification requirements for the type of service for which the provider is enrolling; and

(e) Obtain a provider number from the Authority for the specific service for which the provider is enrolling.

(4) Participation with the Authority as an enrolled provider is open to qualified providers that:

(a) Meet the qualification requirements established in these rules and program-specific rules or contracts;

(b) Enroll as an Authority provider pursuant to these rules;

(c) Provide a covered service or item within their scope of practice and licensure to an eligible Authority recipient pursuant to program-specific rules or contracts; and

(d) Accept the reimbursement amounts established pursuant to the Authority's program-specific fee structures or contracts for the service or item.

(5) To be enrolled as an Authority provider, an individual or organization must submit a complete and accurate provider enrollment form, available from the Authority, including all required documentation, and a signed provider enrollment agreement.

(a) The provider enrollment form requests basic demographic information about the provider that will be permanently associated with the provider or organization until changed on an update form.

(b) Each Authority program establishes provider-specific qualifications and program criteria that must be provided as part of the provider enrollment form.

(A) The provider must meet applicable licensing and regulatory requirements set forth by federal and state statutes, regulations, and rules, and must comply with all Oregon statutes and regulations applicable to the provider's scope of service as well as the program-specific rules or contract applicable to the provision of covered services. The provider and program addendum shall specify the required documentation of professional qualifications that must be provided with the provider enrollment form.

(B) All providers of services within Oregon must have a valid Oregon business license if such a license is a requirement of the state, federal, county, or city government to operate a business or to provide services. In addition providers must be registered to do business in Oregon by registering with the Oregon Secretary of State, Corporation Division, if registration is required.

(c) All individuals and entities shall disclose information used by the Authority to determine whether an exclusion applies that would prevent the Authority from enrolling the provider. Individual performing providers must submit a disclosure statement. All providers that are enrolling as an entity (corporation, non-profit, partnership, sole proprietorship, governmental) must submit a disclosure of ownership and control interest statement. Payment may not be made to any individual or entity that has been excluded from participation in federal or state programs or that employs or is managed by excluded individuals or entities.

(A) Entities must disclose all the information required on the disclosure of ownership and control interest statement. Information that must be disclosed includes the name, address, and taxpayer identification number of each individual with an ownership or control interest in the disclosing entity or in any subcontractor in which the disclosing entity has a direct or indirect ownership of five percent or more; whether any of the named individuals are related as spouse, parent, child, sibling, or other family member by

## ADMINISTRATIVE RULES

marriage or otherwise; and the name and taxpayer identification number of any other disclosing entity in which an individual with an ownership or control interest in the disclosing entity also has an ownership or control interest.

(B) A provider must submit, within 35 days of the date of a request by DHHS or the Authority, full and complete information about the ownership of any subcontractor with whom the provider had business transactions totaling more than \$25,000 during the 12-month period ending on the date of the request; and any significant business transactions between the provider and any wholly owned supplier, or between the provider and any subcontractor, during the five-year period ending on the date of the request.

(C) Before the Authority enters into a provider enrollment agreement with a provider, or renews a provider agreement, or at any time upon written request of the Authority, the provider must disclose to the Authority the identity and taxpayer identification number of any individual who has an ownership or control interest in the provider; or is an agent or managing employee of the provider; or the individual performing provider that has been convicted of a criminal offense related to that individual's involvement in any program under Medicare, Medicaid, or Title XX services program, since the inception of those programs.

(D) The Authority may refuse to enter into or may suspend or terminate a provider enrollment agreement if the individual performing provider or any individual who has an ownership or control interest in the entity, or who is an agent or managing employee of the provider, has been sanctioned or convicted of a criminal offense related to that individual's involvement in any program established under Medicare, Medicaid, Children's Health Insurance, Title XX services, or other public assistance program.

(E) The Authority may refuse to enter into or may suspend or terminate a provider enrollment agreement, or contract for provider services, if it determines that the provider did not fully and accurately make any disclosure required under section (5)(c) of this rule.

(F) Taxpayer identification numbers, including social security numbers (SSN) and employer identification numbers (EIN), must be provided where indicated on the Disclosure Statement or the Disclosure of Ownership and Control Interest Statement. The taxpayer identification number will be used to confirm whether the individual or entity is subject to exclusion from participation in the Oregon Medicaid program.

(6) The provider must sign the provider enrollment agreement, and submit it for review to the Authority at the time the provider submits the provider enrollment form and related documentation. Signing the provider enrollment agreement constitutes agreement by a provider to comply with all applicable Authority provider and program rules, and applicable federal and state laws and regulations in effect on the date of service.

(7) A provider may request to conduct electronic transactions with the Authority by enrolling and completing the appropriate authorization forms pursuant to the electronic data transaction rules (OAR 943-120-0100 to 943-120-0200).

(8) A provider shall be enrolled, assigned, and issued a provider number for use in specific payment or business operations upon the following criteria:

(a) Provider submission of a complete and signed (when applicable), provider enrollment form, provider enrollment agreement, provider certification and all required documents to the Authority program responsible for enrolling the provider. Provider signature must be the provider or an individual with actual authority from the provider to legally bind the provider to attest and certify to the accuracy and completeness of the information submitted;

(b) The Authority's verification of licensing or certification or other authority to perform the service or provide the item within the lawful scope of practice recognized under Oregon law. The Authority may confirm any information on the provider enrollment form or documentation submitted with the provider enrollment form, and may request additional information; and

(c) The Authority's acceptance of the provider enrollment form, provider enrollment agreement, and provider certification by the Authority unit responsible for approving the enrollment of the provider.

(9) Submission of a claim or encounter or other reimbursement document constitutes the enrolled provider's agreement that:

(a) The service or item was provided in compliance with all applicable rules and requirements in effect on the date of service;

(b) The provider has created and maintained all records necessary to disclose the extent of services or items provided and provider's compliance with applicable program and financial requirements, and that the provider agrees to make such information available upon request to the Authority, the MFCU (for Medicaid-funded services or items), the Oregon Secretary

of State, and (for federally-funded services or items) the federal funding authority and the Comptroller General of the United States, or their designees;

(c) The information on the claim or encounter, regardless of the format or other reimbursement document is true, accurate and complete; and

(d) The provider understands that payment of the claim or encounter or other reimbursement document will be from federal or state funds, or a combination of federal and state funds, and that any falsification, or concealment of a material fact, may result in prosecution under federal and state laws.

(10) The Authority has taken action to ensure compliance with the NPI requirements pursuant to 45 CFR Part 162 when those requirements became effective on May 23, 2007. In the event of a transition period approved by CMS beyond May 23, 2008, the following requirements for contractors, providers, and provider-applicants shall apply:

(a) Providers and contractors that obtain an NPI must use their NPI where indicated. In situations where a taxonomy code may be used in conjunction with the NPI, providers must update their records as specified with the Authority's provider enrollment unit. Providers applying for enrollment with the Authority that have been issued an NPI must include that NPI and any associated taxonomy codes with the provider enrollment form;

(b) A provider enrolled with the Authority must bill using the NPI pursuant to 45 CFR part 162.410, in addition to the Authority-assigned provider number, where applicable, and continue to bill using the Authority assigned provider number until the Authority informs the provider that the Authority assigned provider number is no longer allowed, or the NPI transition period has ended, whichever occurs first. Failure to use the NPI and Authority-assigned provider number as indicated during this transition period may result in delay or rejection of claims and other transactions;

(c) The NPI and applicable taxonomy code combinations will be cross-referenced to the Authority assigned provider number for purposes of processing all applicable electronic transactions as specified in OAR 943-120-0100;

(d) The provider and PHP must cooperate with the Authority with reasonable consultation and testing procedures, if any, related to implementation of the use of NPI's; and

(e) Certain provider types are not eligible for an NPI based on federal criteria for obtaining an NPI. Providers not eligible for an NPI must always use their Authority provider number on claims, encounters, or other reimbursement documents for that specific provider type.

(11) The effective date of provider enrollment is the date the provider's request is received by the Authority if on that date the provider has met all applicable requirements. The effective date may be retroactive for up to one year to encompass dates on which the provider furnished covered services to a medical assistance recipient for which it has not been paid, if on the retroactive effective date the provider has met all applicable requirements.

(12) Provider numbers are specific to the category of service or items authorized by the Authority. Issuance of an Authority-assigned provider number establishes enrollment of an individual or organization as a provider for the specific category of services covered by the provider and program addendum submitted with the provider enrollment form and enrollment agreement.

(13) Providers must provide the following updates:

(a) An enrolled provider must notify the Authority in writing of a material change in any status or condition on any element of their provider enrollment form. Providers must notify the Authority of changes in any of this information in writing within 30 calendar days of any of the following changes:

- (A) Business affiliation;
- (B) Ownership;
- (C) NPI;
- (D) Associated taxonomy codes;
- (E) Federal Tax Identification number;
- (F) Ownership and control information; or
- (G) Criminal convictions.

(b) These changes may require the submission of a provider enrollment form, provider enrollment agreement, provider certification, or other related documentation.

(c) Claims submitted by, or payments made to, providers who have not timely furnished the notification of changes or have not submitted any of the items that are required due to a change may be denied or recovered.

(d) Notice of bankruptcy proceedings must be immediately provided to the Authority in writing.

(14) Tax Reporting and Withholding.

# ADMINISTRATIVE RULES

(a) Providers must submit the provider's SSN for individuals or a federal EIN for entities, whichever is required for tax reporting purposes on IRS Form 1099. Billing providers must submit the SSN or EIN of all performing providers in connection with claims or payments made to or on behalf of the performing provider, in addition to the billing provider's SSN or EIN. Providing this number is mandatory to be eligible to enroll as a provider. The provider's SSN or EIN is required pursuant to 42 CFR 433.37 federal tax laws at 26 USC 6041. SSN's and EIN's provided pursuant to this authority are used for the administration of state, federal, and local tax laws and the administration of this program for internal verification and administrative purposes including but not limited to identifying the provider for payment and collection activities.

(b) The Authority must comply with the tax information reporting requirements of section 6041 of the Internal Revenue Code (26 USC 6041). Section 6041 requires the filing of annual information returns showing amounts paid to providers, who are identified by name, address, and SSN or EIN. The Authority files its information returns with the Internal Revenue Service (IRS) using Form 1099MISC.

(c) The IRS Code section 3406(a)(1)(B) requires the Authority to begin backup withholding when notified by the IRS that a taxpayer identification number reported on an information return is incorrect. If a provider receives notice of backup withholding from the Authority, the provider must timely comply with the notice and provide the Authority with accurate information. The Authority shall comply with IRS requirements for backup withholding.

(d) Failure to notify the Authority of a change in federal tax identification number (SSN or EIN) may result in the Authority imposing a sanction as specified in OAR 943-120-0360.

(e) If the Authority notifies a provider about an error in federal tax identification number, the provider must supply a valid federal tax identification number within 30 calendar days of the date of the Authority's notice. Failure to comply with this requirement may result in the Authority imposing a sanction as specified in OAR 943-120-0360, for each time the provider submits an inaccurate federal tax identification number, and may require back-up withholding. Federal tax identification number requirements described in this rule refer to any requirements established by the IRS.

(15) Providers of services to clients outside the State of Oregon must be enrolled as a provider under section (8) of this rule if they comply with the requirements of section (8) and meet the following conditions:

(a) The provider is appropriately licensed or certified and is enrolled in the provider's home state for participation in that state's Medicaid program or, for non-Medicaid services, enrolled or contracted with the state agency in the provider's state to provide the same program-specific service in the provider's state. Disenrollment or sanction from the other state's Medicaid program, or exclusion from any other federal or state health care program or comparable program-specific service delivery system is a basis for denial of enrollment, termination, or suspension from participation as an Authority provider;

(b) The Oregon Board of Pharmacy issued a license to provide pharmacy services to a noncontiguous out-of-state pharmacy provider;

(c) The services must be authorized in the manner required for out-of-state services under the program-specific rules or contract for an eligible client;

(d) The services for which the provider bills are covered services under the OHP or other Authority program for which covered services are authorized to be provided to the client;

(e) A facility, including but not limited to a hospital, rehabilitative facility, institution for care of individuals with mental retardation, psychiatric hospital, or residential care facility, is enrolled or contracted by the state agency in the state in which the facility is located or is licensed as a facility provider of services by Oregon; or

(f) If the provider is not domiciled in or registered to do business in Oregon, the provider must promptly provide to the Oregon Department of Revenue and the Oregon Secretary of State, Corporation Division all information required by those agencies relative to the provider enrollment form and provider enrollment agreement. The Authority shall withhold enrollment and payments until the out-of-state provider has provided documentation of compliance with this requirement to the Authority unit responsible for enrollment.

(16) The provider enrollment agreement may be terminated as follows:

(a) The provider may ask the Authority to terminate the provider enrollment agreement at any time, subject to any specific provider termination requirements in program-specific rules or contracts.

(A) The request must be in writing, signed by the provider, and mailed or delivered to the Authority provider enrollment unit. The notice must specify the Authority-assigned provider number, if known.

(B) When accepted, the Authority shall assign the provider number a termination status and the effective date of the termination status.

(C) Termination of the provider enrollment agreement does not relieve the provider of any obligations for covered services or items provided under these rules, program-specific rules or contracts in effect for dates of services during which the provider enrollment agreement was in effect.

(b) The Authority may terminate the provider enrollment agreement immediately upon notice to the provider, or a later date as the Authority may establish in the notice, upon the occurrence of any of the following events:

(A) The Authority fails to receive funding, appropriations, limitations, or other expenditure authority at levels that the Authority or the specific program determines to be sufficient to pay for the services or items covered under the agreement;

(B) Federal or state laws, regulations, or guidelines are modified or interpreted by the Authority in a manner that either providing the services or items under the agreement is prohibited or the Authority is prohibited from paying for such services or items from the planned funding source;

(C) The Authority has issued a final order revoking the Authority-assigned provider number based on a sanction under termination terms and conditions established in program-specific rules or contract;

(D) The provider no longer holds a required license, certificate or other authority to qualify as a provider. The termination shall be effective on the date the license, certificate, or other authority is no longer valid; or

(E) The provider fails to submit any claims for reimbursement for an 18-month period. The provider may reapply for enrollment.

(c) In the event of any dispute arising out of the termination of the provider enrollment agreement, the provider's sole monetary remedy is limited to covered services or items the Authority determines to be compensable under the provider agreement, a claim for unpaid invoices, hours worked within any limits set forth in the agreement but not yet billed, and Authority-authorized expenses incurred prior to termination. Providers may not recover indirect or consequential damages. Providers are not entitled to attorney fees, costs, or expenses of any kind.

(17) When a provider fails to meet one or more of the requirements governing participation as an Authority enrolled provider, the provider's Authority-assigned provider number may be immediately suspended, pursuant to OAR 943-120-0360. The provider may not provide services or items to clients during a period of suspension. The Authority shall deny claims for payment or other reimbursement requests for dates of service during a period of suspension.

(18) The provision of program-specific or contract covered services or items to eligible clients is voluntary on the part of the provider. Providers are not required to serve all clients seeking service. If a provider undertakes to provide a covered service or item to an eligible client, the provider must comply with these rules, program-specific rules or contract.

(a) The provider performs all services, or provides all items, as an independent contractor. The provider is not an officer, employee, or agent of the Authority.

(b) The provider is responsible for its employees, and for providing employment-related benefits and deductions that are required by law. The provider is solely responsible for its acts or omissions, including the acts or omissions of its own officers, employees or agents. The Authority's responsibility is limited to its authorization and payment obligations for covered services or items provided pursuant to these rules.

(19) For Medicaid services, a provider may not deny services to any eligible client because of the client's inability to pay the cost sharing amount imposed by the applicable program-specific or provider-specific rules or contract. A client's inability to pay does not eliminate the client's liability for the cost sharing charge.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0325

### Compliance with Federal and State Statutes

(1) When a provider submits a claim for services or supplies provided to an Authority client, the Authority shall consider the submission as the provider's representation of the provider's compliance with the applicable sections of the federal and state statutes and rules referenced in this rule,

## ADMINISTRATIVE RULES

and other program rules or contract requirements of the specific program under which the claim is submitted:

(a) 45 CFR Part 84 which implements Title V, Section 504 of the Rehabilitation Act of 1973;

(b) 42 CFR Part 493 Laboratory Requirements and ORS chapter 438 (Clinical Laboratories).

(c) The provider must comply and, as indicated, require all subcontractors to comply with the following federal and state requirements to the extent that they are applicable to the items and services governed by these rules, unless exempt under 45 CFR Part 87 for Faith-Based Organizations (Federal Register, July 16, 2004, Volume 69, #136), or other federal provisions. For purposes of these rules, all references to federal and state laws are references to federal and state laws as they may be amended from time to time that are in effect on the date of provider's service:

(A) The provider must comply and require all subcontractors to comply with all federal laws, regulations, executive orders applicable to the items and services provided under these rules. Without limiting the generality of the foregoing, the provider must comply and require all subcontractors to comply with the following laws, regulations and executive orders to the extent they are applicable to the items and services provided under these rules:

(i) Title VI and VII of the Civil Rights Act of 1964, as amended;

(ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended;

(iii) The Americans with Disabilities Act of 1990, as amended;

(iv) Executive Order 11246, as amended;

(v) The Health Insurance Portability and Accountability Act of 1996;

(vi) The Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended;

(vii) The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended,

(viii) all regulations and administrative rules established pursuant to the foregoing laws;

(ix) All other applicable requirements of federal civil rights and rehabilitation statutes, rules, and regulations;

(x) All federal laws governing operation of community mental health programs, including without limitation, all federal laws requiring reporting of client abuse. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the items and services governed by these rules and required by law to be so incorporated. No federal funds may be used to provide services in violation of 42 USC 14402.

(B) Any provider that receives or makes annual payments under Medicaid of at least \$5,000,000, as a condition of receiving such payments, shall:

(i) Establish written policies for all employees of the entity (including management), and of any contractor, subcontractor, or agent of the entity, that provide detailed information about the False Claims Act established under 31 USC 3729 through 3733, administrative remedies for false claims and statements established under 31 USC 38, any Oregon state laws pertaining to civil or criminal penalties for false claims and statements, and whistle blowing protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs (as defined in 42 USC 1320a-7b(f));

(ii) Include as part of written policies, detailed provisions regarding the entity's policies and procedures for detecting and preventing fraud, waste, and abuse; and

(iii) Include in any employee handbook for the entity, a specific discussion of the laws described in sub-paragraph (i), the rights of the employees to be protected as whistleblowers.

(C) If the items and services governed under these rules exceed \$10,000, the provider must comply and require all subcontractors to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in U.S. Authority of Labor regulations (41 CFR part 60);

(D) If the items and services governed under these rules exceed \$100,000, and are paid in any part with federal funds, the provider must comply and require all subcontractors to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 7606), the Federal Water Pollution Control Act as amended (commonly known as the Clean Water Act -- 33 U.S.C. 1251 to 1387), specifically including, but not limited to, Section 508 (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 32), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating

Facilities. Violations must be reported to the Authority, DHHS, and the appropriate Regional Office of the Environmental Protection Agency. The provider must include and require all subcontractors to include in all contracts with subcontractors receiving more than \$100,000, language requiring the subcontractor to comply with the federal laws identified in this section;

(E) The provider must comply and require all subcontractors to comply with applicable mandatory standards and policies relating to energy efficiency that are contained in the Oregon energy conservation plan issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq. (Pub. L. 94-163);

(F) The provider must provide written certification indicating that:

(i) No federal appropriated funds have been paid or shall be paid, by or on behalf of the provider, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement;

(ii) If any funds other than federal appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the provider must complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions;

(iii) The provider must require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients and subcontractors must certify and disclose accordingly;

(iv) This certification is a material representation of fact upon which reliance was placed when this provider agreement was made or entered into. Submission of this certification is a prerequisite for making or entering into this provider agreement imposed by 31 USC 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(G) If the items and services funded in whole or in part with financial assistance provided under these rules are covered by HIPAA or the federal regulations implementing HIPAA, the provider must deliver the goods and services in compliance with HIPAA. The provider must comply and require all subcontractors to comply with the following:

(i) Individually identifiable health information about specific individuals is confidential. Individually identifiable health information relating to specific individuals may be exchanged between the provider and the Authority for purposes directly related to the provision to clients of services that are funded in whole or in part under these rules. The provider must not use or disclose any individually identifiable health information about specific individuals in a manner that would violate Authority privacy rules, (OAR 943-014-0000 to 0070.), or the Authority's Notice of Privacy Practices, if done by the Authority;

(ii) Providers who engage in EDI transactions with the Authority in connection with claims or encounter data, eligibility or enrollment information, authorizations or other electronic transactions must execute an EDI trading partner agreement with the Authority and must comply with the Authority's electronic data transmission rules (OAR 943-120-0100 to 943-120-0200);

(iii) If a provider reasonably believes that the provider's or the Authority's data transactions system or other application of HIPAA privacy or security compliance policy may result in a violation of HIPAA requirements, the provider must promptly consult the Authority's privacy officer. The provider or the Authority may initiate a request to test HIPAA transactions, subject to available resources and the Authority's testing schedule.

(H) The provider must comply and require all subcontractors to comply with all mandatory standards and policies that relate to resource conservation and recovery pursuant to the Resource Conservation and Recovery Act (codified at 42 USC 6901 et. seq.). Section 6002 of that Act (codified at 42 USC 6962) requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency. Current guidelines are set forth in 40 CFR Parts 247;

(I) The provider must comply and require all subcontractors to comply with the applicable audit requirements and responsibilities set forth in

# ADMINISTRATIVE RULES

the Office of Management and Budget Circular A-133 entitled "Audits of States, Local Governments and Non-Profit Organizations;"

(J) The provider may not permit any person or entity to be a subcontractor if the person or entity is listed on the non-procurement portion of the General Service Administration's "List of Parties Excluded from Federal Procurement or Nonprocurement Programs" pursuant to Executive Orders No. 12,549 and No. 12,689, "Debarment and Suspension". (See 45 CFR part 76). This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and providers and subcontractors declared ineligible under statutory authority other than Executive Order No. 12549. Subcontractors with awards that exceed the simplified acquisition threshold must provide the required certification regarding their exclusion status and that of their principals prior to award;

(K) The provider must comply and require all subcontractors to comply with the following provisions to maintain a drug-free workplace:

(i) Certify that it shall provide a drug-free workplace by publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, except as may be present in lawfully prescribed or over-the-counter medications, is prohibited in the provider's workplace or while providing services to Authority clients. The provider's notice must specify the actions that shall be taken by the provider against its employees for violation of such prohibitions;

(ii) Establish a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace, the provider's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations;

(iii) Provide each employee to be engaged in the performance of services under these rules a copy of the statement required in paragraph (J)(i) above;

(iv) Notify each employee in the statement required by paragraph (J)(i) that, as a condition of employment to provide services under these rules, the employee shall abide by the terms of the statement and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;

(v) Notify the Authority within ten days after receiving notice under paragraph (J)(iv) from an employee or otherwise receiving actual notice of the conviction;

(vi) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted as required by Section 5154 of the Drug-Free Workplace Act of 1988;

(vii) Make a good-faith effort to continue a drug-free workplace through implementation of paragraphs (J)(i) through (J)(vi);

(viii) Require any subcontractor to comply with paragraphs (J)(i) through (J)(vii);

(ix) The provider, the provider's employees, officers, agents, or subcontractors may not provide any service required under these rules while under the influence of drugs. For purposes of this provision, "under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the provider or provider's employee, officer, agent, or subcontractor has used a controlled substance, prescription, or non-prescription medication that impairs the provider or provider's employee, officer, agent, or subcontractor's performance of essential job function or creates a direct threat to Authority clients or others. Examples of abnormal behavior include but are not limited to hallucinations, paranoia or violent outbursts. Examples of impairments in physical or mental performance include but are not limited to slurred speech, difficulty walking or performing job activities;

(x) Violation of any provision of this subsection may result in termination of the provider agreement.

(L) The provider must comply and require all sub-contractors to comply with the Pro-Children Act of 1994 (codified at 20 USC section 6081 et. seq.);

(M) A provider reimbursed or seeking reimbursement with Medicaid funds must comply with all applicable federal and state laws and regulations pertaining to the provision of Medicaid services under the Medicaid Act, Title XIX, 42 USC Section 1396 et. seq., including without limitation:

(i) Maintain necessary records to fully disclose the extent of the services provided to individuals receiving Medicaid assistance and must furnish the information to any state or federal agency responsible for administering the Medicaid program regarding any payments claimed by the provider or institution for providing Medicaid services as the state or federal agency

may from time to time request. 42 USC Section 1396a(a)(27); 42 CFR 431.107(b)(1) & (2);

(ii) Comply with all disclosure requirements of 42 CFR 1002.3(a) and 42 CFR 455 Subpart (B);

(iii) Maintain written notices and procedures respecting advance directives in compliance with 42 USC Section 1396(a)(57) and (w), 42 CFR 431.107(b)(4), and 42 CFR 489 subpart I;

(iv) Certify when submitting any claim for the provision of Medicaid services that the information submitted is true, accurate and complete. The provider must acknowledge provider's understanding that payment of the claim shall be from federal and state funds and that any falsification or concealment of a material fact may be prosecuted under federal and state laws.

(N) Providers must comply with the obligations intended for contractors under ORS 279B.220, 279B.225, 279B.230 and 279B.235 (if applicable). Providers shall, to the maximum extent economically feasible in the performance of covered services, use recycled paper (as defined in ORS 279A.010(1)(ee)), recycled PETE products (as defined in 279A.010(1)(ff)), and other recycled plastic resin products and recycled products (as "recycled product" is defined in 279A.010(1)(gg)).

(O) Providers must comply with all federal, state and local tax laws, including Social Security payment requirements, applicable to payments made by the Authority to the provider.

(2) Hospitals, nursing facilities, home health agencies (including those providing personal care), hospices, and health maintenance organizations shall comply with the Patient Self-Determination Act as set forth in Section 4751 of OBRA 1991. To comply with the obligation under the above listed laws to deliver information on the rights of the individual under Oregon law to make health care decisions, the named providers and organizations must provide capable individuals over the age of 18 a copy of "Your Right to Make Health Care Decisions in Oregon," copyright 1993, by the Oregon State Bar Health Law Section. Out-of-state providers of these services must comply with Medicare and Medicaid regulations in their state. Submittal to the Authority of the appropriate billing form requesting payment for medical services provided to a Medicaid eligible client shall be deemed representation to the Authority of the medical provider's compliance with the above-listed laws.

(3) Providers described in ORS chapter 419B must report suspected child abuse to their local Children, Adults and Families Division office or police, in the manner described in ORS chapter 419.

(4) The Clinical Laboratory Improvement Act (CLIA), requires all entities that perform even one laboratory test, including waived tests, on "materials derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of, human beings" to meet certain federal requirements. If an entity performs tests for these purposes, it is considered, under CLIA, to be a laboratory.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0330

### Billing Procedures

(1) These rules only apply to covered services and items provided to clients that are paid for by the Authority based on an Authority fee schedule or other reimbursement method (often referred to as fee-for-service), or for services that are paid for by the Authority at the request of a county for county-authorized services. .

(a) If a client's service or item is paid for by a PHP, the provider must comply with the billing and procedures related to claim submission established under contract with that PHP, or the rules applicable to non-participating providers if the provider is not under contract with that PHP.

(b) If the client is enrolled in a PHP, but the client is permitted by a contract or program-specific rules to obtain covered services reimbursed by the Authority (such as family planning services that may be obtained from any provider), the provider must comply with the billing and claim procedures established under these rules.

(2) All Authority-assigned provider numbers are issued at enrollment and are directly associated with the provider as defined in OAR 943-120-0320(12) and have the following uses:

(a) Log-on identification for the Authority web portal;

(b) Claim submission in the approved paper formats; and

(c) For electronic claims submission including the web portal for atypical providers pursuant to 45 CFR 160 and 162 where an NPI is not mandated. Use of the Authority-assigned provider number shall be consid-



# ADMINISTRATIVE RULES

ered authorized by the provider and the provider shall be accountable for its use.

(3) Except as provided in section (4) below, an enrolled provider may not seek payment for any covered services from:

- (a) A client for covered benefits; or
- (b) A financially responsible relative or representative of that client.

(4) Providers may seek payment from an eligible client or client representative as follows:

(a) From any applicable coinsurance, co-payments, deductibles, or other client financial obligation to the extent and as expressly authorized by program-specific rules or contract;

(b) From a client who failed to inform the provider of Authority program eligibility, of OHP or PHP enrollment, or of other third party insurance coverage at the time the service was provided or subsequent to the provision of the service or item. In this case, the provider may not bill the Authority, the PHP, or third party payer for any reason, including but not limited to timeliness of claims and lack of prior authorization. The provider must document attempts to obtain information on eligibility or enrollment;

(c) The client became eligible for Authority benefits retroactively but did not meet other established criteria described in the applicable program-specific rules or contracts.

(d) The provider may document that a TPR made payments directly to the client for services provided that are subject to recovery by the provider;

(e) The service or item is not covered under the client's benefit package. The provider must document that prior to the delivery of services or items, the provider informed the client the service or item would not be covered by the Authority;

(f) The client requested continuation of benefits during the administrative hearing process and the final decision was not in favor of the client. The client shall be responsible for any charges since the effective date of the initial notice of denial; or

(g) In exceptional circumstances, a client may request continuation of a covered service while asserting the right to privately pay for that service. Under this circumstance, a provider may bill the client for a covered service only if the client is informed in advance of receiving the specific service of all of the following:

(A) The requested service is a covered service and the provider would be paid in full for the covered service if the claim is submitted to the Authority or the client's PHP;

(B) The estimated cost of the covered service, including all related charges, that the Authority or PHP would pay, and for which the client is billed cannot be an amount greater than the maximum Authority or PHP reimbursable rate or PHP rate;

(C) The provider may not require the client to enter into a voluntary payment agreement for any amount for the covered service; and

(D) The provider must be able to document, in writing, signed by the client or the client's representative, that the client was provided the information described above; was provided an opportunity to ask questions, obtain additional information, and consult with the client's caseworker or client representative; and the client agreed to be responsible for payment by signing an agreement incorporating all of the information described above. The provider must provide a copy of the signed agreement to the client. The provider may not submit a claim for payment for the service or item to the Authority or to the client's PHP that is subject to such an agreement.

(5) Reimbursement for Non-Covered Services.

(a) A provider may bill a client for services that are not covered by the Authority or a PHP, except as provided in these rules. The client must be informed in advance of receiving the specific service that it is not covered, the estimated cost of the service, and that the client or client's representative is financially responsible for payment for the specific service. Providers must provide written documentation, signed by the client, or the client's representative, dated prior to the delivery of services or item indicating that the client was provided this information and that the client knowingly and voluntarily agreed to be responsible for payment.

(b) Providers may not bill or accept payment from the Authority or a PHP for a covered service when a non-covered service has been provided and additional payment is sought or accepted from the client. Examples include but are not limited to charging the client an additional payment to obtain a gold crown (not covered) instead of the stainless steel crown (covered) or charging an additional client payment to obtain eyeglass frames not on the covered list of frames. This practice is called buying-up, which is prohibited, and a provider may be sanctioned for this practice regardless of whether a client waiver is documented.

(c) Providers may not bill clients or the Authority for a client's missed appointment.

(d) Providers may not bill clients or the Authority for services or items provided free of charge. This limitation does not apply to established sliding fee schedules where the client is subject to the same standards as other members of the public or clients of the provider.

(e) Providers may not bill clients for services or items that have been denied due to provider error such as required documentation not submitted or prior authorization not obtained.

(6) Providers must verify that the individual receiving covered services is, in fact, an eligible client on the date of service for the service provided and that the services is covered in the client's benefit package.

(a) Providers shall pay for costs incurred for failing to confirm eligibility or that services are covered.

(b) Providers must confirm the Authority's client eligibility and benefit package coverage using the web portal, or the Authority telephone eligibility system, and by other methods specified in program-specific or contract instructions.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0340

### Claim and PHP Encounter Submission

(1) All claims must be submitted using one of the following methods:

(a) Paper forms, using the appropriate form as described in the program-specific rules or contract;

(b) Electronically, using the web portal accessed by provider-specific PIN and password. Initial activation by provider of Authority-assigned provider number and PIN for web portal access invokes provider's agreement to meet all of the standards for HIPAA privacy, security, and transactions and codes sets standards as defined in 45 CFR 162;

(c) Electronically in a manner authorized by the Authority's EDT rules (OAR 943-120-0100 to 943-120-0200); or

(d) Electronically, for PHP encounters, in the manner required by the PHP contract with the Authority and authorized by the Authority's EDT rules.

(2) Claims may not be submitted prior to delivery of service unless otherwise authorized by program-specific rules or contracts. A claim for an item may not be submitted prior to dispensing, shipping, or mailing the item unless otherwise specified in the Authority's program-specific rules or contracts.

(3) Claims and PHP encounters must be submitted in compliance HIPAA transaction and code set rules. The HIPAA transaction and code set rules, 45 CFR 162, apply to all electronic transactions for which DHHS has adopted a standard.

(a) The Authority may deny or reject electronic transactions that fail to comply with the federal standard.

(b) The Authority shall comply with the HIPAA code set requirements in 45 CFR 162.1000 through 162.1011, regardless of whether a request is made verbally, or a claim is submitted on paper or electronically, and with regard to the electronic claims and encounter remittance advice information, including the web portal. Compliance with the code set requirements includes the codes and the descriptors of the codes established by the official entity that maintains the code set. These federal code set requirements are mandatory and the Authority may not delay or alter their application or effective dates established by DHHS.

(A) The issuance of a federal code does not mean that the Authority covers the item or service described by the federal code. When there is a variation between an Authority-listed code and a national code, the provider may seek clarification from the Authority program. The Authority shall apply the national code in effect on the date of request or date of service and the Authority-listed code may be used for the limited purpose of describing the Authority's intent in identifying whether the applicable national code represents an Authority covered service or item.

(B) For purposes of maintaining HIPAA code set compliance, the Authority adopts by reference the required use of the version of all national code set revisions, deletions, and additions pursuant to the HIPAA transaction and code set rules in effect on the date of this rule. This code set adoption may not be construed as Authority coverage or that the existence of a particular national code constitutes a determination by the Authority that the particular code is a covered service or item. If the provider is unable to identify an appropriate procedure code to use on the claim or PHP encounter, the provider may contact the Authority for assistance in identi-

## ADMINISTRATIVE RULES

fyng an appropriate procedure code reference in but not limited to the following:

(i) Current Procedural Terminology, Fourth Edition (CPT-4), (American Medical Association);

(ii) Current Dental Terminology (CDT), (American Dental Association);

(iii) Diagnosis Related Group (DRG), (DHHS);

(iv) Health Care Financing Administration Common Procedural Coding System (HCPCS), (DHHS);

(v) National Drug Codes (NDC), (DHHS); or

(vi) HIPAA related codes, DHHS, claims adjustment reason, claim status, taxonomy codes, and decision reason available at the Washington Publishing Company web site: <http://www.wpc.edi.com/content/view/180/223>.

(C) For electronic claims and PHP encounters, the appropriate HIPAA claim adjustment reason code for third party payer, including Medicare, explanation of payment must be used.

(c) Diagnosis Code Requirement.

(A) For claims and PHP encounters that require the listing of a diagnosis code as the basis for the service provided, the code listed on the claim must be the code that most accurately describes the client's condition and the service or item provided.

(B) A primary diagnosis code is required on all claims, using the HIPAA nationally required diagnosis code set including the code and the descriptor of the code by the official entity that maintains the code set, unless the requirement for a primary diagnosis code is specifically excluded in the Authority's program-specific rules or contract. All diagnosis codes must be provided to the highest degree of specificity. Providers must use the ICD-9-CM diagnosis coding system when a diagnosis is required unless otherwise specified in the appropriate program-specific rules or contract.

(C) Hospitals must follow national coding guidelines and must bill using the 5th digit, in accordance with methodology used in the Medicare Diagnosis Related Groups.

(d) Providers must provide and identify the following procedures codes.

(A) The appropriate procedure code on claims and PHP encounters as instructed in the appropriate Authority program-specific rules or contract and must use the appropriate HIPAA procedure code set, set forth in 45 CFR 162.1000 through 162.1011, which best describes the specific service or item provided.

(B) Where there is one CPT, CDT, or HCPCS code that according to those coding guidelines or standards, describes an array of services, the provider must use that code rather than itemizing the services under multiple codes. Providers must not "unbundle" services in order to increase payment or to mischaracterize the service.

(4) No provider or its contracted agent (including billing service or billing agent) shall submit or cause to be submitted to the Authority:

(a) Any false claim for payment or false PHP encounter;

(b) Any claim or PHP encounter altered in such a way as to result in a duplicate payment for a service that has already been paid;

(c) Any claim or PHP encounter upon which payment has been made or is expected to be made by another source unless the amount paid or to be paid by the other party is clearly entered on the claim form or PHP encounter format; or

(d) Any claim or PHP encounter for providing services or items that have not been provided.

(5) Third Party Resources.

(a) A provider may not refuse to furnish covered services or items to an eligible client because of a third party's potential liability for the service or item.

(b) Providers must take all reasonable measures to ensure that the Authority shall be the payer of last resort. If available, private insurance, Medicare, or worker's compensation must be billed before the provider submits a claim for payment to the Authority, county, or PHP. For services provided to a Medicare and Medicaid dual eligible client, Medicare is the primary payer and the provider must first pursue Medicare payment (including appeals) prior to submitting a claim for payment to the Authority, county, or PHP. For services not covered by Medicare or other third party resource, the provider must follow the program-specific rules or contracts for appropriate billing procedures.

(c) When another party may be liable for paying the expenses of a client's injury or illness, the provider must follow program-specific rules or contract addressing billing procedures.

(6) Full Use of Alternate Community Resources.

(a) The Authority shall generally make payment only when other resources are not available for the client's needs. Full use must be made of reasonable alternate resources in the local community; and

(b) Providers must not accept reimbursement from more than one resource for the same service or item, except as allowed in program-specific or contract TPR requirements.

(7) Timely Submission of Claim or Encounter Data.

(a) Subsection (a) through (c) below apply only to the submission of claims data or other reimbursement document to the Authority, including provider reimbursement by the Authority pursuant to an agreement with a county. Unless requirements for timely filing provided for in program-specific rules or applicable contracts are more specific than the timely filing standard established in this rule, all claims for services or items must be submitted no later than 12 months from the date of service.

(b) A denied claim submitted within 12 months of the date of service may be resubmitted (with resubmission documentation, as indicated within the program-specific rules or contracts) within 18 months of the date of service. These claims must be submitted to the Authority in writing. The provider must present documentation acceptable to the Authority verifying the claim was originally submitted within 12 months of the date of service, unless otherwise stated in program-specific rules or contracts. Acceptable documentation is:

(A) A remittance advice or other claim denial documentation from the Authority to the provider showing the claim was submitted before the claim was one year old; or

(B) A copy of a billing record or ledger showing dates of submission to the Authority.

(c) Exceptions to the 12-month requirement that may be submitted to the Authority are as follows:

(A) When the Authority confirms the Authority or the client's branch office has made an error that caused the provider not to be able to bill within 12 months of the date of service;

(B) When a court or an administrative law judge in a final order has ordered the Authority to make payment;

(C) When the Authority determines a client is retroactively eligible for Authority program coverage and more than 12 months have passed between the date of service and the determination of the client's eligibility, to the extent authorized in the program-specific rules or contracts.

(d) PHP encounter data must be submitted pursuant to 45 CFR part 162.1001 and 162.1102 and the time periods established in the PHP contract with the Authority.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

### 943-120-0350

#### Payments and Overpayments

(1) Payment Authorization.

(a) Some services or items covered by the Authority require authorization before a service, item, or level of care can be provided or before payment shall be made. Providers must check the appropriate program-specific rules or contracts for information on services or items requiring prior authorization and the process to follow to obtain authorization.

(b) Documentation submitted when requesting authorization must support the program-specific or contract justification for the service, item, or level of care. A request is considered complete if it contains all necessary documentation and meets any other requirements as described in the appropriate program-specific rules or contract.

(c) The authorizing program shall authorize the covered level of care, type of service, or item that meets the client's program-eligible need. The authorizing program shall only authorize services which meet the program-specific or contract coverage criteria and for which the required documentation has been submitted. The authorizing program may request additional information from the provider to determine the appropriateness of authorizing the service, item, or level of care within the scope of program coverage.

(d) Authorizing programs may not authorize services or make payment for authorized services when:

(A) The client was not eligible at the time services were provided. The provider must check the client's eligibility each time services are provided;

(B) The provider cannot produce appropriate documentation to support that the level of care, type of service, or item meets the program-specific or contract criteria, or the appropriate documentation was not submitted to the authorizing program;

## ADMINISTRATIVE RULES

(C) The delivery of the service, item, or level of care has not been adequately documented as described in OAR 943-120-0370. Requirements for financial, clinical and other records, and the documentation in the provider's files is not adequate to determine the type, medical appropriateness, or quantity of services, or items provided or the required documentation is not in the provider's files;

(D) The services or items identified in the claim are not consistent with the information submitted when authorization was requested or the services or items provided are retrospectively determined not to be authorized under the program-specific or contract criteria;

(E) The services or items identified in the claim are not consistent with those which were provided;

(F) The services or items were not provided within the timeframe specified on the authorization of services document; or

(G) The services or items were not authorized or provided in compliance with the program-specific rules or contracts.

(e) Payment made for services or items described in subsections (d)(A) through (G) of this rule shall be recovered.

(f) Retroactive Authority Client Eligibility.

(A) When a client is determined to be retroactively eligible for an Authority program, or is retroactively disenrolled from a PHP or services provided after the client was disenrolled from a PHP, authorization for payment may be given if the following conditions are met:

(i) The client was eligible on the date of service and the program-specific rules or contract authorize the Authority to reimburse the provider for services provided to clients made retroactively eligible;

(ii) The services or items provided to the client meet all other program-specific or contract criteria and Oregon Administrative Rules;

(iii) The request for authorization is received by the appropriate Authority branch or program office within 90 days of the date of service; and

(iv) The provider is enrolled with the Authority on the date of service, or becomes enrolled with the Authority no later than the date of service as provided in OAR 943-120-0320(11).

(B) Requests for authorization received after 90 days from date of service require all the documentation required in subsection (f)(A)(i), (ii) and (iv) and documentation from the provider stating why the authorization could not have been obtained within 90 days of the date of service.

(g) Service authorization is valid for the time period specified on the authorization notice, but shall not exceed 12 months, unless the client's benefit package no longer covers the service, in which case the authorization terminates on the date coverage ended.

(h) Service authorization for clients with other insurance or for Medicare beneficiaries is governed by program-specific rules or contracts.

(2) Payments.

(a) This rule only applies to covered services and items provided to eligible clients within the program-specific or contract covered services or items in effect on the date of service that are paid for by the Authority based on program-specific or contract fee schedules or other reimbursement methods, or for services that are paid for by the Authority at the request of a county for county-authorized services.

(b) If the client's service or item is paid for by a PHP, the provider must comply with the payment requirements established under contract with that PHP, and pursuant to OAR 410-120 and 410-141, applicable to non-participating providers.

(c) The Authority shall pay for services or items based on the reimbursement rates and methods specified in the applicable program-specific rules or contract. Provider reimbursement on behalf of a county must include county service authorization information.

(d) Providers must accept, as payment in full, the amounts paid by the Authority pursuant to the fee schedule or reimbursement method specified in the program-specific rules or contract, plus any deductible, co-payment, or coinsurance required to be paid by the client. Payment in full includes:

(A) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding the Authority's allowable payment; or

(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 program-specific rules or contracts.

(e) The Authority may not make payments for duplicate services or items. The Authority may not make a separate payment or co-payment to a provider for services included in the provider's all-inclusive rate if the provider has been or shall be reimbursed by other resources for the service or item.

(f) Payment by the Authority does not limit the Authority or any state or federal oversight entity from reviewing or auditing a claim before or after the payment. Payment may be denied or subject to recovery if medical, clinical, program-specific or contract review, audit, or other post-payment review determines the service or item was not provided in accordance with applicable rules or contracts or does not meet the program-specific or contract criteria for quality of care, or appropriateness of the care, or authorized basis for payment.

(3) Recovery of Overpayments to Providers -- Recoupments and Refunds

(a) The Authority may deny payment or may deem payments subject to recovery as an overpayment if a review or audit determines the item or service was not provided pursuant to the Authority's rules, terms of contract, or does not meet the criteria for quality of care, or appropriateness of the care or payment. Related provider billings shall also be denied or subject to recovery.

(b) If a provider determines that a submitted claim or encounter is incorrect, the provider must submit an individual adjustment request and refund the amount of the overpayment, if any, or adjust the claim or encounter.

(c) The Authority may determine, as a result of review or other information, that a payment should be denied or that an overpayment has been made to a provider, which indicates that a provider may have submitted claims or encounters, or received payment to which the provider is not properly entitled. The payment denial or overpayment determinations may be based on but not limited to the following:

(A) The Authority paid the provider an amount in excess of the amount authorized under a contract, state plan or Authority rule;

(B) A third party paid the provider for services, or portion thereof, previously paid by the Authority;

(C) The Authority paid the provider for services, items, or drugs that the provider did not perform or provide;

(D) The Authority paid for claims submitted by a data processing agent for whom a written provider or billing agent or billing service agreement was not on file at the time of submission;

(E) The Authority paid for services and later determined they were not part of the client's program-specific or contract-covered services;

(F) Coding, data processing submission, or data entry errors;

(G) Medical, dental, or professional review determines the service or item was not provided pursuant to the Authority's rules or contract or does not meet the program-specific or contract criteria for coverage, quality of care, or appropriateness of the care or payment;

(H) The Authority paid the provider for services, items, or drugs when the provider did not comply with the Authority's rules and requirements for reimbursement; or

(I) The provider submitted inaccurate, incomplete or false encounter data to the Authority.

(d) Prior to identifying an overpayment, the Authority may contact the provider requesting preliminary information and additional documentation. The provider must provide the requested documentation within the specified time frame.

(e) When an overpayment is identified, the Authority shall notify the provider in writing as to the nature of the discrepancy, the method of computing the overpayment, and any further action that the Authority may take on the matter. The notice may require the provider to submit applicable documentation for review prior to requesting an appeal from the Authority, and may impose reasonable time limits for when documentation must be provided for Authority consideration. The notice shall inform the provider of the process for appealing the overpayment determination.

(f) The Authority may recover overpayments made to a provider by direct reimbursement, offset, civil action, or other legal action:

(A) The provider must make a direct reimbursement to the Authority within 30 calendar days from the date of the notice of the overpayment, unless other regulations apply.

(B) The Authority may grant the provider an additional period of time to reimburse the Authority upon written request made within 30 calendar days from the date of the notice of overpayment. The provider must include a statement of the facts and reasons sufficient to show that repayment of the overpayment amount should be delayed pending appeal because:

(i) The provider shall suffer irreparable injury if the overpayment notice is not delayed;

(ii) There is a reason to believe that the overpayment is incorrect or is less than the amount in the notice, and the provider has timely filed an appeal of the overpayment, or that the provider accepts the amount of the overpayment but is requesting to make repayment over a period of time;

# ADMINISTRATIVE RULES

(iii) A proposed method for assuring that the amount of the overpayment can be repaid when due with interest including but not limited to a bond, irrevocable letter of credit, or other undertaking, or a repayment plan for making payments, including interest, over a period of time;

(iv) Granting the delay shall not result in substantial public harm; and

(v) Affidavits containing evidence relied upon in support of the request for stay.

(C) The Authority may consider all information in the record of the overpayment determination, including provider cooperation with timely provision of documentation, in addition to the information supplied in provider's request. If provider requests a repayment plan, the Authority may require conditions acceptable to the Authority before agreeing to a repayment plan. The Authority must issue an order granting or denying a repayment delay request within 30 calendar days after receiving it;

(D) A request for hearing or administrative review does not change the date the repayment of the overpayment is due; and

(E) The Authority may withhold payment on pending claims and on subsequently received claims for the amount of the overpayment when overpayments are not paid as a result of paragraph (B)(i);

(f) In addition to any overpayment, the Authority may impose a sanction on the provider in connection with the actions that resulted in the overpayment. The Authority may, at its discretion, combine a notice of sanction with a notice of overpayment.

(g) Voluntary submission of an adjustment claim or encounter transaction or an individual adjustment request or overpayment amount after notice from the Authority does not prevent the Authority from issuing a notice of sanction. The Authority may take such voluntary payment into account in determining the sanction.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0360

### Consequences of Non-Compliance and Provider Sanctions

(1) There are two classes of provider sanctions, mandatory and discretionary, that may be imposed for non-compliance with the provider enrollment agreement.

(2) Except as otherwise provided, the Authority shall impose provider sanctions at the direction of the Authority's division director or designee, whose budget includes payment for the services involved.

(3) Mandatory Sanctions. The Authority shall impose mandatory sanctions and suspend the provider from participation in the Authority's programs:

(a) When a provider has been convicted (as that term is defined in 42 CFR part 1001.2) of a felony or misdemeanor related to a crime, or violation of Title XVIII, XIX, or XX of the Social Security Act or related state laws, or other disqualifying criminal conviction pursuant to program-specific rules or contract;

(b) When a provider is excluded from participation in federal or state health care programs by the Office of the Inspector General of DHHS or from the Medicare (Title XVIII) program of the Social Security Act as determined by the Secretary of DHHS. The provider shall be excluded and suspended from participation with the Authority for the duration of exclusion or suspension from the Medicare program or by the Office of the Inspector General; or

(c) If the provider fails to disclose ownership or control information required under 42 CFR part 455.104 that must be reported at the time the provider submits a provider enrollment form or when there is a material change in the information that must be reported, or information related to business transactions required to be provided under 42 CFR part 455.105 upon request of federal or state authorities.

(4) Discretionary Sanctions. When the Authority determines the provider fails to meet one or more of the Authority's requirements governing participation in its programs the Authority may impose discretionary sanctions. Conditions that may result in a discretionary sanction include, but are not limited to when a provider has:

(a) Been convicted of fraud related to any federal, state, or locally financed health care program or committed fraud, received kickbacks, or committed other acts that are subject to criminal or civil penalties under the Medicare or Medicaid statutes;

(b) Been convicted of interfering with the investigation of health care fraud;

(c) Been convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance or other potentially disqualifying crime, as determined under program-specific rules or contracts;

(d) By actions of any state licensing authority for reasons relating to the provider's professional competence, professional conduct, or financial integrity either:

(A) Had the professional license suspended or revoked, or otherwise lost such license; or

(B) Surrendered the license while a formal disciplinary proceeding is pending before the relevant licensing authority.

(e) Been suspended or excluded from participation in any federal or state program for reasons related to professional competence, professional performance, or other reason;

(f) Billed excessive charges including but not limited to charging in excess of the usual charge, furnished items or services in excess of the client's needs or in excess of those services ordered by a provider, or in excess of generally accepted standards or quality that fail to meet professionally recognized standards;

(g) Failed to furnish necessary covered services as required by law or contract with the Authority if the failure has adversely affected or has a substantial likelihood of adversely affecting the client;

(h) Failed to disclose required ownership information;

(i) Failed to supply requested information on subcontractors and suppliers of goods or services;

(j) Failed to supply requested payment information;

(k) Failed to grant access or to furnish as requested, records, or grant access to facilities upon request of the Authority or the MFCU conducting their regulatory or statutory functions;

(l) In the case of a hospital, failed to take corrective action as required by the Authority, based on information supplied by the QIO to prevent or correct inappropriate admissions or practice patterns, within the time specified by the Authority;

(m) In the case of a licensed facility, failed to take corrective action under the license as required by the Authority within the time specified by the Authority;

(n) Defaulted on repayment of federal or state government scholarship obligations or loans in connection with the provider's health profession education;

(A) Providers must have made a reasonable effort to secure payment;

(B) The Authority must take into account access of beneficiaries to services; and

(C) Shall not exclude a community's sole physician or source of essential specialized services;

(o) Repeatedly submitted a claim with required data missing or incorrect:

(A) When the missing or incorrect data has allowed the provider to:

(i) Obtain greater payment than is appropriate;

(ii) Circumvent prior authorization requirements;

(iii) Charge more than the provider's usual charge to the general public;

(iv) Receive payments for services provided to individuals who were not eligible; or

(v) Establish multiple claims using procedure codes that overstate or misrepresent the level, amount, or type of services or items provided.

(B) Does not comply with the requirements of OAR 410-120-1280.

(p) Failed to develop, maintain, and retain, pursuant to relevant rules and standards, adequate clinical or other records that document the client's eligibility and coverage, authorization (if required by program-specific rules or contracts), appropriateness, nature, and extent of the services or items provided;

(q) Failed to develop, maintain, and retain pursuant to relevant rules and standards, adequate financial records that document charges incurred by a client and payments received from any source;

(r) Failed to develop, maintain, and retain adequate financial or other records that support information submitted on a cost report;

(s) Failed to follow generally accepted accounting principles or accounting standards or cost principles required by federal or state laws, rules, or regulations;

(t) Submitted claims or written orders contrary to generally accepted standards of professional practice;

(u) Submitted claims for services that exceed the requested or agreed upon amount by the OHP client, the client representative, or requested by another qualified provider;

(v) Breached the terms of the provider contract or agreement;

(w) Failed to comply with the terms of the provider certifications on the claim form;

## ADMINISTRATIVE RULES

(x) Rebated or accepted a fee or portion of a fee for a client referral; or collected a portion of a service fee from the client and billed the Authority for the same service;

(y) Submitted false or fraudulent information when applying for an Authority-assigned provider number, or failed to disclose information requested on the provider enrollment form;

(z) Failed to correct deficiencies in operations after receiving written notice of the deficiencies from the Authority;

(aa) Submitted any claim for payment for which the Authority has already made payment or any other source unless the amount of the payment from the other source is clearly identified;

(bb) Threatened, intimidated, or harassed clients, client representatives, or client relatives in an attempt to influence payment rates or affect the outcome of disputes between the provider and the Authority;

(cc) Failed to properly account for a client's personal incidental funds including but not limited to using a client's personal incidental funds for payment of services which are included in a medical facility's all-inclusive rates;

(dd) Provided or billed for services provided by ineligible or unsupervised staff;

(ee) Participated in collusion that resulted in an inappropriate money flow between the parties involved;

(ff) Refused or failed to repay, in accordance with an accepted schedule, an overpayment established by the Authority;

(gg) Failed to report to Authority payments received from any other source after the Authority has made payment for the service; or

(hh) Collected or made repeated attempts to collect payment from clients for services covered by the Authority, under OAR 410-120-1280.

(5) A provider who has been excluded, suspended, or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or whose license to practice has been suspended or revoked by a state licensing board, may not submit claims for payment, either personally or through claims submitted by any billing agent or service, billing provider or other provider, for any services or supplies provided under the medical assistance programs, except those services or supplies provided prior to the date of exclusion, suspension or termination.

(6) Providers may not submit claims for payment to the Authority for any services or supplies provided by an individual or provider entity that has been excluded, suspended, or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or whose license to practice has been suspended or revoked by a state licensing board, except for those services or supplies provided prior to the date of exclusion, suspension or termination.

(7) When the provisions of sections (5) or (6) are violated, the Authority may suspend or terminate the billing provider or any provider who is responsible for the violation.

(8) Sanction Types and Conditions.

(a) A mandatory sanction imposed by the Authority pursuant to section (3) may result in any of the following:

(A) The provider shall either be terminated or suspended from participation in the Authority's programs. No payments of Title XIX, Title XXI or other federal or state funds shall be made for services provided after the date of termination. Termination is permanent unless:

(i) The exceptions cited in 42 CFR part 1001.221 are met; or

(ii) Otherwise stated by the Authority at the time of termination.

(B) No payments of Title XIX, Title XXI, or other federal or state funds shall be made for services provided during the suspension. The Authority shall automatically reactivate the provider number after the suspension period has elapsed if the conditions that caused the suspension have been resolved. The minimum duration of a suspension shall be determined by the DHHS Secretary, under the provisions of 42 CFR parts 420, 455, 1001, or 1002. The Authority may suspend a provider from participation in the medical assistance programs longer than the minimum suspension determined by the DHHS secretary.

(b) The Authority may impose the following discretionary sanctions on a provider pursuant to OAR 410-120-1400(4):

(A) The provider may be terminated from participation in the Authority's programs. No payments of Title XIX, Title XXI or other federal or state funds shall be made for services provided after the date of termination. Termination is permanent unless:

(i) The exceptions cited in 42 CFR part 1001.221 are met; or

(ii) Otherwise stated by the Authority at the time of termination.

(B) The provider may be suspended from participation in the Authority's programs for a specified length of time, or until specified conditions for reinstatement are met and approved by the Authority. No pay-

ments of Title XIX, Title XXI, or other federal or state funds shall be made for services provided during the suspension. The Authority shall automatically reactivate the provider number after the suspension period has elapsed if the conditions that caused the suspension have been resolved.

(C) The Authority may withhold payments to a provider;

(D) The provider may be required to attend provider education sessions at the expense of the sanctioned provider;

(E) The Authority may require that payment for certain services are made only after the Authority has reviewed documentation supporting the services;

(F) The Authority may require repayment of amounts paid or provide for reduction of any amount otherwise due the provider; and

(G) Any other sanctions reasonably designed to remedy or compel future compliances with federal, state, or Authority regulations.

(c) The Authority shall consider the following factors in determining the sanction to be imposed. Factors include but are not limited to:

(A) Seriousness of the offense;

(B) Extent of violations by the provider;

(C) History of prior violations by the provider;

(D) Prior imposition of sanctions;

(E) Prior provider education;

(F) Provider willingness to comply with program rules;

(G) Actions taken or recommended by licensing boards or a QIO;

(H) Adverse impact on the availability of program-specific or contract covered services or the health of clients living in the provider's service area; and

(I) Potential financial sanctions related to the non-compliance may be imposed in an amount that is reasonable in light of the anticipated or actual harm caused by the non-compliance, the difficulties of proof of loss, and the inconvenience or non-feasibility of otherwise obtaining an adequate remedy.

(d) When a provider fails to meet one or more of the requirements identified in OAR 943-120-0300 through 943-120-0400, the Authority, in its sole discretion, may immediately suspend the provider's Authority assigned billing number and any electronic system access code to prevent public harm or inappropriate expenditure of public funds.

(A) The provider subject to immediate suspension is entitled to a contested case hearing pursuant to ORS 183 to determine whether the provider's Authority assigned number and electronic system access code may be revoked; and

(B) The notice requirements described in section (5) of this rule do not preclude immediate suspension, in the Authority's sole discretion, to prevent public harm or inappropriate expenditure of public funds. Suspension may be invoked immediately while the notice and contested case hearing rights are exercised.

(e) If the Authority sanctions a provider, the Authority shall notify the provider by certified mail or personal delivery service of the intent to sanction. The notice of immediate or proposed sanction shall identify:

(A) The factual basis used to determine the alleged deficiencies and a reference to the particular sections of the statutes and rules involved;

(B) Explanation of actions expected of the provider;

(C) Explanation of the Authority's intended action;

(D) The provider's right to dispute the Authority's allegations and submit evidence to support the provider's position;

(E) The provider's right to appeal the Authority's proposed actions pursuant to ORS 183;

(F) A statement of the authority and jurisdiction under which the appeal may be requested and description of the procedure and time to request an appeal; and

(G) A statement indicating whether and under what circumstances an order by default may be entered.

(f) If the Authority decides to sanction a provider, the Authority shall notify the provider in writing at least 15 days before the effective date of action, except in the case of immediate suspension to avoid public harm or inappropriate expenditure of funds.

(g) The provider may appeal the Authority's immediate or proposed sanction or other actions the Authority intends to take. The provider must appeal this action separately from any appeal of audit findings and overpayments. These include but are not limited to the following:

(A) Termination or suspension from participation in the Medicaid-funded medical assistance programs;

(B) Termination or suspension from participation in the Authority's state-funded programs; or

(C) Revocation of the provider's Authority assigned provider number.

(h) Other provisions:

# ADMINISTRATIVE RULES

(A) When a provider has been sanctioned, all other provider entities in which the provider has ownership of five percent or greater, or control of, may also be sanctioned;

(B) When a provider has been sanctioned, the Authority may notify the applicable professional society, board of registration or licensure, federal or state agencies, OHP, PHP's, and the National Practitioner Data Base of the findings and the sanctions imposed;

(C) At the discretion of the Authority, providers who have previously been sanctioned or suspended may or may not be re-enrolled as Authority providers;

(D) Nothing in this rule prevents the Authority from simultaneously seeking monetary recovery and imposing sanctions against the provider;

(E) Following a contested case hearing in which a provider has been found to violate ORS 411.675, the provider shall be liable to the Authority for treble the amount of payments received as a result of each violation.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0370

### Requirements for Financial, Clinical, and Other Records

(1) The Authority shall analyze and monitor the operation of its programs and audit and verify the accuracy and appropriateness of payment, utilization of services, or items.

(2) The Authority shall comply with client coverage criteria and requirements for the level of care or service or item authorized or reimbursed by the Authority and the quality of covered services or items and service or item delivery, and access to covered services or items.

(3) The provider and the provider's designated billing service or other entity responsible for the maintenance of financial, service delivery, and other records must:

(a) Develop and maintain adequate financial and service delivery records and other documentation which supports the specific care, items, or services for which payment has been requested. The Authority may not make payment for services that are not adequately documented. The following documentation must be completed before the service is billed to the Authority:

(A) All records documenting the specific service provided, the number of services or items comprising the service provided, the extent of the service provided, the dates on which the service was provided, and identification of the individual who provided the service. Patient account and financial records must also include documentation of charges, identify other payment resources pursued, indicate the date and amount of all debit or credit billing actions, and support the appropriateness of the amount billed and paid. For cost reimbursed services, the provider must maintain adequate records to thoroughly and accurately explain how the amounts reported on the cost statement were determined.

(B) Service delivery, clinical records, and visit data, including records of all therapeutic services, must document the basis for service delivery and record visit data if required under program-specific rules or contracts. A client's clinical record must be annotated each time a service is provided and signed or initialed by the individual providing the service or must clearly identify the individual providing the service. Information contained in the record must be sufficient in quality and quantity to meet the professional standards applicable to the provider or practitioner and any additional standards for documentation found in this rule, program-specific rules, and any pertinent contracts.

(C) All information about a client obtained by the provider or its officers, employees, or agents in the performance of covered services, including information obtained in the course of determining eligibility, seeking authorization, and providing services, is confidential. The client information must be used and disclosed only to the extent necessary to perform these functions.

(b) Implement policies and procedures to ensure confidentiality and security of the client's information. These procedures must ensure the provider may release such information pursuant to program-specific federal and state statutes or contract, which may include but is not limited to, ORS 179.505 to 179.507, 411.320, 433.045, 42 CFR part 2, 42 CFR part 431 subpart F, 45 CFR 205.50, and ORS 433.045(3) with respect to HIV test information.

(c) Ensure the use of electronic record-keeping systems does not alter the requirements of this rule.

(A) A provider's electronic record-keeping system includes electronic transactions governed by HIPAA transaction and code set requirements and records, documents, documentation, and information include all infor-

mation, whether maintained or stored in electronic media, including electronic record-keeping systems, and information stored or backed up in an electronic medium.

(B) If a provider maintains financial or clinical records electronically, the provider must be able to provide the Authority with hard-copy versions. The provider must also be able to provide an auditable means of demonstrating the date the record was created and the identity of the creator of a record, the date the record was modified, what was changed in the record and the identity of any individual who has modified the record. The provider must supply the information to individuals authorized to review the provider's records under subsection (e) of this rule.

(C) Providers may comply with the documentation review requirements in this rule by providing the electronic record in an electronic format acceptable to an authorized reviewer. The authorized reviewer must agree to receive the documentation electronically.

(d) Retain service delivery, visit, and clinical records for seven years and all other records described in this rule, program-specific rules and contract for at least five years from the date of service.

(e) Furnish requested documentation (including electronically recorded information or information stored or backed up in an electronic medium) immediately or within the time-frame specified in the written request received from the Authority, the Oregon Secretary of State, DHHS or other federal funding agency, Office of Inspector General, the Comptroller General of the United States (for federally funded programs), MFCU (for Medicaid-funded services or items), or the client representative. Copies of the documents may be furnished unless the originals are requested. At their discretion, official representatives of the Authority, Medicaid Fraud Unit, DHHS, or other authorized reviewers may review and copy the original documentation in the provider's place of business. Upon written request of the provider, the program or the unit, may, at its sole discretion, modify or extend the time for provision of such records if, in the opinion of the program or unit good cause for such extension is shown. Factors used in determining if good cause exists include:

(A) Whether the written request was made prior to the deadline for production;

(B) If the written request is made after the deadline for production, the amount of time lapsed since that deadline;

(C) The efforts already made to comply with the request;

(D) The reasons the deadline cannot be met;

(E) The degree of control that the provider had over its ability to produce the records prior to the deadline; and

(F) Other extenuating factors.

(f) Except as otherwise provided access to records, inclusive of clinical charts and financial records does not require authorization or release from the client, if the purpose of the access is:

(A) To perform billing review activities;

(B) To perform utilization review activities;

(C) To review quality, quantity, medical appropriateness of care, items, and services provided;

(D) To facilitate service authorization and related services;

(E) To investigate a client's hearing request;

(F) To facilitate investigation by the MFCU or DHHS; or

(G) To review records necessary to the operation of the program.

(g) Failure to comply with requests for documents within the specified time-frame means that the records subject to the request may be deemed by the Authority not to exist for purposes of verifying appropriateness of payment, clinical appropriateness, the quality of care, and the access to care in an audit or overpayment determination, and subjects the provider to possible denial or recovery of payments made by the Authority or to sanctions.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0380

### Fraud and Abuse

(1) Providers shall promptly refer all suspected fraud and abuse, including fraud or abuse by its employees or in Authority administration, to the MFCU, or to the Authority's audit unit.

(2) Providers must permit the MFCU and the Authority to inspect, copy, evaluate, or audit books, records, documents, files, accounts, and facilities, without charge, as required to investigate allegations or incidents of fraud or abuse.

(3) Providers aware of suspected fraud or abuse by a client must report the incident to the Authority's fraud unit.

# ADMINISTRATIVE RULES

(4) The Authority may share information for health oversight purposes with the MFCU and other federal or state health oversight authorities.

(5) The Authority may take actions necessary to investigate and respond to substantiated allegations of fraud and abuse including but not limited to suspending or terminating the provider from participation in the Authority's programs, withholding payments or seeking recovery of payments made to the provider, or imposing other sanctions provided under state law or regulations. Such actions by the Authority may be reported to CMS or other federal or state entities as appropriate.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

## 943-120-0400

### MMIS Replacement Communication Plan

(1) The purpose of this rule is to describe the Authority's plan for communicating instructions and guidance related to the Authority's implementation of the replacement MMIS that began on December 9, 2008. System issues are anticipated to be identified for a period of time during and after implementation. This rule is adopted to be effective retroactively to December 9, 2008 for the purpose of providing continuity of all MMIS communication efforts throughout the transition implementation process and regular operations following the transition. By adopting this communication plan in rule, the Authority seeks to assure that eligible Authority clients receive all necessary and appropriate services, and that Authority providers and PHPs are correctly reimbursed for covered services provided to eligible clients.

(2) To the extent necessary to accomplish the purposes of this rule, the Authority shall provide guidance and instructions related to MMIS for providers and PHPs using its web site and MMIS provider announcements.

(a) In cases of limitations or system errors in the replacement MMIS, the Authority shall provide update information and important action required in concert with, or in place of, normal established procedures.

(b) In other cases, the Authority shall provide instructions and guidance about the use of revised or improved functionality that is available through the replacement MMIS, such as the use of the web portal.

(3) Providers and PHPs must follow all applicable instructions given on the Authority's web page and any provider announcements for the dates specifically noted in the communications, or if a date is not specified, until further instructions are provided. Authority web site information and links to specific topics may be accessed at: [http://www.oregon.gov/DHS/healthplan/tools\\_prov/main.shtml](http://www.oregon.gov/DHS/healthplan/tools_prov/main.shtml).

(4) This rule does not amend existing rules or contracts that require providers or PHPs to confirm eligibility, respond to requests for prior authorization, submit claims or encounter data, or comply with any other rule or contract that imposes obligations on a provider or PHP as a condition of receiving reimbursement for services. This rule is intended to provide assurance to providers and PHPs that the MMIS-related processes for meeting those obligations are being addressed by the Authority by providing guidance and instruction related to the provider's or PHP's interface with MMIS processes, and by identifying the resources providers and PHPs may use to obtain information during this time of transition to the replacement MMIS and during regular MMIS operations.

(5) The Authority shall work with providers and PHPs by providing instructions and guidance to assure that service delivery and reimbursement disruptions related to transition to the replacement MMIS are minimized. Providers and PHPs must appropriately document all eligibility, services, authorization, claims, and payment information during the transition time, and their efforts to comply with instructions and guidance provided by the Authority, so that reimbursement may be correctly provided.

(6) Providers and PHPs must immediately communicate to the Authority any issues they encounter that are not addressed in the Authority's instructions or guidance in seeking eligibility information or activities related to reimbursement for services through MMIS, errors discovered in the correct amount of any reimbursement received for those services, or in applying the instruction or guidance to resolve an issue.

(7) After the transition period is complete, the Authority shall continue to implement this communication plan as long as necessary during regular MMIS operations in order to assist providers and PHPs with technical and system requirements of the replacement MMIS.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11

**Rule Caption:** Audits and Overpayment Recovery for Providers and Contractors receiving payments from or through the Authority

**Adm. Order No.:** OHA 21-2011

**Filed with Sec. of State:** 8-31-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 943-120-1505

**Rules Repealed:** 943-120-1505(T)

**Subject:** These rules adopt and incorporate by reference the Department of Human Services' Audits and Overpayment Recovery rule: chapter 407-120-1505. Providers or contractors receiving payments from or through the Oregon Health Authority are subject to audit or other post payment review procedures for all payments applicable to items or services furnished or supplied by the provider or contractor to or on behalf of the Authority or to its clients.

HB 2009 created the Oregon Health Authority and transferred to the Authority the Department of Human Services' Divisions with respect to health and health care. Effective July 1, 2011 the Authority will no longer be able to rely on the Department of Human Services' general rules found in OAR chapter 407. The Authority is adopting and incorporating by reference the Department's rule which provide the Authority with the legal authority to conduct audits and overpayment recovery with respect to providers or contractors receiving payments from the Authority.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-120-1505

### Audits and Overpayment Recovery

Providers or contractors receiving payments from or through the Oregon Health Authority are subject to audit or other post payment review procedures for all payments applicable to items or services furnished or supplied by the provider or contractor to or on behalf of the Authority or to its clients.

(1) The Authority adopts and incorporates by reference the rules established in OAR 407-120-1505, for those matters that involve providers or contractors of the Authority, except as otherwise provided in this rule. Audit rules and procedures from OAR 407-120-1505 as incorporated into this rule ensure proper payments were made by the Authority based on requirements applicable to covered services and promote program integrity.

(2) Any reference to OAR 407-120-1505 in rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to providers or contractors receiving payments from or through the Authority.

(3) The Authority authorizes the Department to act on its behalf in carrying out audits and establishing overpayment amounts associated with the administration of programs or activities administered by the Authority.

(4) Provider appeals for the Authority shall be handled by the Authority under the procedures set forth in OAR 407-120-1505. References to "the OPAR Administrator" or "the Administrator" are hereby incorporated as references to "the Authority Director."

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

Stat. Auth.: ORS 413.042 & 2009 OL Ch. 595, § 9-25

Stats. Implemented: ORS 411.010, 413.032, 414.065 & 414.715

Hist.: OHA 15-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 21-2011, f. 8-31-11, cert. ef. 9-1-11

\*\*\*\*\*

**Rule Caption:** Privacy OARs setting forth general procedures governing the collection, use and disclosure of protected information.

**Adm. Order No.:** OHA 22-2011

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-2-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 943-014-0000, 943-014-0010, 943-014-0015, 943-014-0020, 943-014-0030, 943-014-0040, 943-014-0050, 943-014-0060, 943-014-0070

**Rules Repealed:** 943-014-0000(T), 943-014-0010(T), 943-014-0015(T), 943-014-0020(T), 943-014-0030(T), 943-014-0040(T), 943-014-0050(T), 943-014-0060(T), 943-014-0070(T)

**Subject:** These rules govern the collection, use, and disclosure of protected information by the Authority about individuals and to explain the rights and specific actions that individuals may take or

# ADMINISTRATIVE RULES

request to be taken regarding the uses and disclosures of their protected information. These rules also set forth Authority requirements governing the use and disclosure of protected health information for purposes of HIPAA, 42 USC 1320-d through 1320d-8, Pub L 104-191, sec. 262 and 264, and the implementing HIPAA privacy rules, 45 CFR parts 160 and 164.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-014-0000

### Definitions

The following definitions apply to OAR 943-014-0000 to 943-014-0070:

(1) “Administrative Hearing” means an oral proceeding before an administrative law judge in a contested case hearing.

(2) “Authority” means the Oregon Health Authority.

(3) “Authority Workforce” means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the Authority, is under the direction and control of the Authority, whether or they are paid by the Authority.

(4) “Authorization” means permission from an individual or his or her personal representative giving the Authority, and others named on the form, authorization to obtain, release or use information about the individual from third parties for specified purposes or to disclose information to a third party specified by the individual.

(5) “Business Associate” means an individual or entity performing any function or activity on behalf of the Authority involving the use or disclosure of protected health information (PHI) and is not a member of the Authority’s workforce.

(a) “Function or activity” includes but is not limited to program administration, claims processing or administration, data analysis, utilization review, quality assurance, billing, legal, actuarial, accounting, consulting, data processing, management, administrative, accreditation, financial services, and similar services for which the Authority may contract or obtain by interagency agreement, if access to PHI is involved.

(b) Business associates do not include licensees or providers unless the licensee or provider also performs some function or activity on behalf of the Authority.

(6) “Client” means an individual who requests or receives program benefits or direct services from the Authority, including but not limited to services requested in connection with the administration of the medical assistance program, and individuals who apply for or are admitted to a state hospital or who are committed to the custody of the Authority.

(7) “Client Information” means personal information relating to a client that the Authority may maintain in one or more locations and in various forms, reports, or documents, or stored or transmitted by electronic media.

(8) “Collect” or “Collection” means the assembling of personal information through interviews, forms, reports, or other information sources.

(9) “Contract” means a written agreement between the Authority and a person or entity setting forth the rights and obligations of the parties including but not limited to contracts, licenses, agreements, interagency agreements, and intergovernmental agreements.

(10) “Correctional Institution” means any penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program center operated by contract with the federal government, a state, or an Indian tribe for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody. “Other persons held in lawful custody” include juvenile offenders, adjudicated delinquents, aliens detained awaiting deportation, witnesses, or others awaiting charges or trial.

(11) “Corrective Action” means an action that a business associate must take to remedy a breach or violation of the business associate’s obligations under the business associate’s contractual requirement, including but not limited to reasonable steps that must be taken to cure the breach or end the violation.

(12) “Covered Entity” means health plans, health care clearinghouses, and health care providers who transmit any health information in electronic form in connection with a transaction that is subject to federal Health Insurance Portability and Accountability Act (HIPAA) requirements, as those terms are defined and used in the HIPAA regulations, 45 CFR parts 160 and 164.

(13) “De-identified Data” means client information from which the Authority or other entity has deleted, redacted, or blocked identifiers so the remaining information cannot reasonably be used to identify an individual.

(14) “Department” means the Department of Human Services.

(15) “Disclose” means the release, transfer, relay, provision of access to, or conveying of client information to any individual or entity outside the Authority.

(16) “Health Care” means care, services, or supplies related to the health of an individual. Health care includes but is not limited to preventive, diagnostic, therapeutic, rehabilitative, maintenance, palliative care, counseling services, assessment, or procedures with respect to the physical or mental condition, or functional status of an individual, or that affects the structure or function of the body and the sale or dispensing of a drug, device, equipment, or other prescribed item.

(17) “Health Care Operations” means any activities of the Authority to the extent that the activities are related to health care, Medicaid, or any other health care related programs, services, or activities administered by the Authority and include:

(a) Conducting quality assessment and improvement activities, including income evaluation and development of clinical guidelines;

(b) Population-based activities related to improving health or reducing health care costs, protocol development, case management and care coordination, contacting health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(c) Reviewing the competence of qualifications of health care professionals, evaluating practitioner, provider, and health plan performance; and conducting training programs in which students and trainees in areas of health care learn under supervision to practice or improve their skills, accreditation, certification, licensing, or credentialing activities;

(d) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract for Medicaid or health care related services;

(e) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs, and disclosure to the Medicaid Fraud Unit pursuant to 43 CFR part 455.21;

(f) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the Authority, including administration, development, or improvement of methods of payments or health care coverage; and

(g) Business management and general administrative activities of the Authority, including but not limited to:

(A) Management activities relating to implementation of and compliance with the requirements of HIPAA;

(B) Customer service, including providing data analysis;

(C) Resolution of internal grievances, including administrative hearings and the resolution of disputes from patients or enrollees regarding the quality of care and eligibility for services; and

(D) Creating de-identified data or a limited data set.

(18) “Health Oversight Agency” means an agency or authority of the federal government, a state, territory, political subdivision of a state or territory, Indian tribe, or a person or entity acting under a grant of authority from or by contract with the public agency, including employees or agents of the public agency or its contractors or grantees that is authorized by law to oversee the health care system or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant. When performing these functions, the Authority acts as a health oversight agency for the purposes of these rules.

(19) “HIPAA” means the 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 the Act.

(20) “Individual” means the person who is the subject of information collected, used, or disclosed by the Authority.

(21) “Individually Identifying Information” means any single item or compilation of information or data that indicates or reveals the identity of an individual, either specifically (such as the individual’s name or social security number), or from which the individual’s identity can be reasonably ascertained.

(22) “Information” means personal information relating to an individual, a participant, or an Authority client.

(23) “Inmate” means a person incarcerated in or otherwise confined in a correctional institution. An individual is no longer an inmate when released on parole, probation, supervised release, or is otherwise no longer in custody.

(24) “Institutional Review Board (IRB)” means a specially constituted review body established or designated by an entity in accordance with 45 CFR part 46 to protect the welfare of human subjects recruited to par-



## ADMINISTRATIVE RULES

ticipate in biomedical or behavioral research. The IRB must be registered with the Office for Human Research Protection.

(25) "Law Enforcement Official" means an officer or employee of any agency or authority of the federal government, a state, territory, political subdivision of a state or territory, or Indian tribe who is empowered by law to:

(a) Investigate and conduct an official inquiry into a potential violation of law; or

(b) Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(26) "Licensee" means a person or entity that applies for or receives a license, certificate, registration, or similar authority from the Authority to perform or conduct a service, activity, or function.

(27) "Minimum Necessary" means the least amount of information, when using or disclosing confidential client information, that is needed to accomplish the intended purpose of the use, disclosure, or request.

(28) "Participant" means individual's participating in Authority population-based services, programs, and activities that serve the general population, but who do not receive program benefits or direct services received by a client. Examples of participants include but are not limited to an individual whose birth certificate is recorded with Department of Vital Statistics, the subjects of public health studies, immunization or cancer registries, newborn screening, and other public health services, and individuals who contact Authority hotlines or the ombudsman for general public information services.

(29) "Payment" means any activities undertaken by the Authority related to a client to whom health care is provided in order to:

(a) Obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the Medicaid program or other publicly funded health care services; and

(b) Obtain or provide reimbursement for the provision of health care.

(30) Payment activities mean:

(a) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost sharing amounts, and adjudication of health benefit or health care claims;

(b) Risk adjusting amounts due which are based on enrollee health status and demographic characteristics;

(c) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, and related health care data processing;

(d) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(e) Utilization review activities, including pre-certification and pre-authorization of services, concurrent and retrospective review of services; and

(f) Disclosure to consumer reporting agencies relating to collection of premiums or reimbursement including name and address, date of birth, payment history, account number, and name and address of the health care provider or health plan.

(31) "Personal Representative" means a person who has authority to act on behalf of an individual in making decisions related to health care.

(32) "Protected Health Information (PHI)" means any individually identifiable health information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual. Any data transmitted or maintained in any other form or medium by covered entities, including paper records, fax documents, all oral communications, or any other form, such as screen prints of eligibility information, printed e-mails containing identified individual's health information, claim or billing information, or hard copy birth or death certificates. PHI does not include school records that are subject to the Family Educational Rights and Privacy Act and employment records held in the Authority's role as an employer.

(33) "Protected Information" means any participant or client information that the Authority may have in its records or files that must be safeguarded pursuant to Authority policy. This includes but is not limited to individually identifying information.

(34) "Provider" means a person or entity that may seek reimbursement from the Authority as a provider of services to Authority clients pursuant to a contract. For purposes of these rules, reimbursement may be

requested on the basis of claims or encounters or other means of requesting payment.

(35) "Psychotherapy Notes" mean notes recorded in any medium by a health care provider who is a mental health professional documenting or analyzing the contents of conversations during a private counseling session, or group, joint, or family counseling session, when the notes are separated from the rest of the individual's record. Psychotherapy notes do not include medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of diagnosis, functional status, treatment plan, symptoms, prognosis, or progress to date.

(36) "Public Health Agency" means a public agency, including the Authority, or a person or entity acting under a grant of authority from or by contract with the Authority or public agency that performs or conducts one or more of the following essential functions that characterize public health programs, services, or activities:

(a) Monitor health status to identify community health problems;

(b) Diagnose and investigate health problems and health hazards in the community;

(A) Inform, educate, and empower people about health issues;

(B) Mobilize community partnerships to identify and solve health problems;

(C) Develop policies and plans that support individual and community health efforts;

(D) Enforce laws and regulations that protect health and ensure safety;

(E) Direct individuals to needed personal health services and assure the provision of health care when otherwise unavailable;

(F) Ensure a competent public health and personal health care workforce;

(G) Evaluate the effectiveness, accessibility, and quality of personal and population-based health services; and

(H) Perform research for new insights and innovative solutions to health problems.

(37) "Public Health Authority" means an agency or authority of the federal government, a state, territory, political subdivision of a state or territory, Indian tribe, or a person or entity acting under a grant of authority from or by contract with the public agency, including the employees or agents of the public agency, or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate. When performing functions as a public health agency, the Authority acts as a public health authority for purposes of these rules.

(38) "Re-disclosure" means the disclosure of information to a person, an Authority program, an Authority subcontracted entity, or other entity or person other than what was originally authorized.

(39) "Research" means systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalized knowledge.

(40) "Required by Law" means a duty or responsibility that federal or state law specifies that a person or entity must perform or exercise. Required by law includes but is not limited to court orders and court-ordered warrants; subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information; a civil or an authorized investigative demand; Medicare conditions of participation with respect to health care providers participating in the program; and statutes or rules that require the production of information, including statutes or rules that require such information if payment is sought under a government program providing public benefits.

(41) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party, consultation between health care providers relating to a patient, or the referral of a patient for health care from one health care provider to another.

(42) "Use" means the sharing of individual information within an Authority program or the sharing of individual information between program staff and administrative staff that support or oversee the program.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

# ADMINISTRATIVE RULES

## 943-014-0010

### Purpose

(1) The purpose of these rules (OAR 943-014-000 to 943-014-0070) is to govern the collection, use, and disclosure of protected information by the Authority about individuals and to explain the rights and specific actions that individuals may take or request to be taken regarding the uses and disclosures of their protected information. These rules also set forth the Authority's requirements governing the use and disclosure of PHI for purposes of HIPAA, 42 USC 1320-d through 1320d-8, Pub L. 104-191, sec. 262 and 264, and the implementing HIPAA privacy rules, 45 CFR parts 160 and 164, applicable to the Authority's health care components.

(2) Except as provided in section (1) of this rule, state and federal statutes, rules, and policies that govern the administration of Authority programs, services, and activities continue to govern the use and disclosure of protected information in those Authority programs, services, and activities.

(3) In the event that it is not possible to comply with the requirements of both sections (1) and (2) of this rule, the Authority shall act in accordance with whichever federal or state law imposes a stricter requirement regarding the privacy or safeguarding of information and which provides the greater protection or access to the individual who is the subject of the information, unless one of the following applies:

(a) Public health. Nothing in these rules shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, birth, or death; public health surveillance; or public health investigation or intervention.

(b) Child abuse. Nothing in these rules shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of child abuse.

(c) State regulatory reporting. Nothing in these rules shall be construed to limit the ability of the State of Oregon or the Authority to require a health plan to report, or to provide access to information for management audits, financial audits, program monitoring, facility licensure or certification, or individual licensure or certification.

(4) The Authority may collect, maintain, use, transmit, share, and disclose information about any individual to the extent authorized by law to administer Authority programs, services, and activities.

(5) The Authority may use and disclose information about licensees or providers consistent with federal and state laws and regulations. Information regarding the qualifications of licensees and providers are public records.

(a) When the Authority obtains information about individuals that relates to determining payment responsibility when a provider submits a request for payment to the Authority, the Authority shall safeguard the information consistent with federal and state laws and regulations and Authority policies.

(b) The Authority may review the performance of licensees and providers in the conduct of its health oversight activities and shall safeguard information obtained about individuals obtained during those activities in accordance with federal and state laws and regulations and Authority policies.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0015

### Covered Entity Status for Purposes of the HIPAA Privacy Rules

(1) These rules address information that, among other things, may be Protected Health Information that is protected by the HIPAA Privacy Rules. For purposes of HIPAA Privacy Rules, the Authority is a hybrid entity because the Authority performs functions that are covered by HIPAA ("health care components") and functions that are not covered by HIPAA. The Authority's health care components consist of the functions that are included in the definition of a covered entity, as follows:

(a) The Authority in its capacity as the state Medicaid agency for the administration of the Medicaid program under Title XIX of the Social Security Act and the Children's Health Insurance Program under Title XXI of the Act and the medical assistance program as described in ORS chapter 414.

(b) The Health Care for All Oregon Children program;

(c) The Family Health Insurance Assistance Program established in ORS 414.841 to 414.864;

(d) Any medical assistance or premium assistance programs reimbursed with Medicaid or the Children's Health Insurance Program funds operated by the Authority;

(e) The Oregon State Hospital and Blue Mountain Recovery Center;

(f) The high risk pools administered by the Oregon Medical Insurance Pool Board and the Office of Private Health Partnerships;

(g) The Breast and Cervical Cancer Program and the Wise Woman Program;

(h) The Public Health Laboratory;

(i) The Medicaid Management Information system and information technology systems associated with the administration and management of the health care components listed above; and

(j) The ombudsman and other administrative and health care operations functions associated with the administration and management of the health care components listed above.

(2) The Authority administers many aspects of the medical assistance program with the assistance of the Department, including but not limited to eligibility determinations for the medical assistance program and supervising the long-term and community-based services for seniors and people with disabilities. The Department also provides certain health care operations services for the Authority. In doing so, the Department is a business associate of the Authority. As a business associate of the Authority, the Department is authorized to use and disclose protected health information to perform or assist the Authority in the performance of its covered functions.

(3) When these rules of the Authority apply to PHI that is subject to the HIPAA Privacy and Security rules, a reference to the Authority may also include the actions of the Department acting as the Authority's business associate.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0020

### Uses and Disclosures of Client or Participant Protected Information

(1) Uses and disclosures with individual authorization. The Authority must obtain a completed and signed authorization for release of information from the individual, or the individual's personal representative, before obtaining or using protected information about an individual from a third party or disclosing protected information about the individual to a third party.

(a) Uses and disclosures must be consistent with what the individual has approved on the signed authorization form approved by the Authority.

(b) An individual may revoke an authorization at any time. The revocation must be in writing and signed by the individual, except that substance abuse treatment patients may orally revoke an authorization to disclose information obtained from substance abuse treatment programs. No revocation shall apply to information already released while the authorization was valid and in effect.

(2) Uses and disclosures without authorization. The Authority may use and disclose information without written authorization in the following circumstances:

(a) The Authority may disclose information to individuals who have requested disclosure to themselves of their information, if the individual has the right to access the information under OAR 943-014-0030(6).

(b) If the law requires or permits the disclosure, and the use and disclosure complies with, and is limited to, the relevant requirements of the relevant law.

(c) For treatment, payment, and health care operations the Authority may disclose the following information:

(A) Activities involving the current treatment of an individual, for the Authority or health care provider;

(B) Payment activities, for the Authority, covered entity, or health care provider;

(C) Protected health information for the purpose of health care operations; and

(D) Substance abuse treatment information, if the recipient has a Qualified Service Organization Agreement with the Authority.

(d) Psychotherapy notes. The Authority may only use and disclose psychotherapy notes in the following circumstances:

(A) In the Authority's supervised counseling training programs;

(B) In connection with oversight of the originator of the psychotherapy notes; or

(C) To defend the Authority in a legal action or other proceeding brought by the individual.

(e) Public health activities.

(A) The Authority may disclose an individual's protected information to appropriate entities or persons for governmental public health activities and for other purposes including but not limited to:

## ADMINISTRATIVE RULES

(i) A governmental public health authority that is authorized by law to collect or receive protected information for the purpose of preventing or controlling disease, injury, or disability. This includes but is not limited to reporting disease, injury, and vital events such as birth or death; and the conducting of public health surveillance, investigations, and interventions;

(ii) An official of a foreign government agency that is acting in collaboration with a governmental public health authority;

(iii) A governmental public health authority, or other government authority that is authorized by law to receive reports of child abuse or neglect;

(iv) A person subject to the jurisdiction of the federal Food and Drug Administration (FDA), regarding an FDA-regulated product or activity for which that person is responsible for activities related to the quality, safety, or effectiveness of an FDA-regulated product or activity; or

(v) A person who may have been exposed to a communicable disease, or may be at risk of contracting or spreading a disease or condition, if the Authority or other public health authority is authorized to notify the person as necessary in conducting a public health intervention or investigation.

(B) Where state or federal law prohibits or restricts use and disclosure of information obtained or maintained for public health purposes, the Authority shall deny the use and disclosure.

(f) Child abuse reporting and investigation. If the Authority has reasonable cause to believe that a child is a victim of abuse or neglect, the Authority may disclose protected information to appropriate governmental authorities authorized by law to receive reports of child abuse or neglect.

(g) Adult abuse reporting and investigation. If the Authority has reasonable cause to believe that a vulnerable adult is a victim of abuse or neglect, the Authority may disclose information, as required by law, to a government authority or regulatory agency authorized by law to receive reports of abuse or neglect including but not limited to a social service or protective services agency authorized by law to receive such reports. Vulnerable adults are adults age 65 or older and persons with disabilities.

(h) Health oversight activities. The Authority may disclose information without authorization for health oversight activities, including audits; civil, criminal, or administrative investigations, prosecutions, licensing or disciplinary actions; Medicaid fraud; or other necessary oversight activities.

(i) Administrative and court hearings, grievances, investigations, and appeals.

(A) The Authority may use or disclose information for an investigation, administrative or court hearing, grievance, or appeal about an individual's eligibility or right to receive Authority benefits or services.

(B) If the Authority has obtained information in performing its duties as a health oversight agency, public health authority, or public benefit program, the Authority may use or disclose that information in an administrative or court hearing consistent with the other privacy requirements applicable to that program, service, or activity.

(j) Court orders. The Authority may disclose information for judicial or administrative proceedings in response to a court order, subpoena, discovery request, or other legal process. If a court orders the Authority to conduct a mental examination pursuant to ORS 161.315, 161.365, 161.370, or orders the Authority to provide any other report or evaluation to the court, the examination, report, or evaluation shall be deemed to be required by law for purposes of HIPAA.

(k) Law enforcement purposes. For limited law enforcement purposes, the Authority may report certain injuries or wounds; provide information to identify or locate a suspect, victim, or witness; alert law enforcement of a death as a result of criminal conduct; and provide information which constitutes evidence of criminal conduct on Authority premises.

(A) The Authority may provide client information to a law enforcement officer in any of the following situations:

(i) The law enforcement officer is involved in carrying out any investigation, criminal, or civil proceedings connected with administering the program from which the information is sought;

(ii) An Authority employee may disclose information from personal knowledge that does not come from the client's interaction with the Authority;

(iii) The disclosure is authorized by statute or administrative rule;

(iv) The information informs law enforcement of a death as a result of criminal conduct;

(v) The information constitutes evidence of criminal conduct on Authority premises; or

(vi) The disclosure is necessary to protect the client or others, and the client poses a threat to his or her safety or to the safety of others.

(B) Except as provided in section (2)(k)(C) of this rule, the Authority may give a client's current address, Social Security number, and photo to a

law enforcement officer if the law enforcement officer makes the request in the course of official duty, supplies the client's name, and states that the client:

(i) Is a fugitive felon or is violating parole, probation, or post-prison supervision;

(ii) For all public assistance programs, has information that is necessary for the officer to conduct official duties, and the location or apprehension of the client is within the officer's official duties; or

(C) If domestic violence has been identified in the household, the Authority may not release information about a victim of domestic violence unless a member of the household is either wanted as a fugitive felon or is violating parole, probation, or post-prison supervision.

(D) For purposes of this subsection, a fugitive felon is a person fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony.

(E) For purposes of this section, a law enforcement officer is an employee of the Oregon State Police, a county sheriff's department, or a municipal police department, whose official duties include arrest authority.

(I) Use and disclosure of information about deceased individuals.

(A) The Authority may disclose individual information to a coroner or medical examiner for the purpose of identifying a deceased individual, determining cause of death, or other duties authorized by law.

(B) The Authority may disclose individual information to funeral directors as needed to carry out their duties regarding the decedent. The Authority may also disclose individual information prior to, and in anticipation of, the death.

(m) Organ or tissue donation. The Authority may disclose individual information to organ procurement organizations or other entities engaged in procuring, banking, or transplanting cadaver organs, eyes, or tissue for the purpose of facilitating transplantation.

(n) Research. The Authority may disclose individual information without authorization for research purposes, as specified in OAR 943-014-0060.

(o) Threat to health or safety. To avert a serious threat to health or safety the Authority may disclose individual information if:

(A) The Authority believes in good faith that the information is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and

(B) The report is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

(p) National security and intelligence. The Authority may disclose information to authorized federal officials for lawful intelligence, counter-intelligence, and other national security activities.

(q) Correctional institutions and law enforcement custody situations. The Authority may disclose information to a correctional institution or a law enforcement official having lawful custody of an inmate or other person, for the limited purpose of providing health care or ensuring the health or safety of the person or other inmates.

(r) Emergency treatment. In case of an emergency, the Authority may disclose individual information to the extent needed to provide emergency treatment.

(s) Government entities providing public benefits. The Authority may disclose eligibility and other information to governmental entities administering a government program providing public benefits.

(3) Authorization not required if opportunity to object given. The Authority may use and disclose an individual's information without authorization if the Authority informs the individual in advance and gives the individual an opportunity to either agree or refuse or restrict the use and disclosure.

(a) These disclosures are limited to disclosure of information to a family member, other relative, close personal friend of the individual, or any other person named by the individual, subject to the following limitations:

(A) The Authority may disclose only the protected information that directly relates to the person's involvement with the individual's care or payment for care.

(B) The Authority may use and disclose protected information for notifying, identifying, or locating a family member, personal representative, or other person responsible for care of the individual, regarding the individual's location, general condition, or death. For individuals who had resided at one time at the state training center, OAR 411-320-0090(6) addresses family reconnection.

(C) If the individual is present for, or available prior to, a use and disclosure, the Authority may disclose the protected information if the Authority:

# ADMINISTRATIVE RULES

- (i) Obtains the individual's agreement;
- (ii) Provides the individual an opportunity to object to the disclosure, and the individual does not object; or
- (iii) Reasonably infers from the circumstances that the individual does not object to the disclosure.

(D) If the individual is not present, or the opportunity to object to the use and disclosure cannot practically be provided due to the individual's incapacity or an emergency situation, the Authority may disclose the information if, using professional judgment, the Authority determines that the use and disclosure is in the individual's best interests.

(b) Exception. For individuals referred to or receiving substance abuse treatment, mental health, or vocational rehabilitation services, the Authority shall not use or disclose information without written authorization, unless disclosure is otherwise permitted under 42 CFR part 2, 34 CFR 361.38, or ORS 179.505.

(c) Personal representative. The Authority must treat a personal representative as the individual for purposes of these rules, except that:

(A) A personal representative must be authorized under state law to act on behalf of the individual with respect to use and disclosure of information. The Authority may require a personal representative to provide a copy of the documentation authorizing the person to act on behalf of the individual.

(B) The Authority may elect not to treat a person as a personal representative of an individual if:

(i) The Authority has a reasonable belief that the individual has been or may be subjected to domestic violence, abuse, or neglect by the person;

(ii) The Authority, in the exercise of professional judgment, decides that it is not in the best interest of the individual to treat the person as the individual's personal representative.

(4) Redisclosure. The Authority must inform the individual that information held by the Authority and authorized by the individual for disclosure may be subject to redisclosure and no longer protected by these rules.

(5) Specific written authorization. If the use or disclosure of information requires an authorization, the authorization must specify that the Authority may use or disclose vocational rehabilitation records, alcohol and drug records, HIV/AIDS records, genetics information, and mental health or developmental disability records held by publicly funded providers.

(a) Pursuant to federal regulations at 42 CFR part 2 and 34 CFR 361.38, the Authority may not make further disclosure of vocational rehabilitation and alcohol and drug rehabilitation information without the specific written authorization of the individual to whom it pertains.

(b) Pursuant to ORS 433.045 and OAR 333-012-0270, the Authority may not make further disclosure of individual information pertaining to HIV/AIDS.

(c) Pursuant to ORS 192.531 to 192.549, the Authority may not make further disclosure pertaining to genetic information.

(6) Verification of person or entity requesting information. The Authority may not disclose information about an individual without first verifying the identity of the person or entity requesting the information, unless the Authority workforce member fulfilling the request already knows the person or has already verified identity.

(7) Whistleblowers. The Authority may disclose an individual's protected health information under the HIPAA privacy rules under the following circumstances:

(a) The Authority workforce member or business associate believes in good faith that the Authority has engaged in conduct that is unlawful or that otherwise violates professional standards or Authority policy, or that the care, services, or conditions provided by the Authority could endanger Authority staff, individuals in Authority care, or the public; and

(b) The disclosure is to a government oversight agency or public health authority, or an attorney of an Authority workforce member or business associate retained for the purpose of determining the legal options of the workforce member or business associate with regard to the conduct alleged under section (7)(a) above; and

(c) Nothing in this rule is intended to interfere with ORS 659A.200 to 659A.224 describing the circumstances applicable to disclosures by Authority workforce or business associates.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0030

### Client Privacy Rights

(1) Rights of clients to access their information. Clients may access, inspect, and obtain a copy of information on their own cases in Authority files or records, consistent with federal and state law.

(a) A client may request access by completing the Access to Records Request form, or by providing sufficient information to accomplish this request.

(b) Clients may request access to their own information that is kept by the Authority by using a personal identifier such as the client's name or Authority case number.

(c) If the Authority maintains information in a record that includes information about other people, the client may see information only about himself or herself.

(d) If a person identified in the file is a minor child of the client, and the client is authorized under Oregon law to have access to the minor's information or to act on behalf of the minor for making decisions about the minor's care, the client may obtain information about the minor.

(e) If the requestor of information is recognized under Oregon law as a the client's guardian or custodian and is authorized under Oregon law to have access to the client's information or to act on behalf of the client for making decisions about the client's services or care, the Authority shall release information to the requestor.

(f) For individuals with disabilities or mental illnesses, the named system in ORS 192.517, to protect and advocate the rights of individuals with developmental disabilities under Part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and the rights of individuals with mental illness under the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), shall have access to all records defined in ORS 192.515.

(g) The Authority may deny a client's access to their own PHI if federal law prohibits the disclosure. Clients may access, inspect, and obtain a copy of health information on their own case in Authority files or records except for the following:

(A) Psychotherapy notes;

(B) Information compiled in reasonable anticipation of, or for use in civil, criminal, or administrative proceedings;

(C) Information that is subject to the federal Clinical Labs Improvement Amendments of 1988, or exempt pursuant to 42 CFR 493.3(a)(2);

(D) Information that the Authority believes, in good faith, can cause harm to the client, participant, or to any other person; and

(E) Documents protected by attorney work-product privilege.

(h) The Authority may deny a client access to information that was obtained under a promise of confidentiality from a person other than a health care provider to the extent that access would reveal the source of the information.

(i) The Authority may deny a client access to information, if the Authority gives the client a right to have the denial reviewed when:

(A) A licensed health care professional (for health information) or other designated staff (for other information) has determined, in the exercise of professional judgment, that the information requested may endanger the life or physical safety of the client or another person;

(B) The information makes reference to another person, and a licensed health care professional (for health information) or other designated staff (for other information) has determined, in the exercise of professional judgment, that the information requested may cause substantial harm to the client or to another person; or

(C) The request for access is made by the client's personal representative, and a licensed health care professional (for health information) or other designated staff (for other information) has determined, in the exercise of professional judgment, that allowing the personal representative access to the information may cause substantial harm to the client or to another person.

(j) If the Authority denies access under section (1)(i) of this rule, the client may have the decision reviewed by a licensed health care professional (for health information) or other designated staff (for other information) not directly involved in making the original denial decision.

(A) The Authority must promptly refer a client's request for review to the designated reviewer.

(B) The reviewer must determine, within the 30 or 60-day time limits stated in section (1)(k)(A) and (B) of this rule, whether to approve or deny the client's request for access.

(C) Based on the reviewer's decision, the Authority shall:

## ADMINISTRATIVE RULES

(i) Promptly notify the client in writing of the reviewer's determination; and

(ii) If approved, take action to carry out the reviewer's determination.

(k) The Authority must act on a client's request for access no later than 30 days after receiving the request, except as provided in this section and in the case of written accounts under ORS 179.505, which must be disclosed within five days.

(A) In cases where the information is not maintained or accessible to the Authority on-site, and does not fall under ORS 179.505, the Authority must act on the client's request no later than 60 days after receiving the request.

(B) If the Authority is unable to act within the 30 or 60-day limits, the Authority may extend this time period a maximum of 30 additional days, subject to the following:

(i) The Authority must notify the client in writing of the reasons for the delay and the date by which the Authority shall act on the request.

(ii) The Authority shall use only one 30-day extension.

(l) If the Authority grants the client's request, in whole or in part, the Authority must inform the client of the access decision and provide the requested access.

(A) If the Authority maintains the same information in more than one format or at more than one location, the Authority may provide the requested information once.

(B) The Authority must provide the requested information in a form or format requested by the client, if readily producible in that form or format. If not readily producible, the Authority shall provide the information in a readable hard-copy format or other format as agreed to by the Authority and the client.

(C) The Authority may provide the client with a summary of the requested information, in lieu of providing access, or may provide an explanation of the information if access has been provided, if:

(i) The client agrees in advance; and

(ii) The client agrees in advance to pay any fees the Authority may impose, under section (1)(L)(E) of this rule.

(D) The Authority shall arrange with the client for providing the requested access in a time, place, and manner convenient for the client and the Authority.

(E) If a client, or legal guardian or custodian, requests a copy, written summary, or explanation of the requested information, the Authority may impose a reasonable cost-based fee, limited to the following:

(i) Copying the requested information, including the costs of supplies and the labor of copying;

(ii) Postage; and

(iii) Staff time for preparing an explanation or summary of the requested information.

(m) If the Authority denies access, in whole or in part, to the requested information, the Authority must:

(A) Give the client access to any other requested client information, after excluding the information to which access is denied; and

(B) Provide the client with a timely written denial. The denial must:

(i) Be provided within the time limits specified in section (1)(k)(A) and (B) of this rule;

(ii) State the basis of the denial in plain language;

(iii) If the Authority denies access under section (1)(i) of this rule, explain the client's review rights as specified in section (1)(j) of this rule, including an explanation of how the client may exercise these rights; and

(iv) Provide a description of how the client may file a complaint with the Authority, and if the information is PHI, with the United States Department of Health and Human Services (DHHS), Office for Civil Rights, pursuant to section (7) of this rule.

(n) If the Authority does not maintain the requested information, in whole or in part, and knows where the information is maintained (such as by a medical provider, insurer, other public agency, private business, or other non-Authority entity), the Authority must inform the client where to direct the request for access.

(2) Authority Notice of Privacy Practices. The Authority shall send clients notice about the Authority's privacy practices as follows:

(a) The Authority shall make available to each client a notice of Authority privacy practices that describes the duty of the Authority to maintain the privacy of PHI and include a description that clearly informs the client of the types of uses and disclosures the Authority is permitted or required to make;

(b) The Authority shall provide all clients in direct care settings a notice of Authority privacy practices and shall request the client's signature on an acknowledgement of receipt form;

(c) If the Authority revises its privacy practices, the Authority shall make the revised notice available to all clients;

(d) The Authority shall post a copy of the Authority's Notice of Privacy Practices for public viewing at each Authority worksite and on the Authority website; and

(e) The Authority shall give a paper copy of the Authority's Notice of Privacy Practices to any individual upon request.

(3) Right to request restrictions on uses or disclosures. Clients may request restrictions on the use or disclosure of their information.

(a) The Authority may deny the client's request or limit its agreement to a request.

(A) The Authority may not agree to restrict uses or disclosures of information if the restriction would adversely affect the quality of the client's care or services.

(B) The Authority may not agree to restrict uses or disclosures of information that would limit or prevent the Authority from making or obtaining payment for services.

(b) The Authority may not deny a client's request to restrict the sharing of records of alcohol and drug treatment or records relating to vocational rehabilitation services with another Authority program.

(c) The Authority shall document the client's request, and the reasons for granting or denying the request, in the client's Authority case file.

(d) If the client needs emergency treatment and the restricted protected information is needed to provide the treatment, the Authority may use or disclose the restricted protected information to a provider, for the limited purpose of providing treatment. However, once the emergency situation subsides the Authority shall ask the provider not to redisclose the information.

(e) The Authority may terminate its agreement to a restriction if:

(A) The client agrees to or requests the termination in writing;

(B) The client orally requests or agrees to the termination, and the Authority documents the oral request or agreement in the client's Authority case file; or

(C) With or without the client's agreement, the Authority informs the client that the Authority is terminating its agreement to the restriction. Information created or received while the restriction was in place shall remain subject to the restriction.

(4) Rights of clients to request to receive information from the Authority by alternative means or at alternative locations. The Authority must accommodate reasonable requests by clients to receive communications from the Authority by alternative means, such as by mail, e-mail, fax, or telephone, and at an alternative location.

(a) The client must specify the preferred alternative means or location.

(b) The client may submit the request for alternative means or locations either orally or in writing.

(A) If the client makes a request in-person, the Authority shall document the request and ask for the client's signature.

(B) If the client makes a request by telephone or electronically, the Authority shall document the request and verify the identity of the client.

(c) The Authority may terminate its agreement to an alternative location or method of communication if:

(A) The client agrees to or requests termination of the alternative location or method of communication in writing or orally. The Authority shall document the oral agreement or request in the client's Authority case file; or

(B) The Authority informs the client that the Authority is terminating its agreement to the alternative location or method of communication because the alternative location or method of communication is not effective. The Authority may terminate its agreement to communicate at the alternative location or by the alternate method if:

(i) The Authority is unable to contact the client at the location or by the method requested; or

(ii) The client fails to respond to payment requests, if applicable.

(5) Right of clients to request amendment of their information. Clients may request that the Authority amend information about themselves in Authority files.

(a) For all amendment requests, the Authority shall have the client complete the approved Authority form.

(b) The Authority may deny the request or limit its agreement to amend.

(c) The Authority must act on the client's request no later than 60 days after receiving the request. If the Authority is unable to act within 60 days, the Authority may extend this time limit by a maximum of 30 additional days, subject to the following:

## ADMINISTRATIVE RULES

(A) The Authority must notify the client in writing, within 60 days of receiving the request, of the reasons for the delay and the date by which the Authority shall act on the request; and

(B) The Authority shall use only one 30-day extension.

(d) The program's medical director, a licensed health care professional designated by the program administrator, or an Authority staff person involved in the client's case must review the request and any related documentation prior to making a decision to amend a health or medical record.

(e) A staff person designated by the Authority shall review the request and any related documentation prior to making a decision to amend any information that is not a health or medical record.

(f) If the Authority grants the request, in whole or in part, the Authority shall:

(A) Make the appropriate amendment to the information or records, and document the amendment in the client's Authority file or record;

(B) Provide notice to the client that the amendment has been granted, pursuant to the time limits under section (5)(c) of this rule;

(C) Obtain the client's agreement to notify other relevant persons or entities with whom the Authority has shared or needs to share the amended information; and

(D) Inform and provide the amendment within a reasonable time to:

(i) Persons named by the client who have received the information and who need the amendment; and

(ii) Persons, including business associates of the Authority, that the Authority knows have the information that is the subject of the amendment and who may have relied, or could foreseeably rely, on the information to the client's detriment.

(g) The Authority may deny the client's request for amendment if:

(A) The Authority finds the information to be accurate and complete;

(B) The information was not created by the Authority;

(C) The information is not part of Authority records; or

(D) The information would not be available for inspection or access by the client, pursuant to section (1)(g) and (h) of this rule.

(h) If the Authority denies the amendment request, in whole or in part, the Authority must provide the client with a written denial. The denial must:

(A) Be sent within the time limits specified in section (5)(c) of this rule;

(B) State the basis for the denial, in plain language; and

(C) Explain the client's right to submit a written statement disagreeing with the denial and how to file the statement. If the client files a statement:

(i) The Authority shall enter the written statement into the client's Authority case file;

(ii) The Authority may also enter an Authority written rebuttal of the client's written statement into the client's Authority case file. The Authority shall send a copy of any written rebuttal to the client;

(iii) The Authority shall include a copy of the statement and any Authority written rebuttal with any future disclosures of the relevant information;

(iv) If a client does not submit a written statement of disagreement, the client may ask that if the Authority makes any further disclosures of the relevant information that the Authority shall also include a copy of the client's original request for amendment and a copy of the Authority written denial; and

(v) The Authority shall provide information on how the client may file a complaint with the Authority and, if the information is PHI, with DHHS, Office for Civil Rights.

(6) Rights of clients to request an accounting of disclosures of PHI. Clients may receive an accounting of disclosures of PHI that the Authority has made for any period of time, not to exceed six years, preceding the request date for the accounting.

(a) For all requests for an accounting of disclosures, the client may complete the authorized Authority form "Request for Accounting of Disclosures of Health Records", or provide sufficient information to accomplish this request.

(b) The right to an accounting of disclosures does not apply when the request is:

(A) Authorized by the client;

(B) Made prior to April 14, 2003;

(C) Made to carry out treatment, payment, or health care operations, unless these disclosures are made from an electronic health record;

(D) Made to the client;

(E) Made to persons involved in the client's care;

(F) Made as part of a limited data set in accordance with OAR 943-014-0070;

(G) Made for national security or intelligence purposes; or

(H) Made to correctional institutions or law enforcement officials having lawful custody of an inmate.

(c) For each disclosure, the accounting must include:

(A) The date of the disclosure;

(B) The name and address, if known, of the person or entity, who received the disclosed information;

(C) A brief description of the information disclosed; and

(D) A brief statement of the purpose of the disclosure that reasonably informs the client of the basis for the disclosure, or, in lieu of a statement, a copy of the client's written request for a disclosure, if any.

(d) If, during the time period covered by the accounting, the Authority has made multiple disclosures to the same person or entity for the same purpose, the Authority may provide the required information for only the first disclosure. The Authority need not list the same identical information for each subsequent disclosure to the same person or entity if the Authority adds the following information:

(A) The frequency or number of disclosures made to the same person or entity; and

(B) The date of the most recent disclosure during the time period for which the accounting is requested.

(e) The Authority must act on the client's request for an accounting no later than 60 days after receiving the request. If the Authority is unable to act within 60 days, the Authority may extend this time limit by a maximum of 30 additional days, subject to the following:

(A) The Authority must notify the client in writing, within 60 days of receiving the request, of the reasons for the delay and the date by which the Authority shall act on the request; and

(B) The Authority shall use only one 30-day extension.

(f) The Authority shall provide the first requested accounting in any 12-month period without charge. The Authority may charge the client a reasonable cost-based fee for each additional accounting requested by the client within the 12-month period following the first request, if the Authority:

(A) Informs the client of the fee before proceeding with any additional request; and

(B) Allows the client an opportunity to withdraw or modify the request in order to avoid or reduce the fee.

(g) The Authority shall document the information required to be included in an accounting of disclosures, as specified in section (6)(c) of this rule, and retain a copy of the written accounting provided to the client.

(h) The Authority shall temporarily suspend a client's right to receive an accounting of disclosures that the Authority has made to a health oversight agency or to a law enforcement official, for a length of time specified by the agency or official, if the agency or official provides a written or oral statement to the Authority that the accounting would be reasonably likely to impede their activities. If the agency or official makes an oral request, the Authority shall:

(A) Document the oral request, including the identity of the agency or official making the request.

(B) Temporarily suspend the client's request to an accounting of disclosures; and

(C) Limit the temporary suspension to no longer than 30 days from the date of the oral request, unless the agency or official submits a written request specifying a longer time period.

(7) Filing a complaint. Clients may file a complaint with the Authority or, if the information is PHI, with DHHS, Office for Civil Rights.

(a) Upon request, the Authority shall give clients the name and address of the specific person or office of where to submit complaints to DHHS.

(b) The Authority may not intimidate, threaten, coerce, discriminate against, or take any other form of retaliatory action against any individual filing a complaint or inquiring about how to file a complaint.

(c) The Authority may not require clients to waive their rights to file a complaint as a condition of providing treatment, payment, enrollment in a health plan, or eligibility for benefits.

(d) The Authority shall designate staff to review and determine action on complaints filed with the Authority.

(e) The Authority shall document, in the client's Authority case file all complaints, the findings from reviewing each complaint, and the Authority's actions resulting from the complaint. For each complaint the documentation shall include a description of corrective action that the Authority has taken, if any are necessary, or why corrective action is not needed.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

# ADMINISTRATIVE RULES

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0040

### Minimum Necessary Standards

(1) The Authority shall limit the use and disclosure of protected information to that which is reasonably necessary to accomplish the intended purpose of the use or disclosure which is referred to in these rules as the minimum necessary standard.

(2) This minimum necessary standard is not intended to impede the essential Authority activities of treatment, payment, health care operations, or service delivery.

(3) The minimum necessary standard applies:

(a) When using protected information within the Authority;

(b) When disclosing protected information to a third party in response to a request; or

(c) When requesting protected information from another covered entity.

(4) The minimum necessary standard does not apply to:

(a) Disclosures to or requests by a health care provider for treatment;

(b) Disclosures made to the individual, including disclosures made in response to a request for access or an accounting;

(c) Disclosures made with a valid authorization;

(d) Disclosures made to DHHS for the purposes of compliance and enforcement of federal regulations under 45 CFR part 160 and required for compliance with 45 CFR part 164.; or

(e) Uses and disclosures required by law;

(5) When requesting protected information about an individual from another entity, the Authority shall limit requests to those that are reasonably necessary to accomplish the purposes for which the request is made. The Authority shall not request a person's entire medical record unless the Authority can specifically justify the need for the entire medical record.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0050

### Business Associate

(1) The Authority may disclose an individual's PHI to a business associate, and may allow a business associate to create or receive an individual's PHI on behalf of the Authority if the Authority and the business associate first enter into a contract that complies with applicable federal and state law. In some limited circumstances, the Authority may determine that the Authority is a business associate of a covered entity. A business associate relationship with the Authority requires additional contractual disclosure and privacy provisions that must be incorporated into the contract pursuant to 45 CFR part 164-504 (e)(1)

(2) A contract with a business associate must comply with OAR 125-055-0100 to 125-055-0130 and the qualified service organization requirements in 42 CFR part 2.11.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0060

### Uses and Disclosures of Protected Information for Research Purposes

The Authority may use and disclose an individual's information for research purposes as specified in this rule.

(1) All research disclosures are subject to applicable requirements of federal and state laws and rules including but not limited to 45 CFR part 46 and 21 CFR part 50.0 to 50.56, relating to the protection of human research subjects.

(2) The Authority may use and disclose de-identified information or a limited data set for research purposes, pursuant to OAR 943-014-0070.

(3) The Authority may use and disclose information regarding an individual for research purposes with the specific written authorization of the individual. The authorization must meet all requirements in OAR 943-014-0030, and may indicate an expiration date with terms such as "end of research study" or similar language. An authorization for use and disclosure for a research study may be combined with other types of written authorization for the same research study. If research includes treatment, the researcher may require an authorization for use and disclosure for the research as a provision of providing research related treatment.

(4) Notwithstanding section (3) of this rule, the Authority may use and disclose an individual's information for research purposes without the

individual's written authorization, regardless of the source of funding for the research, provided that:

(a) The Authority obtains documentation that a waiver of an individual's authorization for release of information requirements has been approved by an IRB registered with the Office for Human Research Protection. Documentation required of an IRB when granting approval of a waiver of an individual's authorization for release of information must include all criteria specified in 45 CFR part 164.512(i)(2).

(b) A researcher may request access to individual information maintained by the Authority in preparation for research or to facilitate the development of a research protocol in anticipation of research. The Authority may determine whether to permit such use or disclosure, without individual authorization or use of an IRB, pursuant to 45 CFR part 164.512(i)(1)(ii).

(c) A researcher may request access to individual information maintained by the Authority about deceased individuals. The Authority may determine whether to permit such use or disclosure of information about decedents, without individual authorization or use of an IRB, pursuant to 45 CFR part 164.512(i)(1)(iii).

(5) The Authority, as a public health authority, may obtain and use individual information without authorization for the purpose of preventing injury or controlling disease and for the conduct of public health surveillance, investigations, and interventions. The Authority may also collect, use, or disclose information, without individual authorization, to the extent that the collection, use, or disclosure is required by law. When the Authority uses information to conduct studies as a public health authority, no additional individual authorization is required nor does this rule require an IRB or privacy board waiver of authorization based on the HIPAA privacy rules.

(6) The Authority may use and disclose information without individual authorization for studies and data analysis conducted for the Authority's own quality assurance purposes or to comply with reporting requirements applicable to federal or state funding requirements in accordance with the definition of "Health Care Operations" in 45 CFR part 164.501.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

## 943-014-0070

### De-identification of Client Information and Use of Limited Data Sets under Data Use Agreements

(1) The Authority may use and disclose information as appropriate for the work of the Authority, without further restriction, if the Authority or another entity has taken steps to de-identify the information pursuant to 45 CFR part 164.514(a) and (b).

(2) The Authority may assign a code or other means of record identification to allow the Authority to re-identify the de-identified information provided that:

(a) The code or other means of record identification is not derived from or related to information about the individual and cannot otherwise be translated to identify the individual; and,

(b) The Authority does not use or disclose the code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.

(3) The Authority may use and disclose a limited data set if the Authority enters into a data use agreement with an entity requesting or providing the Authority with a limited data set subject to the requirements of 45 CFR part 164.514(e).

(a) The Authority may use and disclose a limited data set only for the purposes of research, public health, or health care operations. The Authority may use limited data set for its own activities or operations if the Authority has obtained a limited data set that is subject to a data use agreement.

(b) If the Authority knows of a pattern of activity or practice of a limited data set recipient that constitutes a material breach or violation of a data use agreement, the Authority shall take reasonable steps to cure the breach or end the violation. If such steps are unsuccessful, the Authority shall discontinue disclosure of information to the recipient and report the problem to the Secretary of DHHS.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.518 – 192.529, 411.010, 413.032 & 414.065

Hist.: OHA 8-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 22-2011, f. & cert. ef. 9-2-11

# ADMINISTRATIVE RULES

**Oregon Health Authority,  
Addictions and Mental Health Division:  
Addiction Services  
Chapter 415**

**Rule Caption:** Health Professionals' Services Program

**Adm. Order No.:** ADS 3-2011

**Filed with Sec. of State:** 8-16-2011

**Certified to be Effective:** 8-16-11

**Notice Publication Date:** 7-1-2011

**Rules Amended:** 415-065-0010, 415-065-0015, 415-065-0055

**Subject:** This rule activity adds a definition for "comply continuously" and one subsection to existing rules related to a statewide health professionals' monitoring program for licensees of participating health licensing boards, as required by ORS 676.190, who are unable to practice with professional skill and safety due to substance use disorders, mental health disorders of both types of disorders.

The new subsection will authorize the treatment vendor, upon receipt of a court order, to release identifying information to a licensee's board, including a report of substantial noncompliance, if a licensee has revoked his or her consent to release information.

**Rules Coordinator:** Richard Luthe—(503) 947-1186

## 415-065-0010

### Definitions

The following terms mean:

(1) "Admitted to the hospital for mental illness" for purposes of ORS 676.190 means admitted to the hospital for treatment of a mental health disorder that gives rise to concerns about the licensee's ability or willingness to participate in the program. Admission for evaluation or diagnosis does not constitute being admitted to the hospital for mental illness.

(2) "Assessment or evaluation" means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(3) "Board" means a health professional regulatory board as defined in ORS 676.160 or the Oregon Health Licensing Agency for a board, council or program listed in 676.606.

(4) "Business day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. Pacific Time, except legal holidays as defined in ORS 187.010 or 187.020.

(5) "Comply Continuously" means to have been:

(a) Enrolled in the program for at least two uninterrupted years without any reports of substantial noncompliance involving significant violations of the monitoring agreement and

(b) Deemed by the vendor if self-referred, or by the licensee's board if board referred, to have otherwise successfully complied with all terms of the monitoring agreement.

(6) "Diagnosis" means the principal mental health or substance use diagnosis listed in the DSM. The diagnosis is determined through the assessment and any examinations, tests or consultations suggested by the assessment and is the medically appropriate reason for services.

(7) "Division" means the Oregon Health Authority, Addictions and Mental Health Division.

(8) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders-IV-R, published by the American Psychiatric Association.

(9) "Family" means any natural, formal, or informal support persons identified as important by the licensee.

(10) "Federal regulations" means:

(a) As used in ORS 676.190(1)(f)(D), a "positive toxicology test result as determined by federal regulations pertaining to drug testing" means test results meet or exceed the cutoff concentrations shown in 49 CFR § 40.87 (2009) for the substances listed there.

(b) As used in ORS 676.190(4)(i), requiring a "licensee to submit to random drug or alcohol testing in accordance with federal regulations" means licensees are selected for random testing by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with licensees' unique identification numbers or other comparable identifying numbers. Under the selection process used, each covered licensee shall have an equal chance of being tested each time selections are made, as described in 49 CFR § 199.105(c)(5)(2009). Random drug tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year, as described in 49 CFR § 199.105(c)(7)(2009).

(11) "Fitness to practice evaluation" means the process a qualified, independent third-party evaluator uses to determine if the licensee can safely perform the essential functions of the licensee's health practice.

(12) "Independent third-party evaluator" means an individual who is approved by a licensee's board to evaluate, diagnose, and offer treatment options for substance use disorders, mental health disorders, or co-occurring disorders.

(13) "Individual service record" means the official permanent program documentation, written or electronic, for each licensee, which contains all information required by these rules and maintained by the program to demonstrate compliance with these rules

(14) "Licensee" means a health professional who is licensed or certified by or registered with a board and the professional is receiving services in the program under these rules.

(15) "Mental health disorder" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom that is identified in the DSM. "Mental health disorder" includes gambling disorders.

(16) "Monitoring agreement" means an individualized agreement between a licensee and the vendor that meets the requirements for a diversion agreement set by ORS 676.190.

(17) "Monitoring Entity" means an independent third-party that monitors licensees' program enrollment status and monitoring agreement compliance.

(18) "Non-treatment compliance monitoring" means the non-medical, non-therapeutic services employed by the vendor to track and report the licensee's compliance with the monitoring agreement.

(19) "Peer" means another licensee currently enrolled in the program.

(20) "Provisional enrollment" means temporary enrollment, pending verification that a self-referred licensee meets all program eligibility criteria.

(21) "Self-referred licensee" means a licensee who seeks to participate in the program without a referral from the board.

(22) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder and other disorders, as defined in DSM criteria.

(23) "Substantial non-compliance" means that a licensee is in violation of the terms of his or her monitoring agreement in a way that gives rise to concerns about the licensee's ability or willingness to participate in the program. Substantial non-compliance and non-compliance include, but are not limited to, the factors listed in ORS 676.190(1)(f). Conduct that occurred before a licensee entered into a monitoring agreement does not violate the terms of that monitoring agreement.

(24) "Successful completion" means that for the period of service deemed necessary by the vendor or by the licensee's board by rule, the licensee has complied with the licensee's monitoring agreement to the satisfaction of the program, and has met the terms of the fee agreement between the program and the licensee.

(25) "Toxicology testing" means urine testing or alternative chemical monitoring including but not limited to blood, saliva, or breath.

(26) "Treatment" means the planned, specific, individualized health and behavioral-health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder, mental health disorder or both types of disorders.

(27) "Vendor" means the entity that has contracted with the Division to conduct the program.

Stat. Auth.: ORS 409.050 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 3-2011, f. & cert. ef. 8-16-11

## 415-065-0015

### Clinical Council

(1) The Division, in collaboration with the boards, may establish a Clinical Council that provides clinical guidance and advice to the vendor, in light of evidenced-based research and data about substance use disorders, mental health disorders or both types of disorders.

(2) The Clinical Council shall consist of eight members. The Division shall appoint one member and the boards, in consultation with the Division, shall appoint seven members.



# ADMINISTRATIVE RULES

(3) The Clinical Council shall select a chairperson from among its members.

(4) To be eligible for appointment to the Clinical Council, an individual must be a resident of Oregon and must have expertise in the recognition, intervention, assessment and treatment of persons who have a substance use disorders, mental health disorders or both types of disorders.

(5) In recruiting and selecting members for the Clinical Council, the Division and the boards shall seek members who have expertise with a range of culturally appropriate treatment options for people with substance use disorders, mental health disorders or both types of disorders.

Stat. Auth.: ORS 409.050 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 3-2011, f. & cert. ef. 8-16-11

## 415-065-0055

### Program Requirements

The vendor shall:

(1) Inform the licensee about the program services, requirements, benefits, risks, and confidentiality limitations and ensure that the licensee has signed a consent for services. The consent for services explains:

(a) Information the vendor will give to the board or to the monitoring entity and under what circumstances;

(b) Information the monitoring entity will give to the board and under what circumstances; and

(c) That the board may take action to suspend, restrict, modify, or revoke the licensee's license or end the licensee's participation in the program based on information from the vendor or the monitoring entity.

(2) Enter into a monitoring agreement with the licensee;

(3) Assess the licensee's compliance with his or her monitoring agreement;

(4) Assess the ability of the licensee's employer, when an employer exists to supervise the licensee, and require the employer to establish minimum training requirements for the licensee's supervisor;

(5) Report the licensee's substantial noncompliance with his or her monitoring agreement to the monitoring entity within one business day after the vendor learns of any substantial noncompliance; and

(6) At least weekly, submit a list to the monitoring entity of licensees who are enrolled in the program and a list of licensees who successfully completed the program.

(7) Seek a court order authorizing the vendor to release identifying information to a licensee's board, including a report of substantial noncompliance as is described in OAR 415-065-0060, if a self-referred licensee enrolled in the program, or a provisionally enrolled licensee with a qualifying diagnosis, revokes his or her consent to report substantial noncompliance to the licensee's board.

(a) The vendor shall file documents with the court seeking a court order as soon as possible but no later than three business days from the date it was notified that the licensee revoked consent to report substantial noncompliance.

(b) The vendor shall comply with 42 USC & 290dd-2(b)(2); 42 CFR Part 2; the Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, 45 CFR Parts 160, 162 and 164 and ORS 179.505, ORS 192.518-192.524 in seeking such a court order.

(c) The vendor shall disclose to the licensee's board, within one (1) business day, any information the court authorizes it to disclose.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 1-2011(Temp), f. & cert. ef. 2-11-11 thru 8-5-11; ADS 3-2011, f. & cert. ef. 8-16-11

\*\*\*\*\*

## Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services Chapter 309

**Rule Caption:** Central Oregon Health Council and Regional Health Improvement Plan

**Adm. Order No.:** MHS 6-2011(Temp)

**Filed with Sec. of State:** 8-26-2011

**Certified to be Effective:** 9-1-11 thru 2-28-12

**Notice Publication Date:**

**Rules Adopted:** 309-014-0300, 309-014-0310, 309-014-0320, 309-014-0330, 309-014-0340

**Subject:** These rules relate to the implementation of Chapter 418, Oregon Laws 2011, Sections 13 through 20, which call for the cre-

ation of the Central Health Council and the implementation of the Central Oregon Health Improvement Plan.

**Rules Coordinator:** Richard Luthe—(503) 947-1186

## 309-014-0300

### Purpose and Scope

These rules relate to the implementation of Chapter 418, Oregon Laws 2011 sections 13 through 20. The scope is limited to the creation of the Central Health Council and the implementation of the Central Oregon Health Improvement Plan.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 243.125, 243.864

Hist.: MHS 6-2011(Temp), f. 8-26-11, cert. ef. 9-1-11 thru 2-28-12

## 309-014-0310

### Definitions

(1) "Authority" means the Oregon Health Authority (OHA).

(2) "Central Oregon Health Council" (COHC) means a council which shall, as a minimum, conduct a regional health assessment and adopt a regional health improvement plan to serve as a strategic population health and health care system service plan for the region served by the council.

(3) "Commission" means the Commission on Children and Families.

(4) "Council" means the Central Oregon Health Council (COHC).

(5) "Plan" means the Regional Health Improvement Plan.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 243.125, 243.864

Hist.: MHS 6-2011(Temp), f. 8-26-11, cert. ef. 9-1-11 thru 2-28-12

## 309-014-0320

### Regional Health Improvement Plan

(1) The Regional Health Improvement Plan (RHIP) submitted by the Central Oregon Health Council, defined in OAR 309-014-0300, must include, but need not be limited to the following:

(a) Federally required components;

(b) Health policy;

(c) System design;

(d) Outcome and quality improvement;

(e) Integration of service delivery and

(f) Workforce development.

(2) Any additional requirements to the RHIP will be agreed upon in advance by the Council, the Authority and the Commission.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 243.125, 243.864

Hist.: MHS 6-2011(Temp), f. 8-26-11, cert. ef. 9-1-11 thru 2-28-12

## 309-014-0330

### Central Oregon Health Council

(1) The council may not convene until the governing body of each county adopts a resolution signifying the body's intention to do so.

(2) Subsequent to the formation of the council, a county that is adjacent to Crook, Deschutes or Jefferson County may join the council if:

(a) The governing body of the county seeking to join the council adopts a resolution signifying the body's intention to include a portion of that county in the region served by the council;

(b) The portion of the county to be included in the region is part of a natural health care referral pattern with the other counties on the council; and

(c) The authority and the council approve.

(3) The COHC shall consist of no more than 11 members, including:

(a) A formative council consisting of:

(A) One member each from the governing bodies of Crook, Deschutes and Jefferson Counties, appointed by each body;

(B) The chief executive officer, or a designee of the chief executive officer, of the health care system serving the region; and

(C) The chief executive officer, or a designee of the chief executive officer, of the Medicaid contractor serving the region; and

(b) At least three members appointed by the formative council established under paragraph (3)(a)(A) of this rule. Members appointed under this section shall be representatives of:

(A) Consumers of physical and behavioral health services;

(B) Health care professionals;

(C) School districts or educational service districts;

(D) The business community; or

(E) A member from the governing body of each county that joins the council defined in (3)(a)(A) of this rule.

(4) The term of office of the members of the council is four years.

(5) A majority of the members of the council constitutes a quorum for the transaction of business.

# ADMINISTRATIVE RULES

(6) The council shall elect a member of the council to serve as the chairperson.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to the vacated position to become effective immediately.

(8) The council may enter into necessary contracts, apply for and receive grants, hold and dispose of property and take other actions necessary to carry out the activities, services and responsibilities assumed by the council.

(9) The council may adopt rules necessary for the operation of the council.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 243.125, 243.864

Hist.: MHS 6-2011(Temp), f. 8-26-11, cert. ef. 9-1-11 thru 2-28-12

## 309-014-0340

### Central Oregon Health Improvement Plan (COHIP)

(1) The COHC shall develop a health improvement plan as detailed in OAR 309-017-0030.

(2) The COHIP will replace all prior plans required by the Authority in ORS 430.630, 430.640, 431.385 and 624.510 and plans required by the State Commission on Children and Families under ORS 417.705 through 417.801.

(3) The COHC will submit the plan no later than March 1, 2012 to the Authority.

(4) The Authority shall have 45 days from the date the plan is submitted to review the plan and return it to the Council either approved or with suggested modifications.

(a) If modifications are suggested the Council will have 45 days to respond to the suggestions and resubmit the plan.

(b) The Authority will have a final 30 days to review the plan.

(5) The plan is effective July 1, 2012.

(6) New plans must be submitted every four years if the sunset in the enabling legislation is removed by the Legislative Assembly.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 243.125, 243.864

Hist.: MHS 6-2011(Temp), f. 8-26-11, cert. ef. 9-1-11 thru 2-28-12

\*\*\*\*\*

### Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

**Rule Caption:** Prior authorization; usual and customary definitions and billing guidelines

**Adm. Order No.:** DMAP 23-2011

**Filed with Sec. of State:** 8-24-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 410-121-0000, 410-121-0150

**Subject:** 410-121-0000: Redefine usual and customary charges

410-121-0150: Update billing guidelines for usual and customary costs

**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-121-0000

### Foreword and Definition of Terms

(1) The Division of Medical Assistance Program's (Division) Oregon Administrative Rules (OAR) are designed to assist providers in preparing claims for services provided to the Division's fee-for-service clients. Providers must use Pharmaceutical OARs in conjunction with the General Rules OARs (chapter 410, division 120) for Oregon Medical Assistance Programs.

(2) Pharmaceutical services delivered through managed care plans contracted with the Division, under the Oregon Health Plan (OHP), are subject to the policies and procedures established in the OHP administrative rules (chapter 410, division 141) and by the specific managed health care plans.

(3) Definition of Terms:

(a) Actual Acquisition Cost (AAC): The cost or basis for reimbursement of supplies. The AAC will be established by the Division or its contractor by rolling surveys of enrolled pharmacies to verify the actual invoice amount paid by the pharmacy or corporate entity to wholesalers, manufacturers, or distribution centers for the product and as such will serve as the basis for reimbursement;

(b) Average Actual Acquisition Cost (AAAC): The AAAC will be the average of AAC invoice amounts for individual drug products based on the Generic Sequence Number (GSN);

(c) Average Manufacturer's Price (AMP): The average price that manufacturers sell medication to wholesalers and retail pharmacies, as further clarified in 42 CFR 447;

(d) Average Net Price: The average of net price (definition below) of all drugs in an identified Preferred Drug List (PDL) (definition below) class or group;

(e) Bulk Dispensing: Multiple doses of medication packaged in one container labeled as required by pertinent Federal and State laws and rules;

(f) Centers for Medicare and Medicaid Services (CMS) Basic Rebate: The quarterly payment by the manufacturer of a drug pursuant to the Manufacturer's CMS Medicaid Drug Rebate Agreement made in accordance with Section 1927(c)(3) of the Social Security act 42 U.S.C. 1396r-8(c)(1) and 42 U.S.C. 1396r-8 (c)(3). See 410-121-0157;

(g) CMS Consumer Price Index (CPI) Rebate: The quarterly payment by the manufacturer pursuant to the Manufacturer's CMS Medicaid Drug Rebate Agreement made in accordance with Section 1927(c)(2) of the Social Security act (42 U.S.C. 1396r-8(c)(2));

(h) Community Based Care Living Facility: For the purposes of the Division's Pharmacy Program, a home, facility, or supervised living environment licensed or certified by the state of Oregon that provides 24 hour care, supervision, and assistance with medication administration. These include, but are not limited to:

(A) Supportive Living Facilities;

(B) 24-Hour Residential Services;

(C) Adult Foster Care;

(D) Semi-Independent Living Programs;

(E) Assisted Living and Residential Care Facilities;

(F) Group Homes and other residential services for people with developmental disabilities or needing mental health treatment; and

(G) Inpatient hospice;

(i) Compounded Prescription:

(A) A prescription that is prepared at the time of dispensing and involves the weighting of at least one solid ingredient that must be a reimbursable item or a legend drug in a therapeutic amount;

(B) Compounded prescription is further defined to include the Oregon Board of Pharmacy definition of compounding (see OAR 855-006-0005);

(j) Dispensing: Issuance of a prescribed quantity of an individual drug entity by a licensed pharmacist;

(k) Drug Order/Prescription:

(A) A medical practitioner's written or verbal instructions for a patient's medications; or

(B) A medical practitioner's written order on a medical chart for a client in a nursing facility;

(l) Durable Medical Equipment and supplies (DME): Equipment and supplies as defined in OAR 410-122-0010, Durable Medical Equipment, Prosthetics, Orthotics, and Supplies;

(m) Estimated Acquisition Cost (EAC): The estimated cost that the pharmacy can obtain the product listed in OAR 410-121-0155;

(n) Intermediate Care Facility: A facility providing regular health-related care and services to individuals at a level above room and board, but less than hospital or skilled nursing levels as defined in ORS 442.015;

(o) Legend Drug: A drug limited by § 503(b)(1) of the Federal Food, Drug, and Cosmetic Act to being dispensed by or upon a medical practitioner's prescription because the drug is:

(A) Habit-forming;

(B) Toxic or having potential for harm; or

(C) Limited in its use to use under a practitioner's supervision by the new drug application for the drug;

(i) The product label of a legend drug is required to contain the statement: "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION";

(ii) A legend drug includes prescription drugs subject to the requirement of § 503(b)(1) of the federal Food, Drug, and Cosmetic Act which shall be exempt from § 502(F)(1) if certain specified conditions are met;

(p) Long Term Care Facility: Includes skilled nursing facilities and intermediate care facilities with the exclusions found in ORS 443.400 to 443.455;

(q) Maintenance Medication: Drugs that have a common indication for treatment of a chronic disease and the therapeutic duration is expected to exceed one year. This is determined by a First DataBank drug code maintenance indicator of "Y" or "1";

# ADMINISTRATIVE RULES

(r) Mental Health Drug: A type of legend drug defined by the Oregon Health Authority (Authority) by rule that includes, but is not limited to those drugs classified by First DataBank in the following Standard Therapeutic Classes:

(A) Therapeutic Class 7 ataractics-tranquilizers; and Therapeutic Class 11 psychostimulants-antidepressants;

(B) Depakote, Lamictal and their generic equivalents and other drugs that the Division specifically carved out from capitation from Fully Capitated Health Plans (FCHPs) in accordance with OAR 410-141-0070;

(s) Narrow Therapeutic Index (NTI) Drug: A drug that has a narrow range in blood concentrations between efficacy and toxicity and requires therapeutic drug concentration or pharmacodynamic monitoring;

(t) Net Price: The amount a drug costs the Division and is calculated using the following formula: "Estimated Acquisition Cost minus CMS Basic Rebate minus CMS CPI Rebate minus State Supplemental Rebate";

(u) Non-Preferred Products: Any medication in a class that has been evaluated and that is not listed on the Practitioner-Managed Prescription Drug Plan Preferred Drug List in OAR 410-121-0030 and may be subject to co-pays;

(v) Nursing Facility: An establishment that is licensed and certified by the Department's Seniors and People with Disabilities Division (SPD) as a Nursing Facility;

(w) Physical Health Drug: All other drugs not included in section (r) of this rule;

(x) Point-of-Sale (POS): A computerized, claims submission process for retail pharmacies that provides on-line, real-time claims adjudication;

(y) Preferred Drug List (PDL): A PDL consists of prescription drugs in selected classes that the Authority, in consultation with the Health Resources Commission (HRC), has determined represent the most effective drug(s) available at the best possible price. (See details for the Division's PMPDP PDL in OAR 410-121-0030):

(A) Enforceable Physical Health Preferred Drug List: The list of drug products used to treat physical health diagnosis that the Division has identified which shall be exempt from client co-pays and may be subject to prior authorization (PA). Drugs prescribed that do not appear on the PDL (non-preferred products) shall be subject to both co-pays and PA as determined to be appropriate by the Division;

(B) Voluntary Mental Health Preferred Drug List: The list of drug products used to treat mental health diagnosis. These drugs are exempt from client co-pay. Any drug prescribed for the treatment of mental health diagnosis shall be exempt from PA requirements by the Division;

(z) Preferred Products: Products in classes that have been evaluated and placed on the PMPDP PDL in OAR 410-121-0030 and are not subject to co-pays;

(aa) Prescription Splitting: Any one or a combination of the following actions:

(A) Reducing the quantity of a drug prescribed by a licensed practitioner for prescriptions not greater than 34 days (see OAR 410-121-0146);

(B) Billing the agency for more than one dispensing fee when the prescription calls for one dispensing fee for the quantity billed;

(C) Separating the ingredients of a prescribed drug and billing the agency for separate individual ingredients, with the exception of compounded medications (see OAR 410-121-0146); or

(D) Using multiple 30-day cards to dispense a prescription when a lesser number of cards will suffice;

(bb) Prior Authorization Program (PA): The Prior Authorization Program is a system of determining, through a series of therapeutic and clinical protocols, which drugs require authorizations prior to dispensing:

(A) OAR 410-121-0040 lists the drugs or categories of drugs requiring PA;

(B) The practitioner, or practitioner's licensed medical personnel listed in OAR 410-121-0060, may request a PA;

(cc) State Supplemental Rebates: The Division and CMS approved discounts paid by manufacturers per unit of drug. These rebates are authorized by the Social Security Act section 42 USC 1396r-8(a)(1) and are in addition to federal rebates mandated by the Omnibus Budget Reauthorization Act (OBRA 90) and the federal rebate program;

(dd) Unit Dose: A sealed, single unit container of medication, so designed that the contents are administered to the patient as a single dose, direct from the container, and dispensed following the rules for unit dose dispensing system established by the Oregon Board of Pharmacy;

(ee) Urgent Medical Condition: A medical condition that arises suddenly, is not life-threatening, and requires prompt treatment to avoid the development of more serious medical problems;

(ff) Usual and Customary Price: A pharmacy's charge to the general public that reflects all advertised savings, discounts, special promotions, or other programs including membership based discounts, initiated to reduce prices for product costs available to the general public, a special population, or an inclusive category of customers;

(gg) Wholesale Acquisition Cost (WAC): The price paid by a wholesaler for drugs purchased from the wholesaler's supplier, typically the manufacturer of the drug. WAC is the price of a covered product by the National Drug Code (NDC) as published by First DataBank, MediSpan or Red Book;

(hh) 340B Pharmacy: A federally designated community health center or other federally qualified covered entity that is listed on the Health Resources and Services Administration (HRSA) website.

[ED NOTE: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 409.010, 409.025, 409.040, 409.050, 409.110, 414.065 & 414.325

Stats. Implemented: ORS 414.065

Hist.: HR 29-1990, f. 8-31-90, cert. ef. 9-1-90; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 1-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 18-2004, f. 3-15-04 cert. ef. 4-1-04; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 23-2011, f. 8-24-11, cert. ef. 9-1-11

## 410-121-0150

### Billing Requirements

(1) When billing the Division of Medical Assistance Programs (Division) for drug products, the provider must:

(a) Not bill in excess of the usual and customary charge to the general public:

(A) The sum of charges for both the product cost and dispensing fee must not exceed a pharmacy's usual and customary charge for the same or similar service;

(B) When billing the Division for a prescription, the pharmacy shall bill the lowest amount accepted from any member of the general public who participates in the pharmacy provider's savings or discount program;

(b) Indicate the National Drug Code (NDC), as it appears on the package from which the prescribed medications are dispensed;

(c) Bill the actual metric decimal quantity dispensed;

(d) When clients have other insurances, bill the other insurances as primary and the Division as secondary;

(e) When clients have Medicare prescription drug coverage, bill Medicare as primary and the Division as secondary.

(2) When submitting a paper claim, the provider must accurately furnish all information required on the 5.1 Universal Claims Form.

(3) The prescribing provider's National Provider Identifier (NPI) is mandatory on all fee-for-service client drug prescription claims. Claims will deny for a missing or invalid prescriber NPI. An exception to this includes, but is not limited to a Prescribing provider who does not have an NPI for billing, but who prescribes fee-for-service prescriptions for clients under prepaid health plans (PHP), long-term care, or other capitated contracts. This provider is to be identified with the:

(a) Non-billing NPI-assigned for prescription writing only;

(b) Clinic or facility NPI until an individual NPI is obtained; or

(c) Supervising physician's NPI when billing for prescriptions written by the physician assistant, physician students, physician interns, or medical professionals who have prescription writing authority;

(4) Billing for Death With Dignity services:

(a) Claims for Death With Dignity services cannot be billed through the Point-of-Sale system;

(b) Services must be billed directly to the Division, even if the client is in a PHP;

(c) Prescriptions must be billed on a 5.1 Universal Claims Form paper claim form using an NDC number. Claims should be submitted to the address indicated at the Division Supplemental Information for Pharmaceutical Services.

Stat. Auth.: ORS 409.050, 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 15-1987, f. 3-31-87, ef. 4-1-87; AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89, Renumbered from 461-016-0093; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0240; HR 20-1994, f. 4-29-94, cert. ef. 5-1-94; OMAP 44-1998(Temp), f. 12-1-98, cert. ef. 12-1-98 thru 5-1-99; OMAP 11-1999(Temp), f. & cert. ef. 4-1-99 thru 9-1-99; OMAP 25-1999, f. & cert. ef. 6-4-99; OMAP 5-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 7-2002, f. & cert. ef. 4-1-02; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 18-2004, f. 3-15-04 cert. ef. 4-1-04; OMAP 9-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 23-2011, f. 8-24-11, cert. ef. 9-1-11

# ADMINISTRATIVE RULES

**Rule Caption:** 10/11 Technical Changes for 1/11–12/31/12 Health Services Commission’s Prioritized List of Health Services.

**Adm. Order No.:** DMAP 24-2011(Temp)

**Filed with Sec. of State:** 9-15-2011

**Certified to be Effective:** 10-1-11 thru 3-26-12

**Notice Publication Date:**

**Rules Amended:** 410-141-0520

**Subject:** The OHP Program administrative rules govern the Division of Medical Assistance Programs’ payments for services provided to clients. The Division temporarily amended 410-141-0520 to reference the Oregon Health Services Commission’s Prioritized List of Health Services’ January 1, 2011–December 31, 2012, Prioritized List of Health Services effective October 1, 2011, including interim modifications and technical changes made for 2009 national code set.

The Division intends to permanently amend this rule on or before March 26, 2012.

**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-141-0520

### Prioritized List of Health Services

(1) The Prioritized List of Health Services (Prioritized List) is the Oregon Health Services Commission’s (HSC) listing of physical health services with “expanded definitions” of preventive services and the HSC’s practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HSC. The HSC maintains the most current list on the HSC website: [www.oregon.gov/DHS/healthplan/priorlist/main](http://www.oregon.gov/DHS/healthplan/priorlist/main), or, for a hardcopy contact the Office for Oregon Health Policy and Research. This rule incorporates by reference the CMS approved biennial January 1, 2011–December 31, 2012 Prioritized List, including interim modifications and technical revisions made for the 2009 national code set effective October 1, 2011 that includes expanded definitions, practice guidelines and condition treatment pairs funded through line 502.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO). These codes are identified on their own Mental Health (MH) section of the appropriate lines on the Prioritized List of Health Services.

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Office of Addictions and Mental Health and approval to bill Medicaid for CD services.

Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065

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

Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. & cert. ef. 4-27-00, cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-04; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10; DMAP 36-2009(Temp), f. 12-10-09, f. 1-1-10 thru 3-29-10; DMAP 1-2010(Temp), f. & cert. ef. 1-15-10 thru 3-29-10; DMAP 3-2010, f. 3-5-10, cert. ef. 3-17-10; DMAP 5-2010(Temp), f. 3-26-10, cert. ef. 4-1-10 thru 9-1-10; DMAP 10-2010, f. & cert. ef. 4-26-10; DMAP 27-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 43-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 4-2011, f. 3-23-11, cert. ef. 4-1-11; DMAP 24-2011(Temp), f. 9-15-11, cert. ef. 10-1-11 thru 3-26-12

## Oregon Health Authority, Office for Oregon Health Policy and Research Chapter 409

**Rule Caption:** Amendments to the Pain Management Commission Rules

**Adm. Order No.:** OHP 5-2011(Temp)

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11 thru 2-27-12

**Notice Publication Date:**

**Rules Amended:** 409-050-0110, 409-050-0120

**Subject:** The Oregon Health Authority, Office for Oregon Health Policy and Research is implementing amendments to the Pain Management Commission rules to clarify the process the OHA director must follow to fulfill the statutory requirements in soliciting recommendations prior to making appointments to the Pain Management Commission. The proposed amendment also completes the listing of licensing healthcare professionals required to complete the pain management education program developed by the Commission.

These temporary rules are available on the OHPR Web site: <http://www.oregon.gov/OHA/OHPR/rulemaking/index.shtml>

For hardcopy requests, call: (503) 373-1574.

**Rules Coordinator:** Zarie Haverkate—(503) 373-1574

## 409-050-0110

### Definitions

For the purposes of this Division 409-050, the following definitions apply:

- (1) “Commission” means the Oregon Pain Management Commission.
- (2) “Licensed health care professionals” means those specifically identified licensees that report to the following Licensing Boards:
  - (a) Oregon Board of Medical Examiners, which includes: physicians, physician assistants and acupuncturists (with the exception of those listed under ORS chapter 847.677, identified as waived);
  - (b) Oregon State Board of Nursing, which includes: all registered nurses, licensed practical nurses and nurse practitioners;
  - (c) Oregon Board of Psychologist Examiners, which includes: all licensed psychologists;
  - (d) Oregon Board of Chiropractic Examiners, which includes: all licensed chiropractors;
  - (e) Oregon Board of Naturopathic Examiners, which includes: all licensed naturopathic physicians; and
  - (f) Oregon Board of Pharmacy, which includes: all licensed pharmacists.
  - (g) Oregon Board of Dentistry, which includes all licensed dentists.
  - (h) Oregon Board of Occupational Therapy, which includes all licensed occupational therapists.
- (i) Oregon Board of Physical Therapy, which includes all licensed physical therapists.
- (3) “Curriculum” means a recommended list of educational topics, compiled by the Commission, for medical professionals treating pain.
- (4) “Pain management education program” means a specific one-hour web-based program developed by the Commission, in addition to six accredited hours of continuing education in pain management, end of life care or a combination of both.

Stat. Authority: ORS 409.570

Stats. Implemented: ORS 409.500 - 409.570

Hist.: DHSD 1-2007, f. & cert. ef. 2-1-07; Renumbered from 407-020-0005, OHP 1-2011, f. 1-26-11, cert. ef. 2-1-11; OHP 5-2011(Temp), f. 8-30-11, cert. ef. 9-1-11 thru 2-27-12

## 409-050-0120

### Commission Positions

- (1) The Commission consists of:
  - (a) Nineteen members — seventeen voting members and two non-voting ex-officio members from the Oregon legislature; and
  - (b) Members that have experience or a demonstrated interest in pain management issues.
- (2) In order to apply for a position on the Commission, an individual must:
  - (a) Complete a Commission interest form; and
  - (b) Submit the interest form to the Pain Management Program.
- (3) Voting member appointments to the Commission are:
  - (a) Made by the Director of the Oregon Health Authority; and
  - (b) Must comply with the approved Commission bylaws.

# ADMINISTRATIVE RULES

(4) Prior to making appointments, the Director of the Oregon Health Authority shall request and consider recommendations from individuals, public and private agencies and organizations, but not limited to individuals with a healthcare background or individuals representing the healthcare industry or members of the public.

(5) Oregon Health Authority staff shall include a Pain Management Coordinator, who shall staff and facilitate Commission meetings, provide daily organization of Commission business and perform other duties as directed by the Commission.

Stat. Authority: ORS 409.570

Stats. Implemented: ORS 409.500 - 409.570

Hist.: DHSD 1-2007, f. & cert. ef. 2-1-07; Renumbered from 407-020-0010, OHP 1-2011, f. 1-26-11, cert. ef. 2-1-11; OHP 5-2011(Temp), f. 8-30-11, cert. ef. 9-1-11 thru 2-27-12

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

**Rule Caption:** New Definitions and New Disease Reporting Requirements

**Adm. Order No.:** PH 7-2011

**Filed with Sec. of State:** 8-19-2011

**Certified to be Effective:** 8-19-11

**Notice Publication Date:** 5-1-2011

**Rules Adopted:** 333-019-0003

**Rules Amended:** 333-017-0000, 333-017-0005, 333-018-0000, 333-018-0005, 333-018-0010, 333-018-0013, 333-018-0015, 333-018-0018, 333-018-0020, 333-018-0035, 333-019-0000, 333-019-0002, 333-019-0005, 333-019-0010, 333-019-0014, 333-019-0024, 333-019-0031, 333-019-0039, 333-019-0041, 333-019-0046

**Rules Repealed:** 333-018-0030

**Subject:** The Oregon Health Authority, Public Health Division, Acute and Communicable Disease Prevention program is permanently amending rules in chapter 333, divisions 17, 18 and 19 concerning reportable diseases in order to add new definitions and new disease requirements.

**Rules Coordinator:** Brittany Sande—(971) 673-1291

## 333-017-0000

### Definitions

For purposes of OAR chapter 333, divisions 17, 18, and 19, the following definitions shall apply.

(1) “AIDS”: AIDS is an acronym for acquired immunodeficiency syndrome. An individual is considered to have AIDS when their illness meets criteria published in Morbidity and Mortality Weekly Report, Volume 41, Number RR-17, pages 1–4, December 18, 1992.

(2) “Animal Suspected of Having Rabies”: An animal is suspected of having rabies when:

(a) It is a dog, cat, or ferret not known to be satisfactorily vaccinated against rabies (as defined in OAR 333-019-0017), or it is any other mammal; and

(b) It exhibits one or more of the following aberrant behaviors or clinical signs: unprovoked biting of persons or other animals, paralysis or partial paralysis of limbs, marked excitation, muscle spasms, difficulty swallowing, apprehensiveness, delirium, or convulsions; and it has no other diagnosed illness that could explain the neurological signs.

(3) “Approved Fecal Specimen”: a specimen of feces from a person who has not taken any antibiotic orally or parenterally for at least 48 hours prior to the collection of the specimen. Improper storage or transportation of a specimen, or inadequate growth of the culture suggestive of recent antibiotic usage can, at the discretion of public health microbiologists, result in specimen rejection.

(4) “Authority” means the Oregon Health Authority.

(5) “Bite, Biting, Bitten”: The words bite, biting, and bitten refer to breaking of the skin by the teeth of an animal, or mouthing a fresh abrasion of the skin by an animal.

(6) “Case”: A case is a person who has been diagnosed by a health care provider as having a particular disease, infection, or condition, or whose illness meets defining criteria published in the Authority’s Investigative Guidelines.

(7) “Child Care Facility”: A child care facility is any facility as defined in ORS 657A.250(5) where care is provided to three or more children.

(8) “Control” has the meaning given that term in ORS 433.001.

(9) “Disease outbreak” has the meaning given that term in ORS 431.260.

(10) “Enterobacteriaceae family” means bacteria of the following genera:

- (a) *Budvicia*
- (b) *Buttiauxella*
- (c) *Cedecea*
- (d) *Citrobacter*
- (e) *Edwardsiella*
- (f) *Enteric Group 58*
- (g) *Enteric Group 59*
- (h) *Enteric Group 60*
- (i) *Enteric Group 63*
- (j) *Enteric Group 64*
- (k) *Enteric Group 68*
- (l) *Enteric Group 69*
- (m) *Enteric Group 137*
- (n) *Enterobacter*
- (o) *Escherichia*
- (p) *Ewingella*
- (q) *Hafnia*
- (r) *Klebsiella*
- (s) *Kluyvera*
- (t) *Leclercia*
- (u) *Leminorella*
- (v) *Moellerella*
- (w) *Morganella*
- (x) *Obesumbacterium*
- (y) *Pantoea*
- (z) *Photobacterium*
- (aa) *Plesiomonas*
- (bb) *Pragia*
- (cc) *Proteus*
- (dd) *Providencia*
- (ee) *Rahnella*
- (ff) *Salmonella*
- (gg) *Serratia*
- (hh) *Shigella*
- (ii) *Tatumella*
- (jj) *Trabulsiella*
- (kk) *Xenorhabdus*
- (ll) *Yersinia*
- (mm) *Yokenella*

(11) “Food Handler” means any business owner or employee who handles food utensils or who prepares, processes, handles or serves food for people other than members of their immediate household, for example restaurant, delicatessen, and cafeteria workers, caterers, and concession stand operators.

(12) “Food Service Facility” means an establishment that processes or serves food for sale.

(13) “Health Care Facility” has the meaning given that term in ORS 442.015(16).

(14) “Health Care Provider” has the meaning given that term in ORS 433.443.

(15) “HIV” means the human immunodeficiency virus, the causative agent of AIDS.

(16) “HIV Test” means a Food and Drug Administration (FDA)-approved test for the presence of HIV (including RNA testing), or for antibodies or antigens that result from HIV infection, or for any other substance specifically associated with HIV infection and not with other diseases or conditions.

(17) “HIV Positive Test” means a positive result on the most definitive HIV test procedure used to test a particular individual. In the absence of the recommended confirmation tests, this means the results of the initial test done.

(18) “Lead Poisoning” means a blood lead level of least 10 micrograms per deciliter.

(19) “Licensed Laboratory” means a medical diagnostic laboratory that is inspected and licensed by the Authority or otherwise licensed according to the provisions of the federal Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. § 263a). Any laboratory operated by the U.S. Centers for Disease Control and Prevention shall also be considered a Licensed Laboratory.

(20) “Licensed Physician” means any physician who is licensed by the Oregon Medical Board or the Board of Naturopathic Medicine.

# ADMINISTRATIVE RULES

(21) "Licensed Veterinarian" means a veterinarian licensed by the Oregon Veterinary Medical Examining Board.

(22) "Local Public Health Administrator" has the meaning given that term in ORS 431.260.

(23) "Local Public Health Authority" has the meaning given that term in ORS 431.260.

(24) "Non-Susceptible to any Carbapenem Antibiotic" means the finding of any of the following:

(a) Gene sequence specific for carbapenemase;

(b) Phenotypic test (e.g., Modified Hodge) positive for production of carbapenemase; or

(c) Resistance to any third-generation cephalosporin antibiotic, along with any of the following elevated minimum inhibitory concentrations (MIC) for a carbapenem antibiotic:

(A) MIC for ertapenem greater than or equal to 1 µg/ml;

(B) MIC for imipenem greater than or equal to 4 µg/ml; or

(C) MIC for meropenem greater than or equal to 4 µg/ml.

(25) "Novel Influenza" means influenza A virus that cannot be typed by commercially distributed assays.

(26) "Onset": Unless otherwise qualified, onset refers to the earliest time of appearance of signs or symptoms of an illness.

(27) "Pesticide Poisoning" means illness in a human that is caused by acute or chronic exposure to:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant as defined in ORS 634.006(8).

(28) "Public Health Division (Division)" means the Public Health Division within the Oregon Health Authority.

(29) "Suspected Case" means a person whose illness is thought by a health care provider to have a significant likelihood of being due to a reportable disease, infection, or condition, based on facts such as but not limited to the patient's signs and symptoms, possible exposure to a reportable disease, laboratory findings, or the presence or absence of an alternate explanation for the illness.

(30) "Uncommon Illness of Potential Public Health Significance": These illnesses include:

(a) Any infectious disease with potentially life-threatening consequences that is exotic to or uncommon in Oregon, for example, variola (smallpox) or viral hemorrhagic disease;

(b) Any illness related to a contaminated medical device or product; or

(c) Any acute illness suspected to be related to environmental exposure to any infectious or toxic agent or to any household product.

(31) "Veterinary Laboratory" means a laboratory whose primary function is handling and testing diagnostic specimens of animal origin.

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

Stat. Auth.: ORS 409.050, 433.004, 437.010, 616.745 & 624.080

Stats. Implemented: ORS 433.004, 433.360, 437.030, 616.745 & 624.380

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 12-1983, f. & ef. 8-1-83; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 13-1990(Temp), f. 3-25-90, cert. ef. 8-1-90; HD 5-1991, f. 5-29-91, cert. ef. 4-1-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; OHD 2-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-017-0005

### Reference Documents

The following publication, which is available for inspection at the Public Health Division, is incorporated by reference in whole or in part in OAR chapter 333, divisions 12, 17, 18, and 19: "Investigative Guidelines": Investigative Guidelines for Reportable Diseases, published on an ongoing basis by the Division's Office of Disease Prevention and Epidemiology.

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

Stat. Auth.: ORS 409.050, 433.004, 437.010, 616.745 & 624.080

Stats. Implemented: ORS 409.050, 433.004, 437.010, 616.745 & 624.080

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; OHD 2-2002, f. & cert. ef. 3-4-02; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0000

### Who Is Responsible for Reporting

(1) Each health care provider knowing of or attending a human case or suspected human case of any of the diseases, infections, or conditions listed in OAR 333-018-0015 shall report such cases as specified. Where no health care provider is in attendance, any individual knowing of such a case shall report in a similar manner. An individual required to report reportable diseases who is unsure whether a case meets the definition of a suspect case as that is defined in OAR 333-017-0000 should err on the side of reporting if the suspected disease, infection, or condition is one that:

(a) Is required to be reported immediately or within 24 hours under OAR 333-018-0015;

(b) Is highly transmissible; or

(c) Results in serious or severe health consequences.

(2) Each health care facility, where more than one health care provider may know or attend a human case or suspected human case, may establish administrative procedures to ensure that every case is reported.

(3) Each licensed laboratory shall report human test results as specified in OAR 333-018-0015(5). When more than one licensed laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the test result directly to the health care provider that ordered the test shall be responsible for reporting.

(4) Each veterinary laboratory or licensed laboratory shall report animal test results as specified in OAR 333-018-0017. When more than one laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the test result directly to the licensed veterinarian or client of record caring for the animal shall be responsible for reporting.

Stat. Auth.: ORS 409.050, 433.004 & 437.010

Stats. Implemented: ORS 433.004 & 437.030

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 29-1994, f. & cert. ef. 12-2-94; OHD 3-2002, f. & cert. ef. 3-4-02; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0005

### To Whom Reports Shall Be Made

(1) In general, if the patient is an Oregon resident, reports shall be made to the local public health administrator for the patient's place of residence.

(2) In lieu of reporting to the local public health administrator, with the consent of the local public health administrator and the Authority, reports may be made directly to the Authority (e.g., via electronic reporting).

(3) In urgent situations when local public health staff are unavailable, case reports shall be made directly to the Authority.

(4) Where the case is not an Oregon resident, reports shall be made either to the patient's local public health authority (if the patient resides in the United States) or directly to the Authority.

(5) In lieu of reporting to the local public health administrator, with the consent of the local public health administrator, licensed laboratories shall report directly to the Authority's HIV Program:

(a) All tests indicative of and specific for HIV infection as required by OAR 333-018-0015;

(b) All CD4+ T-lymphocyte counts; and

(c) All HIV viral load tests.

Stat. Auth.: ORS 431.110, 433.001, 433.004, 433.006

Stats. Implemented: ORS 431.110, 433.001, 433.004, 433.006, 433.106

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 20-1985(Temp), f. & ef. 9-30-85; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 15-1988, f. 7-11-88, cert. ef. 9-1-88; HD 13-1990(Temp), f. 5-25-90, cert. ef. 8-1-90; HD 5-1991, f. 3-29-91, cert. ef. 4-1-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 29-1994, f. & cert. ef. 12-2-94; OHD 22-2001, f. & cert. ef. 10-19-01; OHD 3-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 1-2007, f. & cert. ef. 1-16-07; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0010

### Form of the Report

(1) A health care provider required to report reportable diseases under ORS 433.004 and these rules shall submit to the local public health administrator a report that includes but is not limited to:

(a) The identity, address, and telephone number of the person reporting;

(b) The identity, address, and telephone number of the attending health care provider, or other treating health care provider if any;

(c) The name of the person affected or ill, that person's current address, telephone number, and date of birth;

(d) The diagnosed or suspected disease, infection, or condition; and

(e) The date of illness onset.

(2) A licensed laboratory required to report reportable diseases under ORS 433.004 and these rules shall submit to the local public health administrator a report that includes but is not limited to:

(a) The name and telephone number of the reporting laboratory;

(b) The name, gender, age or date of birth, the address and county of residence of the person from whom the laboratory specimen was obtained, if known;

(c) The date the specimen was obtained;

(d) The name, address and telephone number of the health care provider of the person from whom the laboratory specimen was obtained;

(e) The name or description of the test;

(f) The test result; and

# ADMINISTRATIVE RULES

(g) Information required by the Authority's Manual for Mandatory Electronic Laboratory Reporting, if electronic reporting is required under OAR 333-018-0013.

(3) Reportable disease reports shall be made in the following manner:

(a) Reports for diseases or suspected diseases that are immediately reportable under OAR 333-018-0015 shall be submitted orally, by telephone, with a follow-up written report via facsimile.

(b) Reports for diseases or suspected diseases that are required to be reported within one to seven days under OAR 333-018-0013 shall be submitted in writing via facsimile or by other means approved by the local public health administrator, consistent with the need for timely reporting as provided in OAR 333-018-0015.

(c) Electronically, if required by OAR 333-018-0013.

(4) If requested by a local public health administrator or the Oregon Public Health Division, health care providers and licensed laboratories shall provide additional information of relevance to the investigation or control of reportable diseases or conditions (e.g., reported signs and symptoms, laboratory test results (including negative results), potential exposures, contacts, and clinical outcomes).

Stat. Auth.: ORS 409.050 & 433.004

Stats. Implemented: ORS 433.004

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 13-1990(Temp), f. 5-25-90, cert. ef. 8-1-90; HD 5-1991, f. 3-29-91, cert. ef. 4-1-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 29-1994, f. & cert. ef. 12-2-94; OHD 3-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0013

### Electronic Laboratory Reporting

(1) A licensed laboratory that, pursuant to ORS 433.004 and OAR chapter 333, division 18, sends an average of greater than 30 records per month to the local public health administrator shall electronically send all reportable disease data to the Authority in accordance with the standards set forth in the Authority's Manual for Mandatory Electronic Laboratory Reporting, dated February 2009, and incorporated by reference.

(2) Prior to reporting data electronically, a licensed laboratory shall seek and obtain approval from the Authority for its electronic reporting, in accordance with the Authority's Manual for Mandatory Electronic Laboratory Reporting.

(3) A licensed laboratory that fails to seek approval from the Authority for electronic reporting or fails to obtain approval within one year from seeking approval from the Authority may be subject to civil penalties in accordance OAR 333-026-0030.

(4) A licensed laboratory that is required to report data electronically shall have a state-approved continuity of operations plan for reporting continuity in the event of emergency situations disrupting electronic communications. At least two alternative methodologies should be incorporated, such as facsimile, mail, or courier service.

(5) A licensed laboratory required to report data electronically shall participate fully in Oregon's Data Quality Control program, as specified in the Authority's Manual for Mandatory Electronic Laboratory Reporting.

(6) Electronic reports shall meet the reporting timelines in OAR chapter 333, division 18.

Stat. Auth.: ORS 409.050 & 433.004

Stats. Implemented: ORS 433.004

Hist.: PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0015

### What Is to Be Reported and When

(1) Health care providers shall report all human cases or suspected human cases of the diseases, infections, microorganisms, and conditions specified below. The timing of health care provider reports is specified to reflect the severity of the illness or condition and the potential value of rapid intervention by public health agencies.

(2) When local public health administrators cannot be reached within the specified time limits, reports shall be made directly to the Authority, which shall maintain an around-the-clock public health consultation service.

(3) Licensed laboratories shall report all test results indicative of and specific for the diseases, infections, microorganisms, and conditions specified below for humans. Such tests include but are not limited to: microbiological culture, isolation, or identification; assays for specific antibodies; and identification of specific antigens, toxins, or nucleic acid sequences.

(4) Human reportable diseases, infections, microorganisms, and conditions, and the time frames within which they must be reported are as follows:

(a) Immediately, day or night: *Bacillus anthracis* (anthrax); *Clostridium botulinum* (botulism); *Corynebacterium diphtheriae* (diphthe-

ria); novel influenza; *Yersinia pestis* (plague); poliomyelitis; rabies (human); measles (rubeola); Severe Acute Respiratory Syndrome (SARS) and infection by SARS coronavirus; rubella; variola major (smallpox); *Francisella tularensis* (tularemia); *Vibrio cholerae* O1, O139, or toxigenic; hemorrhagic fever caused by viruses of the filovirus (e.g., Ebola, Marburg) or arenavirus (e.g., Lassa, Machupo) families; yellow fever; intoxication caused by marine microorganisms or their byproducts (for example, paralytic shellfish poisoning, domoic acid intoxication, ciguatera, scombroid); any known or suspected common-source outbreaks; any uncommon illness of potential public health significance.

(b) Within 24 hours (including weekends and holidays): *Haemophilus influenzae* (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); *Neisseria meningitidis* (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); pesticide poisoning.

(c) Within one local public health authority working day: *Bordetella pertussis* (pertussis); *Borrelia* (relapsing fever, Lyme disease); *Brucella* (brucellosis); *Campylobacter* (campylobacteriosis); *Chlamydia* (*Chlamydia*) *psittaci* (psittacosis); *Chlamydia trachomatis* (chlamydia); *lymphogranuloma venereum*; *Clostridium tetani* (tetanus); *Coxiella burnetii* (Q fever); Creutzfeldt-Jakob disease and other transmissible spongiform encephalopathies; *Cryptococcus* (cryptococcosis), *Cryptosporidium* (cryptosporidiosis); *Cyclospora cayentanensis* (cyclosporiasis); bacteria of the Enterobacteriaceae family found to be non-susceptible to any carbapenem antibiotic; *Escherichia coli* (Shiga-toxicogenic, including *E. coli* O157 and other serogroups); *Giardia* (giardiasis); *Haemophilus ducreyi* (chancroid); hantavirus; hepatitis A; hepatitis B (acute or chronic infection); hepatitis C; hepatitis D (delta); hepatitis E; HIV infection (does not apply to anonymous testing) and AIDS; death of a person <18 years of age with laboratory-confirmed influenza; lead poisoning; *Legionella* (legionellosis); *Leptospira* (leptospirosis); *Listeria monocytogenes* (listeriosis); mumps; *Mycobacterium tuberculosis* and *M. bovis* (tuberculosis); *Neisseria gonorrhoeae* (gonococcal infections); pelvic inflammatory disease (acute, non-gonococcal); *Plasmodium* (malaria); *Rickettsia* (all species: Rocky Mountain spotted fever, typhus, others); *Salmonella* (salmonellosis, including typhoid); *Shigella* (shigellosis); *Taenia solium* (including cysticercosis and undifferentiated *Taenia* infections); *Trilonema pallidum* (syphilis); *Trichinella* (trichinosis); *Yersinia* (other than *pestis*); any infection that is typically arthropod vector-borne (for example: babesiosis, California encephalitis, Colorado tick fever, dengue, Eastern equine encephalitis, ehrlichiosis, Kyasanur Forest disease, St. Louis encephalitis, West Nile fever, Western equine encephalitis, etc.); a human bitten by any other mammal; and hemolytic uremic syndrome.

(d) Within seven days: Any blood lead level tests including the result.

(5) Licensed laboratories shall report, within seven days, the results of all tests of CD4+ T-lymphocyte absolute counts and the percent of total lymphocytes that are CD4 positive, and HIV nucleic acid (viral load) tests.

Stat. Auth.: ORS 409.050, 433.004 & 433.006

Stats. Implemented: ORS 433.004 & 437.010

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 20-1985(Temp), f. & ef. 9-30-85; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 15-1988, f. 7-11-88, cert. ef. 9-1-88; HD 13-1990(Temp), f. 5-25-90, cert. ef. 8-1-90; HD 5-1991, f. 3-29-91, cert. ef. 4-1-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; OHD 22-2001, f. & cert. ef. 10-19-01; OHD 3-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 7-2006, f. & cert. ef. 4-17-06; PH 13-2006(Temp), f. 6-27-06, cert. ef. 7-1-06 thru 12-27-06; PH 19-2006, f. & cert. ef. 9-13-06; PH 11-2007(Temp), f. & cert. ef. 8-22-07 thru 2-18-08; PH 13-2007, f. & cert. ef. 11-7-07; PH 8-2009(Temp), f. & cert. ef. 9-1-09 thru 2-26-10; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0018

### Submission of Isolates to the Public Health Laboratory

Licensed laboratories are required to forward aliquots or subcultures of the following to the Oregon State Public Health Laboratory:

(1) Suspected *Neisseria meningitidis* and *Haemophilus influenzae* from normally sterile sites.

(2) Suspected Shiga-toxicogenic *Escherichia coli* (STEC), including *E. coli* O157, *Salmonella* spp., *Shigella* spp., *Vibrio* spp., *Listeria* spp., *Yersinia* spp., and *Mycobacterium tuberculosis*.

(3) Serum that tests positive for IgM antibody to hepatitis A virus.

(4) Serum that tests positive for IgM core antibody to hepatitis B virus.

(5) All cryptococcal isolates

(6) All carbapenem-resistant isolates of species in the Enterobacteriaceae family

(7) For laboratory confirmed influenza, respiratory specimens or viral isolates, *Staphylococcus aureus* isolates, and after consulting with the Oregon Public Health Division, autopsy specimens for persons under the age of 18 that died with laboratory-confirmed influenza infection.

# ADMINISTRATIVE RULES

Stat. Auth.: ORS 409.050, 433.004 & 438.450  
Stats. Implemented: ORS 433.004 & 438.310  
Hist.: HB 248, f. 6-30-70, ef. 7-25-70; HD 28-1988, f. & cert. ef. 12-7-88; HD 20-1994, f. & cert. ef. 7-20-94; HD 6-1995, f. & cert. ef. 9-13-95; OHD 11-2001, f. & cert. ef. 5-16-01, Renumbered from 333-024-0050(5); OHD 3-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 28-2006, f. 11-30-06, cert. ef. 12-18-06; PH 5-2010, f. & cert. ef. 3-11-10; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0020

### Reports from Local Public Health Administrators

(1) The local public health administrator shall notify the Authority immediately of any reported cases of the following diseases and conditions: anthrax, botulism (foodborne), cholera, diphtheria, marine intoxications, measles, pesticide poisoning, plague, poliomyelitis, rabies; any uncommon illness of potential public health significance; any outbreak of disease.

(2) For other diseases, the local public health administrator shall notify the Authority no later than the end of each business week of all cases reported during that week except animal bites that have been investigated by the local public health administrator need not be reported to the Authority. Reports shall be sent by fax or other means approved by the Authority, in a format approved by the Authority.

Stat. Auth.: ORS 431.110, 431.120, 433.004, 437.010, 616.010 & 624.005  
Stats. Implemented: ORS 433.004 & 437.010  
Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 12-1983, f. & ef. 8-1-83; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 29-1994, f. & cert. ef. 12-2-94; OHD 3-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-018-0035

### Procedures Involving Emergency Response Employees

(1) Each person or local government employing persons to render emergency care shall designate a contact person or "designated officer" to receive reports from the local public health administrator made under ORS 433.006. The employer shall assure that the designated officer has sufficient training to carry out the duties as described below, which shall include appropriate procedures for follow-up after occupational exposures to specific diseases as specified below in section (2) and section (6).

(2) Sections (3) through (5) apply only to the following subset of reportable diseases: meningococcal disease, infectious pulmonary or laryngeal tuberculosis, diphtheria, plague (*Yersinia pestis*), rabies, hemorrhagic fevers (e.g., Lassa, Marburg, and Ebola).

(3) Health care providers and health care facilities shall, when reporting this subset of diseases, determine and include as part of their report whether or not an emergency care provider was involved in pre-hospital care for this disease.

(4) Health care providers and facilities shall report to the local public health administrator and may relay the diagnosis of these diseases directly to the emergency care providers or the designated officer specified below in section (5), but shall not disclose the identity or addresses of the person having the disease or otherwise refer specifically to the person.

(5) Upon receiving a report of a reportable disease as defined in section (2) above, the designated officer shall notify all out-of-hospital caregivers, including but not limited to: first responders, emergency medical technicians, paramedics, firefighters, law enforcement officers, corrections officers, probation officers, or other current or former personnel of the employer who may have been exposed to the reportable disease. The designated officer shall inform the personnel only of the reportable disease and the fact of possible exposure and the appropriate follow-up procedures. The designated officer shall not inform the personnel of the identity or addresses of the individual having the reportable disease or otherwise refer specifically to the individual having the reportable disease.

(6) In the event of an occupational exposure to a bloodborne pathogen as defined by ORS 433.060(8), the designated officer shall also assist the exposed worker as defined in ORS 433.060(11) in implementing the provisions of ORS 433.065 through ORS 433.080 and associated Authority rules (333-012-0260 through 333-012-0270). These rules include provisions for determining HIV, hepatitis B and C status of the source patient and soliciting HIV testing after an occupational exposure.

Stat. Auth.: ORS 433.045 - 433.080 & 431.110(1)(e)  
Stats. Implemented: ORS 433.006 & 433.065  
Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 12-1983, f. & ef. 8-1-83; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 29-1994, f. & cert. ef. 12-2-94; HD 8-1997, f. & cert. ef. 6-26-97; OHD 15-2001, f. & cert. ef. 7-12-01, Renumbered from 333-018-0023; OHD 3-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0000

### Responsibility of Public Health Authorities to Investigate Reportable Diseases

(1) The local public health administrator shall use all reasonable means to investigate in a timely manner all reports of reportable diseases, infections, or conditions. To identify possible sources of infection and to

carry out appropriate control measures, the local public health administrator shall investigate each report following procedures outlined in the Authority's Investigative Guidelines or other procedures approved by the Authority. The Authority may provide assistance in these investigations.

(2) Investigations of outbreaks involving residents of multiple states or counties or exposures in multiple states of counties may be supervised by the Authority.

(3) Investigations by the Authority or public health administrator shall be conducted in accordance with ORS 433.004.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 409.050, 431.110, 433.004, 437.010, 616.010 & 624.005  
Stats. Implemented: ORS 433.004 & 437.030  
Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 29-1994, f. & cert. ef. 12-2-94; OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0002

### Cooperation with Public Health Authorities

(1) Health care providers, health care facilities, and licensed laboratories shall cooperate with local public health administrators and the Authority in the investigation and control of reportable diseases and conditions.

(2) Every health care provider attending a person with a reportable disease, infection, or condition shall instruct the person in measures appropriate to controlling the spread of the disease.

Stat. Auth.: ORS 409.050, 431.110, 433.004, 437.010, 616.010 & 624.005  
Stats. Implemented: ORS 433.004, 433.106 & 433.130  
Hist.: OHD 4-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0003

### Providing Information to the Oregon Health Authority or Local Public Health Administrator

(1) The Authority or local public health administrator (LPHA) may, as necessary to investigate a case of a reportable disease, disease outbreak or epidemic, require a health care provider, public or private entity, or an individual to permit the inspection or provide copies of information necessary to the investigation.

(2) Information that may be inspected or provided to the Authority or LPHA includes but is not limited to:

(a) Individually identifiable health information and contact information related to:

- (A) The case;
- (B) An individual who may be the potential source of exposure or infection;
- (C) An individual who has been or may have been exposed to or affected by the disease; or
- (D) A control.

(b) Policies, practices, systems or structures that may have affected the likelihood of disease transmission.

(c) Factors that may influence an individual's susceptibility to the disease or likelihood of being diagnosed with the disease.

(3) In addition to requesting information the Authority or LPHA may inspect, sample or test real or personal property. The Authority or LPHA will request permission to inspect, sample or test real or personal property prior to taking any action. If an individual or entity refuses to allow access to real or personal property for this purpose, the Authority or LPHA may seek an administrative warrant in order to obtain access.

(4) The Authority or LPHA shall request the information required to be submitted orally or in writing and shall inform the individual or entity from whom the information is sought when the information is required to be submitted. In lieu of requesting that information be provided to the Authority or LPHA, the Authority or LPHA may request access to the information at the location where the information is located.

(5) A person who provides information in accordance with these rules is immune from civil or criminal liability that might otherwise be incurred or imposed with respect to providing information under this section.

(6) Pursuant to ORS 433.008, all information obtained by the Authority or LPHA in the course of an investigation is confidential, may only be released in accordance with ORS 433.008(2) through (6), and except as required for the administration of public health laws or rules, a state or local public health official or employee may not be examined in any administrative or judicial proceeding about the existence or contents of a reportable disease report or other information received by the Authority or LPHA in the course of an investigation of a reportable disease or disease outbreak.

Stat. Auth.: ORS 433.004  
Stat. Implemented: ORS 433.004  
Hist.: PH 7-2011, f. & cert. ef. 8-19-11



# ADMINISTRATIVE RULES

## 333-019-0005

### Conduct of Special Studies by the Oregon Health Authority

The Authority may conduct special studies concerning the causes and prevention of diseases and other significant health conditions. Special studies include any collection of information about the health status or potential health risk factors of individuals or groups of individuals, other than the routine collection of birth, death, and marriage information, and are not restricted to reportable diseases, infections, or conditions. The Authority may collaborate with local public health authorities, other institutions, or other individuals in the conduct of these studies.

Stat. Auth.: ORS 409.050, 431.110, 433.004, 437.010, 616.010 & 624.005

Stats. Implemented: ORS 433.006 & 433.065

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 9-1997, f. & cert. ef. 6-26-97; OHD 4-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0010

### Imposition of Restrictions

(1) To protect the public health, persons who attend or work at schools or child care facilities or who work at health care facilities or food service facilities shall not attend or work at these facilities whilst in a communicable stage of any restrictable diseases unless authorized to do so as hereunder specified.

(2) At all such facilities, restrictable diseases include: diphtheria, measles, Salmonella Typhi infection, shigellosis, Shiga-toxicogenic Escherichia coli (STEC) infection, hepatitis A, tuberculosis, open or draining skin lesions infected with Staphylococcus aureus or Streptococcus pyogenes, and any illness accompanied by diarrhea or vomiting.

(3) At schools, child care, and health care facilities, such restrictable diseases shall also include: chickenpox, pertussis, rubella, and scabies. Children in the communicable stages of hepatitis B infection may be excluded from attending school or child care if, in the opinion of the local health officer, the child poses an unusually high risk to other children (e.g., exhibits uncontrollable biting or spitting).

(4) At the discretion of local school authorities or the local public health authority, pediculosis may be considered a school-restrictable condition.

(5) Nothing in these rules prohibits the adoption of more stringent rules regarding exclusion from schools or child care facilities. Such additional restrictions shall require formal certification that the disease or condition in question presents a significant public health risk in that setting. For schools, this action may be taken by the local public health authority or the local school governing body. For child care facilities, this action may be taken by the local public health authority.

(6) The infection control committee at all health care facilities shall adopt policies to restrict the work of employees with restrictable diseases in accordance with recognized principles of infection control. Nothing in these rules prohibits health care facilities or the local public health authority from adopting additional or more stringent rules for exclusion from these facilities.

Stat. Auth.: ORS 409.050, 431.110, 433.004, 437.010, 616.750, 616.715 & 624.005

Stats. Implemented: ORS 433.260, 433.407, 433.411 & 433.419

Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; OHD 4-2002, f. & cert. ef. 3-4-02; PH 11-2005, f. 6-30-05, cert. ef. 7-5-05; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0014

### Removal of Restrictions

(1) Worksite, child care, and school restrictions can be removed by statement of the local public health administrator that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission.

(2) School or child care restrictions for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea, or vomiting may also be removed by a school nurse or health care provider.

(3) Restrictions at health care facilities for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea, or vomiting may also be removed by the facility's infection control committee when sufficient measures have been taken to prevent or minimize the transmission of disease, in accordance with written procedures approved by the committee.

(4) In general, restrictions on persons diagnosed with shigellosis or Shiga-toxicogenic Escherichia coli (STEC) infection, including E. coli O157 infection shall not be lifted until no pathogens are identified by a licensed laboratory in two consecutive approved fecal specimens collected not less than 24 hours apart. Such restrictions may be waived or modified at the discretion of the local public health administrator.

Stat. Auth.: ORS 409.050, 431.110, 433.004, 437.010, 616.010 & 624.005

Stats. Implemented: ORS 433.260 & 433.273

Hist.: OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0024

### Management of Animal Bites

(1) The circumstances surrounding bites of humans by mammals shall be investigated by the local public health administrator in accordance with the Investigative Guidelines published by the Authority.

(2) Except as provided in section (3) of this rule, any dog, cat, or ferret that has bitten a person shall be held for observation until the 10th day following the bite. This observation shall be under the supervision of a licensed veterinarian or other person designated by the local public health administrator. Animals shall be held within an enclosure or with restraints deemed adequate by the local public health administrator to prevent contact with any person or other animals. At the discretion of the local public health administrator, properly vaccinated dogs used by public law enforcement agencies may be exempted from the observation period requirement; however, any law enforcement agency shall notify the local public health administrator immediately should any exempted dog develop abnormal behavior within 10 days of biting a person.

(3) The local public health administrator may order the euthanasia and rabies testing of animals that have bitten humans when these animals are:

(a) Inadequately vaccinated dogs, cats, or ferrets that have inflicted an unprovoked bite to the face, head, or neck of a person; or

(b) Any other mammal suspected of having rabies or that has been in contact with an animal suspected of having rabies.

(4) Because it is preferable to hold such animals for observation, no person shall either euthanize any dog, cat, or ferret that has bitten a human or destroy the head of any mammal that has bitten a person without authorization by the local public health administrator.

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

Stat. Auth.: ORS 409.050, 431.110, 433.004, 433.340, 433.350

Stats. Implemented: ORS 433.345, 433.350

Hist.: OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0031

### Acquired Immunodeficiency Syndrome/Human Immunodeficiency Virus

Investigation of cases of HIV infection or AIDS. Investigations of HIV infection or AIDS shall be conducted to the extent that resources permit. The Authority, or the local public health administrator, will ensure that each identified case is offered prevention, care, and partner counseling and referral services.

**NOTE:** Specific rules regarding reporting requirements for HIV and AIDS may be found in OAR 333-018-0015. Rules regarding informed consent for HIV testing and confidentiality of HIV test results may be found in OAR 333-012-0265 and 333-012-0270.

Stat. Auth.: ORS 431.110, 433.004

Stats. Implemented: ORS 431.110, 433.004

Hist.: HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 15-1988, f. 7-11-88, cert. ef. 9-1-88; HD 29-1994, f. & cert. ef. 12-2-94; OHD 13-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0223; OHD 22-2001, f. & cert. ef. 10-19-01; OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2006, f. & cert. ef. 4-17-06; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0039

### Sudden Infant Death Syndrome

(1) In compliance with ORS 431.120(4), the Authority will conduct an epidemiologic investigation of each instance of sudden infant death syndrome.

(2) In order to promote support of this effort, the Authority will reimburse any county health department (or other agency providing public health services in lieu of a county health department for this purpose) to the extent of \$25 to help defray the cost of one home visit by a public health nurse to any family who has lost a member of the family to SIDS.

(3) In order for the home visit to be reimbursed the following procedure will be required:

(a) On receiving the death investigation report in which the cause of death is SIDS, the administrator of the local public health authority receiving the report will, if possible, assure the arrangement of a home visit to the affected family by a public health nurse at an appropriate time;

(b) The home visit will include:

(A) A nursing assessment of family needs related to the SIDS event;

(B) Grief counseling;

(C) Education regarding the state of knowledge regarding the cause of SIDS;

(D) Discussion of other support resources available to help meet family needs;

(E) Information alerting the family to expect to receive in the mail an epidemiologic investigation questionnaire, including an explanation of its purpose, of its confidentiality, and assurance of assistance in completing the form if necessary.

# ADMINISTRATIVE RULES

(4) After the home visit has been completed, the local agency will notify the Authority in writing, including the name and birth date of the deceased infant, and the family name and address, and the date of the visit. This notice should be addressed to the Public Health Division, Office of Disease Prevention and Epidemiology, 800 NE Oregon Street, Portland, OR 97232.

(5) On receipt of this written notice, the Authority will reimburse the agency in the amount of \$25. Reimbursement for repeat visits to the same family will not be available.

(6) An epidemiologic questionnaire will be mailed by the Authority to the parent(s) (guardian) of the deceased infant, with instructions as to its purpose and means of completing and a request that it be completed and returned.

(7) In the event that the completed questionnaire has not been returned in a reasonable length of time, the Authority will notify the county health department (or agency acting in lieu of the county health department) with a request for a follow-up contact with the family to ensure the highest possible rate of return and of accuracy.

(8) Completed questionnaires will be collected and tabulated and the information analyzed by the Authority. A report of the findings will be published biennially beginning in 1985.

Stat. Auth.: ORS 431.001 & 433.004  
Stats. Implemented: ORS 431.001 & 433.004  
Hist.: HD 3-1983, f. & ef. 3-3-83; HD 16-1991, f. & cert. ef. 10-10-91; HD 29-1994, f. & cert. ef. 12-2-94; OHD 15-2001, f. & cert. ef. 7-12-01, Renumbered from 333-018-0025; OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0041 Tuberculosis

(1) Each health care facility shall formally assess the risk of tuberculosis transmission among staff (professional and volunteer), residents, and patients at least annually and shall follow tuberculosis screening recommendations outlined in "Guidelines for preventing the transmission of Mycobacterium tuberculosis in Health-Care Settings," published by the Centers for Disease Control and Prevention (Morbidity and Mortality Weekly Report, Vol. 54, Number RR-17: 1-141; December 30, 2005) or otherwise approved by the Authority.

(2) Each facility specified below shall formally assess the risk of tuberculosis transmission among staff (professional and volunteer), residents, inmates, and patients at least annually and shall follow appropriate tuberculosis screening recommendations as outlined in the relevant publication or as otherwise approved by the Authority:

(a) Correctional Facilities: "Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC" published by the Centers for Disease Control and Prevention (Morbidity and Mortality Weekly Report, Vol. 55, Number RR09: 1-44; July 7, 2006).

(b) Long Term Care Facilities for the Elderly: "Prevention and control of tuberculosis in facilities providing long-term care to the elderly. Recommendations of the Advisory Committee for Elimination of Tuberculosis," published by the Centers for Disease Control and Prevention (Morbidity and Mortality Weekly Report, Vol. 39, RR-10, pp. 7-20; July 13, 1990) and "Guidelines for preventing the transmission of Mycobacterium tuberculosis in Health-Care Settings," published by the Centers for Disease Control and Prevention (Morbidity and Mortality Weekly Report, Vol. 54, Number RR-17: 1-141; December 30, 2005).

(c) Homeless Shelters: "Prevention and control of tuberculosis among homeless persons," published by the Centers for Disease Control and Prevention (Morbidity and Mortality Weekly Report, Vol. 41, RR-5, pp. 13-23; April 17, 1992)

[Publications referenced are available from the agency.]  
Stat. Auth.: ORS 431.110, 432.060, 433.001-433.035, 433.110-433.220 & 437.030  
Stats. Implemented: ORS 431.150, 431.155, 431.170, 433.001-433.035, 433.110-433.220 & 437.030  
Hist.: OHD 4-2002, f. & cert. ef. 3-4-02; PH 10-2005, f. 6-15-05, cert. ef. 6-21-05; PH 9-2009, f. & cert. ef. 9-22-09; PH 7-2011, f. & cert. ef. 8-19-11

## 333-019-0046 Typhoid

(1) Special procedures govern the management of persons infected with Salmonella enterica serotype Typhi, including both persons with acute disease and asymptomatic carriers (hereinafter collectively "typhoid cases"). All typhoid cases shall periodically submit approved fecal specimens for testing in a licensed laboratory until released from this requirement by the local public health administrator. Any person who excretes Salmonella enterica serotype Typhi more than one year after onset or first diagnosis or on two occasions at least one year apart is defined to be a "chronic carrier."

(2) Unless the case is a chronic carrier, worksite, school, and other restrictions on typhoid cases (see OAR 333-019-0010) shall be lifted by the local public health administrator when Salmonella enterica serotype Typhi is not identified by a licensed laboratory in any of four successive approved fecal specimens and one urine specimen. These specimens are to be collected at least 24 hours apart and not earlier than one month after onset.

(3) If the case has been a chronic carrier, worksite, school, and other restrictions on the case shall be lifted when Salmonella enterica serotype Typhi is not identified in any of six successive approved fecal specimens and one urine specimen. These specimens are to be collected not less than 72 hours apart.

(4) All chronic carriers shall abide by the Typhoid Carrier Agreement, which must be renewed annually. The local public health administrator may cause the carrier to be isolated for failure to abide by the Carrier Agreement. The Carrier Agreement is a legally enforceable agreement by the chronic carrier that they:

(a) Will not work as a food handler or provide personal care (e.g., feeding, bathing, dressing, assisting with personal hygiene, changing diapers, changing bedding, or other services involving direct physical contact) to children in child care facilities or to residents of residential facilities;

(b) Will immediately notify the local public health administrator of illness suggestive of typhoid fever among the carrier's family or immediate associates;

(c) Will furnish specimens for examination in the manner prescribed by the local public health administrator;

(d) Will immediately notify the local public health administrator of any change of permanent address.

Stat. Auth.: ORS 431.110, 433.004 616.010 & 624.005  
Stats. Implemented: ORS 431.001 & 433.004  
Hist.: HD 15-1981, f. 8-13-81, ef. 8-15-81; HD 4-1987, f. 6-12-87, ef. 6-19-87; HD 29-1994, f. & cert. ef. 12-2-94; OHD 4-2002, f. & cert. ef. 3-4-02; PH 7-2011, f. & cert. ef. 8-19-11

## Oregon Health Insurance Exchange Chapter 945

**Rule Caption:** To adopt Model Rules of Procedure for ORHIX

**Adm. Order No.:** OHIE 1-2011(Temp)

**Filed with Sec. of State:** 8-24-2011

**Certified to be Effective:** 8-24-11 thru 2-20-12

**Notice Publication Date:**

**Rules Adopted:** 945-001-0000, 945-001-0005, 945-001-0010

**Subject:** The Oregon Health Insurance Exchange Corporation is temporarily adopting new rules to address the need for model rules for procedure. This rule is developed in compliance with statutory requirement included in SB 99 (2011) Section 3 (15).

**Rules Coordinator:** Brandi Aston—(503) 378-8284

### 945-001-0000

#### Model Rules of Procedure

The Oregon Health Insurance Exchange Corporation adopts the Attorney General Model Rules applicable to rulemaking, effective August 19, 2011, with the exception of OAR 137-001-0080.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Health Insurance Exchange.]

Stat. Auth.: ORS 183.341, Ch. 415, OL 2011, Sec. 3(5)  
Stats. Implemented: ORS 183.341 & 413.042  
Hist.: OHIE 1-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

### 945-001-0005

#### Notice of Proposed Rulemaking and Adoption of Temporary Rules

(1) Except as provided in ORS 183.335(7) or (12) or 183.341, before permanently adopting, amending, or repealing an administrative rule, the Oregon Health Insurance Exchange Corporation (Exchange) shall give notice of the intended action:

(a) To legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule;

(b) To persons on the interested parties lists described in section (2) of this rule for the pertinent OAR chapter or pertinent subtopics or programs within an OAR chapter at least 28 days before the effective date of the rule;

(c) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(d) To other persons, agencies, or organizations that the Exchange is required to provide an opportunity to comment pursuant to state statute or federal law or as a requirement of receiving federal funding, at least 28 days before the effective date of the rule; and

# ADMINISTRATIVE RULES

(f) In addition to the above, the Exchange may send notice of intended action to other persons, agencies, or organizations that the Exchange, in its discretion, believes to have an interest in the subject matter of the proposed rule at least 28 days before the effective date of the rule.

(2) Pursuant to ORS 183.335(8), the Exchange shall maintain an interested parties list for each OAR chapter of rules for which the Exchange has administrative responsibility, and an interested parties list for subtopics or programs within those chapters. A person, group, or entity that desires to be placed on the list to receive notices regarding proposed permanent adoption, amendment, or repeal of a rule must make the request in writing or by electronic mail to the rules coordinator for the chapter. The request must include either a mailing address or an electronic mail address to which notices may be sent.

(3) Notices under this rule may be sent by hand delivery, state shuttle, postal mail, electronic mail, or facsimile. The Exchange recognizes state shuttle as "mail" and may use this means to notify other state agencies.

(a) An email notification under section (1) of this rule may consist of any of the following:

(A) An email that attaches the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(B) An email that includes a link within the body of the email, allowing direct access online to the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(C) An email with specific instructions within the body of the email, usually including an electronic Universal Resource Locator (URL) address, to find the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(b) The Exchange may use facsimile as an added means of notification, if necessary. Notification by facsimile under section (1) of this rule shall include the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact, or specific instructions to locate these documents online.

(c) The Exchange shall honor all written requests that notification be sent by postal mail instead of electronically if a mailing address is provided.

(4) If the Exchange adopts or suspends a temporary rule, the Authority shall notify:

(a) Legislators specified in ORS 183.335(15);

(b) Persons on the interested parties list described in section (2) of this rule for the pertinent OAR chapter, subtopics, or programs within an OAR chapter;

(c) Other persons, agencies, or organizations that the Exchange is required to notify pursuant to state statute or federal law or as a requirement of receiving federal funding; and

(d) In addition to the above, the Exchange may send notice to other persons, agencies, or organizations that the Exchange, in its discretion, believes to have an interest in the subject matter of the temporary rulemaking.

(5) In lieu of providing a copy of the rule or rules as proposed with the notice of intended action or notice concerning the adoption of a temporary rule, the Exchange may state how and where a copy may be obtained on paper, by electronic mail, or from a specified web site.

Stat. Auth.: ORS 183.341, Ch. 415, OL 2011, Sec. 3(5)

Stats. Implemented: ORS 183.330, 183.335, & 183.341

Hist.: OHIE 1-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-001-0010

### Delegation of Rulemaking Authority

Any officer or employee of the Oregon Health Insurance Exchange Corporation who is identified on a completed Delegation of Authority form signed by the Director or Deputy Director of the Exchange and filed with the Secretary of State, Administrative Rules Unit, is vested with the authority to adopt, amend, repeal, or suspend administrative rules as provided on that form until the delegation is revoked by the Director or Deputy Director of the Exchange, or the person leaves employment with the Exchange.

Stat. Auth.: ORS 183.341, Ch. 415, OL 2011, Sec. 3(5)

Stats. Implemented: ORS 183.330, 183.335, & 183.341

Hist.: OHIE 1-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

\*\*\*\*\*

**Rule Caption:** To adopt Employee Criminal Records Check and Fitness Determination for ORHIX

**Adm. Order No.:** OHIE 2-2011(Temp)

**Filed with Sec. of State:** 8-24-2011

**Certified to be Effective:** 8-24-11 thru 2-20-12

**Notice Publication Date:**

**Rules Adopted:** 945-010-0000, 945-010-0005, 945-010-0010, 945-010-0020, 945-010-0030, 945-010-0040, 945-010-0050, 945-010-0060, 945-010-0070, 945-010-0080, 945-010-0090, 945-010-0100

**Subject:** The Oregon Health Insurance Exchange Corporation is temporarily adopting new rules to address the need for criminal background and fitness determination checks for persons employed or applying for employment to the corporation. This rule is developed in compliance with statutory requirements included in SB 99 (2011) Section 20.

**Rules Coordinator:** Brandi Aston—(503) 378-8284

## 945-010-0000

### Employee Criminal Records Check and Fitness Determination Rule

**Statement of Purpose:** These rules provide for the reasonable screening of subject individuals to determine if they have a history of criminal behavior such that they are not fit to be employed or volunteer in positions covered by OAR xxx-xxx-xxxx. A determination by the Corporation that a subject individual is fit does not guarantee the individual a position with the corporation in any capacity.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0005

### Definitions

As used in OAR chapter \_\_\_\_, division \_\_\_\_, unless the context of the rule requires otherwise, the following definitions apply:

(1) **Conviction:** A final judgment on a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere (no contest); or any determination of guilt entered by a court of law against a subject individual in a criminal case unless that judgment has been reversed or set aside by a subsequent court decision.

(2) **Corporation:** The Oregon Health Insurance Exchange Corporation.

(3) **Criminal Offender Information:** Records and related data as to physical description and vital statistics; fingerprints received and compiled by the Oregon Department of State Police, Bureau of Criminal Identification, for purposes of identifying criminal offenders and alleged offenders; and records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole, and release.

(4) **Criminal Records Check:** One or more of the following three processes used by the Corporation to check the criminal history of a subject individual:

(a) A name-based check of criminal offender information conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the rules adopted and procedures established by the Oregon Department of State Police (LEDS Criminal Records Check);

(b) A check of Oregon criminal offender information through fingerprint identification, conducted by the Oregon Department of State Police at the Corporation's request (Oregon Criminal Records Check); or

(c) A nationwide check of federal criminal offender information through fingerprint identification, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation at the Corporation's request (Nationwide Criminal Records Check).

(5) **Criminal records request form:** A Corporation-approved form, completed by a subject individual, requesting the Corporation to conduct a criminal records check.

(6) **False Statement:** In association with an activity governed by these rules, a subject individual either:

(a) Provided the corporation with materially false information about his or her criminal history, such as, but not limited to, materially false information about his or her identity or conviction record; or

(b) Failed to provide to the corporation information material to determining his or her criminal history.

(7) **Fitness Determination:** A determination made by the corporation pursuant to the process established in OAR xxx-xxx-xxxx that a subject individual is or is not fit to be a corporation employee or to provide services in a position covered by OAR xxx-xxx-xxxx.

(8) **Subject Individual:** An individual identified in OAR xxx-xxx-xxxx as someone from whom the corporation may require a criminal records check.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

# ADMINISTRATIVE RULES

## 945-010-0010

### Subject Individual

The Health Insurance Exchange Corporation may require an individual to complete a criminal records check pursuant to these rules because the person:

- (1) Works or has applied to work for the corporation; or
- (2) Is or will be providing services to the corporation in the areas of:
  - (a) Information technology services;
  - (b) Payroll functions or financial transactions;
  - (c) Mailroom duties;
  - (d) Auditing responsibilities;
  - (e) Personnel or human resources functions;
  - (f) Tax or financial information; or
  - (g) Working with information that is confidential, including access to

Social Security numbers, dates of birth or criminal background information.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0020

### Criminal Records Check Required

The corporation may conduct, or request the Oregon Department of State Police to conduct, a criminal records check when:

- (1) An individual meets the definition of a subject individual; or
- (2) Required by federal law or regulation, by state or federal administrative rule or by contract or written agreement with the corporation.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0030

### Criminal Records Check Process

- (1) Disclosure of information by Subject Individual

(a) Preliminary to a criminal records check, a subject individual must complete and sign the corporation's criminal records request form and, if requested by the corporation, a fingerprint card. The corporation's criminal records request form will require the following information: name, birth date, social security number, physical characteristics, driver's license or identification card number and current address, prior residency in other states and any other identifying information deemed necessary by the corporation.

(b) A subject individual must complete and submit to the corporation the Criminal Records Request form and, if requested, a fingerprint card within three business days of receiving the forms. The corporation may extend the deadline for good cause.

(c) The corporation may require additional information from the subject individual as necessary to complete the criminal records check and fitness determination, such as, but not limited to, proof of identity; or additional criminal, judicial, or other background information.

(d) The corporation shall not request a fingerprint card from a subject individual under the age of 18 years unless the subject individual is emancipated pursuant to ORS 419B.550 et seq, or unless the corporation also requests the written consent of a parent or guardian. In such case, such parent or guardian and youth must be informed that they are not required to consent. Notwithstanding, failure to consent may be construed as a refusal to consent under OAR 863-003-0050(3).

(2) When the corporation determines under OAR xxx-xxx-xxxx that a criminal records check is required, the corporation may request or conduct a LEDS Criminal Records Check, an Oregon Criminal Records Check a Nationwide Criminal Records Check or any combination thereof.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0040

### Potentially Disqualifying Crimes

- (1) Crimes relevant to a fitness determination:

- (a) All felonies;
- (b) All misdemeanors; or
- (c) Any United States Military crime or international crime.

(2) The corporation shall evaluate a crime on the basis of Oregon laws and, if applicable, federal laws or the laws of any other jurisdiction that are valid and in effect at the time of the fitness determination.

(3) At no time will a subject individual be determined to be not fit under these rules because of a juvenile record that has been sealed or deleted in agreement with ORS 419A.260 and 419A.262.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0050

### Final Fitness Determination

(1) If a criminal records check is conducted, the corporation shall make a fitness determination about a subject individual based on:

- (a) Information given to the corporation by the subject individual;
- (b) Information received as a result of the criminal records check; and
- (c) Any false statements made by the subject individual and found during the fitness determination process.

(2) When considering these factors, the corporation may request additional information from the subject individual or any source inside or outside Oregon, including:

- (a) Law enforcement;
- (b) Criminal justice agencies; or
- (c) Courts.

(3) To obtain other criminal offender information from the subject individual, the corporation may request:

- (a) To meet with the person;
- (b) Written materials from the person; or
- (c) Authorization from the person to acquire relevant information from other sources.

(4) If requested, the subject individual must meet with or provide the requested information to the corporation within a reasonable period of time determined by the corporation.

(5) In making the final fitness determination, the corporation will consider:

(a) The nature of the crime;

(b) Facts that support the conviction or pending charge or that indicate the making of a false statement; and

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, or employment.

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, or employment. Intervening circumstances include but are not limited to:

- (A) The passage of time since the commission of the crime;
- (B) The age of the subject individual at the time of the crime;
- (C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(f) A recommendation of an employer.

(6) If a subject individual refuses to submit information or consent to a criminal records check, including fingerprint identification, the corporation shall deny the employment of the subject individual or deny any applicable position or authority to provide services. A person may not appeal any determination made based on a refusal to consent.

(7) If a subject individual is determined to be not fit, the subject individual may not be employed by the corporation or provide services as a volunteer, contractor or vendor to the corporation in a position covered by OAR xxx-xxx-xxxx.

(8) A completed final fitness determination is a final order of the corporation unless the affected subject individual appeals by requesting either a contested case hearing as provided by OAR xxx-xxx-xxxx or an alternative appeals process as provided by OAR xxx-xxx-xxxx.

(9) The corporation shall inform the subject individual who has been determined not to be fit on the basis of a criminal records check via personal service or registered or certified mail to the most current address provided by the subject individual.

Stat. Auth.: SB 99 (2011)

Stats. Implemented:

Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0060

### Hiring On a Preliminary Basis

(1) If the corporation conducts a criminal records check pursuant to these rules, the corporation, in its sole discretion, may hire, appoint or accept services from a subject individual on a preliminary basis pending completion of criminal records check when:

(a) The subject individual has provided all information (including a fingerprint card, if requested) as required by the corporation pursuant to OAR xxx-xxx-xxx; and

# ADMINISTRATIVE RULES

(b) The corporation, in its sole discretion, determines that it is in the corporation's best interests to hire, appoint, or accept services from the subject individual on a preliminary basis.

(2) A subject individual hired, appointed, or otherwise engaged to perform services on a preliminary basis under this rule may provide services, or participate in training, orientation, or work activities as deemed appropriate by the corporation.

(3) Nothing in this rule shall be construed as requiring the corporation to hire, appoint, or accept services from a subject individual on a preliminary basis.

Stat. Auth.: SB 99 (2011)  
Stats. Implemented:  
Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0070

### Incomplete Fitness Determination

(1) The corporation will close a preliminary or final fitness determination as incomplete when:

(a) Circumstances change so that a person no longer meets the definition of a "subject individual" under OAR xxx-xxx-xxxx;

(b) The subject individual does not provide materials or information under OAR xxx-xxx-xxxx within the time frames established under that rule;

(c) The corporation cannot locate or contact the subject individual;

(d) The subject individual fails or refuses to cooperate with the corporation's attempts to acquire other relevant information under OAR xxx-xxx-xxxx;

(e) The corporation determines that the subject individual is not eligible or not qualified for the position for a reason unrelated to the fitness determination process; or

(f) The position is no longer open.

(2) A subject individual does not have a right to a contested case hearing under OAR xxx-xxx-xxxx or a right to an alternate appeals process under OAR xxx-xxx-xxxx to challenge the closing of a fitness determination as incomplete.

Stat. Auth.: SB 99 (2011)  
Stats. Implemented:  
Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0080

### Contesting a Fitness Determination

(1) Purpose. Sections (2) – (5) of this rule set forth the contested case hearing process a subject individual must use to appeal a completed final fitness determination made under OAR xxx-xxx-xxxx that the individual is not fit to hold a position with, or provide services to the corporation as an employee, volunteer, contractor, or vendor. Section (6) of this rule identifies an alternative appeal process available only to current corporation employees, if applicable.

(2) Appeal Process

(a) To request a contested case hearing, the subject individual or the subject individual's legal representative must submit a written request for a contested case hearing to the address specified in the notice provided under OAR xxx-xxx-xxxx. To be timely, the request must be received by the corporation at the specified address within 14 calendar days of the date stated on the notice. The corporation shall address a request received after expiration of the deadline as provided under OAR 137-003-0528.

(b) When a timely request is received by the corporation under subsection (a), a contested case hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings, pursuant to the Attorney General's Uniform and Model Rules, "Procedural Rules, Office of Administrative Hearings" OAR 137-003-0501 to 137-003-0700, as supplemented by the provision of this rule.

(3) Discovery. The administrative law judge may protect information made confidential by ORS 181.534(15) or other applicable law as provided under OAR 137-003-0570(7) or (8).

(4) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(5) Proposed and Final Order:

(a) Proposed Order. After a hearing, the administrative law judge will issue a proposed order.

(b) Exceptions. Exceptions, if any, shall be filed within fourteen (14) calendar days after service of the proposed order. The proposed order shall provide an address to which exceptions must be sent.

(c) Default. A completed final fitness determination made under OAR xxx-xxx-xxxx becomes final: (A) unless the subject individual makes a timely request for a hearing; or (B) when a party withdraws a hearing

request, notifies the corporation or the administrative law judge that the party will not appear, or fails to appear at a hearing.

(6) Alternative Process. A subject individual currently employed by the corporation may choose to appeal a fitness determination either under the process made available by this rule or through a process made available by applicable personnel rules and policies, if any. A subject individual's decision to appeal a fitness determination through applicable personnel rules and policies is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(7) Remedy. The only remedy that may be awarded is a determination that the subject individual is fit or not fit. Under no circumstances shall the corporation be required to place a subject individual in any position, nor shall the corporation be required to accept services or enter into a contractual agreement with a subject individual.

(8) Challenging Criminal Offender Information. A subject individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation.

(a) To challenge information identified in this section of the rule, a subject individual may use any process made available by the agency that provided the information.

(b) If the subject individual successfully challenges the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation, the subject individual may request that the corporation conduct a new criminal records check and re-evaluate the original fitness determination made under OAR 863-003-0050 by submitting a new corporation criminal records request. This provision only applies if the position for which the original criminal history check is vacant and available.

(9) Appealing a fitness determination under section (2) or section (6) of this rule, challenging criminal offender information with the agency that provided the information, or requesting a new criminal records check and re-evaluation of the original fitness determination under section (8)(b) of this rule, will not delay or postpone the corporation's hiring process or employment decisions.

Stat. Auth.: SB 99 (2011)  
Stats. Implemented:  
Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0090

### Record Keeping, Confidentiality

Any information obtained in the criminal records check is confidential. The corporation must restrict the dissemination of information obtained in the criminal records check. Only those persons, as identified by the corporation, with a demonstrated and legitimate need to know the information, may have access to criminal records check records.

Stat. Auth.: SB 99 (2011)  
Stats. Implemented:  
Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

## 945-010-0100

### Fees

(1) The corporation may charge a fee for acquiring criminal offender information for use in making a fitness determination. In any particular instance, the fee shall not exceed the fee(s) charged the corporation by the Oregon Department of State Police and the Federal Bureau of Investigation to obtain criminal offender information on the subject individual.

(2) The corporation may charge a fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of a corporation contractor and is undergoing a fitness determination in that capacity, the corporation may charge a fee to the subject individual's employer.

Stat. Auth.: SB 99 (2011)  
Stats. Implemented:  
Hist.: OHIE 2-2011(Temp), f. & cert. ef. 8-24-11 thru 2-20-12

.....  
**Oregon Health Licensing Agency,  
Board of Cosmetology  
Chapter 817**

**Rule Caption:** Amend civil penalty assessment rules. Amend rules related to practicing as on or an individual with a communicable disease.

# ADMINISTRATIVE RULES

**Adm. Order No.:** BOC 4-2011(Temp)

**Filed with Sec. of State:** 9-13-2011

**Certified to be Effective:** 9-13-11 thru 3-11-12

**Notice Publication Date:**

**Rules Amended:** 817-090-0025, 817-090-0035, 817-090-0045, 817-090-0105, 817-120-0005

**Subject:** It is necessary to amend OAR 817-090-0025, 817-090-0035, and 817-090-0045 because the agency and the board do not have statutory authority to assess civil penalties for violations of ORS chapter 676 or OAR chapter 331 under OAR chapter 817.

It is necessary to amend OAR 817-090-0105 and 817-120-0005 because it is unlawful under the ADA for a state to prevent an individual from practicing cosmetology based on that individual's HIV/AIDS (communicable disease) status.

**Rules Coordinator:** Samantha Patnode—(503) 373-1917

## 817-090-0025

### Schedule of Penalties for Facility and Independent Contractor Registration Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license and independent contractor registration laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.015(2)(b) or 690.015(2)(e):

(a) Never licensed:

(A) 1st offense: \$500;

(B) 2nd offense: \$1000;

(C) 3rd offense: \$2500

(b) Inactive or expired license:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1,000

(c) Certificate, Authorization, or Registration Suspended or Revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Operating or purporting to operate as an independent contractor without independent contractor registration or with a dormant independent contractor registration is a violation of ORS 690.015 (2)(d) or 690.015(2)(e):

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$1,000

(3) Allowing an uncertified employee or uncertified individual under a person's supervision and control to practice in a field of practice is a violation of ORS 690.015(2)(g):

(a) Employee or individual who has never been certified:

(A) 1st offense: \$500;

(B) 2nd offense: \$1,000;

(C) 3rd offense: \$2,500

(b) Employee or individual with inactive, suspended, revoked, or expired certification:

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$1000

(4) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of 817-020-0006(1)(e) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12

## 817-090-0035

### Schedule of Penalties for Practitioner Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of practitioner licensing laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Performing, attempting to perform, or purporting to perform services in a field of practice without proper certification, authorization, registration or permit is a violation of ORS 690.015(2)(a) or 690.015(2)(e).

(a) Certificate, authorization, registration, or permit inactive or expired:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(b) Certificate, authorization, registration, permit never held:

(A) 1st offense: \$1,000;

(B) 2nd offense: \$2,500;

(C) 3rd offense \$5,000.

(c) Certificate, authorization, or registration suspended or revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Performing or attempting to perform services in a field of practice in an unlicensed facility is a violation of ORS 690.015(2)(c):

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000

(3) Performing in a field of practice by a student when not on the premises of an educational institution in which he or she is enrolled is a violation of OAR 817-100-0005:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12

## 817-090-0045

### Schedule of Penalties for Certificate/License/Registration/ Permit Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of certificate/license/registration/permit laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Altering with fraudulent intent or fraudulent use of a license, certificate, registration, permit or authorization issued by the agency is a violation of ORS 690.015(2)(j) or 690.015(2)(k):

(a) 1st offense: \$1,500;

(b) 2nd offense: \$3,500;

(c) 3rd offense: \$5,000.

(2) Failing to post a valid license, registration, certificate, permit or authorization issued by the agency in public view is a violation of ORS 690.095 and OAR 817-035-0110:

(a) 1st offense: \$100

(b) 2nd offense: \$200

(c) 3rd offense: \$500

(3) Failing to post the most recent inspection certificate in public view within the facility is a violation of OAR 817-035-0110:

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12

# ADMINISTRATIVE RULES

## 817-090-0105

### Schedule of Penalties for Client Health and Safety Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape is a violation of OAR 817-010-0040(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale is a violation of OAR 817-010-0085:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Failing to wear single-use disposable protective gloves while having open sores or skin lesions during any performance of service on a client is a violation of OAR 817-015-0030(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Performing services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(5) Failing to maintain client records for each client receiving esthetics or nail technology services, maintain client records on the premises of the facility or allow an enforcement officer access to review client records upon request is a violation of OAR 817-015-0065 or 817-015-0070:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(6) Failing to maintain required documentation of an FDA Class I or Class II manual or mechanical device or equipment, or to provide required documentation upon request is a violation of OAR 817-010-0065(10) or (14):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205  
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205  
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12

## 817-120-0005

### Practice Standards

(1) Practitioners must be guided by the highest standards of professional conduct.

(2) Practitioners shall act and practice in a manner which safeguards the public's health, safety, and welfare.

(3) All practitioners shall be appropriately clothed while providing services and shall be subject to public decency laws.

Stat. Auth.: ORS 676.605, 676.615 & 690.165  
Stats. Implemented: ORS 676.605, 676.615 & 690.165  
Hist.: BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-95, cert. ef. 7-1-96; Renumbered from 817-120-0010, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12

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

**Rule Caption:** Increase license fees for direct entry midwives to avoid bankruptcy and repeal the \$500 discount to new licensees.

**Adm. Order No.:** DEM 3-2011(Temp)

**Filed with Sec. of State:** 8-30-2011

**Certified to be Effective:** 9-1-11 thru 2-27-12

**Notice Publication Date:**

**Rules Amended:** 332-020-0020

**Subject:** Increase initial and renewal fees from \$630 per year to \$1800 per year to avoid bankrupting the board and repeal the \$500 discount for new licensees.

**Rules Coordinator:** Samantha Patnode—(503) 373-1917

## 332-020-0020

### Fees

(1) An applicant and licensee are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$150.

(B) License by reciprocity: \$750.

(b) Examination — Oregon laws & rules: \$50.

(c) Original issuance of license (including by reciprocity): \$1800 for one year.

(d) Renewal — License: \$1800 for one year;

(e) Reactivation of license: \$150.

(f) Other administrative fees:

(A) Delinquency fee: \$50 for each year in expired status up to three years.

(B) Replacement of license, including name change: \$25.

(C) Duplicate license document: \$25 per copy, with a maximum of three.

(D) Affidavit of licensure for reciprocity: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a non-sufficient funds or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615, 687.435 & 687.485

Stats. Implemented: ORS 676.605, 676.615, 687.435 & 687.485

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-1997(Temp), f. 7-22-97, cert. ef. 7-23-97; DEM 1-1999(Temp), f. 9-1-99, cert. ef. 9-9-99 thru 2-29-00; DEM 2-1999, f. 12-17-99, cert. ef. 12-20-99; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08; DEM 1-2010(Temp), f. 3-31-10, cert. ef. 4-1-10 thru 9-13-10; DEM 2-2010, f. & cert. ef. 9-9-10; DEM 3-2010(Temp), f. 9-29-10, cert. ef. 10-1-10 thru 3-30-11; DEM 5-2010, f. 12-30-10, cert. ef. 1-1-11; DEM 3-2011(Temp), f. 8-30-11, cert. ef. 9-1-11 thru 2-27-12

\*\*\*\*\*

## Oregon Housing and Community Services Department Chapter 813

**Rule Caption:** Landlord Notice Requirements to Tenants When a Manufactured Dwelling Park or Marina is Closed

**Adm. Order No.:** OHCS 7-2011

**Filed with Sec. of State:** 8-26-2011

**Certified to be Effective:** 8-26-11

**Notice Publication Date:** 6-1-2011

**Rules Adopted:** 813-065-0120, 813-065-0130, 813-065-0140, 813-065-0150, 813-065-0200, 813-065-0210, 813-065-0220, 813-065-0230, 813-065-0240

**Rules Repealed:** 813-008-0010, 813-008-0020, 813-008-0025, 813-008-0030, 813-008-0040, 813-065-0120(T), 813-065-0130(T), 813-065-0140(T), 813-065-0150(T), 813-065-0210(T), 813-065-0220(T), 813-065-0230(T), 813-065-0240(T)

**Rules Ren. & Amend:** 813-008-0005 to 813-065-0100, 813-008-0015 to 813-065-0110

**Subject:** 813-065-0100 through 813-065-0150 This set of rules includes new and amended notice requirements of landlords to tenants when a manufactured dwelling park is closed.

813-065-0200 through 813-065-0210 These are new rules that provide the notice requirements of landlords to tenants when a marina is closed.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-065-0100

### Purpose

OAR 813-065-0100 to 813-065-0150 are adopted for the purpose of carrying out the statutory requirements for notices that landlords of manufactured dwelling parks must give to tenants when a park is closed, under ORS 90.645, 90.650, 90.655 and 446.543.

# ADMINISTRATIVE RULES

Stat. Auth.: ORS 90.650 & 446.543  
Stats. Implemented: ORS 90.645, 90.650 & 446.543  
Hist.: HSG 4-1988, f. & ef. 10-19-88; HSG 7-1989, f. & cert. ef. 11-3-89; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; HSG 2-1997, f. & cert. ef. 10-6-97; OHCS 17-2002, f. & cert. ef. 12-5-02; Renumbered from 813-008-0005 by OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0110

### Park Closure Notice When Closure Not Required by Eminent Domain or Government Order

(1) When a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed under ORS 90.645(1) or (2), the landlord of the park shall provide at least the following information to the tenants of the park or the affected portion of the park, as applicable:

- (a) The information required by ORS 90.645(3);
- (b) The landlord's or representative agent's address for contact and communications;
- (c) The actions and activities the landlord plans to take in the facility closure that may affect the facility tenants;
- (d) The tenant's rights under ORS 90.645 for a 365-day closure notice including:

(A) A statement of the amount that the landlord is required to pay the tenant for each space for which a rental agreement is terminated;

(B) A notice that the landlord is not required to make the payment under ORS 90.645(1) unless the tenant gives the landlord not less than 30 days' and not more than 60 days' written notice of the date within the 365-day period on which the tenant will cease tenancy;

(C) A statement that if the manufactured dwelling is abandoned, the landlord may condition the payment upon waiver by the tenant under ORS 90.645(5) and may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling; and

(D) A statement of the rights of the landlord and the tenant under ORS 90.645(6), (7) and (8);

(e) The tenant's rights under ORS 90.645 for a 180-day closure notice, if applicable, including:

(A) A statement of the amount that the landlord is required to pay the tenant for each space for which a rental agreement is terminated and a statement that if the circumstances eliminating the payment obligation under ORS 90.645(2) apply, the landlord is not required to make the payment; and

(B) A notice that the landlord is not required to make the payment under ORS 90.645(1) unless the tenant gives the landlord not less than 30 days and not more than 60 days written notice of the date within the 365 day period on which the tenant will cease tenancy;

(C) A statement that if the manufactured dwelling is abandoned, the landlord may condition the payment upon waiver by the tenant under ORS 90.645(5) and may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling; and

(D) A statement of the rights of the landlord and the tenant under ORS 90.645(6), (7) and (8); and

(f) A copy of ORS 90.645 and the definitions in ORS 90.100 for "landlord," "manufactured dwelling," "manufactured dwelling park," "month-to-month tenancy," "rental agreement," and "tenant"

(2) A landlord shall deliver the notice to which this rule applies either personally or by first class mail, as "first class mail" is defined in ORS 90.100, to each affected tenant. A landlord shall deliver the notice so that the tenant receives the notice not later than the 365th day or the 180th day, as applicable, before the date designated in the notice for termination. The notice shall be delivered to the tenant at the address specified in the lease or rental agreement between the tenant and the landlord. In any sublet unit, the notice shall be delivered to the tenant at the tenant's current address and to the subtenant in possession. If the tenant's address is unknown and not reasonably discoverable, the notice for the tenant shall be delivered to the subtenant with written instructions to forward it to the tenant. Failure of the subtenant to deliver the notice to the tenant does not limit the landlord's right to terminate the rental agreement because of facility closure.

(3) For the notice of the closure of a manufactured dwelling park or part of a park that the landlord of the park must give tenants under ORS 90.645(3), the Office of Manufactured Dwelling Park Community Relations establishes the sample form designated for the notice on the department's website under the Community Service connection. The sample form is also available upon request from the department.

Stat. Auth.: ORS 90.650 & 446.543  
Stats. Implemented: ORS 90.645, 90.650 & 446.543  
Hist.: HSG 4-1988, f. & ef. 10-19-88; HSG 7-1989, f. & cert. ef. 11-3-89; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; HSG 2-1997, f. & cert. ef. 10-6-97; OHCS 17-2002, f. & cert. ef. 12-5-02; Renumbered from 813-008-0015 by

## 813-065-0120

### Park Closure Notice When Closure is Required by Eminent Domain or Government Order

(1) When a manufactured dwelling park or a portion of the park that includes the space for a manufactured dwelling is to be closed under ORS 90.645(9), the landlord of the park shall provide at least the following information to the tenants of the park or the affected portion of the park, as applicable:

- (a) The information required by ORS 90.645(9);
- (b) The landlord's or representative agent's address for contact and communications;
- (c) The actions and activities the landlord plans to take in the facility closure that may affect the facility tenants;
- (d) A copy of ORS 90.645 and of this OAR chapter 813, division 008, and the definitions in ORS 90.100 for "landlord," "manufactured dwelling," "manufactured dwelling park," month to month tenancy," "rental agreement" and "tenant"; and

(2) When the federal, state or local law or order that requires closure or partial closure of a manufactured dwelling park under ORS 90.645(9) is known by the landlord to provide greater rights or protections for a tenant than are provided by ORS 90.645(9), including government relocation benefits, the landlord shall do the following:

(a) Modify the notice required to be furnished to tenants by section (1) of this rule so that the notice explains the greater rights or protections and retains material that is otherwise required and applicable, or give the notice required under the federal, state or local law and include all material in the notice required by section (1) of this rule that remains applicable; and

(b) Include with the notice a copy of the applicable law or order.

(3) A landlord shall deliver the notice to which this rule applies either personally or by first class mail, as "first class mail" is defined in ORS 90.100, to each affected tenant. A landlord shall deliver the notice so as to ensure that the tenant is given the full 15 days' notice. The notice shall be delivered to the tenant at the address specified in the lease or rental agreement between the tenant and the landlord. In any sublet unit, the notice shall be delivered to the tenant at the tenant's current address and to the subtenant in possession. If the tenant's address is unknown and not reasonably discoverable, the notice for the tenant shall be delivered to the subtenant with written instructions to forward it to the tenant. Failure of the subtenant to deliver the notice to the tenant does not limit the landlord's right to terminate the rental agreement because of facility closure.

(4) For the notice of closure of a manufactured dwelling park or part of a park that the landlord of the park must give tenants under ORS 90.645(9), the Office of Manufactured Dwelling Park Community Relations establishes the sample form designated for the notice on the Department's website under the Community Service Division connection. The sample form is also available upon request from the Department.

Stat. Auth.: ORS 446.543  
Stats. Implemented: ORS 90.645, 90.650 & 446.543  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0130

### Park Closure Notice When Local Laws are More Stringent

When an ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures adopted by a local government continues to apply to a manufactured dwelling park under ORS 90.660, if the local law provides greater rights or protections for a tenant than are provided by ORS 90.645, the landlord shall do the following:

(1) Modify the notice required to be furnished to tenants by ORS 90.645 and either OAR 813-065-0110 or 813-065-0120 as applicable, so that the notice explains the greater rights or protections under the local law and retains material that is otherwise required and applicable, or give the notice required under the local law and include all material in the notice required by section (1) of this rule that remains applicable.

(2) Include with the notice a copy of the local law that applies.

Stat. Auth.: ORS 90.650 & 446.543  
Stats. Implemented: ORS 90.645, 90.650 & 446.543  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0140

### Copy of Park Closure Notice to Department; Tenant Contacts

When a landlord gives notice of closure of a manufactured dwelling park to tenants of the park as required by OAR 813-065-0110, 813-065-



# ADMINISTRATIVE RULES

0120 or 813-065-0130, the landlord shall also furnish all of the following to the Department:

(1) A copy of the entire notice given to the tenants. The copy must include copies of any accompanying statutes, rules and local laws, except that instead of the statutes and rules, the landlord may provide specific statute and rule number citations. If the landlord gives notices with differing content to different categories of tenants, the landlord shall furnish to the Department a copy of each such notice given. If local laws apply under OAR 813-008-0130, the landlord shall also furnish a copy of the applicable local laws.

(2) A list of the names of all tenants to whom the landlord gave the notice, with contact information for each tenant that includes the tenant's address, space number and phone number.

Stat. Auth.: ORS 90.650 & 446.543  
Stats. Implemented: ORS 90.645, 90.650 & 446.543  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0150

### Notice of Tax Credit Eligibility Upon Closure of Park; Sample Form

For the notice of tax credit and right to appeal that a landlord of a manufactured dwelling park is required by ORS 90.650 to give to a tenant when a manufactured dwelling park is closed, the Office of Manufactured Dwelling Park Community Relations establishes the sample form designated for the notice on the Department's website. The sample form is also available upon request from the Department.

Stat. Auth. ORS 90.650  
Stats. Implemented ORS 90.645 & 90.650  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0200

### General Purpose

OAR 813-065-0200 to 813-065-0240 are adopted for the purpose of carrying out the requirements of ORS 90.671 for notices that landlords of marinas must give to tenants when a marina is closed.

Stat. Auth.: ORS 90.671  
Stats. Implemented: ORS 90.671  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0210

### Closure Notice of Marina

(1) When a landlord is required by ORS 90.671(1) to give a tenant written notice of termination of a rental agreement because the marina or portion of a marina is closing and the land or leasehold is being converted to a different use, the landlord shall provide at least the following information in the notice:

(a) The landlord's or representative agent's address for contact and communications;

(b) The firm date set for the closure of the marina or of the relevant portion of the marina;

(c) The actions and activities the landlord plans to take in the closure that may affect the marina tenants;

(d) The landlord's obligations under ORS 90.671;

(e) The tenant's rights for a 365-day closure notice or 180-day closure notice, as applicable, including the right, if any, for payment of moving expenses under OAR 813-065-0240 and the eligible moving expenses described in OAR 813-065-0230;

(f) The voluntary benefits, if any, to be provided to the tenant by the landlord or contracted between the parties, together with any shortened period between notice and termination of the rental agreement arising therefrom;

(g) A copy of ORS 90.671 and OAR 813-065-0200 to 813-065-0240;

(h) Any definitions of statutory terms used in OAR 813-065-0200 to 813-065-0240, applicable to the tenant's rights under the rules; and

(i) A copy of any city or county regulations, laws or ordinances that apply to tenant interests in closures of marinas and, if the local regulations, laws or ordinances provide greater rights and protection than are available under state law, a statement that the tenant may be entitled to the greater rights and protections and a description of the additional rights and protections that apply.

(2) When a landlord is required by ORS 90.671(7) to give a tenant written notice of termination of a rental agreement and the applicable federal, state or local law or order is known by the landlord to provide greater rights or protections for a tenant than are provided by ORS 90.671(7), including government relocation benefits, the landlord shall furnish the tenant a copy of the applicable law or order and:

(a) In the notice required by ORS 90.671(7), shall include an explanation of the greater rights; or

(b) Instead of the notice required by ORS 90.671(7), if the federal, state or local law requires a notice of the rights or protections, shall provide that notice along with all material in the notice required by ORS 90.671(7).

(3) The landlord shall deliver a notice required by ORS 90.671 personally or by first class mail to each affected tenant so that the tenant receives the notice not later than the applicable required number of days before the date designated in the notice for termination. The notice must be delivered to the tenant at the address specified in the lease or rental agreement between the tenant and the landlord. In any sublet unit, the notice must be delivered to the tenant at the tenant's current address and to the subtenant in possession. If the tenant's address is unknown and not reasonably discoverable, the landlord shall deliver the tenant's copy to the subtenant with written instructions to forward it to the tenant. Failure of the subtenant to deliver the copy to the tenant does not limit the landlord's right to terminate the rental agreement because of the closure.

Stat. Auth.: ORS 90.671  
Stats. Implemented: ORS 90.671  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0220

### Alternate Marina Space

(1) The landlord shall notify the tenant, in writing, of alternate space to which the tenant can move the floating home at least 45 days before delivering a 180-day notice of termination.

(2) The tenant may determine, solely at the judgment and discretion of the tenant, if the alternate space identified in the notice given under section (1) of this rule is acceptable and shall notify the landlord in writing of the tenant's decision not later than the 20th day after the tenant receives the notice.

(3) The landlord shall secure the space acceptable to the tenant from the time of acceptance until the date the relocated floating home is approved for the tenant's occupancy. Costs to secure the space for this period must be included in the landlord-paid moving expenses.

Stat. Auth.: ORS 90.671  
Stats. Implemented: ORS 90.671  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0230

### Moving and Set Up Expenses

(1) The landlord shall pay or reimburse actual moving and set-up expenses, as agreed by the landlord and the tenant, for moving the tenant's floating home, together with all possessions. Eligible expenses include, but are not limited to:

(a) Costs for disconnecting and reconnecting utilities, including fees related thereto;

(b) Costs for disconnecting and reinstalling any awning or deck;

(c) Any governmental fees relating to moving and inspecting the floating home;

(d) Costs of moving the floating home;

(e) Set-up charges;

(f) Costs for floating home improvements necessary to meet destination marina space standards;

(g) Costs for packing and unpacking contents of the floating home as necessary for relocation of an elderly or disabled person;

(h) Costs for temporary housing and meals for the tenant during relocation and set up; and

(i) Landlord expenses to secure the relocation space from the time of tenant acceptance until the date the relocated floating home is approved for occupancy.

(2) This rule does not require a landlord to pay an amount of moving and set-up expenses that exceeds actual costs or \$3,500, whichever is less, unless the landlord otherwise agrees.

Stat. Auth.: ORS 90.671  
Stats. Implemented: ORS 90.671  
Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## 813-065-0240

### Payment of Expenses

(1) The tenant and landlord shall agree in writing upon the moving and set-up method and the source of services to be provided for the method not less than the 20th day before the tenant's required moving date.

(2) The landlord shall timely pay unpaid billings directly to the vendor and shall reimburse the tenant for appropriate expenses paid directly by

# ADMINISTRATIVE RULES

the tenant if the tenant submits billings or paid receipts for the expenses within ten days after receiving the billings or receipts. The landlord shall reimburse the tenant not later than the 20th day after the tenant submits the billings or receipts.

(3) The landlord may contract directly with vendors for the tenant's move if the services are mutually agreed upon in writing by the landlord and tenant and are performed by appropriately registered or licensed and bonded personnel.

(4) If the landlord and tenant do not reach an agreement in a timely manner prior to the tenant's required moving date, the landlord shall timely reimburse the tenant for appropriate moving and set-up expenses consistent with this rule.

Stat. Auth.: ORS 90.671

Stats. Implemented: ORS 90.671

Hist.: OHCS 4-2011(Temp), f. & cert. ef. 3-1-11 thru 8-27-11; OHCS 7-2011, f. & cert. ef. 8-26-11

## Oregon State Lottery Chapter 177

**Rule Caption:** Announcement of Draw game results; Purchase of Keno ticket for future drawing

**Adm. Order No.:** LOTT 4-2011

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 9-1-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 177-070-0016, 177-099-0015

**Rules Amended:** 177-099-0000, 177-099-0020, 177-099-0030

**Subject:** The Oregon State Lottery has adopted and amended the above referenced administrative rules to specify the conditions for publicizing Draw game results to the public, and to authorize an option for the Keno game which allows the purchase of a ticket for a future drawing and future consecutive drawings.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

### 177-070-0016

#### Draw Game Results

(1) General: As a convenience to Lottery players and the public, the Lottery may publicize Draw game results in any manner the Director determines is appropriate.

(2) Disclaimer: Draw game results which are publicized for the convenience of Lottery players and the public are not the official results of a drawing and will not be used to determine a winning ticket. A Draw game ticket is not a winning ticket until it is presented to the Lottery or to a Lottery retailer and is validated as a winning ticket through the Lottery's central computer system in accordance with the provisions of OAR Chapter 177.

Stat. Auth.: ORS 461, OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.300, 461.200

Hist.: LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11

### 177-099-0000

#### Definitions

For the purposes of Keno, the following definitions apply except as otherwise specifically provided in OAR Chapter 177 or unless the context requires otherwise:

(1) "Exchange ticket" means a computer-generated, printed paper issued by a terminal to replace a game ticket that had been purchased for play in multiple drawings and was validated before the latest drawing appearing on the game ticket. An exchange ticket shall contain the exact game play and future drawing dates appearing on the validated game ticket it is replacing and shall have all other characteristics of a game ticket except as otherwise stated in these rules. An exchange ticket shall not contain a ticket price.

(2) "Game play" means the number or group of numbers appearing on a ticket for a particular spot which is compared to the winning numbers, selected at the drawings appearing on the ticket, to determine the prize payment for which the ticket may be redeemed.

(3) "Game slip" or "play slip" means a paper form used by a player to select a game play, that indicates the amount the player will play on the ticket containing the game play, the number of drawings in which the ticket will be played, the choice to play the Special Keno option, the choice to select the Keno Multiplier option, and the choice to select the Keno To Go option. Only one game play may be marked on each game slip.

(4) "Game ticket" or "ticket" means a computer-generated, printed paper issued by a terminal as a receipt for the game play selected by a play-

er and which contains the following: the caption "Keno", one game play, the date of purchase, the number of consecutive drawings in which the ticket will be played, the identifying number for each such drawing, the price of the ticket, a six-digit retailer number, a serial number, and a bar code. If the player selects one or more Keno options, the game ticket will also contain:

(a) The phrase "Special Keno" if that option has been selected;

(b) The phrase "Keno Multiplier" if that option has been selected; and  
(c) The hour on which a game or consecutive games will begin.

(5) "Keno Multiplier" means the Keno and Special Keno play option whereby a player, by paying an additional one dollar for each dollar wagered on a Keno or Special Keno game play, may be entitled to receive a larger prize for correctly selecting winning numbers. Keno Multiplier multiplies the amount of certain prizes won in a game play. Keno Multiplier is an optional, limited extension of the Keno and Special Keno game.

(6) "Keno To Go" means a play option which permits a player to purchase a ticket or tickets for a future Keno drawing or future consecutive Keno drawings as permitted by the Lottery.

(7) "Quick Pick" means the random selection of numbers by a terminal that appear as the game play on a ticket.

(8) "Special Keno" means an optional variation of the Keno prize payment and odds structure as defined in OAR 177-099-0090 which may be selected by the player.

(9) "Spot" means the amount of numbers a player may play for a game play. A player may play from one spot, i.e., one number, to ten spots, i.e., ten different numbers.

(10) "Draw game terminal" or "Terminal" has the meaning set forth in OAR 177-070-0005(4).

(11) "Winning numbers" means the twenty numbers, from one to eighty, that are selected at each drawing that are used to determine winning game plays contained on the game tickets.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 7-1998(Temp), f. & cert. ef. 11-13-98 thru 5-7-99; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11

### 177-099-0015

#### Keno To Go

(1) General: Beginning August 30, 2011 at 5:00 a.m., Lottery may permit a player to purchase a Keno ticket for a future drawing or for future, multiple, consecutive drawings as permitted by the Lottery. To purchase a Keno ticket for a future drawing or for future, multiple, consecutive drawings, a player must select the Keno To Go option on the Keno play slip and mark the appropriate boxes on the play slip. There is no additional charge for the Keno To Go option.

(2) Disclaimer: The Director, in the Director's sole discretion, is authorized to initiate and terminate the Keno To Go option.

Stat. Auth.: ORS 461, OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.300, 461.200

Hist.: LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11

### 177-099-0020

#### Price

(1) General: The price of a ticket is determined by the amount of money a player chooses to play on the game plays selected, multiplied by the number of drawings in which the ticket will be played. A player may also choose the Keno Multiplier option that will increase the cost of the ticket by \$1.00 for every \$1.00 wagered.

(2) Number of Drawings: A ticket may be purchased for one drawing or for multiple, consecutive drawings.

(a) A player may purchase a ticket for a single drawing for \$1.00 to \$5.00, in whole dollar amounts, \$10.00, or \$20.00.

(b) The price of a ticket for play in multiple, consecutive drawings is the price of a ticket for a single drawing, ranging from \$1.00 to \$5.00, \$10.00 or \$20.00 as selected by the player, multiplied by the number of consecutive drawings in which the ticket will be played.

(3) Minimum Price: The minimum ticket price for multiple, consecutive drawings is \$2.00 (\$1 x 2 consecutive drawings = \$2).

(4) Maximum Price: The maximum ticket price for any Keno ticket is \$100.00.

(5) Multiple Drawings: A ticket purchased for multiple, consecutive drawings is limited solely to the following options: 1, 2, 3, 4, 5, 10, 15, 20, 50, or 100 consecutive drawings so long as the price of a ticket does not exceed \$100.00.

# ADMINISTRATIVE RULES

(6) Price with Options: If a player adds the Keno Multiplier option to a Keno or Special Keno game play, the player may only play a maximum of 50 consecutive draws at \$2, for a total of \$100.

(7) Rejected Game Slip: A game slip indicating a price greater than \$100 is automatically rejected by the terminal.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461  
Stats. Implemented: ORS 461.200  
Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11

## 177-099-0030

### Ticket Purchase, Characteristics, and Restrictions

(1)(a) General: Keno tickets may be purchased every day of the year during the hours of operation of the Lottery's central computer system and a Lottery retailer's business hours.

(b) Default: A player may purchase a ticket for play under either the Keno prize structure set forth in OAR 177-099-0080, or the Special Keno prize structure set forth in OAR 177-099-0090. If a player does not select the Special Keno option when purchasing a ticket, the ticket is played under the Keno prize structure.

(c) Multiplier Option: A player may purchase the Keno Multiplier option on any Keno or Special Keno game play as set forth in OAR 177-099-0020(6). If a player does not select the Keno Multiplier option when purchasing a ticket, the ticket is played under the Keno or Special Keno prize structure.

(d) Keno To Go Option: A player may select the Keno To Go option on any Keno or Special Keno game play. If a player does not select the Keno To Go option when purchasing a ticket, the ticket is valid for the next Keno drawing following the time of purchase and for the following consecutive drawings purchased on that ticket.

(2)(a) Ticket Purchase: Tickets may be purchased either from a terminal operated by a retailer, i.e., a clerk-operated terminal, or from a terminal operated by the player, i.e., a player-operated terminal. To play Keno, a player must complete a game slip for input into a terminal, request a Quick Pick from a clerk, or request a Quick Pick using a player-operated terminal.

(b) Completing a Game Slip: A player must choose a game play by one of two methods. A player may select from one to ten numbers from the eight number choices contained on the game slip. Alternatively, the player may select the Quick Pick option. A player must also complete the selections on the game slip regarding the amount of money to be played on the ticket per drawing, and the number of multiple, consecutive drawings in which to play the ticket. The player may select any or all of the following options:

- (A) The Special Keno option;
- (B) The Keno Multiplier option; and
- (C) The Keno To Go option.

(c) Purchasing a Ticket from a Clerk-Operated Terminal: After the player completes a game slip and submits it along with the price of the ticket to the clerk, the clerk shall use the terminal to issue a ticket to the player. The player may also request that a clerk, without using a game slip, electronically submit a request for a Quick Pick through the terminal with the player informing the clerk of the wager amount, the number of spots to be played, the Keno or Special Keno option, the Keno Multiplier option, the number of multiple, consecutive drawings to be played, the number of tickets, and whether the player wants the Keno To Go option.

(d) Purchasing a Ticket from a Player-Operated Terminal: A player may purchase a ticket from a player-operated terminal by following the instructions appearing on the screen of the terminal. Once the player has inserted the player's money into the terminal, verified the player's age, completed the game slip and inserted it into the terminal, the terminal will issue a ticket to the player. The player may also request a Quick Pick without using a game slip by using the player-operated terminal. A player requesting a Quick Pick from a player-operated terminal without using a game slip must select the wager amount, the number of spots to be played, the Keno or Special Keno option, the Keno Multiplier option, the number of multiple, consecutive drawings to be played, the number of tickets, and whether the player wants the Keno To Go option.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461  
Stats. Implemented: ORS 461.200  
Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11

**Rule Caption:** Establishes requirements for Oregon Lottery second chance drawings

**Adm. Order No.:** LOTT 5-2011(Temp)

**Filed with Sec. of State:** 9-2-2011

**Certified to be Effective:** 9-2-11 thru 1-29-12

**Notice Publication Date:**

**Rules Adopted:** 177-052-0000, 177-052-0010, 177-052-0020, 177-052-0030, 177-052-0040, 177-052-0050, 177-052-0060, 177-052-0070

**Subject:** The proposed rulemaking and the temporary rules, set forth the requirements for second chance drawings conducted by the Oregon Lottery.

these are drawings in which an eligible non-winning Oregon Lottery ticket is submitted to the Oregon Lottery for entry into a drawing for the chance to win a prize.

These new rules set forth eligibility and entry requirements, the method for selecting winners, how the odds of winning are determined, winner notification, the method and time period for claiming a second chance drawing prize, and the governing law.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

## 177-052-0000

### Purpose

The purpose of this division of OAR chapter 177 is to authorize and set forth the provisions for second chance drawings that the Oregon Lottery® may conduct from time to time. This division is not applicable to any second chance drawings that a Lottery retailer may operate under OAR 177-040-0200.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0010

### Definitions

(1) **“Active Scratch-it™ game”** means a Lottery Scratch-it™ game that has not officially ended as set forth in OAR 177-050-0100.

(2) **“Entry Requirements”** means the instructions that specify how to enter a second chance drawing.

(3) **“Second Chance Drawing”** or **“2nd Chance Drawing”** means a drawing in which an eligible non-winning Oregon Lottery® ticket is submitted to the Oregon Lottery® for entry into a drawing for a chance to win a prize.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0020

### Eligibility

(1) **Requirements:** To be eligible to win a prize in a second chance drawing, a person must meet the following eligibility requirements:

- (a) Be a natural person 18 years of age or older;
- (b) Must reside in the United States;
- (c) 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 a second chance drawing or is prohibited from playing Oregon Lottery® games.

(d) Must submit a valid entry with the required information through whichever method for entry the Lottery requires for the particular second chance drawing. All entries must be submitted by the deadline specified for the second chance drawing.

(2) **Person Ineligible:** If at any time the Lottery determines that a person who submitted a second chance drawing entry does not meet the requirements listed in section (1) of this rule, that person is disqualified and is ineligible for a prize. If the Lottery determines that a person is disqualified before the second chance drawing is conducted, any entries submitted by that person are void, may be removed from the drawing, or any prize won may be forfeited and may be awarded to an alternate eligible winner at the discretion of the Lottery. If a person who receives a prize in a second chance drawing is later disqualified, the person may be required to forfeit the prize and return it to the Lottery.

# ADMINISTRATIVE RULES

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0030

### Entry Requirements

(1) **Method of Entry:** The Lottery will determine the method of entry for any second chance drawing, which may include, but is not limited to, electronic entry through a website, mail, or walk-in entries.

(2) **Electronic Entry:** To submit a valid electronic entry, a person must:

- (a) Register as a member on a Lottery designated website;
- (b) Enter the Game ID number, the box code, and the ticket code from the Lottery game ticket that is eligible for the particular second chance drawing;
- (c) Provide any additional information as required by the Lottery; and
- (d) Submit the electronic entry prior to the deadline for submission of entries for the second chance drawing as announced by the Lottery.

(3) **Mail or Walk-in Entry:** To submit an entry by mail or personal delivery to the Lottery, if such entry is specifically authorized by the Lottery for a particular second chance drawing, a person must:

(a) Submit an entry with the required information provided legibly and accurately in all blanks on the form. The entry may contain only one entrant's name. Illegible entries are invalid.

(b) Mail the entry to the Oregon Lottery®, P.O. Box 14515, Salem, Oregon 97309 or deliver the entry to the Oregon Lottery® Headquarters, 500 Airport Road SE, Salem, Oregon 97301 by the deadline specified in the second chance drawing. The entry must be received during the Lottery's business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. PST, excluding holidays and furlough closure days.

(4) **Ticket Requirements:** Only one Lottery game ticket may be used for each entry. If the second chance drawing specifies use of a Scratch-it™ ticket for entry into the drawing, only a Lottery Scratch-it™ game ticket from an active Scratch-it™ game is eligible for entry into the second chance drawing.

(5) **Single Entrant:** Only one person per entry may submit an entry for a second chance drawing. An entry with more than one name on the entry form is invalid.

(6) **Other Entry Requirements:** The Lottery may establish additional entry requirements for any second chance drawing. These additional requirements will be posted on a Lottery website or as otherwise announced by the Lottery.

(7) **Invalid Entry:** Failure to follow any of the entry requirements of a second chance drawing will invalidate the entry. An invalid entry is void and is not eligible for a second chance drawing prize. Invalid entries will not be returned to the entrant.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0040

### Odds of Winning

(1) **General:** The odds of winning a second chance drawing depend on the total number of entries received.

(2) **Multiplier:** The Lottery may use a multiplier to increase the number of entries a single second chance drawing entry receives. When a multiplier is used, the odds of winning depend on the total number of entries received plus the calculations of the multiplier, which increases the total number of entries.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0050

### Selection of Winners

(1) **When Drawing Held:** A second chance drawing will be held at such date, time, place, and in such manner as is determined by the Lottery and will be conducted only after the deadline for submitting entries has closed, as announced by the Lottery.

(2) **Random Drawing:** During the drawing for each available prize in a second chance drawing, the Lottery will randomly select a winner from all the entries submitted for that drawing. Only valid entries that have been submitted to the Lottery are eligible for selection as a winner.

(3) **Selection of Winning Ticket:** To select a winner, the Lottery or its authorized agents, may conduct a manual or electronic drawing, or may use any other selection procedure as determined by the Lottery that ensures a random selection of a winner for a prize in the particular second chance drawing.

(4) **Suspension or Cancellation of Drawing:** At the discretion of the Lottery Director, a second chance drawing may be suspended. If the Director suspends a drawing the Director may hold a replacement drawing or cancel the drawing. If the second chance drawing is canceled, the Lottery, in its sole discretion, may provide an entrant who entered the drawing with a coupon for a Lottery product, or a promotional reward, the value of which shall be solely determined by Oregon Lottery. This is an entrant's sole and exclusive remedy.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0060

### Winner Notification and Claiming of Prizes

(1) **Second Chance Prize Notification:** The Lottery will notify the winner of a second chance drawing by e-mail. The Lottery may also notify the winner by telephone or by mailing a certified letter through the U.S. Postal Service. The effective date of notification is the date the initial e-mail notification is sent by the Lottery as noted electronically within the Lottery's information processing system.

(2) **Time Limits for Claiming Prize:** A winner of a second chance drawing has 60 days from the date of the e-mail notification in which to claim the prize.

(3) **Forfeiture of Prize:** If the winner of a second chance drawing is determined by the Lottery to be ineligible or fails to respond to the notification to claim the prize within 60 days, then the winner forfeits the prize.

(4) **Claim Forms:** As a condition of receiving a prize, the Lottery may require the winner to submit a claim form to the Lottery. To be valid, the claim form must contain the required information, such as name, address, signature or identifying mark, social security number (if applicable), and a valid reference number. Only the person who submitted the entry may claim the prize. A second chance drawing prize may not be claimed by multiple owners. A valid claim form must be received by the Lottery within the applicable time period for claiming a prize. An invalid claim form will not be accepted by the Lottery and will be returned to the claimant. The claimant may resubmit a valid claim form as long as the time for claiming the prize has not expired.

(a) **Electronic Claim Form:** The Lottery may require that the claimant submit an electronic claim form through the Internet. The electronic claim form is received by the Lottery when the form enters the Lottery's information processing system in a retrievable form. The electronic claim form will be deemed received at the time and date noted electronically by the Lottery's information processing system. An electronic claim form must include the claimant's electronic signature that meets the requirements specified by the Lottery on the instructions for the claim form.

(b) **Paper Claim Form:** Unless specified otherwise, the Lottery may permit a claimant to submit a paper claim form. The paper claim form is deemed received by fax to (503) 540-1001 or upon physical delivery to the Oregon Lottery® Headquarters, 500 Airport Road SE, Salem, Oregon 97301, either in person, or by delivery service, or through the U.S. mail to the Oregon Lottery®, P.O. Box 14515, Salem, Oregon 97309. The claim form must be received by the Lottery during the Lottery's business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. PST, excluding holidays and furlough closure days.

(5) **Identification:** The Lottery may require that a prize be claimed in person at the Oregon Lottery® Headquarters, 500 Airport Road SE, Salem, Oregon 97301. At any time, the Lottery may require the claimant to present valid proof of identity to confirm that the claimant is the person who submitted the second chance drawing entry. A claimant who is unable to present valid identification upon request is ineligible to receive a prize.

(6) **Delivery of Prize:** The Lottery may require the winner of a second chance drawing prize to claim the winner's prize at the Oregon Lottery® Headquarters, 500 Airport Road SE, Salem, Oregon 97301, or the Lottery may mail or otherwise deliver the prize to the winner's address if it is within the United States.

(7) **Taxes and Fees:** Unless otherwise stated by the Lottery in the terms for a particular second chance drawing, all taxes and fees are the responsibility of the winner claiming the prize.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

## 177-052-0070

### Governing Law

(1) **Compliance with Law and Terms:** By entering a second chance drawing, a person agrees to abide by and comply with Oregon law, including the statutes and administrative rules governing second chance drawings,

# ADMINISTRATIVE RULES

and any additional terms and entry requirements for a second chance drawing as posted by the Lottery, which are in effect, and which may be amended from time to time.

(2) **Decisions of the Director:** The decisions of the Director, including, but not limited to, the amount or nature of a prize, the validity of an entry, whether an entry is a winner, whether it was submitted in error, and whether an entrant has won a prize, are final.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)  
Stats. Implemented: ORS 461.220, 461.230 & 461.250  
Hist.: LOTT 5-2011(Temp), f. & cert. ef. 9-2-11 thru 1-29-12

\*\*\*\*\*

**Rule Caption:** Describes how Lottery collects cash slip amounts from video retailer's EFT account; limits reimbursement.

**Adm. Order No.:** LOTT 6-2011(Temp)

**Filed with Sec. of State:** 9-15-2011

**Certified to be Effective:** 9-18-11 thru 3-5-12

**Notice Publication Date:**

**Rules Amended:** 177-200-0020, 177-200-0032

**Subject:** The Oregon State Lottery has adopted temporary rules to amend OAR 177-200-0010 and 177-200-0032 to clarify when a Video Lottery<sup>SM</sup> retailer may not validate and pa a cash slip, and describes how the Lottery collects from a retailer's EFT account the amount for cash slips that are not paid to the retailer. Other amendments clarify when a retailer will not be reimbursed for improperly paying a cash slip.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

## 177-200-0020

### Payment of Video Lottery<sup>SM</sup> Game Cash Slips

(1) **Original Cash Slip:** Except as set forth in sections (7) and (8) of this rule, an original cash slip is the only valid receipt for claiming prizes or for redeeming credits remaining on a terminal. A copy of a cash slip has no pecuniary or prize value and does not constitute evidence of a cash slip.

(2) **Retailer Validation Requirements:** A retailer shall pay a cash slip only if:

(a) The cash slip is presented for payment at the retailer location that issued the cash slip.

(b) The individual presenting the cash slip is 21 years of age or older and authorized to play under these rules and Oregon statutes.

(c) The cash slip is presented to the retailer within 28 days of the date it was properly issued.

(d) It is intact and legible and meets all the Lottery's security requirements.

(e) It is not counterfeit, fraudulent, lacking the correct captions, altered, tampered with in any manner, or obtained from the Lottery or Lottery retailer by any fraudulent means.

(f) The information appearing on the cash slip corresponds with the computer record of the cash slip data recorded in the Lottery's central computer system.

(g) It has not been previously paid, and

(h) It is not a prize that must be validated and paid at Lottery Headquarters in Salem, such as a Jackpot Prize.

(3) **Retailer Validation Exception:** If a cash slip is not intact or legible, the prize or credits that would have otherwise appeared on the cash slip may nevertheless be paid by the retailer as follows:

(a) **Software Validation:** Upon notification by a player that a Video Lottery<sup>SM</sup> game terminal issued a cash slip that is not intact or legible, the retailer shall obtain a validation number from the terminal. If the retailer is able to obtain a validation number from the terminal that corresponds to the time and amount of the credits claimed by the player, then the retailer shall validate the prize or credits that would otherwise have appeared on the cash slip through the validation terminal and pay the player.

(A) **Software Validation Report:** If the retailer pays the player pursuant to section (3)(a) of this rule, the retailer must complete a Retailer Software Validation Report signed by the player and the retailer. The retailer must retain the report for one year. The retailer must group the reports by month and must make them available for audit by the Lottery immediately upon request. The retailer must retain and attach the damaged or illegible cash slips to the reports.

(B) **Validation Number Unavailable:** If the retailer is unable to obtain a validation number from the terminal that corresponds to the time and amount of the credits claimed by the player as required by subsection (3)(a), the player may request payment of the cash slip from the Lottery as provided in section (8) of this rule.

(b) **Jackpot Prize Cash Slip Not Issued, Intact, or Legible:** If a cash slip for a Jackpot Prize is not intact or legible, the player and the retailer must complete a Video Problem Report form, attach the cash slip or all available portions of the cash slip to the form if available, and must submit the form and the cash slip to the Lottery for investigation. The Jackpot Prize may be paid as set forth in section (7) and (8) of this rule.

(4) **Limitation on Retailer Validation and Payment of Cash Slip:** A retailer must not attempt to validate, and may not pay, a cash slip for any Jackpot Prize. A retailer shall only validate and pay non-Jackpot Prize cash slips issued by Video Lottery<sup>SM</sup> game terminals located on its premises.

(5) **Retailer Payment of Cash Slip:** Upon validation of a cash slip as set forth in sections (2) and (3) of this rule, a retailer may pay the amount due in cash or check, or any combination thereof. A retailer must not pay a cash slip in tokens, chips, or merchandise, or charge a fee for paying a cash slip or for issuing payment.

(a) **Dishonored Retailer Check:** If a retailer's check is dishonored, the player may seek payment from the Lottery by presenting a copy of the dishonored check to Lottery Headquarters, Player Services Office, 500 Airport Road SE, Salem, Oregon during Lottery business hours, or by mailing a copy of the dishonored check with a winner claim form to Lottery Headquarters, P.O. Box 14515, Salem, Oregon 97309. If the Lottery determines that payment of the cash slip is authorized, the retailer has not paid the cash slip, and it is unlikely that the retailer will pay the cash slip, the Lottery may then issue a check to the claimant in the amount of the cash slip.

(b) **Possible Contract Termination:** A retailer that pays a cash slip with a check that is dishonored may be subject to termination of the Lottery Retailer Contract.

(6) **Lottery Validation and Payment of Cash Slips:** Payment of a cash slip may be made at Lottery Headquarters, Player Services, 500 Airport Road SE, Salem, Oregon. Validation and payment of a cash slip for a Jackpot Prize must be made at Lottery Headquarters in Salem. The cash slip must be presented for payment no sooner than the next Lottery business day after it is issued, must meet all of the requirements in sections (1) and (2) of this rule, and must be delivered to the Lottery in person or by mail at P.O. Box 14515, Salem, Oregon 97309 (registered mail recommended) before 5:00 p.m. within one year of the date that the cash slip was issued. If the final day of the one-year claim period falls on a day when the Oregon Lottery Headquarters is not open to the general public, such as a weekend, Lottery holiday, or furlough closure day, the claim period shall be extended until 5:00 p.m. on the next day the Oregon Lottery Headquarters is open to the general public. Upon validation of a cash slip, the Lottery will pay the amount due less any applicable tax withholding. For cash slips of \$600 or less, payment may be made by check, cash card, or any combination thereof. For cash slips of more than \$600, payment will be made by check. Payment may be made in person or by mail.

(7) **Lack of Cash Slip or Validation Number:** If a player does not have a cash slip, or a retailer was unable to obtain a validation number, the Lottery will conduct an investigation of a claim presented for payment to the Lottery. The investigation will determine the reasons or causes for the failure of the terminal to produce a cash slip or to print an intact and legible cash slip, and why the retailer was unable to obtain a validation number.

(a) **Payment:** The Lottery may pay the claim if the Lottery can determine from its investigation that the credit was on the terminal identified by the player at the time claimed, and that no cash slip has been paid on the claim.

(b) **Signed Statement:** The Lottery will not pay any such claim without a signed statement by a player. The player's statement must contain game play information that can be compared to data in the Lottery's central computer system that substantiates that the player won a prize in the amount and at the time claimed, and information from which the Lottery reasonably can determine that the claim has not been paid.

(c) **Jackpot Prize:** The Lottery will not pay the claim for a Jackpot Prize without receipt of a Video Problem Report form as described in section (3)(b) of this rule.

(8) **Lottery Validation Exceptions:** If a cash slip cannot be validated because the cash slip data is not recorded on the Lottery's central computer system, the Director may still authorize payment if:

(a) The Lottery conducts an investigation of the claim, and

(b) The Director concludes that the claimant was an authorized player and that the absence of a record of the cash slip data in the Lottery's central computer system was the result of either a technical problem in the Video Lottery<sup>SM</sup> game terminal or a communications problem that prevented the recording of the credits in the Lottery's central computer system.

# ADMINISTRATIVE RULES

(9) **Subsequent Claims:** If a cash slip improperly paid by a retailer is later submitted for payment to the Lottery, the Lottery may collect the amount of the cash slip from the retailer's EFT account. The Lottery may conduct an investigation to determine if the Lottery properly made payment.

(10) **Withholding of Payment:** The Lottery may withhold payment of any cash slip claim presented to it until the expiration of the 28-day prize claim period at the retailer's location for prizes payable by the retailer or until the completion of any investigation by the Lottery to determine if payment is proper.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.250

Hist.: LC 8-1991, f. & cert. ef. 11-25-91; LC 9-1993, f. 11-18-93, cert. ef. 12-1-93; LC 9-1994, f. 8-19-94, cert. ef. 9-1-94; LC 1-1995, f. 1-25-95, cert. ef. 3-1-95; LC 6-1996, f. 5-30-96, cert. ef. 6-1-96; LC 4-1997, f. & cert. ef. 4-25-97; LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 10-2005(Temp), f. & cert. ef. 11-2-05 thru 4-28-06; LOTT 18-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 2-2010, f. 1-29-10, cert. ef. 2-1-10; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10; LOTT 6-2011(Temp), f. 9-15-11, cert. ef. 9-18-11 thru 3-5-12

## 177-200-0032

### Collection from EFT Account for Cash Slips Not Paid by Retailer and Limitation on Reimbursement

(1) **Jackpot Prize Cash Slips:** The Lottery shall collect the amount of any Jackpot Prize cash slip issued at a retailer establishment through the retailer's EFT account for the same business week the Jackpot Prize cash slip is issued.

#### (2) All Other Cash Slips:

(a) For a non-Jackpot Prize cash slip that is presented to the Lottery and which has been recorded in the Lottery's central computer system, the Lottery shall collect the amount of the cash slip through the retailer's EFT account for the business week that the Lottery issues payment, unless the amount has already been collected through the retailer's EFT account under subsection (c) of this section.

(b) For a non-Jackpot Prize cash slip payment made by the Lottery under OAR 177-200-0020(7) or (8), the Lottery shall collect the amount of the cash slip through the retailer's EFT account for the business week the Lottery issues payment, unless the amount has already been collected through the retailer's EFT account.

(c) If a non-Jackpot Prize cash slip is not redeemed within 28 days of the date it was issued, the Lottery will collect the amount of the cash slip through the retailer's EFT account during the business week following the end of the 28 day period.

(d) If a cash slip that is not properly validated and is paid by a retailer is later submitted for payment to the Lottery and the Lottery pays the cash slip, the Lottery may collect the amount of the cash slip from the retailer's EFT account.

(3) **Limitation on Reimbursement for Payment of Cash Slip:** As set forth in OAR 177-200-0020, a retailer may not attempt to validate and may not pay a cash slip for any Jackpot Prize, and may only validate and pay a non-Jackpot Prize cash slip issued by a Video Lottery<sup>SM</sup> game terminal located on its premises. If a retailer validates and pays a cash slip issued from another location, or pays a cash slip for a Jackpot Prize, the Lottery will not reimburse the retailer's EFT account for the payment.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.215 & 461.217

Hist.: LOTT 7-2003(Temp), f. & cert. ef. 6-5-03 thru 11-28-03; LOTT 15-2003, f. & cert. ef. 9-29-03; LOTT 4-2010(Temp), f. 3-10-10, cert. ef. 3-15-10 thru 9-4-10; LOTT 9-2010, f. 8-30-10, cert. ef. 9-5-10; LOTT 6-2011(Temp), f. 9-15-11, cert. ef. 9-18-11 thru 3-5-12

## Oregon State Marine Board Chapter 250

**Rule Caption:** Removes violation language from rule

**Adm. Order No.:** OSMB 12-2011(Temp)

**Filed with Sec. of State:** 8-18-2011

**Certified to be Effective:** 8-18-11 thru 1-31-12

**Notice Publication Date:**

**Rules Amended:** 250-010-0650

**Subject:** This temporary rulemaking will remove statutory language citing violation provisions from administrative rule.

**Rules Coordinator:** June LeTarte—(503) 378-2617

### 250-010-0650

#### Aquatic Invasive Species Prevention Permit

(1) Definitions:

(a) "Manually powered boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6).

(b) "Aquatic Invasive Species Prevention Permit" is an authorization issued by the Oregon State Marine Board (Board) or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.

(c) "Board" means the Oregon State Marine Board.

(d) "Valid temporary permit" means a temporary aquatic invasive species prevention permit generated from a person purchasing a permit from a designated Internet agent.

(e) "Eleemosynary" means an organization supported by gifts or charity which is operated primarily as a part of organized activities for the purpose of teaching youth's scout craft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

#### (2) Permit Rules:

(a) A person may not operate a manually powered boat that is 10 feet or more in length, or a motorboat of any length, or a sailboat 12 feet or more in length, on the waters of this state without first obtaining an aquatic invasive species prevention permit from the Board or designated agent.

(b) The aquatic invasive species prevention permit for manually powered boats may be issued as either an annual or biennial permit to be carried or otherwise displayed on the boat. The biennial permit is valid for two calendar years and will cost double the annual permit as described in ORS 830.570 and 830.575.

(c) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790(1)(a)(b)(c) are required will pay an aquatic invasive species prevention permit surcharge of \$5 per biennium at the time of boat registration.

(A) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit as described in (1)(c).

(B) The validation stickers are non-transferable.

(d) Persons age 14 and older operating manually powered boats that are 10 feet or more in length shall have a valid aquatic invasive species prevention permit or valid temporary permit on board when the boat is in use on the waters of this state.

(e) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more shall carry a non-resident aquatic invasive species prevention permit on board when in use on waters of the state.

(A) Motor boats and sailboats 12 feet in length or more, registered in Washington or Idaho, that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington, are exempt from the non-resident Oregon aquatic invasive species prevention permit.

(B) Manually powered boats from Idaho that are 10 feet or longer and affixed with an Idaho Aquatic Invasive Species Prevention sticker, and all manually powered boats from Washington, are exempt from Oregon aquatic invasive species permit carriage requirements when launching into waters that form a common interstate boundary, or when launching into Oregon tributaries within one mile of these waters.

(f) Non-motorized and out-of-state resident permits are transferrable. The name on the permit does not need to match the name of the person operating the boat. Persons may purchase multiple permits for use by family and friends.

(g) Operators of manually powered boat liveries, and guides using manually powered watercraft for group-guided activities, may qualify to purchase aquatic invasive species prevention permits at a discounted rate described in ORS 830.575. To qualify for the discounted rate:

(A) These operators shall register with the Board by documenting current business status as a livery.

(B) All boats rented by the livery must be clearly labeled with the livery name.

(h) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under this rule, may purchase aquatic invasive species prevention permits under the name of the organization or the club's presiding officer or secretary.

(A) For racing shells, dragon boats or resident boats exempt from registration under OAR 250-010-0150(2), aquatic invasive species prevention permits numbering not less than the maximum number of boats in use on the water at any given time during a planned event may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a peace officer.

# ADMINISTRATIVE RULES

(B) A \$5 annual or \$10 biennial aquatic invasive species permit may be held as described in (2)(h)(A) for events involving motorized race boats which are owned by Oregon residents but that are otherwise exempt from registration under OAR 250-010-0150(2).

(i) The Board or designated agent may issue a temporary aquatic invasive species prevention permit to an individual who pays for the permit using a Board designated Internet agent.

(A) The temporary aquatic invasive species prevention permit will be valid for 14 days from the date of issue listed on the temporary permit.

(B) Each temporary permit shall contain a unique number that corresponds to the electronic record for the individual named on the permit and to the annual permit.

(j) A person is considered in violation of the provisions contained in this rule and subject to the penalties prescribed by law when they:

(A) Alter an aquatic invasive species prevention permit; or

(B) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or

(C) Exhibit an altered aquatic invasive species prevention permit to a peace officer.

(k) The aquatic invasive species prevention permit expires on December 31 of the year indicated on the permit.

(l) The following vessels or classifications are exempt from the requirement to carry an aquatic invasive species prevention permit:

(A) State-owned boats

(B) County-owned boats

(C) Municipality-owned boats

(D) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.

(E) A ship's lifeboat used solely for lifesaving purposes

(F) Seaplanes

(G) Federal government-owned boats

(H) Surfboards, sailboards and kite boards.

Stat. Auth.: ORS 830 & HB 2220

Stats. Implemented: ORS 830.110

Hist.: OSMB 4-2009, f. 10-30-09, cert. ef. 1-1-10; OSMB 1-2010(Temp), f. & cert. ef. 1-5-10 thru 6-30-10; OSMB 6-2010(Temp), f. & cert. ef. 1-15-10 thru 6-30-10; OSMB 7-2010, f. & cert. ef. 5-6-10; OSMB 3-2011, f. 1-14-11, cert. ef. 2-1-11; OSMB 12-2011(Temp), f. & cert. ef. 8-18-11 thru 1-31-12

\*\*\*\*\*

**Rule Caption:** Establish procedures for mandatory aquatic invasive species watercraft inspection stations.

**Adm. Order No.:** OSMB 13-2011(Temp)

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 8-23-11 thru 1-31-12

**Notice Publication Date:**

**Rules Adopted:** 250-010-0660

**Subject:** The purpose of this temporary rule is to implement House Bill 3399, which establishes authority to conduct mandatory watercraft inspection check stations for recreational or commercial watercraft being transported over roads within Oregon. The purpose of the administrative search authorized by HB 3399 is to prevent and limit the spread of aquatic invasive species within Oregon.

**Rules Coordinator:** June LeTarte—(503) 378-2617

## 250-010-0660

### Watercraft Inspection Stations

(1) For the purpose of this rule, the following definitions apply:

(a) "Check Station" is a location in Oregon that a watercraft inspection team has designated for conducting watercraft inspections for aquatic invasive species.

(b) "Decontamination" is the removal of aquatic invasive species from a watercraft.

(c) "Inspector" is an individual certified and authorized by the Oregon Department of Fish and Wildlife to conduct boat inspections for aquatic invasive species.

(d) "Inspection Certificate" is a form used by the inspector to conduct and record watercraft inspection information.

(e) "Seal" is a plastic zip tie or cable with a unique number that is affixed to the trailer or other device to carry or convey the watercraft.

(f) "Watercraft Inspection Team" is one or more inspectors authorized to inspect for aquatic invasive species on all types of watercraft being transported over roads.

(g) "Watercraft" are recreational or commercial, motorized and non-motorized boats, including canoes, kayaks and rafts, as provided in ORS

830.005, and any equipment used to transport a boat and any auxiliary equipment, as provided in ORS 570.850.

(2) The watercraft inspection team will select Oregon locations to conduct mandatory watercraft inspections as described in the Oregon Department of Fish and Wildlife Aquatic Invasive Species Watercraft Inspection Handbook. Signs will be placed along roads, as prescribed by the Oregon Department of Transportation, directing motorists transporting a watercraft over roads to a designated inspection station.

(3) The watercraft inspection team will inspect every watercraft that enters the check station for the presence of aquatic invasive species and may order decontamination of the watercraft. The inspection will include the hull, motor, propulsion system or component, anchor or other attached apparatus, trailer or other device used to transport the boat, and the bilge, live-well, motor-well and other interior locations that could harbor aquatic plants or animals.

(4) The watercraft inspection team will complete, submit and file an inspection certificate with the Oregon Department of Fish and Wildlife for each watercraft inspection conducted.

(5) The watercraft owner, operator or carrier must provide to the inspector, on request, his or her name and ZIP code. If an inspector determines that decontamination is required, the owner, operator or carrier must provide the additional information requested on the inspection certificate form including contact information.

(a) The decontamination process will include the hull, motor, propulsion system or component, anchor or other attached apparatus, trailer or other device used to transport the watercraft, bilge, live-well, motor-well or other interior location that could harbor aquatic plants or animals.

(b) Means of decontamination include, but are not limited to, one or more of the following: hot water washing or flushing, high-pressure water jets, hand removal and chemical treatment as determined necessary by the watercraft inspection team.

(6) The inspector will determine that the watercraft is a severe risk if the boat contains quagga or zebra mussels or other high risk aquatic invasive species, or is of a design that prevents or inhibits effective on-site decontamination. In such cases, the inspector will place a seal on the watercraft indicating potential contamination. Only the inspector may attach this seal. Tampered, broken or removed seals are void.

(7) When the inspector determines the watercraft is clean or fully decontaminated, the inspector will attach a seal between the watercraft and trailer or other carriage device indicating a completed inspection. Only the inspector may attach this seal. Tampered, broken or removed seals are void.

Stat. Auth.: ORS 830.110

Stats. Implemented: HB3399, ORS 570.855

Hist.: OSMB 13-2011(Temp), f. & cert. ef. 8-23-11 thru 1-31-12

\*\*\*\*\*

## 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 4-2011

**Filed with Sec. of State:** 8-16-2011

**Certified to be Effective:** 8-16-11

**Notice Publication Date:** 5-1-2011

**Rules Amended:** 578-041-0030

**Subject:** 578-071-0030 Amends the Schedule of Special Institutional Fees and Charges. amendments allow for increases, revisions, additions, or deletions of special course fees and general service fees for fiscal year 2011-2012. The schedule of subject fees may be obtained from the Oregon Institute of Technology.

**Rules Coordinator:** Leticia Hill—(541) 885-1133

## 578-041-0030

### Special Institution Fees and Charges

(1) The Schedule of special Institution Fees and Charges establishes charges for selected courses and general services for Oregon Institute of Technology for the academic year 2011–2012 and are hereby adopted by reference.

(2) Copies of this fee schedule may be obtained from the Oregon Institute of Technology Business Affairs Office.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(2)

Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7-7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996; f. & cert. ef. 12-

# ADMINISTRATIVE RULES

19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 1-2003, f. & cert. ef. 6-11-03; OIT 1-2004, f. & cert. ef. 6-9-04; OIT 1-2005, f. & cert. ef. 6-10-05; OIT 1-2006, f. & cert. ef. 6-2-06; OIT 1-2007, f. & cert. ef. 6-7-07; OIT 1-2008, f. & cert. ef. 6-10-08; OIT 1-2009, f. & cert. ef. 9-2-09; OIT 1-2010(Temp), f. & cert. ef. 6-28-10 thru 12-23-10; OIT 2-2010, f. & cert. ef. 8-30-10; OIT 1-2011, f. & cert. ef. 6-20-11; OIT 4-2011, f. & cert. ef. 8-16-11

\*\*\*\*\*

**Rule Caption:** To amend Parking Permit Fees

**Adm. Order No.:** OIT 5-2011

**Filed with Sec. of State:** 8-16-2011

**Certified to be Effective:** 8-16-11

**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

(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; OIT 5-2011, f. & cert. ef. 8-16-11

\*\*\*\*\*

## Oregon Youth Authority Chapter 416

**Rule Caption:** Repealing outdated OYA rules regarding juvenile sex offender treatment and assessment

**Adm. Order No.:** OYA 2-2011

**Filed with Sec. of State:** 9-7-2011

**Certified to be Effective:** 9-7-11

**Notice Publication Date:** 8-1-2011

**Rules Repealed:** 416-460-0000, 416-460-0010, 416-460-0020, 416-460-0030, 416-460-0040

**Subject:** Repealing outdated OYA rules regarding juvenile sex offender treatment and assessment.

**Rules Coordinator:** Winifred Skinner—(503) 373-7570

\*\*\*\*\*

**Rule Caption:** Repealing OYA rules about HIV testing already established by law and Oregon Health Authority rules

**Adm. Order No.:** OYA 3-2011

**Filed with Sec. of State:** 9-7-2011

**Certified to be Effective:** 9-7-11

**Notice Publication Date:** 8-1-2011

**Rules Repealed:** 416-600-0000, 416-600-0010, 416-600-0020, 416-600-0030, 416-600-0040, 416-600-0050

**Subject:** Repealing OYA rules about HIV testing already established by law and Oregon Health Authority rules.

**Rules Coordinator:** Winifred Skinner—(503) 373-7570

\*\*\*\*\*

**Rule Caption:** Agency certification of employees to provide mental health services to offenders in OYA facilities

**Adm. Order No.:** OYA 4-2011

**Filed with Sec. of State:** 9-7-2011

**Certified to be Effective:** 9-9-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 416-070-0010, 416-070-0020, 416-070-0030, 416-070-0040, 416-070-0050, 416-070-0060

**Subject:** These rules establish the Oregon Youth Authority's (OYA) standards for certifying OYA mental health treatment employees as Treatment Services Supervisors or Qualified Mental Health Professionals (QMHP). Mental health treatment employees must be certified under these rules to provide mental health services to offenders in OYA facilities. These rules allow OYA to comply with SB 423 (2011).

**Rules Coordinator:** Winifred Skinner—(503) 373-7570

## 416-070-0010

### Definitions

(1) Behavioral and Treatment Services Director: A person who leads and directs OYA clinical direction and behavioral treatment services statewide and reports to the OYA Director.

(2) Clinical Supervision: Oversight by a qualified person of mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(3) Diagnosis: A diagnosis consistent with the most current Diagnostic and Statistical Manual of Mental Disorders (DSM).

(4) Mental Health Assessment: The written assessment by a QMHP of an offender's mental status and emotional, cognitive, family, developmental, behavioral, social, recreational, physical, nutritional, school or vocational, substance abuse, cultural and legal functioning, concluding with a completed DSM five-axes diagnosis, clinical formulation, prognosis for treatment, treatment recommendations and plan.

(5) Mental Status Examination: An overall standardized assessment of an offender's mental functioning and cognitive abilities.

(6) OYA: Oregon Youth Authority

(7) Qualified Mental Health Professional (QMHP): A person who provides mental health treatment services to offenders in OYA facilities.



# ADMINISTRATIVE RULES

(8) Treatment Services Supervisor: A person who provides supervision of the mental health treatment services and supports provided by a QMHP at an OYA facility.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

## 416-070-0020

### Credentialing and Certification Process

(1) The Behavioral and Treatment Services Director is responsible for credentialing employees hired as OYA Treatment Services Supervisors and QMHPs.

(2) Treatment Services Supervisors and QMHPs must meet the requirements established in OAR 416-070-0030 as a Treatment Services Supervisor or QMHP.

(3) The Behavioral and Treatment Services Director is responsible for reviewing education, experience and competencies to determine if the individual can be certified as meeting the professional standards of a Treatment Services Supervisor or QMHP as set forth in these rules.

(4) A copy of transcripts, academic degrees, licenses, certifications, and verification forms used to record the credentialing and certification information must be retained in the Treatment Services Supervisor's or QMHP's personnel file.

(5) A position description must be provided to the employee describing the duties that a Treatment Services Supervisor or QMHP are certified to provide.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

## 416-070-0030

### Qualified Mental Health Professional (QMHP) and Treatment Services Supervisor Standards

(1) A person must meet the following minimum qualifications to be certified to work as a QMHP in an OYA facility:

(a) The person is a licensed medical practitioner, or the person meets the following minimum qualifications:

(A) Holds any of the following educational degrees:

(B) Graduate degree in psychology; or

(C) Bachelor's degree in nursing and licensed by the State of Oregon;

or

(D) Graduate degree in social work; or

(E) Graduate degree in a behavioral science field; or

(F) Graduate degree in recreational, music, or art therapy; or

(G) Bachelor's degree in occupational therapy and licensed by the

State of Oregon; and

(b) Whose education and experience demonstrate the competency to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a Mental Status Examination; document a multiaxial DSM Diagnosis; write and supervise a treatment plan; draft a Mental Health Assessment and provide individual, family and/or group therapy within the scope of their training.

(2) A person must meet the following minimum qualifications to be certified to work as a Treatment Services Supervisor in an OYA facility:

(a) A graduate degree in psychology, social work, counseling, or other behavioral science; and

(b) The QMHP qualifications listed in section (1) of this rule.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

## 416-070-0040

### Clinical Supervision of QMHP Employees

(1) A QMHP must deliver services under the direct supervision of:

(a) A Treatment Services Supervisor; or

(b) A person designated by the Behavioral and Treatment Services Director to provide clinical supervision.

(2) The Treatment Services Supervisor or person designated by the Behavioral and Treatment Services Director to provide clinical supervision must operate within the scope of his or her practice or licensure, and demonstrate the competency to oversee and evaluate the mental health treatment services and supports provided by a QMHP.

(3) Clinical supervision must be provided at least monthly for each QMHP supervised.

(4) The effectiveness of a QMHP's mental health services will be evaluated by overseeing the QMHP's service documentation, case planning, ethical practice, and assessment skills.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

## 416-070-0050

### QMHP Recertification

(1) A QMHP certification issued under these rules is subject to renewal every two years.

(a) All QMHP certifications will expire on September 30. The issuance date of the certified person's first certification will determine if the certification expires on an odd or even year. Certifications issued in odd-numbered years expire in the next odd-numbered year, and certifications issued in even-numbered years expire in the next even-numbered year.

(b) The Behavioral and Treatment Services Director will send a reminder notice to the certified person at least 30 days prior to certification expiration.

(c) A person seeking renewal of a certification must submit the following to the Behavioral and Treatment Services Director:

(A) Verification of current certification in CPR and First aid by a recognized training agency;

(B) A copy of the person's current annual performance appraisal reflecting performance in mental health services; and

(C) Documentation of Continuing Education Credits (CEC) verifying at least 50 credit hours in the immediate preceding two years. The CEC must include the following:

(i) At least 24 hours of clinical supervision per year;

(ii) At least five hours of training pertinent to the mental health services in an OYA facility which may include OYA training, supervisor-approved completed readings, verified workshop attendance, or class participation in a graduate program focusing on mental health treatment of mental health disorders.

(2) If the person's previous certification has expired, the person must apply for recertification by submitting the documents listed in subsection (c) of this rule to the Behavioral and Treatment Services Director. The person may not provide mental health services until the person is recertified.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

## 416-070-0060

### Variations

(1) The Behavioral and Treatment Services Director may grant a variance to the criteria used to determine the certification status of a QMHP or Treatment Services Supervisor if the Behavioral and Treatment Services Director is able to document the reason for the variance and the proposed timeline for the variance.

(2) Signed documentation from the Behavioral and Treatment Services Director indicating support of the variance must be retained in the subject QMHP or Treatment Services Supervisor employee's personnel file.

Stat. Auth.: ORS 420A.010, 420A.025 & SB 423 (2011)

Stat. Implemented: SB 423 (2011)

Hist.: OYA 1-2011(Temp), f. & cert. ef. 6-14-11 thru 12-1-11; OYA 4-2011, f. 9-7-11, cert. ef. 9-9-11

\*\*\*\*\*

**Rule Caption:** Offender Welfare Accounts to benefit OYA facility offenders by enhancing offender activities and programs.

**Adm. Order No.:** OYA 5-2011

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-15-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 416-260-0015

**Rules Amended:** 416-260-0010

**Subject:** These rules establish an Offender Welfare Account for each OYA facility to provide funds to benefit the close custody offender population and enhance offender activities and programs.

**Rules Coordinator:** Winifred Skinner—(503) 373-7570

## 416-260-0010

### Purpose

(1) These rules describe how OYA establishes and maintains Offender Welfare Accounts and trust accounts for offenders in its custody.

# ADMINISTRATIVE RULES

## (2) Definitions:

(a) "Offender Welfare Account" means a general account established by OYA dedicated to provide monies to benefit the close custody offender population and enhance offender activities and programs.

(b) "Care" means services provided to meet the needs of a youth offender, i.e. food, shelter, clothing, medical care, schooling, protection, supervision, etc.

(c) "Financial accounting" means a detailed accounting of money spent by OYA for care of an offender and the amount of trust money, by funding source, reimbursed to OYA for these items.

(d) "Maintenance account" means a sub-section of an offender's trust account used to account for funds that may be used to pay for the offender's cost of care.

(e) "Offender" means a person in the legal and physical custody of OYA either in an OYA close custody facility or placed in the community under supervision, or a person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA close custody facility.

(f) "Special account" means a sub-section of an offender's trust account used to account for funds received for an offender for purposes other than paying for the offender's cost of care.

(g) "Termination of custody" means relinquishment of OYA custody as a result of a court order, the offender's age, or transfer to a supervising authority other than OYA.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.030 & 420A.032, & 420A.035

Hist.: OYA 5-2001, f. & cert. ef. 4-20-01; OYA 5-2011, f. 9-14-11, cert. ef. 9-15-11

## 416-260-0015

### Offender Welfare Accounts

(1) OYA has established Offender Welfare Accounts for each OYA close custody facility to provide funds to benefit the close custody offender population and enhance offender activities and programs.

(2) Revenue from offender work programs, donations made to OYA for the benefit of all close custody facility offenders, and fundraisers benefiting close custody offender programs will be deposited into an Offender Welfare Account.

(3) OYA may use monies in Offender Welfare Accounts to fund a variety of programs, services and activities benefiting the close custody offender population and enhancing offender close custody facility activities and programs. Specific uses of the funds may include, but are not limited to, operations, support or enhancement of the following programs, services and activities:

(a) Recreational activities;

(b) Incentive awards;

(c) Holiday events, decorations, and gifts;

(d) Entertainment equipment and supplies;

(e) Repair of equipment purchased from an Offender Welfare Account; and

(f) Offender work or vocational program startup costs, equipment, attire, and safety supplies.

Stat. Auth.: ORS 420A.030, 420A.014 & 420A.100

Stats. Implemented: ORS 420A.030, 420A.014 & 420A.100

Hist.: OYA 5-2011, f. 9-14-11, cert. ef. 9-15-11

\*\*\*\*\*

**Rule Caption:** Amendments to OYA's rules on OYA facility entrance and visits with OYA facility offenders.

**Adm. Order No.:** OYA 6-2011

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-15-11

**Notice Publication Date:** 8-1-2011

**Rules Amended:** 416-420-0010, 416-420-0030

**Subject:** OYA may now subject persons who request entrance to an OYA facility to an electronic criminal records check as part of a safety and security assessment. OYA may now deny visitation with an offender if the visiting requestor is on supervision in the community by any supervising authority or the requestor has an active warrant. A visitation denial appeal process is delineated.

**Rules Coordinator:** Winifred Skinner—(503) 373-7570

## 416-420-0010

### Facility Entrance

(1) OYA acknowledges the importance of partnerships with community members, knowing that the effectiveness of those partnerships is increased when community members understand the services offered by

OYA. OYA recognizes the importance of interaction between offenders in its custody with family and members of the community. Such access allows offenders to maintain contact with their families and community, and contributes to effective planning for an offender's treatment needs.

(2) OYA will control access into and out of facilities that physically house offenders, in order to maintain the security, safety, sound order, and discipline within the facility.

(a) Approval to enter facilities is granted by the facility superintendent or camp director. This approval may be delegated according to OYA policy.

(b) Requests to enter a facility require advance notice, according to OYA policy and local operating protocol.

(c) All persons who enter OYA facilities will be supervised by staff. Individual contact with offenders is prohibited, unless specifically authorized by the facility superintendent or camp director.

(d) Persons must conform to all security and control procedures enforced at the facility. Failure to do so is grounds for refusal of entry or removal if entry has already been gained.

(A) Facility staff will notify persons of all relevant rules, policies, procedures, and protocols prior to entry into the facility.

(B) Persons may be asked to submit to a search of their person (may include use of visual inspection, metal detectors, or other electronic devices) or personal property.

(C) Persons may be subject to an electronic criminal records check.

(D) The facility will place limitations on the type of property that is allowed within the secure perimeter of the facility. Visitors will not possess or carry onto the grounds of any OYA facility explosive devices, firearms, ammunition, pocket knives, alcoholic beverages, narcotics, dangerous drugs, aerosol spray cans, or objects or material of any kind that might be used to compromise the safety and security of the facility. No cameras, tape recorders, or electronic devices are allowed without specific written authorization of the facility superintendent or camp director.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 162.135, 162.185, 419C.478 & 420A.120

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05; OYA 6-2011, f. 9-14-11, cert. ef. 9-15-11

## 416-420-0030

### Visits with Offenders

(1) Prior authorization by OYA is required for all persons who request to visit an offender, in compliance with these rules and OYA policy.

(2) Staff will consider all requests from individuals who request to visit an offender and allow or deny the visit on the basis of the interests of the security and order of the facility and what would best benefit the offender. When making a determination about whether to allow visitation, staff will consider:

(a) Facility security and order;

(b) The relationship that exists between the offender and the visitor;

(c) The offender's case plan;

(d) The goals for the visit;

(e) The offender's wishes;

(f) Orders of the court; and

(g) The recommendation of the Department of Corrections (DOC) (for offenders in the physical custody of OYA and legal custody of DOC).

(3) Visitation with offenders is limited to those persons who are integral to the offender's case plan. Those persons typically include:

(a) Family members, including but not limited to: parents, siblings, children of offenders, legal guardians, members of step families, surrogate parents, or grandparents;

(b) Attorney for the offender (subject to OAR chapter 416, division 150);

(c) Persons involved in treatment planning, including but not limited to mentors, transition resources, or placement options; and

(d) Other persons, as approved on a case-by-case basis.

(4) Any person may be denied visitation with an offender for the following reasons:

(a) The person does not have prior authorization to visit an offender;

(b) The person appears to be intoxicated, under the influence of a controlled substance, or otherwise behaving in an unlawful or inappropriate manner;

(c) The person has abused or may abuse an offender;

(d) The person has encouraged the offender to violate the law or disobey OYA rules, policies, procedures, or protocols;

(e) There is reasonable cause to believe the person intends to aid an offender in escaping;

# ADMINISTRATIVE RULES

(f) The person has violated OYA rules, policies, procedures, or protocols;

(g) The person has interfered with the good order, security, or operations of the facility and there is reasonable cause to believe the person will do so again;

(h) The time of the person's visit interferes with daily programming;

(i) The visit interferes with the offender's overall reformation;

(j) The committing court, DOC, or Community Corrections has ordered that the person not visit;

(k) The offender or the offender's parent or legal guardian has requested that the person not visit;

(l) The person is a former OYA staff, volunteer, or contractor who engaged in an inappropriate relationship with an offender;

(m) The person is on supervision in the community by any supervising authority; or

(n) The person has an active warrant.

(5) If a request for visitation is denied, OYA will provide the requestor and the affected offender with a written statement of the determination. An offender may appeal the decision using the grievance process outlined in OAR chapter 416, division 20 and OYA policy. The requestor may appeal the decision in writing to the facility superintendent or camp director within 30 days of receiving the written statement of the determination.

(6) Persons who visit offenders are subject to the following standards:

(a) Visitors ages 13 and older must present valid photo identification;

(b) Visitors must arrange with facility staff prior to the scheduled visitation if they wish to bring personal items or gifts to the offender;

(c) Visitors less than the age of 18 must be accompanied by his/her parent or guardian;

(d) Visitors must comply with the visitation schedule for each facility, including the day, time, and length of visit allowed, and check-in at the designated reception area;

(e) The number of visitors will be limited if space, supervision, or security require it;

(f) Visitors will wear conventional clothing in a manner which is not unduly suggestive, in accordance with facility protocol, and which does not pose a threat to the safety, security, health, treatment, or good order of the facility. Clothing that is revealing, such as shorts higher than mid-thigh, low cut blouses, shoulder straps less than one inch wide or clothing that exposes the stomach, back, or other areas is prohibited. Clothing that displays or suggests the use of alcohol, drugs, or profanity is prohibited. Clothing, hairstyles, insignias, or other paraphernalia associated with street gangs is prohibited. Footwear must be worn;

(g) Visitors will not exchange any object or article with an offender;

(h) Visitors will control children and remove them from the visiting area if necessary to avoid disturbing other visitors;

(i) Minor children or animals will not be left unattended in cars or on institution property; and

(j) Neither a visitor nor an offender will be permitted to visit with a person who is not specifically authorized for the current visit.

(7) Requests from media representatives to visit an offender are subject to the provisions of OAR chapter 416, division 060.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010 & 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05; OYA 6-2011, f. 9-14-11, cert. ef. 9-15-11

\*\*\*\*\*  
**Public Utility Commission**  
**Chapter 860**

**Rule Caption:** Rulemaking to Implement Carrier of Last Resort Obligations as set forth in ORS 759.506

**Adm. Order No.:** PUC 4-2011

**Filed with Sec. of State:** 8-26-2011

**Certified to be Effective:** 8-26-11

**Notice Publication Date:** 7-1-2011

**Rules Adopted:** 860-025-0055, 860-025-0060, 860-025-0065

**Subject:** These rules implement the requirements of ORS 759.506 (HB 2097 from the 2009 legislative session). The rules provide (1) information to telecommunications carriers to petition for exemption from COLR obligations and clarify when they may do so, (2) instructions to residents and occupants of affected property to petition the Commission for reinstatement of COLR obligations, and (3) guidance on the allocation of reinstatement costs.

**Rules Coordinator:** Diane Davis—(503) 378-4372

## 860-025-0055

### Exemption from Carrier of Last Resort (COLR) Obligations

(1) A telecommunications utility, cooperative corporation, or municipality may petition the Commission for an exemption from its COLR obligations as specified in this rule.

(2) The COLR's petition must comply with the requirements of filing and service for contested cases found in OAR Chapter 860, Division 001 and also include:

(a) The name of the COLR as it appears on its certificate of authority;

(b) The name, telephone number, electronic mail address, and mailing address of the person to be contacted for additional information about the petition;

(c) The name, telephone number, electronic mail address, and mailing address of the person to be contacted for regulatory information, if different from the person specified in subsection (b) of this section;

(d) A listing of the services it is authorized to provide;

(e) Evidence that the conditions set forth in ORS 759.506(3)(a) through (3)(c) are met;

(f) Maps and any other information identifying the territory for which the COLR seeks an exemption;

(g) Evidence that the property for which the COLR seeks an exemption comprises four or more single family dwellings;

(h) Estimates in total and per customer of the COLR's cost to provide service to the property in the absence of conditions identified in subsection (e) of this rule, or if the COLR cannot estimate the per-customer cost, a statement as to why;

(i) A copy of the notice required by section (6) of this rule; and

(j) An affidavit of notice required by section (7) of this rule.

(3) The petition may also include any other relevant information the COLR wishes to provide for consideration by the Commission.

(4) If the COLR designates any portion of the petition to be confidential, the COLR must attach an affidavit stating the legal basis for the claim of confidentiality and comply with the requirements of OAR 860-001-0070 or 860-001-0080.

(5) The petition must be filed at least 90 days before the proposed effective date of the requested exemption.

(6) The COLR must also prepare a Notice of Petition for Exemption from COLR Obligations (notice). The notice must include:

(a) The name of the COLR as it would normally appear on a customer bill;

(b) A statement that the COLR has petitioned the Commission for an exemption from its COLR obligations;

(c) The proposed effective date of the exemption;

(d) A statement that comments regarding the petition may be submitted to the Commission within 45 days of service date of the notice;

(e) A statement that the exemption will become effective by operation of law 90 days after the petition is filed, unless the Commission denies the petition or suspends the review of the petition for an additional 90 days;

(f) A statement that if the Commission suspends review of the petition for an additional 90 days and does not deny the petition within that additional time, then the exemption becomes effective by operation of law 180 days after the petition is filed; and

(g) The name, telephone number, electronic mail address, and mailing address of the COLR's contact person for more information.

(7) The COLR must serve a copy of its notice on the following persons:

(a) The property owner or developer;

(b) The residents within the property that the COLR is able to identify.

(8) The COLR must also prepare an affidavit of notice, which must include:

(a) A certificate of service stating when and by what means (electronic mail or other delivery) the notice was served on the persons identified in section (7) above, including a list showing the electronic address or address served; and

(b) A statement of efforts taken to serve the notice in those instances when service was not completed.

(9) Unless the Commission takes further action or denies the petition, the petition becomes effective by operation of law 90 days after the petition is filed with the Commission.

(a) For good cause, the Commission may suspend the effective date of the petition for an additional 90 days.

(A) The Commission's review of the petition may not exceed 180 days.

# ADMINISTRATIVE RULES

(B) Unless the Commission approves or denies the petition within the additional 90 days, the petition becomes effective by operation of law 180 days after the petition is filed with the Commission.

(b) An unopposed petition for exemption may become effective without a hearing before the Commission. For good cause, the Commission may suspend the effective date of an unopposed petition without a hearing.

(c) If opposition to the petition is filed with the Commission within 45 days of service of the notice, the Commission will schedule a conference to determine the proceedings necessary to complete its review within the times set forth in this rule.

(10) After a COLR exemption has been granted, the exempted COLR may provide service to a requesting customer in the exempted property if there are no barriers to prevent the former COLR from entering the property to provide the requested service. The requesting customer may be subject to additional charges under the exempted COLR's line extension tariff.

Stat. Auth: ORS 756.060, 759.036, & 759.506  
Stat. Implemented: ORS 759.506  
Hist.: PUC 4-2011, f. & cert. ef. 8-26-11

## 860-025-0060

### Reinstatement of Carrier of Last Resort (COLR) Obligations

(1) Any resident or occupant of the property for which the Commission allowed an exemption of the COLR obligations under OAR 860-025-0055, or the exempted COLR utility, may petition the Commission to reinstate the COLR obligations.

(2) The petition for reinstatement of the COLR obligations must be filed as set forth in OAR 860-001-0140 and 860-001-0170 and include the information required in OAR 860-001-0400(2) and the proposed effective date of COLR obligations reinstatement.

(3) Within 14 days of the filing of a complete petition for reinstatement of the COLR obligations, the Commission shall serve notice of the petition on the COLR identified in the petition (unless the petitioner is the exempted COLR), the Commission's general notification list, and the service list of the docket under which the COLR exemption was granted.

(4) The Petitioner must serve notice of the petition upon:

(a) The property owner or developer;

(b) The residents within the property that the COLR is able to identify.

(5) The Commission shall conduct contested case proceedings, including a public hearing, to determine if the existing public convenience and necessity require reinstatement of the COLR obligations. The petitioner has the burden of proving that the COLR should be reinstated. Parties to the proceedings may present in support of or opposition to the petition for the Commission's consideration:

(a) Evidence of the willingness of at least 60 percent of the occupants or residents of the property (including the Petitioner) to subscribe to the utility's service and pay for the incremental cost of providing the service;

(b) Evidence of the estimated costs of the telecommunications utility, cooperative corporation, or municipality to serve the exempted area that are over and above the original cost to serve;

(c) The service record of the Alternative Service Provider, including but not limited to, statistics about complaints, delays, and service quality;

(d) Legal argument or evidence as to why reinstating COLR obligations to the telecommunications utility, cooperative corporation, or municipality is or is not in the public interest; and

(e) Other relevant evidence that the parties wish to be considered by the Commission.

(6) If the Commission determines that the existing public convenience and necessity requires reinstatement of the COLR obligations to the exempted COLR:

(a) The COLR may not be required to incur any costs until the incremental costs necessary to construct the facilities to provide service have been received from the parties identified in section 5(a) of this rule. The COLR may not unreasonably deny payment terms in lieu of one-time payments; and

(b) The COLR must receive from the existing provider (if any) the access necessary for the COLR to install and maintain its facilities, including necessary easements, before the Commission requires the COLR to re-establish service. The existing provider may not unreasonably deny such access.

Stat. Auth: ORS 756.060, 759.036, & 759.506  
Stat. Implemented: ORS 759.506  
Hist.: PUC 4-2011, f. & cert. ef. 8-26-11

## 860-025-0065

### Allocation of Carrier of Last Resort (COLR) Reinstatement Costs

(1) Within 45 days after the Commission receives a petition to determine if reinstatement of the COLR obligations is required by the existing public convenience and necessity, the telecommunications utility, cooperative corporation, or municipality proposed for reinstatement as the COLR must file with the Commission:

(a) A proposal for allocating its costs of serving customers in the territory; or

(b) A calculation and apportionment of its incremental costs to serve the reinstated territory on the basis of its tariffed line extension guidelines.

(2) The proposal or calculation and apportionment filed under section (1) of this rule must:

(a) Include only the incremental costs that exceed the costs that would have been incurred (above and beyond any tariffed line extension charges) to initially construct or acquire facilities to serve customers of the territory;

(b) Specify how the incremental costs are to be allocated equitably among all customers of the territory to which the service is being reinstated; and

(c) Explain any significant differences between the initial costs to serve, as outlined in the development of incremental costs, and the proposed costs to serve as estimated in the original petition for exemption.

(3) Any occupant or resident within the property subject to the COLR reinstatement who subscribes to service from the reinstated COLR must pay a pro-rata share of the COLR's incremental cost to re-establish service in the property.

(4) Any occupant or resident within the property subject to the COLR reinstatement who does not subscribe to service from the reinstated COLR and who does not elect to share in the reinstatement costs may be subject to additional charges from the COLR if the occupant or resident elects to subscribe to the COLR's service at a future date, in accordance with the COLR's line extension tariff.

Stat. Auth: ORS 756.060; 759.036; & 759.506  
Stat. Implemented: ORS 759.506  
Hist.: PUC 4-2011, f. & cert. ef. 8-26-11

\*\*\*\*\*

**Rule Caption:** In the Matter of Revising Net Metering Rules Regarding Aggregation of Meters on Different Rate Schedules.

**Adm. Order No.:** PUC 5-2011

**Filed with Sec. of State:** 9-7-2011

**Certified to be Effective:** 9-7-11

**Notice Publication Date:** 5-1-2011

**Rules Amended:** 860-039-0005, 860-039-0010, 860-039-0065

**Subject:** Previously, customer-generators in a utility's net metering program were allowed to offset self-generated energy against energy delivered by the utility and measured by meters subject to the same rate schedule. Since there is no language in statute that requires aggregated meters to be all on the same rate schedule and the Commission received contacts requesting that the requirement in its rules be modified, the Commission opened this rulemaking to consider whether to permit additional forms of meter aggregation under net metering. The rule amendments adopted by the Commission permit aggregation of meters on different rate schedules for net metering purposes subject to the conditions set forth in the rules.

**Rules Coordinator:** Diane Davis—(503) 378-4372

## 860-039-0005

### Scope and Applicability of Net Metering Facility Rules

(1) OAR 860-039-0010 through 860-039-0080 (the "net metering rules") establish rules governing net metering facilities interconnecting to a public utility as required under ORS 757.300. Net metering is available to a customer-generator only as provided in these rules. These rules do not apply to a public utility that meets the requirements of ORS 757.300(9).

(2) For good cause shown, a person may request the Commission waive any of the net metering facility rules.

(a) A public utility and net metering applicant may mutually agree to reasonable extensions to the required times for notices and submissions of information set forth in these rules for the purpose of allowing efficient and complete review of a net metering application.

(b) If a public utility unilaterally seeks waiver of the timelines set forth in these rules, the Commission must consider the number of pending applications for interconnection review and the type of applications, including review level and facility size.

(3) As used in OAR 860-039-0010 through 860-039-0080:

# ADMINISTRATIVE RULES

(a) "ANSI C12.1 standards" means the standards prescribed by the 2001 edition of the American National Standards Institute, Committee C12.1 (ANSI C12.1), entitled "American National Standard for Electric Meters — Code for Electricity Metering," approved by the C12.1 Accredited Standard Committee on July 9, 2001.

(b) "Applicant" means a person who has filed an application to interconnect a net metering facility to an electric distribution system.

(c) "Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term "secondary grid network" as defined in IEEE standard 1547 Section 4.1.4 (published July 2003).

(d) "Contiguous" means a single area of land that is considered to be contiguous even if there is an intervening public or railroad right of way, provided that rights of way land on which municipal infrastructure facilities exist (such as street lighting, sewerage transmission, and roadway controls) are not considered contiguous.

(e) "Customer-generator" means the person who is the user of a net metering facility and who has applied for and been accepted to receive electricity service at a premises from the serving public utility.

(f) "Electric distribution system" means that portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

(g) "Equipment package" means a group of components connecting an electric generator with an electric distribution system, and includes all interface equipment including switchgear, inverters, or other interface devices. An equipment package may include an integrated generator or electric production source.

(h) "Fault current" means electrical current that flows through a circuit and is produced by an electrical fault, such as to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase.

(i) "Generation capacity" means the nameplate capacity of the power generating device(s). Generation capacity does not include the effects caused by inefficiencies of power conversion or plant parasitic loads.

(j) "Good utility practice" means a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region, which a reasonable utility official would expect, in light of the facts reasonably discernable at the time, to accomplish the desired result reliably, safely and expeditiously.

(k) "IEEE standards" means the standards published in the 2003 edition of the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, entitled "Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 12, 2003, and in the 2005 edition of the IEEE Standard 1547.1, entitled "IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 9, 2005.

(L) "Impact study" means an engineering analysis of the probable impact of a net metering facility on the safety and reliability of the public utility's electric distribution system.

(m) "Interconnection agreement" means an agreement between a customer-generator and a public utility, which governs the connection of the net metering facility to the electric distribution system, as well as the ongoing operation of the net metering facility after it is connected to the system. An interconnection agreement will follow the standard form agreement developed by the public utility and filed with the Commission.

(n) "Interconnection facilities study" means a study conducted by a utility for the customer-generator that determines the additional or upgraded distribution system facilities, the cost of those facilities, and the time schedule required to interconnect the net metering facility to the utility's distribution system.

(o) "Net metering facility" means a net metering facility as defined in ORS 757.300(1)(d).

(p) "Non-residential customer" means a retail electricity consumer that is not a residential customer, except "non-residential customer" does not include a customer who would be a residential customer but for the residency provisions of subsection (r) of this rule.

(q) "Point of common coupling" means the point beyond the customer-generator's meter where the customer-generator facility connects with the electric distribution system.

(r) "Public utility" has the meaning set forth in ORS 757.005 and is limited to a public utility that provides electric service.

(s) "Residential customer" means a retail electricity consumer that resides at a dwelling primarily used for residential purposes. "Residential customer" does not include retail electricity customers in a dwelling typi-

cally used for residency periods of less than 30 days, including hotels, motels, camps, lodges, and clubs. "Dwelling" includes, but is not limited to, single-family dwellings, separately-metered apartments, adult foster homes, manufactured dwellings, and floating homes.

(t) "Spot network" means a type of electric distribution system that uses two or more inter-tied transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers.

(u) "Written notice" means a required notice sent by the utility via electronic mail if the customer-generator has provided an electronic mail address. If the customer-generator has not provided an electronic mail address, or has requested in writing to be notified by United States mail, or if the utility elects to provide notice by United States mail, then written notices from the utility shall be sent via First Class United States mail. The utility shall be deemed to have fulfilled its duty to respond under these rules on the day it sends the customer-generator notice via electronic mail or deposits such notice in First Class mail. The customer-generator shall be responsible for informing the utility of any changes to its notification address.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.300  
Hist.: PUC 8-2007, f. & cert. ef. 7-27-07; PUC 5-2011, f. & cert. ef. 9-7-11

## 860-039-0010 Net Metering Kilowatt Limit

(1) For residential customer-generators of a public utility, these rules apply to net metering facilities that have a generating capacity of 25 kilowatts or less.

(2) For non-residential customer-generators of a public utility, these rules apply to net metering facilities that have a generating capacity of two megawatts or less.

(3) Nothing in these rules is intended to limit the number of net metering facilities per customer-generator so long as the net metering facilities in aggregate on the customer-generator's contiguous property do not exceed the applicable kilowatt or megawatt limit.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.300  
Hist.: PUC 8-2007, f. & cert. ef. 7-27-07; PUC 5-2011, f. & cert. ef. 9-7-11

## 860-039-0065 Aggregation of Meters for Net Metering

(1) For the purpose of measuring electricity usage under the net metering program, a public utility must, upon request from a customer-generator, aggregate for billing purposes the meter that is physically attached to the net metering facility ("designated meter") with one or more meters ("aggregated meter") in the manner set out in this rule. This rule is mandatory upon the public utility only when:

(a) The aggregated meters are located on the customer-generator's premises or property that is contiguous to such premises;

(b) The electricity recorded by the designated meter and any aggregated meters is for the customer-generator's requirements, and;

(c) The designated meter and the aggregated meters are served by the same primary feeder at the time of application.

(2) When a customer-generator aggregates one or more meters that are subject to a different rate schedule than the designated meter, the facilities capacity limit in OAR 860-039-0010 is determined by the rate applicable to the designated meter.

(3) A customer-generator must give at least 60 days notice to the utility to request that additional meters be included in meter aggregation. The specific meters must be identified at the time of such request. In the event that more than one additional meter is identified, the customer-generator must designate the rank order for the aggregated meters to which net metering credits are to be applied, and must rank aggregated meters subject to the same rate schedule as the designated meter above any other meters. At least 60 days in advance of the beginning of the next annual billing period, a customer-generator may amend the rank order of the aggregated meters, subject to the requirements of this rule.

(4) The aggregation of meters will apply only to charges that use kilowatt-hours as the billing determinant. All other charges applicable to each meter account will be billed to the customer-generator.

(5) The utility will first apply the kWh credit to the charges for the designated meter and then to the charges for the aggregated meters in the rank order specified by the customer-generator. If in a monthly billing period the net metering facility supplies more electricity to the public utility than the energy usage recorded by the customer-generator's designated and aggregated meters, the utility will apply credits to the next monthly bill for the excess kilowatt-hours first to the designated meter, then to aggregated

# ADMINISTRATIVE RULES

meters in the rank order specified by the customer-generator. Public utilities subject to ORS 757.300(2) through (8) must specify in tariffs how the kWh credits will be applied when rate schedules have non-uniform kWh charges.

(6) With the Commission's prior approval, a public utility may charge the customer-generator requesting to aggregate meters a reasonable fee to cover the administrative costs of this provision pursuant to a tariff approved by the Commission.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.300  
Hist.: PUC 8-2007, f. & cert. ef. 7-27-07; PUC 5-2011, f. & cert. ef. 9-7-11

\*\*\*\*\*

**Rule Caption:** In the Matter of a Rulemaking to Update Waiver Provisions in the Commission's Administrative Rules.

**Adm. Order No.:** PUC 6-2011

**Filed with Sec. of State:** 9-14-2011

**Certified to be Effective:** 9-14-11

**Notice Publication Date:** 8-1-2011

**Rules Adopted:** 860-016-0005, 860-032-0000

**Rules Amended:** 860-021-0005, 860-022-0000, 860-022-0045, 860-023-0000, 860-023-0054, 860-023-0055, 860-024-0000, 860-024-0012, 860-025-0000, 860-026-0000, 860-027-0000, 860-027-0043, 860-027-0044, 860-028-0000, 860-029-0005, 860-029-0050, 860-030-0000, 860-031-0040, 860-032-0007, 860-032-0012, 860-033-0001, 860-034-0010, 860-034-0050, 860-034-0260, 860-034-0340, 860-034-0390, 860-036-0001, 860-036-0110, 860-036-0235, 860-036-0738, 860-036-0750, 860-037-0001, 860-037-0235, 860-037-0545, 860-037-0560, 860-038-0001, 860-039-0005, 860-082-0010, 860-083-0005, 860-084-0000

**Subject:** Before these changes were adopted, only half of the divisions of the Commission's administrative rules contained general waiver provisions, and many of the remaining divisions contained waiver provisions specific to individual rules within a division. These rule changes provide consistent general waiver provision language throughout the Commission's administrative rules, excepting Division 011 which contains only one rule concerning personal service contracts. Providing consistent general waiver provision language in the rules allows the Commission to consider, on a case-by-case basis, if there is sufficient reason to grant a variance from a rule under circumstances that are unusual or not anticipated when the rule was adopted and whether that variance is in the public interest.

**Rules Coordinator:** Diane Davis—(503) 378-4372

## 860-016-0005

### Waiver

Upon request or its own motion, the Commission may waive any of the Division 016 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission or Arbitrator.

Stat. Auth.: ORS 756.040  
Stats. Implemented: ORS 756.040  
Hist.: PUC 6-2011, f. & cert. ef. 9-14-11

## 860-021-0005

### Scope of the Rules

Upon request or its own motion, the Commission may waive any of the Division 021 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183 & 756  
Stats. Implemented: ORS 756.040  
Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-022-0000

### Applicability of Division 022

(1) The rules contained in this Division apply to energy utilities and large telecommunications utilities, as defined in OAR 860-022-0001.

(2) Upon request or its own motion, the Commission may waive any of the Division 022 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759  
Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045  
Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 11-2001, f. & cert. ef. 4-18-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-022-0045

### Relating to Local Government Fees, Taxes, and Other Assessments Imposed Upon an Energy or Large Telecommunications Utility

(1) If any county in Oregon, other than a city-county, imposes upon an energy or large telecommunications utility any new taxes or license, franchise, or operating permit fees, or increases any such taxes or fees, the utility required to pay such taxes or fees shall collect from its customers within the county imposing such taxes or fees the amount of the taxes or fees, or the amount of increase in such taxes or fees. However, if the taxes or fees cover the operations of an energy or large telecommunications utility in only a portion of a county, then the affected utility shall recover the amount of the taxes or fees or increase in the amount thereof from customers in the portion of the county which is subject to the taxes or fees. "Taxes," as used in this rule, means sales, use, net income, gross receipts, payroll, business or occupation taxes, levies, fees, or charges other than ad valorem taxes.

(2) The amount collected from each utility customer pursuant to section (1) of this rule shall be separately stated and identified in all customer billings.

(3) This rule applies to new or increased taxes imposed on and after December 16, 1971, including new or increased taxes imposed retroactively after that date.

Stat. Auth.: ORS 183, 756, 757 & 759  
Stats. Implemented: ORS 757.110 & 759.115  
Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 7-1998, f. & cert. ef. 4-8-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-023-0000

### Applicability of Division 023

(1) The rules contained in this Division apply to energy utilities, large telecommunications utilities, telecommunications carriers, and intrastate toll service providers, as defined in OAR 860-023-0001.

(2) Upon request or its own motion, the Commission may waive any of the Division 023 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759  
Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045  
Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 11-2001, f. & cert. ef. 4-18-01; PUC 9-2005, f. & cert. ef. 12-23-05; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-023-0054

### Retail Intrastate Toll Service Provider Service Standards

Every intrastate toll service provider must adhere to the following standards:

(1) Measurement and Reporting Requirement. Each intrastate toll service provider must take the measurements required by this rule and report them to the Commission as specified.

(2) Additional Reporting Requirements. The Commission may require a telecommunications carrier to provide additional reports on any item covered by this rule.

(3) Blocked Calls. An intrastate toll service provider must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of all properly dialed calls made during the average busy season busy hour without encountering blockage or equipment irregularities in excess of the Commission-approved service levels listed in subsection (b) of this section, or alternatively, provide the level of service specified by the intrastate toll service provider in accordance with ORS 759.020(6).

(a) Measurement:

(A) An intrastate toll service provider must collect traffic data; that is, peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate blockage levels of the interoffice final trunk groups;

(B) System blockage will be determined by special testing at the wire center. Commission Staff or a carrier technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percent of completion of the calls shall be calculated.

(b) Commission-Approved Service Level:

(A) An intrastate toll service provider must maintain interoffice final trunk groups to allow 99 percent completion of calls during the average busy season busy hour without blockage (P01 grade of service);

(B) An intrastate toll service provider must maintain its network operation so that 99 percent of the calls do not experience blockage during any normal busy hour. If a final trunk group provisioned by an intrastate toll service provider exceeds the blockage standard specified herein for four

# ADMINISTRATIVE RULES

consecutive months, the trunk group will be considered in violation of this standard.

(c) Reporting Requirement: In accordance with ORS 759.020(6), each intrastate toll service provider must inform customers of the service level furnished by the carrier. Each provider must also identify the service level it plans to furnish in its annual report filed with the Commission. An intrastate toll service provider must file a switching system blockage report after a Commission-directed switching-system blockage test is completed.

(d) Retention Requirement: Each intrastate toll service provider must maintain records for one year.

(4) Special Service Lines. All special service access lines must meet the performance requirements specified in applicable intrastate toll service provider tariffs or contracts.

(5) An intrastate toll service provider connected to the facilities of other telecommunications carriers as defined in ORS 759.400(3) shall operate its system in a manner that will not impede a telecommunications carrier's or intrastate toll service provider's ability to meet required standards of service. A telecommunications carrier or intrastate toll service provider shall report interconnection operational problems promptly to the Commission.

(6) Remedies for Violation of This Standard:

(a) If a telecommunications carrier subject to this rule violates one or more of its service standards, the Commission must require the intrastate toll service provider to submit a plan for improving performance as provided in ORS 759.450(5). If an intrastate toll carrier does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, penalties may be assessed in accordance with ORS 759.450(5) through (7).

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that an intrastate toll service provider subject to this rule has violated one or more of its service standards, the Commission shall give the intrastate toll service provider notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the intrastate toll service provider to provide the following relief to the affected customers:

(A) Customer billing credits equal to the associated nonrecurring and recurring charges of the intrastate toll service provider for the affected service for the period of the violation; or

(B) Other relief authorized by Oregon law.

(7)(a) If the Commission determines that effective competition exists in one or more exchange, it may exempt all telecommunications carriers providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission must consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange(s);

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Price to cost ratios;

(F) Number of suppliers;

(G) Price demand side substitutability (for example, customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(b) When a telecommunications carrier or intrastate toll service provider petitions the Commission for exemption under this provision, the Commission must provide notice of the petition to all relevant telecommunications carriers providing the applicable service(s) in the exchange(s) in question. Such notified telecommunications carriers will be provided an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in Section (7)(a)(A) through (H), the commenting telecommunications carrier be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(c) For purposes of this rule, if a final trunk group provisioned by an intrastate toll provider exceeds the blockage standard specified by the provider for four consecutive months, that trunk group will be considered in violation of the provider's service standard.

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

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.020, 759.030, 759.050 & 759.450

Hist.: PUC 9-2005, f. & cert. ef. 12-23-05; PUC 10-2006, f. & cert. ef. 10-12-06; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-023-0055

### Retail Telecommunications Service Standards for Large Telecommunications Utilities

Every large telecommunications utility must adhere to the following standards:

(1) Definitions.

(a) "Access Line" – A facility engineered with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;

(b) "Average Busy Season Busy Hour" – The hour that has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

(c) "Average Speed of Answer" – The average time that elapses between the time the call is directed to a representative and the time it is answered;

(d) "Blocked Call" – A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);

(e) "Customer" – Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(f) "Exchange" – Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(g) "Final Trunk Group" – A last-choice trunk group that receives overflow traffic and that may receive first-route traffic for which there is no alternative route;

(h) "Force Majeure" – Circumstances beyond the reasonable control of a large telecommunications utility, including but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the large telecommunications utility has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the large telecommunications utility has made a timely application for such approval;

(C) The customer, including but not limited to, the customer's construction project or lack of facilities, or failure to provide access to the customer's premises;

(D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties, including but not limited to, outages originating from introduction of a virus onto the provider's network;

(i) "Held Order for Lack of Facilities" – Request for access line service delayed beyond the initial commitment date due to lack of facilities. An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(j) "Initial Commitment Date" – The initial date pledged by the large telecommunications utility to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the large telecommunications utility;

(k) "Network Interface" – The point of interconnection between the large telecommunications utility's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface must be located on the customer's side of the large telecommunications utility's protector;

(l) "Retail Telecommunications Service" – A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by a large telecommunications utility to another telecommunications utility or competitive telecommunications provider, unless the telecommunications utility or competitive telecommunications provider receiving the service is the end user of the service;

(m) "Tariff" – A schedule showing rates, tolls, and charges that the large telecommunications utility has established for a retail service;

(n) "Trouble Report" – A report of a malfunction that affects the functionality and reliability of retail telecommunications service on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a large telecommunications utility by or on behalf of that large telecommunications utility's customer;

(o) "Wire Center" – A facility where local telephone subscribers' access lines converge and are connected to switching equipment that provides access to the Public Switched Telephone Network, including remote

## ADMINISTRATIVE RULES

switching units and host switching units. A wire center does not include collocation arrangements in a connecting large telecommunications utility's wire center or broadband hubs that have no switching equipment.

(2) **Measurement and Reporting Requirements.** A large telecommunications utility must take the measurements required by this rule and report them to the Commission as specified. Reported measurements must be reported to the first significant digit (i.e., one number should be reported to the right of the decimal point). The service quality objective service levels set forth in sections 4 through 8 of this rule apply only to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.

(3) **Additional Reporting Requirements.** The Commission may require a large telecommunications utility to submit additional reports on any item covered by this rule.

(4) **Provisioning and Held Orders for Lack of Facilities.** The representative of the large telecommunications utility must give a retail customer an initial commitment date of not more than six business days after a request for access line service, unless a later date is determined through good faith negotiations between the customer and the large telecommunications utility. The large telecommunications utility may change the initial commitment date only if requested by the customer. When establishing the initial commitment date, the large telecommunications utility may take into account the actual time required for the customer to meet prerequisites; e.g., line extension charges or trench and conduit requirements. If a request for service becomes a held order for lack of facilities, the serving large telecommunications utility must, within five business days, send or otherwise provide the customer a written commitment to fill the order.

(a) **Measurement:**

(A) **Commitments Met** – A large telecommunications utility must calculate the monthly percentage of commitments met for service, based on the initial commitment date, across its Oregon service territory. Commitments missed for reasons solely attributed to customers, another telecommunications utility or a competitive telecommunications provider may be excluded from the calculation of the “commitments met” results;

(B) **Held Orders for Lack of Facilities** – A large telecommunications utility must determine the total monthly number of held orders, due to lack of facilities, not completed by the initial commitment date during the reporting month and the number of primary (initial access line) held orders, due to lack of facilities, over 30 days past the initial commitment date.

(b) **Objective Service Level:**

(A) **Commitments Met** – Each large telecommunications utility must meet at least 90 percent of its commitments for service;

(B) **Held Orders:**

(i) The number of held orders for the lack of facilities for each large telecommunications utility must not exceed the larger of two per wire center per month averaged over the large telecommunications utility's Oregon service territory, or five held orders for lack of facilities per 1,000 inward orders;

(ii) The total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of the total monthly held orders for lack of facilities within the large telecommunications utility's Oregon service territory.

(c) **Reporting Requirement:** Each large telecommunications utility must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date.

(d) **Retention Requirement:** Each large telecommunications utility must maintain records about held orders for lack of facilities for one year. The record must explain why each order is held and the initial commitment date.

(5) **Trouble Reports.** Each large telecommunications utility must maintain an accurate record of all reports of malfunction made by its customers.

(a) **Measurement:** A large telecommunications utility must determine the number of customer trouble reports that were received during the month. The large telecommunications utility must relate the count to the total working access lines within a reporting wire center. A large telecommunications utility need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) **Cable Cuts:** A large telecommunications utility may take an exclusion if the “buried cable location” (locate) was either not requested or was requested and was accurate. If a large telecommunications utility or the

utility's contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) **Internet Service Provider (ISP) Blockage:** If an ISP does not have enough access trunks to handle peak traffic;

(C) **Modem Speed Complaints:** An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in section 10 of this rule were met;

(D) **No Trouble Found:** Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, the repeat report and subsequent reports must be counted;

(E) **New Feature or Service:** Trouble reports related to a customer's unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) **No Access:** An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in section 10 of this rule. If a repeat trouble report is received within the following 30-day period, the repeat report and subsequent reports must be counted;

(G) **Subsequent Tickets/Same Trouble/Same Access Line:** Only one trouble report for a specific complaint for the same access line should be counted within a 48-hour period. All repeat trouble reports after the 48-hour period must be counted;

(H) **Non-Regulated or Deregulated Equipment:** Trouble associated with such equipment should not be counted;

(I) **Trouble with Other Telecommunications Utilities or Competitive Telecommunications Providers:** A trouble report caused solely by another telecommunications utility or competitive telecommunications provider;

(J) **Lightning Strikes:** Trouble reports received for damage caused by lightning strikes can be excluded if all accepted grounding, bonding, and shielding practices were followed by the large telecommunications utility at the damaged location; and

(K) **Other exclusions:** As approved by the Commission.

(b) **Objective Service Level:** A large telecommunications utility must maintain service so that the monthly trouble report rate, after approved trouble report exclusions, does not exceed:

(A) For wire centers with more than 1,000 access lines: two per 100 working access lines per wire center more than three times during a sliding 12-month period.

(B) For wire centers with 1,000 or less access lines: three per 100 working access lines per wire center more than three times during a sliding 12-month period.

(c) **Reporting Requirement:** Each large telecommunications utility must report monthly to the Commission:

(A) The trouble report rate by wire center;

(B) The reason(s) a wire center meeting the standard (did not exceed the trouble report rate threshold for more than three of the last 12 months) exceeded a trouble report rate of 3.0 per 100 working access lines during the reporting month;

(C) The reason(s) a wire center not meeting the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and

(D) The access line count for each wire center.

(d) **Retention Requirement:** Each large telecommunications utility must maintain a record of reported trouble in such a manner that it can be forwarded to the Commission upon the Commission's request. The large telecommunications utility must keep all records for a period of one year. The record of reported trouble must contain as a minimum the:

(A) Telephone number;

(B) Date and time received;

(C) Time cleared;

(D) Type of trouble reported;

(E) Location of trouble; and

(F) Whether or not the present trouble was within 30 days of a previous trouble report.

(6) **Repair Clearing Time.** This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the large telecommunications utility until the trouble is resolved. The large telecommunications utility must provide each customer making a network trouble report with a commitment time when the large telecommunications utility will repair or resolve the problem.

(a) **Measurement:** A large telecommunications utility must calculate the percentage of trouble reports cleared within 48 hours for each repair center.



## ADMINISTRATIVE RULES

(b) Objective Service Level: A large telecommunications utility must monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report.

(c) Reporting Requirement: Each large telecommunications utility must report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center.

(d) Retention Requirement: None.

(7) Blocked Calls. A large telecommunications utility must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of calls made during the average busy season busy hour without encountering blockage or equipment irregularities in excess of levels listed in subsection (7)(b) of this rule.

(a) Measurement:

(A) A large telecommunications utility must collect traffic data; i.e., peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate blockage levels of the interoffice final trunk groups;

(B) System blockage is determined by special testing at the wire center. Commission Staff or a telecommunications utility technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percentage of calls completed must be calculated.

(b) Objective Service Level:

(A) A large telecommunications utility must maintain interoffice final trunk groups to allow 99 percent completion of calls during the average busy season busy hour without blockage (P.01 grade of service);

(B) A large telecommunications utility must maintain its switch operation so that 99 percent of the calls do not experience blockage during the normal busy hour.

(C) When a large telecommunications utility fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of restoring the P.01 grade of service will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each large telecommunications utility must report monthly to the Commission:

(A) Local and extended area service (EAS) final trunk groups that do not meet the objective service level for trunk group blockage, measured from each of its switches, regardless of the ownership of the terminating switch;

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and actions to bring the trunks into standard; and

(D) Identity of the telecommunications utility or competitive telecommunications provider, if other than the reporting large telecommunications utility, responsible for maintaining those final trunk groups not meeting the standard.

(d) Retention Requirement: Each large telecommunications utility must maintain records for one year.

(8) Access to Large Telecommunications Utility Representatives. This rule sets the allowed time for large telecommunications utility business office or repair service center representatives to answer customer calls.

(a) Measurement:

(A) Direct Representative Answering: A large telecommunications utility must measure the answer time from the first ring at the large telecommunications utility business office or repair service center;

(B) Driven, Automated, or Interactive Answering System: The option of transferring to the large telecommunications utility representative must be included in the initial local service-screening message. The large telecommunications utility must measure the answering time from the point a call is directed to its representatives; e.g., when the call leaves the Voice Response Unit;

(C) Each large telecommunications utility must calculate:

(i) The monthly percentage of the total calls placed to the business office and repair service center and the number of calls answered by representatives within 20 seconds; or

(ii) The average speed of answer time for the total calls received by the business office and repair service center.

(b) Objective Service Level:

(A) No more than 1 percent of calls to the large telecommunications utility business office or repair service center may encounter a busy signal; and

(B) The large telecommunications utility representatives must answer at least 80 percent of calls within 20 seconds or have an average speed of answer time of 50 seconds or less.

(c) Reporting Requirement:

(A) Each large telecommunications utility must report monthly to the Commission an exception report if busy signals were encountered in excess of 1 percent for either the business office or repair service center; and

(B) Each large telecommunications utility must report monthly to the Commission the percentage of calls answered within 20 seconds or the average speed of answer time for both the business office and repair service center. Once a method of measurement is reported by the provider, that method can only be changed with permission of the Commission.

(d) Retention Requirement: None.

(9) Interruption of Service Notification. A large telecommunications utility must report significant outages that affect customer service. These interruptions could be caused by switch outage, electronic outage, cable cut, or construction.

(a) Measurement: A large telecommunications utility must notify the Commission when an interruption occurs that exceeds the following thresholds:

(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than 15 minutes.

(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot be rerouted to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A large telecommunications utility must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. Interim reports will be given to the Commission as significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service is restored.

(d) Retention Requirement: None.

(10) Customer Access Line Testing. All customer access lines must be designed, installed, and maintained to meet the levels in subsection (b) of this section.

(a) Measurement: Each large telecommunications utility must make all loop parameter measurements at the network interface, or as close as access allows.

(b) Objective Service Level: Each access line must meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, must be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, must not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, must not exceed 20 decibels above referenced noise level – C message weighting (dBmC);

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, must not exceed 80 dBmC.

(c) Reporting Requirement: A large telecommunications utility must report measurement readings as directed by the Commission.

(d) Retention Requirement: None.

(11) Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment must be capable of accepting and correctly processing at least the following network control signals from the customer premises equipment. The wire center must provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each large telecommunications utility must make measurements at or to the serving wire center.

(b) Objective Service Level:

(A) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts must receive dial tone within three seconds;

(B) A large telecommunications utility must maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more

# ADMINISTRATIVE RULES

than 30 percent of the trunks deviates from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None.

(d) Retention Requirement: None.

(12) Special Service Access Lines. All special service access lines must meet the performance requirements specified in applicable large telecommunications utility tariffs or contracts.

(13) Large Telecommunications Utility Interconnectivity. A large telecommunications utility connected to the facilities of another telecommunications utility or competitive telecommunications provider must operate its system in a manner that will not impede either company's ability to meet required standards of service. A large telecommunications utility must report interconnection operational problems promptly to the Commission.

(14) Remedies for Violation of This Standard.

(a) If a large telecommunications utility subject to this rule fails to meet a minimum service quality standard, the Commission must require the large telecommunications utility to submit a plan for improving performance as provided in ORS 759.450(5). If a large telecommunications utility does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a large telecommunications utility subject to this rule has violated one or more of its service standards, the Commission must give the large telecommunications utility notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the large telecommunications utility to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of paragraph (4)(b)(B) of this rule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the large telecommunications utility for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(15)(a) If the Commission determines that effective competition exists in one or more exchange(s), it may exempt all telecommunications utilities and competitive telecommunications providers providing telecommunications services in the exchange(s) from the requirements of this rule, in whole or in part. In making this determination, the Commission will consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange(s);

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Number of suppliers;

(F) Price to cost ratios;

(G) Demand side substitutability (e.g., customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(b) When a large telecommunications utility petitions the Commission for exemption under this provision, the Commission must provide notice of the petition to all relevant telecommunications utilities and competitive telecommunications providers providing the applicable service(s) in the exchange(s) in question. The Commission will provide such notified telecommunications utilities and competitive telecommunications providers an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in paragraphs (15)(a)(A) through (H), the commenting telecommunications utilities and competitive telecommunications providers be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(c) The Commission may grant a large telecommunications utility's petition for an exemption from service quality reporting requirements if the large telecommunications utility meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

[Publications: Publications referenced are available from the agency]

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.020, 759.030 & 759.050

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 23-1985, f. & ef. 12-11-85 (Order No. 85-1171); PUC 1-1997, f. & ef. 1-7-97 (Order No. 96-332); PUC 13-2000, f. & ef. 6-9-00; PUC 13-2001, f. & ef. 5-25-01; PUC 7-2002, f. & ef. 2-26-02; PUC 10-2005, f. & ef. 12-27-05; PUC 6-2011, f. & ef. 9-14-11

## 860-024-0000

### Applicability of Division 024

(1) Unless otherwise noted, the rules in this Division apply to every operator, as defined in OAR 860-024-0001.

(2) Upon request or its own motion, the Commission may waive any of the Division 024 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 757.035, 757.039, 757.649, 759.030, 759.040 & 759.045  
Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 23-2001, f. & cert. ef. 10-11-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-024-0012

### Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

(1) A violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the operator immediately after discovery.

(2) Except as otherwise provided by this rule, the operator must correct violations of Commission Safety Rules no later than two years after discovery.

(3) An operator may elect to defer correction of violations of the Commission Safety Rules that pose little or no foreseeable risk of danger to life or property to correction during the next major work activity.

(a) In no event shall a deferral under this section extend for more than ten years after discovery.

(b) The operator must develop a plan detailing how it will remedy each such violation.

(c) If more than one operator is affected by the deferral, all affected operators must agree to the plan. If any affected operators do not agree to the plan, the correction of violation(s) may not be deferred.

Stat. Auth.: ORS 183, 756, 757 & 759

Stat. Implemented: ORS 757.035

Hist.: PUC 9-2006, f. & cert. ef. 9-28-06; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-025-0000

### Applicability of Division 025

(1) The rules contained in this Division apply to electric utilities, gas utilities, and large telecommunications utilities, as defined in OAR 860-025-0001.

(2) Upon request or its own motion, the Commission may waive any of the Division 025 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 759.036, 759.040 & 759.500 - 595

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 13-2002, f. & cert. ef. 3-26-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-026-0000

### Applicability of Division 026

(1) The rules contained in this Division apply to energy utilities and large telecommunications utilities, as defined in OAR 860-026-0005.

(2) Upon request or its own motion, the Commission may waive any of the Division 026 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045

Hist.: PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 11-2001, f. & cert. ef. 4-18-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-027-0000

### Applicability of Division 027

(1) The rules contained in this Division apply to energy utilities and large telecommunications utilities, as defined in OAR 860-027-0001.

(2) Upon request or its own motion, the Commission may waive any of the Division 027 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 759.030, 759.040 & 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 3-1995, f. & cert. ef. 6-19-95 (Order No. 95-516); PUC 2-1996, f. & cert. ef. 4-18-96 (Order No. 96-102); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 11-2001, f. & cert. ef. 4-18-01; PUC 6-2011, f. & cert. ef. 9-14-11

# ADMINISTRATIVE RULES

## 860-027-0043

### Application for Waiver of Requirements Under OARs 860-027-0040 and 860-027-0041

The Commission will not waive the requirements of OAR 860-027-0040 or 860-027-0041 for any transactions exceeding 0.1 percent of the previous calendar year's Oregon utility operating revenues unless the transaction or transactions can be demonstrated in advance to be fair and reasonable and not contrary to the public interest.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.005, 757.015, 757.490 & 757.495

Hist.: PUC 21-1990, f. & cert. ef. 12-31-90 (Order No. 90-1904); PUC 21-1990-A, f. 10-11-91, cert. ef. 12-31-90 (Order No. 90-1904); PUC 12-1992, f. & cert. ef. 7-8-92 (Order No. 92-963); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-027-0044

### Application for Waiver Requirements by Large Telecommunications Utilities Under OARs 860-027-0040 and 860-027-0041

The Commission will not grant a request by a large telecommunications utility for a waiver of OAR 860-027-0040 or 860-027-0041 for any transactions that:

(1) Are subject to ORS 759.385(4), 759.390(7) or 759.394; or

(2) Exceed 0.1 percent of the previous calendar year's Oregon utility operating revenues.

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.005, 759.010, 759.385 & 759.390

Hist.: PUC 12-1992, f. & cert. ef. 7-8-92 (Order No. 92-963); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-028-0000

### Applicability

(1) The rules contained in this Division apply to every pole or conduit owner and every pole or conduit occupant, as defined in OAR 860-028-0020.

(2) Upon request or its own motion, the Commission may waive any of the Division 028 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 757.035, 757.270, 759.045 & 759.650

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 14-2000, f. & cert. ef. 8-23-00; PUC 23-2001, f. & cert. ef. 10-11-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-029-0005

### Applicability of Rules

(1) Except as otherwise provided, these rules shall apply to all interconnection arrangements between a "public utility" as defined by ORS 758.505 and facilities which are qualifying facilities as defined herein. Provisions of these rules shall not supersede contracts existing before the effective date of this rule. At the expiration of such an existing contract between a public utility and a cogenerator or small power producer, any contract extension or new contract shall comply with these rules.

(2) Nothing in these rules limits the authority of a public utility or a qualifying facility to agree to a rate, terms, or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be provided by these rules, provided such rate, terms, or conditions do not burden the public utility's customers.

(3) Within 30 days following the initial contact between a prospective qualifying facility and a public utility, the public utility shall submit informational documents, approved by the Commission, to the qualifying facility which state:

(a) The public utility's internal procedural requirements and information needs;

(b) Any contract offered by the public utility is subject to negotiation;

(c) Avoided costs are subject to change pursuant to OAR 860-029-0080(3); and

(d) That the avoided costs actually paid to a qualifying facility will depend on the quality and quantity of power to be delivered to the public utility. The avoided costs may be recalculated to reflect stream flows, generating unit availability, loads, seasons, or other conditions.

(4) Upon request or its own motion, the Commission may waive any of the Division 029 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 758

Stats. Implemented: ORS 756.040 & 758.505 - 758.555

Hist.: PUC 9-1981, f. & ef. 10-29-81 (Order No. 81-755); PUC 7-1982, f. & ef. 7-21-82 (Order No. 82-514); PUC 21-1984, f. & ef. 9-25-84 (Order No. 84-742); PUC 5-1986, f. & ef. 5-15-87 (Order No. 86-488); PUC 14-1987, f. & ef. 11-19-87 (Order No. 87-1154); PUC 8-1995, f. & cert. ef. 8-30-95 (Order No. 95-858); PUC 1-1998, f. & cert. ef. 1-12-98; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-029-0050

### Rates for Sales

(1) Rates for sales by public utilities shall:

(a) Be just and reasonable and in the public interest; and

(b) Not discriminate against qualifying facilities.

(2) Rates for sales which are based on accurate data and consistent, system-wide costing principles shall be considered not to discriminate against any qualifying facility to the extent that such rates apply to the public utility's other customers with similar load or other cost-related characteristics.

(3) The following additional services shall be provided by a public utility to a qualifying facility at its request:

(a) Supplementary power;

(b) Back-up power;

(c) Maintenance power; and

(d) Interruptible power.

(4) When a waiver request is filed under OAR 860-029-0005(4), the Commission may waive any requirement of section (3) of this rule if, after notice in the area served by the public utility and after opportunity for public comment, the public utility demonstrates and the Commission finds that compliance with such requirement will:

(a) Impair the public utility's ability to render adequate service to its other customers; or

(b) Place an undue burden on the public utility.

(5) The rate for sale of back-up power or maintenance power:

(a) Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on a public utility's system will occur simultaneously, during the system peak, or both; and

(b) Shall take into account the extent to which scheduled outages of the qualifying facilities can be coordinated usefully with the scheduled outages of the public utility's facilities.

Stat. Auth.: ORS 183, 756, 757 & 758

Stats. Implemented: ORS 756.040 & 758.505 - 758.555

Hist.: PUC 9-1981, f. & ef. 10-29-81 (Order No. 81-755); PUC 7-1982, f. & ef. 7-21-82 (Order No. 82-514); PUC 21-1984, f. & ef. 9-25-84 (Order No. 84-742); PUC 1-1998, f. & cert. ef. 1-12-98; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-030-0000

### Exemptions

(1) Except as provided in section (2) of this rule, the rules contained in this Division do not apply to unincorporated associations and cooperative corporations or to investor-owned electric utilities that satisfy their public purpose obligations under ORS 757.612.

(2) These rules apply to investor-owned electric utilities to the extent required by ORS 469.860 through 469.900.

(3) Upon request or its own motion, the Commission may waive any of the Division 030 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040 & 757.612

Hist.: PUC 3-1999, f. & cert. ef. 8-10-99; PUC 2-2001, f. & cert. ef. 1-5-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-031-0040

### Waivers of Gas Pipeline Safety Standards

(1) Upon request or its own motion, the Commission may waive any of the Division 031 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission. The application must include a statement of reasons why the regulations are not appropriate and why a waiver is consistent with gas pipeline safety. The Commission may grant a waiver if:

(a) The noncompliance does not entail a significant risk to the operator's employees or the public; or

(b) The degree of risk does not justify the expense of bringing the system into compliance.

(2) If the Commission decides to grant a waiver, it shall issue the waiver under such terms and conditions as are appropriate, with a statement of reasons for granting the waiver. The waiver shall contain a recital that it is subject to the approval of the Secretary of Transportation of the United States Department of Transportation. If the Commission denies the waiver, it shall notify the applicant of the reasons for the denial.

(3) The Commission shall give the Secretary of Transportation of the United States Department of Transportation written notice 60 days before the effective date of the waiver. If, before the effective date of the waiver, the Secretary objects in writing to the granting of the waiver, the Commission's action granting the waiver will be stayed. The Commission may present the case for the waiver to the Secretary, who, in such case, shall

# ADMINISTRATIVE RULES

determine finally whether the requested waiver will be granted. If the Commission does not present the case for the waiver to the Secretary, the grant of the waiver shall be withdrawn and the waiver shall be denied.

Stat. Auth.: ORS 183.756 & 757  
Stats. Implemented: ORS 756.040 & 757.039  
Hist.: PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 1-1998, f. & cert. ef. 1-12-98;  
PUC 9-2001, f. & cert. ef. 3-21-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-032-0000

### Waiver

Upon request or its own motion, the Commission may waive any of the Division 032 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 756.040  
Stats. Implemented: ORS 756.040, 759.005 & 759.020  
Hist.: PUC 6-2011, f. & cert. ef. 9-14-11

## 860-032-0007

### Conditions of Certificates of Authority

A certificate to provide telecommunications service shall be subject to the following conditions:

(1) The certificate holder shall provide only the telecommunications service authorized in the certificate.

(2) A telecommunications utility shall not abandon service except as authorized under the Commission's rules.

(3) For telecommunications utilities, the records and books of the certificate holder are open to inspection by the Commission, and shall be maintained according to the Commission's rules.

(4) For competitive providers and cooperatives, the books and records of the certificate holder shall be open to inspection by the Commission to the extent necessary to verify information required of the certificate holder. The books and records shall be maintained according to the applicable rules of the Commission.

(5) The certificate holder shall pay all access charges and subsidies imposed pursuant to the Commission's rules, orders, tariffs, or price lists.

(6) The certificate holder involved in the provision of an operator service shall:

(a) Notify all callers at the beginning of each call of the telecommunications provider's name; however, a telecommunications provider furnishing operator service for another telecommunications provider may brand the call by identifying the other provider;

(b) Disclose rate and service information to the caller when requested;

(c) Maintain a current list of emergency numbers for each service territory it serves;

(d) Transfer an emergency call to the appropriate emergency number when requested, free of charge;

(e) Transfer a call to, or instruct the caller how to reach, the originating telecommunications utility's operator service upon request of the caller, free of charge;

(f) Not transfer a call to another operator service provider without the caller's notification and consent;

(g) Not bill or collect for calls not completed to the caller's destination telephone number; and

(h) Not screen calls and prevent or block the completion of calls which would allow the caller to reach an operator service company different from the certificate holder. In addition, the certificate holder shall, through contract provisions with its call aggregator clients, prohibit the blocking of a caller's access to his or her operator service company of choice. A certificate holder may apply for a waiver from this requirement if necessary to prevent fraudulent use of its services.

(7) Telecommunications providers who enter into operator service contracts or arrangements with call aggregators shall include in those contracts or arrangements provisions for public notification as follows:

(a) A sticker or name plate identifying the name of the certificate holder shall be attached to each telephone available to the public; and

(b) A brochure, pamphlet, or other notice shall be available in the immediate vicinity of the telephone giving the name of the operator service provider, stating that rate quotes are available upon request, listing a toll-free telephone number for customer inquiry, and giving instructions on how the caller may access other operator service providers.

(8) Competitive providers may contract with telecommunications utilities, other competitive providers, or other persons for customer billing and collection under the following conditions:

(a) The telecommunications utility, other competitive provider, or other person, in billing for the competitive provider, shall include on the bill the name of a company with the information and authority to provide infor-

mation and resolve disputes about billing entries, a toll-free number to reach that company, and details of the services and charges billed;

(b) The telecommunications utility shall not deny telecommunications service to customers for failure to pay charges for competitive provider services or unregulated utility services.

(9) The certificate holder shall comply with Commission rules and orders applicable to the certificate holder.

(10) The certificate holder shall not take any action that impairs the ability of other certified telecommunications providers to meet service standards specified by the Commission;

(11) The certificate holder shall respond in a timely manner to Commission inquiries.

(12) The certificate holder shall submit required reports in a timely manner.

(13) The certificate holder shall notify the Commission of changes to the certificate holder's name, address, or telephone numbers within ten days of such change.

(14) Telecommunications providers shall meet service standards set forth in applicable Commission's rules, including OAR 860-032-0012.

(15) The certificate holder shall timely pay all Commission taxes, fees, or assessments adopted pursuant to Oregon law or Commission rules, orders, tariffs or price lists.

Stat. Auth.: ORS 183.756 & 759  
Stats. Implemented: ORS 756.040, 759.020, 759.030, 759.050, 759.225 & 759.690  
Hist.: PUC 27-1985(Temp), f. & ef. 12-19-85 (Order No. 85-1203); PUC 16-1986, f. & ef. 11-17-86 (Order No. 86-1159); PUC 10-1989(Temp), f. & cert. ef. 7-10-89 (Order No. 89-847); PUC 1-1990, f. & cert. ef. 2-6-90 (Order No. 90-96); PUC 23-1990, f. & cert. ef. 12-31-90 (Order No. 90-1918); PUC 9-1991, f. & cert. ef. 7-16-91 (Order No. 91-854); PUC 2-1998, f. & cert. ef. 2-24-98; PUC 10-1998, f. & cert. ef. 4-28-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 4-2000, f. & cert. ef. 2-9-00, Renumbered from 860-032-0005(9); PUC 6-2011, f. & cert. ef. 9-14-11

## 860-032-0012

### Retail Telecommunications Service Standards for Competitive Telecommunications Providers

Every large telecommunications utility, as defined in OAR 860-023-0001(2), must adhere to the standards in OAR 860-023-0055. Every small telecommunications utility, as defined in OAR 860-034-0010(3)(a) must adhere to the standards in OAR 860-034-0390. Every competitive telecommunications provider, as defined in ORS 759.005(1), that maintains more than 1,000 access lines on a statewide basis, must adhere to the following service standards:

(1) Definitions.

(a) "Access Line" – A facility engineered with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;

(b) "Average Busy Season Busy Hour" – The hour that has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

(c) "Average Speed of Answer" – The average time that elapses between the time the call is directed to a representative and the time it is answered;

(d) "Blocked Call" – A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);

(e) "Customer" – Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(f) "Exchange" – Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(g) "Final Trunk Group" – A last-choice trunk group that receives overflow traffic and that may receive first-route traffic for which there is no alternative route;

(h) "Force Majeure" – Circumstances beyond the reasonable control of a competitive telecommunications provider, including but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the competitive telecommunications provider has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the competitive telecommunications provider has made a timely application for such approval;

(C) The customer, including but not limited to, the customer's construction project or lack of facilities, or failure to provide access to the customer's premises;

## ADMINISTRATIVE RULES

(D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties, including but not limited to, outages originating from introduction of a virus onto the provider's network;

(i) "Held Order for Lack of Facilities" – Request for access line service delayed beyond the initial commitment date due to lack of facilities. An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(j) "Initial Commitment Date" – The initial date pledged by the competitive telecommunications provider to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the competitive telecommunications provider;

(k) "Network Interface" – The point of interconnection between the competitive telecommunications provider's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface must be located on the customer's side of the competitive telecommunications provider's protector;

(l) "Retail Telecommunications Service" – A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by a competitive telecommunications provider to another competitive telecommunications provider or telecommunications utility, unless the competitive telecommunications provider or telecommunications utility receiving the service is the end user of the service;

(m) "Service Area" – The entire geographic area the Commission has certified a competitive telecommunications provider to serve. A competitive telecommunications provider may petition the Commission to designate a different geographic area as its service quality reporting area.

(n) "Tariff" – A schedule showing rates, tolls, and charges that the competitive telecommunications provider has established for a retail service;

(o) "Trouble Report" – A report of a malfunction that affects the functionality and reliability of retail telecommunications service on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a competitive telecommunications provider by or on behalf of that competitive telecommunications provider's customer, which affects the functionality and reliability of retail telecommunications service;

(p) "Wire Center" – A facility where local telephone subscribers' access lines converge and are connected to switching equipment that provides access to the Public Switched Telephone Network, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting competitive telecommunications provider's wire center or broadband hubs that have no switching equipment.

(2) Measurement and Reporting Requirements. A competitive telecommunications provider must take the measurements required by this rule and report them to the Commission as specified. Reported measurements must be reported to the first significant digit (i.e., one number should be reported to the right of the decimal point). The service quality objective service levels set forth in sections 4 through 8 of this rule apply only to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.

(3) Additional Reporting Requirements. The Commission may require a competitive telecommunications provider to submit additional reports on any item covered by this rule.

(4) Provisioning and Held Orders for Lack of Facilities. The representative of the competitive telecommunications provider must give a retail customer an initial commitment date of not more than six business days after a request for access line service, unless a later date is determined through good faith negotiations between the customer and the competitive telecommunications provider. The competitive telecommunications provider may change the initial commitment date only if requested by the customer. When establishing the initial commitment date, the competitive telecommunications provider may take into account the actual time required for the customer to meet prerequisites; e.g., line extension charges or trench and conduit requirements. If a request for service becomes a held order for lack of facilities, the serving competitive telecommunications provider must, within five business days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met – A competitive telecommunications provider must calculate the monthly percentage of commitments met for service,

based on the initial commitment date, across its Oregon service territory. Commitments missed for reasons solely attributed to customers, another competitive telecommunications provider or telecommunications utility may be excluded from the calculation of the "commitments met" results;

(B) Held Orders for Lack of Facilities – A competitive telecommunications provider must determine the total monthly number of held orders, due to lack of facilities, not completed by the initial commitment date during the reporting month and the number of primary (initial access line) held orders, due to lack of facilities, over 30 days past the initial commitment date.

(b) Objective Service Level:

(A) Commitments Met – Each competitive telecommunications provider must meet at least 90 percent of its commitments for service.

(B) Held Orders:

(i) The number of held orders for the lack of facilities for each competitive telecommunications provider must not exceed the greater of two per wire center, or designated service area, per month averaged over the entire Oregon geographic area served by the competitive telecommunications provider, or five held orders for lack of facilities per 1,000 inward orders and

(ii) The total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of the total monthly held orders for lack of facilities within the entire Oregon geographic area served by the competitive telecommunications provider.

(c) Reporting Requirement: Each competitive telecommunications provider must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date.

(d) Retention Requirement: Each competitive telecommunications provider must maintain records about held orders for lack of facilities for one year. The record must explain why each order is held and the initial commitment date.

(5) Trouble Reports. Each competitive telecommunications provider must maintain an accurate record of all reports of malfunction made by its customers.

(a) Measurement: A competitive telecommunications provider must determine the number of customer trouble reports that were received during the month. The competitive telecommunications provider must relate the count to the total working access lines within a reporting wire center, or designated service area. A competitive telecommunications provider need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: A competitive telecommunications provider may take an exclusion if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a competitive telecommunications provider or the provider's contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) Internet Service Provider (ISP) Blockage: If an ISP does not have enough access trunks to handle peak traffic;

(C) Modem Speed Complaints: An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in section 10 of this rule were met;

(D) No Trouble Found: Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, the repeat report and subsequent reports must be counted;

(E) New Feature or Service: Trouble reports related to a customer's unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) No Access: An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in section 10 of this rule. If a repeat trouble report is received within the following 30-day period, the repeat report and subsequent reports must be counted;

(G) Subsequent Tickets/Same Trouble/Same Access Line: Only one trouble report for a specific complaint for the same access line should be counted within a 48-hour period. All repeat trouble reports after the 48-hour period must be counted;

(H) Non-Regulated or Deregulated Equipment: Trouble associated with such equipment should not be counted;

(I) Trouble with Other Competitive Telecommunications Providers or Telecommunications Utilities: A trouble report caused solely by another competitive telecommunications provider or telecommunications utility;

## ADMINISTRATIVE RULES

(J) Lightning Strikes: Trouble reports received for damage caused by lightning strikes can be excluded if all accepted grounding, bonding, and shielding practices were followed by the competitive telecommunications provider, at the damaged location; and

(K) Other exclusions: As approved by the Commission.

(b) Objective Service Level: A competitive telecommunications provider must maintain service so that the monthly trouble report rate, after approved trouble report exclusions, does not exceed:

(A) For wire centers, or designated service areas with more than 1,000 access lines: two per 100 working access lines per wire center, or designated service area, more than three times during a sliding 12-month period.

(B) For wire centers, or designated service area, with 1,000 or less access lines: three per 100 working access lines per wire center, or designated service area, more than three times during a sliding 12-month period.

(c) Reporting Requirement: Each competitive telecommunications provider must report monthly to the Commission:

(A) The trouble report rate by wire center, or designated service area;

(B) The reason(s) a wire center, or designated service area, meeting the standard (did not exceed the trouble report rate threshold for more than three of the last 12 months) exceeded a trouble report rate of 3.0 per 100 working access lines during the reporting month;

(C) The reason(s) a wire center, or designated service area, not meeting the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and

(D) The access line count for each wire center, or designated service area.

(d) Retention Requirement: Each competitive telecommunications provider must maintain a record of reported trouble in such a manner that it can be forwarded to the Commission upon the Commission's request. The competitive telecommunications provider must keep all records for a period of one year. The record of reported trouble must contain as a minimum the:

(A) Telephone number;

(B) Date and time received;

(C) Time cleared;

(D) Type of trouble reported;

(E) Location of trouble; and

(F) Whether or not the present trouble was within 30 days of a previous trouble report.

(6) Repair Clearing Time. This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the competitive telecommunications provider until the trouble is resolved. The competitive telecommunications provider must provide each customer making a network trouble report with a commitment time when the competitive telecommunications provider will repair or resolve the problem.

(a) Measurement: The competitive telecommunications provider must calculate the percentage of trouble reports cleared within 48 hours for each repair center, or designated service area.

(b) Objective Service Level: A competitive telecommunications provider must monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report. Trouble reports attributed solely to customers or another competitive telecommunications provider or telecommunications utility may be excluded from the calculation of the "repair clearing time" results.

(c) Reporting Requirement: Each competitive telecommunications provider must report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center, or designated service area.

(d) Retention Requirement: None.

(7) Blocked Calls. A competitive telecommunications provider must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of calls made during the average busy season busy hour without encountering blockage or equipment irregularities in excess of levels listed in subsection (7)(b) of this rule.

(a) Measurement:

(A) A competitive telecommunications provider must collect traffic data; i.e., peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate blockage levels of the interoffice final trunk groups.

(B) System blockage is determined by special testing at the wire center. Commission Staff or a competitive telecommunications provider technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percentage of calls completed must be calculated.

(b) Objective Service Level:

(A) A competitive telecommunications provider must maintain interoffice final trunk groups to allow 99 percent completion of calls during the average busy season busy hour without blockage (P.01 grade of service); and

(B) A competitive telecommunications provider must maintain its switch operation so that 99 percent of the calls do not experience blockage during the normal busy hour.

(C) When a competitive telecommunications provider fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of restoring the P.01 grade of service will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each competitive telecommunications provider must report monthly to the Commission:

(A) Local and extended area service (EAS) final trunk groups that do not meet the objective service level for trunk group blockage, measured from each of its switches, regardless of the ownership of the terminating switch;

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and actions to bring the trunks into standard; and

(D) Identity of the competitive telecommunications provider or telecommunications utility, if other than the reporting competitive telecommunications provider, responsible for maintaining those final trunk groups not meeting the standard.

(d) Retention Requirement: Each competitive telecommunications provider must maintain records for one year.

(8) Access to Competitive Telecommunications Provider Representatives. This rule sets the allowed time for competitive telecommunications provider business office or repair service center representatives to answer customer calls.

(a) Measurement:

(A) Direct Representative Answering: A competitive telecommunications provider must measure the answer time from the first ring at the competitive telecommunications provider business office or repair service center;

(B) Driven, Automated, or Interactive Answering System: The option of transferring to the competitive telecommunications provider representative must be included in the initial local service-screening message. The competitive telecommunications provider must measure the answering time from the point a call is directed to its representatives; e.g., when the call leaves the Voice Response Unit;

(C) Each competitive telecommunications provider must calculate:

(i) The monthly percentage of the total calls placed to the business office and repair service center and the number of calls answered by representatives within 20 seconds; or

(ii) The average speed of answer time for the total calls received by the business office and repair service center.

(b) Objective Service Level:

(A) No more than 1 percent of calls to the competitive telecommunications provider business office or repair service center may encounter a busy signal.

(B) The competitive telecommunications provider representatives must answer at least 80 percent of calls within 20 seconds or have an average speed of answer time of 50 seconds or less.

(c) Reporting Requirement:

(A) Each competitive telecommunications provider must report monthly to the Commission an exception report if busy signals were encountered in excess of 1 percent for either the business office or repair service center; and

(B) Each competitive telecommunications provider must report monthly to the Commission the percentage of calls answered within 20 seconds or the average speed of answer time for both the business office and repair service center. Once a method of measurement is reported by the provider, that method can only be changed with permission of the Commission.

(d) Retention Requirement: None.

(9) Interruption of Service Notification. A competitive telecommunications provider must report significant outages that affect customer service. These interruptions could be caused by switch outage, electronic outage, cable cut, or construction.

# ADMINISTRATIVE RULES

(a) Measurement: A competitive telecommunications provider must notify the Commission when an interruption occurs that exceeds any of the following thresholds:

(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than 15 minutes.

(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot be routed to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A competitive telecommunications provider must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. Interim reports will be given to the Commission as significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service is restored.

(d) Retention Requirement: None.

(10) Customer Access Line Testing. All customer access lines must be designed, installed, and maintained to meet the levels in subsection (b) of this section.

(a) Measurement: Each competitive provider must make all loop parameter measurements at the network interface, or as close as access allows;

(b) Objective Service Level: Each access line must meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, must be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, must not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, must not exceed 20 decibels above referenced noise level – C message weighting (dBmC); and

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, must not exceed 80 dBmC.

(c) Reporting Requirement: A competitive telecommunications provider must report measurement readings as directed by the Commission;

(d) Retention Requirement: None.

(11) Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment must be capable of accepting and correctly processing at least the following network control signals from the customer premises equipment. The wire center must provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each competitive telecommunications provider must make measurements at or to the serving wire center;

(b) Objective Service Level:

(A) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts must receive dial tone within three seconds; and

(B) A competitive telecommunications provider must maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more than 30 percent of the trunks deviates from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None.

(d) Retention Requirement: None.

(12) Special Service Access Lines. All special service access lines must meet the performance requirements specified in applicable competitive telecommunications provider tariffs or contracts.

(13) Competitive Telecommunications Provider Interconnectivity. A competitive telecommunications provider connected to the facilities of another competitive telecommunications provider or telecommunications utility must operate its system in a manner that will not impede either company's ability to meet required standards of service. A competitive telecommunications provider must report interconnection operational problems promptly to the Commission.

(14) Remedies for Violation of This Standard.

(a) If a competitive telecommunications provider subject to this rule fails to meet a minimum service quality standard, the Commission must require the competitive telecommunications provider to submit a plan for improving performance as provided in ORS 759.450(5). If a competitive telecommunications provider does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a competitive telecommunications provider subject to this rule has violated one or more of its service standards, the Commission must give the competitive telecommunications provider notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the Commission may require the competitive telecommunications provider to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of paragraph (4)(b)(B) of this rule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the competitive telecommunications provider for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(15)(a) If the Commission determines that effective competition exists in one or more exchange(s), it may exempt all competitive telecommunications providers and telecommunications utilities providing telecommunications services in those exchanges from the requirements of this rule, in whole or in part. In making this determination, the Commission will consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange(s);

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Number of suppliers;

(F) Price to cost ratios;

(G) Demand side substitutability (e.g., customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(b) When a competitive telecommunications provider petitions the Commission for exemption under this provision, the Commission must provide notice of the petition to all relevant competitive telecommunications providers and telecommunications utilities providing the applicable service(s) in the exchange(s) in question. The Commission will provide such notified competitive telecommunications providers and telecommunications utilities an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in paragraphs (15)(a)(A) through (H), the commenting competitive telecommunications provider or telecommunications utilities be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(c) The Commission may grant a competitive telecommunications provider's petition for an exemption from service quality reporting requirements if the competitive telecommunications provider meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.020, 759.030 & 759.050

Hist.: PUC 5-1991, f. & cert. ef. 4-3-91; PUC 4-2000, f. & cert. ef. 2-9-00; PUC 13-2001, f. & cert. ef. 5-25-01; PUC 7-2002, f. & cert. ef. 2-26-02; PUC 10-2005, f. & cert. ef. 12-27-05; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-033-0001

### Applicability

(1) The rules in this Division apply to all telecommunications providers that offer service in Oregon with access to the Oregon Telecommunications Relay Service and to the applicants for and recipients of RSPF benefits.

(2) Upon request or its own motion, the Commission may waive any of the Division 033 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040 & Ch. 290, OL 1987

Hist.: PUC 3-1999, f. & cert. ef. 8-10-99; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 6-2011, f. & cert. ef. 9-14-11

# ADMINISTRATIVE RULES

## 860-034-0010

### Scope of the Rules

(1) Upon request or its own motion, the Commission may waive any of the Division 034 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(2) The rules contained in this division apply exclusively to telecommunications cooperatives and small telecommunications utilities as defined in section (3) of this rule.

(3) As used in this division:

(a) "Small telecommunications utility" means a telecommunications utility partially exempt from regulation under ORS 759.040;

(b) "Telecommunications utility" has the meaning given the term in ORS 759.005;

(c) "Telecommunications cooperative" or "Type 1 cooperative" means an unincorporated association or cooperative corporation that provides telecommunications services; and

(d) "Type 2 cooperative" means an unincorporated association or cooperative corporation that charges joint rates or provides through services as defined in OAR 860-034-0015.

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.045, 759.220 & 759.225

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1994, f. & cert. ef. 8-31-94 (Order No. 94-1242); PUC 12-1998, f. & cert. ef. 5-7-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 2-2004(Temp), f. & cert. ef. 1-9-04 thru 7-2-04; PUC 11-2004, f. & cert. ef. 6-2-04; PUC 6-2009, f. & cert. ef. 5-5-09; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-034-0050

### Multilingual Notices

(1) A small telecommunications utility shall provide a multilingual disconnect notice when 5 percent or 500 customers, whichever is the lesser, have requested such a notice.

(2) Disconnect notices as required in section (1) of this rule shall contain the following information translated into the requested languages:

IMPORTANT NOTICE: Your telephone services will be shut off due to an unpaid balance on your account. You must act immediately to avoid shutoff. Important information about how you can avoid shutoff is printed in English in the enclosed notice. If you cannot understand English, please find someone to translate the notice. If translation assistance is unavailable, please contact (name) at (phone number) who will try to help you. Information on customer's rights and responsibilities printed in this language is also available by calling that number. YOU MUST ACT NOW TO AVOID SHUTOFF.

(3) The Commission may grant a waiver of the multilingual notice requirement under OAR 860-034-0010(1), for a period not to exceed two calendar years, if the small telecommunications utility shows that it Oregon customers would not benefit from such notice. The small telecommunications utility may request a waiver of the multilingual notice every two years.

(4) The Commission will translate a consumer's rights and responsibilities summary into the following non-English languages: Spanish, Vietnamese, Cambodian, Laotian, and Russian. The Commission will provide copies to a small telecommunications utility upon request.

(5) The small telecommunications utility shall record all requests and promptly mail the requested version of the summary to the consumer.

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040 & 759.030

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 14-1997, f. & cert. ef. 11-20-97; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-034-0260

### Disconnection Procedures for Commercial and Residential Utility Customers

(1) This rule applies to the involuntary termination of all utility service provided by a small telecommunications utility.

(2) The small telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made:

(a) At the request of the customer; or

(b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.

(3) The notice must be printed in boldface type and must state language that is as clear and simple as possible:

(a) The reasons for the proposed disconnection;

(b) The earliest date for disconnection;

(c) The amount to be paid to avoid disconnection of utility services;

(d) An explanation of the Commission's complaint process and the Commission's toll-free number; and

(e) An explanation of the availability of an emergency medical certificate for local exchange residential service customers under OAR 860-034-0270.

(4) The small telecommunications utility may not send the notice before the due date for payment for the utility services billed.

(5) The small telecommunications utility must serve the notice of disconnection in person or send it by first-class mail to the last known address of the customer and the customer's designated representative. Notice is served on the date of personal delivery or, if delivery is by U S Mail, on the day after the U S Postal Service postmark or postage metering.

(6) If a premises visit is required to complete disconnection, the small telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the small telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.

(7) In lieu of permanent disconnection, a small telecommunications utility may temporarily curtail utility service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of utility service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.

(8) Except for utility service provided by a small telecommunications utility to its customers served by an office incapable of restricting toll service, a small telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for utility services not under the local exchange utility's tariff or price list. A small telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.

(9) A small telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.

(10) A small telecommunications utility may request a limited waiver of the requirement of section (9) of this rule under OAR 860-034-0010(1), upon meeting all the following conditions:

(a) Showing the small telecommunications utility would incur substantial costs in complying with the requirement;

(b) Demonstrating the small telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and

(c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 759.045 & Ch. 290, OL 1987

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 9-2009, f. & cert. ef. 8-25-09; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-034-0340

### Relating to Local Government Fees, Taxes, and Other Assessments Imposed Upon a Small Telecommunications Utility or Type 2 Cooperative

(1) "Taxes," as used in this rule, means sales, use, net income, gross receipts, payroll, business or occupation taxes, levies, fees, or charges other than ad valorem taxes.

(2) For a Type 2 cooperative: If any county in Oregon, other than a city-county, should impose upon a Type 2 cooperative any taxes or license, franchise, or operating permit fees, the Type 2 cooperative may not collect such assessments from joint rates or rates for through services.

(3) For a small telecommunications utility:

(a) If any county in Oregon, other than a city-county, should impose upon a small telecommunications utility any new taxes or license, franchise, or operating permit fees, or increase any such taxes or fees, the small telecommunications utility required to pay such taxes or fees shall collect from its customers within the county imposing such taxes or fees the amount of the taxes or fees, or the amount of increase in such taxes or fees. However, if the taxes or fees cover the operations of a small telecommunications utility in only a portion of a county, then the affected utility shall recover the amount of the taxes or fees or increase in the amount thereof from customers in the portion of the county which is subject to the taxes or fees;

(b) The amount collected from each small telecommunications utility customer pursuant to section (3)(a) of this rule shall be separately stated and identified in all customer billings;



# ADMINISTRATIVE RULES

(c) This rule applies to new or increased taxes imposed on and after December 16, 1971, including new or increased taxes imposed retroactively after that date;

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 759.045 & 759.500 - 759.675

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 7-1998, f. & cert. ef. 4-8-98; PUC 17-2001, f. & cert. ef. 6-21-01; PUC 18-2004, f. & cert. ef. 12-30-04; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-034-0390

### Retail Telecommunications Service Standards for Small Telecommunications Utilities

Every small telecommunications utility must adhere to the following standards:

(1) Definitions.

(a) "Access Line" – A facility engineered with dialing capability to provide retail telecommunications service that connects a customer's service location to the Public Switched Telephone Network;

(b) "Average Busy Season Busy Hour" – The hour that has the highest average traffic for the three highest months, not necessarily consecutive, in a 12-month period. The busy hour traffic averaged across the busy season is termed the average busy season busy hour traffic;

(c) "Blocked Call" – A properly dialed call that fails to complete to its intended destination except for a normal busy (60 interruptions per minute);

(d) "Customer" – Any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other legal entity that has applied for, been accepted, and is currently receiving local exchange telecommunications service;

(e) "Exchange" – Geographic area defined by maps filed with and approved by the Commission for the provision of local exchange telecommunications service;

(f) "Final Trunk Group" – A last-choice trunk group that receives overflow traffic and that may receive first-route traffic for which there is no alternative route;

(g) "Force Majeure" – Circumstances beyond the reasonable control of a small telecommunications utility, including but not limited to, delays caused by:

(A) A vendor in the delivery of equipment, where the small telecommunications utility has made a timely order of equipment;

(B) Local, state, federal, or tribal government authorities in approving easements or access to rights of way, where the small telecommunications utility has made a timely application for such approval;

(C) The customer, including but not limited to, the customer's construction project or lack of facilities, or failure to provide access to the customer's premises;

(D) Uncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties, including but not limited to, outages originating from introduction of a virus onto the provider's network;

(h) "Held Order for Lack of Facilities" – Request for access line service delayed beyond the initial commitment date due to lack of facilities. An access line service order includes an order for new service, transferred service, additional lines, or change of service;

(i) "Initial Commitment Date" – The initial date pledged by the small telecommunications utility to provide a service, facility, or repair action. This date is within the minimum time set forth in these rules or a date determined by good faith negotiations between the customer and the small telecommunications utility;

(j) "Network Interface" – The point of interconnection between the small telecommunications utility provider's communications facilities and customer terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface must be located on the customer's side of the small telecommunications utility's protector;

(k) "Retail Telecommunications Service" – A telecommunications service provided for a fee to customers. Retail telecommunications service does not include a service provided by a small telecommunications utility to another telecommunications utility or competitive telecommunications provider, unless the telecommunications utility or competitive telecommunications provider receiving the service is the end user of the service;

(l) "Tariff" – A schedule showing rates, tolls, and charges that the small telecommunications utility has established for a retail service;

(m) "Trouble Report" – A report of a malfunction that affects the functionality and reliability of retail telecommunications service on existing access lines, switching equipment, circuits, or features made up to and including the network interface, to a small telecommunications utility by or on behalf of that small telecommunications utility's customer;

(n) "Wire Center" – A facility where local telephone subscribers' access lines converge and are connected to switching equipment that provides access to the Public Switched Telephone Network, including remote switching units and host switching units. A wire center does not include collocation arrangements in a connecting small telecommunications utility's wire center or broadband hubs that have no switching equipment.

(2) Measurement and Reporting Requirements. A small telecommunications utility that maintains 1,000 or more access lines on a statewide basis must take the measurements required by this rule and report them to the Commission as specified. Reported measurements must be reported to the first significant digit (i.e., one number should be reported to the right of the decimal point). A telecommunications utility that maintains fewer than 1,000 access lines on a statewide basis need not take the required measurements and file the required reports unless ordered to do so by the Commission. The service quality objective service levels set forth in sections 4 through 8 of this rule apply only to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.

(3) Additional Reporting Requirements. The Commission may require a small telecommunications utility to submit additional reports on any item covered by this rule.

(4) Provisioning and Held Orders for Lack of Facilities. The representative of the small telecommunications utility must give a retail customer an initial commitment date of not more than six business days after a request for access line service, unless a later date is determined through good faith negotiations between the customer and the small telecommunications utility. The small telecommunications utility may change the initial commitment date only if requested by the customer. When establishing the initial commitment date, the small telecommunications utility may take into account the actual time required for the customer to meet prerequisites; e.g., line extension charges or trench and conduit requirements. If a request for service becomes a held order for lack of facilities, the serving small telecommunications utility must, within five business days, send or otherwise provide the customer a written commitment to fill the order.

(a) Measurement:

(A) Commitments Met – A small telecommunications utility must calculate the monthly percentage of commitments met for service, based on the initial commitment date, across its Oregon service territory. Commitments missed for reasons solely attributed to customers, another telecommunications utility or competitive telecommunications provider may be excluded from the calculation of the "commitments met" results;

(B) Held Orders for Lack of Facilities – A small telecommunications utility must determine the total monthly number of held orders, due to lack of facilities, not completed by the initial commitment date during the reporting month and the number of primary (initial access line) held orders, due to lack of facilities, over 30 days past the initial commitment date.

(b) Objective Service Level:

(A) Commitments Met – Each small telecommunications utility must meet at least 90 percent of its commitments for service.

(B) Held Orders:

(i) The number of held orders for the lack of facilities for each small telecommunications utility must not exceed the greater of two per wire center per month averaged over the small telecommunications utility's Oregon service territory, or five held orders for lack of facilities per 1,000 inward orders; and

(ii) The total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of the total monthly held orders for lack of facilities within the small telecommunications utility's Oregon service territory.

(c) Reporting Requirement: Each small telecommunications utility must report monthly to the Commission the percentage of commitments met for service, total number of held orders for lack of facilities, and the total number of primary held orders for lack of facilities over 30 days past the initial commitment date.

(d) Retention Requirement: Each small telecommunications utility must maintain records about held orders for lack of facilities for one year. The record must explain why each order is held and the initial commitment date.

(5) Trouble Reports. Each small telecommunications utility must maintain an accurate record of all reports of malfunction made by its customers.

(a) Measurement: A small telecommunications utility must determine the number of customer trouble reports that were received during the month. The small telecommunications utility must relate the count to the total working access lines within a reporting wire center. A small telecom-

## ADMINISTRATIVE RULES

munications utility need not report those trouble reports that were caused by circumstances beyond its control. The approved trouble report exclusions are:

(A) Cable Cuts: A small telecommunications utility may take an exclusion if the "buried cable location" (locate) was either not requested or was requested and was accurate. If a small telecommunications utility or a utility's contractor caused the cut, the exclusion can only be used if the locate was accurate and all general industry practices were followed;

(B) Internet Service Provider (ISP) Blockage: If an ISP does not have enough access trunks to handle peak traffic;

(C) Modem Speed Complaints: An exclusion may be taken if the copper cable loop is tested at the subscriber location and the objective service levels in section 10 of this rule were met;

(D) No Trouble Found: Where no trouble is found, one exemption may be taken. If a repeat report of the same trouble is received within a 30-day period, the repeat report and subsequent reports must be counted;

(E) New Feature or Service: Trouble reports related to a customer's unfamiliarity with the use or operation of a new (within 30 days) feature or service;

(F) No Access: An exclusion may be taken if a repair appointment was kept and the copper based access line at the nearest accessible terminal met the objective service levels in section 10 of this rule. If a repeat trouble report is received within the following 30-day period, the repeat report and subsequent reports must be counted;

(G) Subsequent Tickets/Same Trouble/Same Access Line: Only one trouble report for a specific complaint for the same access line should be counted within a 48-hour period. All repeat trouble reports after the 48-hour period must be counted;

(H) Non-Regulated or Deregulated Equipment: Trouble associated with such equipment should not be counted;

(I) Trouble with Other Telecommunications Utilities or Competitive Telecommunications Providers: A trouble report caused solely by another telecommunications utility or competitive telecommunications provider;

(J) Lightning Strikes: Trouble reports received for damage caused by lightning strikes can be excluded if all accepted grounding, bonding, and shielding practices were followed by the small telecommunications utility at the damaged location; and

(K) Other exclusions: As approved by the Commission.

(b) Objective Service Level: A small telecommunications utility must maintain service so that the monthly trouble report rate, after approved trouble report exclusions, does not exceed:

(A) For wire centers with more than 1,000 access lines: two per 100 working access lines per wire center more than three times during a sliding 12-month period.

(B) For wire centers with 1,000 or less access lines: three per 100 working access lines per wire center more than three times during a sliding 12-month period.

(c) Reporting Requirement: Each small telecommunications utility must report monthly to the Commission:

(A) The trouble report rate by wire center;

(B) The reason(s) a wire center meeting the standard (did not exceed the trouble report rate threshold for more than three of the last 12 months) exceeded a trouble report rate of 3.0 per 100 working access lines during the reporting month;

(C) The reason(s) a wire center not meeting the standard, after the exclusion adjustment, exceeded the trouble report rate threshold per 100 access lines during the reporting month; and

(D) The access line count for each wire center.

(d) Retention Requirement: Each small telecommunications utility must maintain a record of reported trouble in such a manner that it can be forwarded to the Commission upon the Commission's request. The small telecommunications utility must keep all records for a period of one year. The record of reported trouble must contain as a minimum the:

(A) Telephone number;

(B) Date and time received;

(C) Time cleared;

(D) Type of trouble reported;

(E) Location of trouble; and

(F) Whether or not the present trouble was within 30 days of a previous trouble report.

(6) Repair Clearing Time. This standard establishes the clearing time for all trouble reports from the time the customer reports the trouble to the small telecommunications utility until the trouble is resolved. The small telecommunications utility must provide each customer making a network

trouble report with a commitment time when the small telecommunications utility will repair or resolve the problem.

(a) Measurement: The small telecommunications utility must calculate the percentage of trouble reports cleared within 48 hours for each repair center.

(b) Objective Service Level: A small telecommunications utility must monthly clear at least 95 percent of all trouble reports within 48 hours of receiving a report.

(c) Reporting Requirement: Each small telecommunications utility must report monthly to the Commission the percentage of trouble reports cleared within 48 hours by each repair center.

(d) Retention Requirement: None.

(7) Blocked Calls. A small telecommunications utility must engineer and maintain all intraoffice, interoffice, and access trunking and associated switching components to allow completion of calls made during the average busy season busy hour without encountering blockage or equipment irregularities in excess of levels listed in subsection (7)(b) of this rule.

(a) Measurement:

(A) A small telecommunications utility must collect traffic data; i.e., peg counts and usage data generated by individual components of equipment or by the wire center as a whole, and calculate blockage levels of the interoffice final trunk groups.

(B) System blockage is determined by special testing at the wire center. Commission Staff or a small telecommunications utility technician will place test calls to a predetermined test number, and the total number of attempted calls and the number of completed calls will be counted. The percentage of calls completed must be calculated.

(b) Objective Service Level:

(A) A small telecommunications utility must maintain interoffice final trunk groups to allow 99 percent completion of calls during the average busy season busy hour without blockage (P.01 grade of service); and

(B) A small telecommunications utility must maintain its switch operation so that 99 percent of the calls do not experience blockage during the normal busy hour.

(C) When a small telecommunications utility fails to maintain the interoffice final trunk group P.01 grade of service for four or more consecutive months, it will be considered out-of-standard until the condition is resolved. A single repeat blockage within two months of restoring the P.01 grade of service will be considered a continuation of the original blockage.

(c) Reporting Requirement: Each small telecommunications utility must report monthly to the Commission:

(A) Local and extended area service (EAS) final trunk groups that do not meet the objective service level for trunk group blockage, measured from each of its switches, regardless of the ownership of the terminating switch;

(B) Its tandem switch final trunk group blockages associated with EAS traffic;

(C) Any known cause for the blockage and actions to bring the trunks into standard; and

(D) Identity of the telecommunications utility or competitive telecommunications provider, if other than the reporting small telecommunications utility, responsible for maintaining those final trunk groups not meeting the standard.

(d) Retention Requirement: Each small telecommunications utility must maintain records for one year.

(8) Access to Small Telecommunications Utility Representatives. Small telecommunications utilities are not required to measure or report repair center and sales office access times to the Commission.

(9) Interruption of Service Notification. A small telecommunications utility must report significant outages that affect customer service. These interruptions could be caused by switch outage, electronic outage, cable cut, or construction.

(a) Measurement: A small telecommunications utility must notify the Commission when an interruption occurs that exceeds any of the following thresholds:

(A) Cable cuts, excluding service wires and wires placed in lieu of cable, or electronic outages lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(B) Toll or Extended Area Service isolation lasting longer than 30 minutes and affecting 50 percent or more of in-service lines.

(C) Isolation of a central office (host or remote) from the E 9-1-1 emergency dialing code or isolation of a Public Safety Answering Position (PSAP).

(D) Isolation of a wire center for more than 15 minutes.

# ADMINISTRATIVE RULES

(E) Outage of the business office or repair center access system lasting longer than 15 minutes in those instances where the traffic cannot be routed to a different center.

(b) Objective Service Level: Not applicable.

(c) Reporting Requirement: A small telecommunications utility must report service interruptions to the Commission engineering staff by telephone, by facsimile, by electronic mail, or personally within two hours during normal work hours of the business day after the company becomes aware of such interruption of service. Interim reports will be given to the Commission as significant information changes (e.g., estimated time to restore, estimated impact to customers, cause of the interruption, etc.) until it is reported that the affected service is restored.

(d) Retention Requirement: None.

(10) Customer Access Line Testing. All customer access lines must be designed, installed, and maintained to meet the levels in subsection (b) of this section.

(a) Measurement: Each small telecommunications utility must make all loop parameter measurements at the network interface, or as close as access allows.

(b) Objective Service Level: Each access line must meet the following levels:

(A) Loop Current: The serving wire center loop current, when terminated into a 400-ohm load, must be at least 20 milliamperes;

(B) Loop Loss: The maximum loop loss, as measured with a 1004-hertz tone from the serving wire center, must not exceed 8.5 decibels (dB);

(C) Metallic Noise: The maximum metallic noise level, as measured on a quiet line from the serving wire center, must not exceed 20 decibels above referenced noise level – C message weighting (dBmC); and

(D) Power Influence: As a goal, power influence, as measured on a quiet line from the serving wire center, must not exceed 80 dBmC.

(c) Reporting Requirement: A small telecommunications utility must report measurement readings as directed by the Commission.

(d) Retention Requirement: None.

(11) Customer Access Lines and Wire Center Switching Equipment. All combinations of access lines and wire center switching equipment must be capable of accepting and correctly processing at least the following network control signals from the customer premises equipment. The wire center must provide dial tone and maintain an actual measured loss between interoffice and access trunk groups.

(a) Measurement: Each small telecommunications utility must make measurements at or to the serving wire center;

(b) Objective Service Level:

(A) Dial Tone Speed. Ninety-eight percent of originating average busy hour call attempts must receive dial tone within three seconds; and

(B) A small telecommunications utility must maintain all interoffice and access trunk groups so that the actual measured loss (AML) in no more than 30 percent of the trunks deviates from the expected measured loss (EML) by more than 0.7 dB and no more than 4.5 percent of the trunks deviates from EML by more than 1.7 dB.

(c) Reporting Requirement: None.

(d) Retention Requirement: None.

(12) Special Service Access Lines. All special service access lines must meet the performance requirements specified in applicable small telecommunications utility tariffs or contracts.

(13) Small Telecommunications Utility Interconnectivity. A small telecommunications utility connected to the facilities of another telecommunications utility or competitive telecommunications provider must operate its system in a manner that will not impede either company's ability to meet required standards of service. A small telecommunications utility must report interconnection operational problems promptly to the Commission.

(14) Remedies for Violation of This Standard.

(a) If a small telecommunications utility subject to this rule fails to meet a minimum service quality standard, the Commission must require the small telecommunications utility to submit a plan for improving performance as provided in ORS 759.450(5). If a small telecommunications utility does not meet the goals of its improvement plan within six months, or if the plan is disapproved by the Commission, the Commission may assess penalties in accordance with ORS 759.450(5) through (7).

(b) In addition to the remedy provided under ORS 759.450(5), if the Commission believes that a small telecommunications utility subject to this rule has violated one or more of its service standards, the Commission must give the small telecommunications utility notice and an opportunity to request a hearing. If the Commission finds a violation has occurred, the

Commission may require the small telecommunications utility to provide the following relief to the affected customers:

(A) An alternative means of telecommunications service for violations of paragraph (4)(b)(B) of this rule;

(B) Customer billing credits equal to the associated non-recurring and recurring charges of the small telecommunications utility for the affected service for the period of the violation; and

(C) Other relief authorized by Oregon law.

(15)(a) If the Commission determines that effective competition exists in one or more exchange(s), it may exempt all telecommunications utilities or competitive telecommunications providers providing telecommunications services in the exchange(s) from the requirements of this rule, in whole or in part. In making this determination, the Commission will consider:

(A) The extent to which the service is available from alternative providers in the relevant exchange(s);

(B) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms, and conditions;

(C) Existing barriers to market entry;

(D) Market share and concentration;

(E) Number of suppliers;

(F) Price to cost ratios;

(G) Demand side substitutability (e.g., customer perceptions of competitors as viable alternatives); and

(H) Any other factors deemed relevant by the Commission.

(b) When a small telecommunications utility petitions the Commission for exemption under this provision, the Commission must provide notice of the petition to all relevant telecommunications utilities and competitive telecommunications providers providing the applicable service(s) in the exchange(s) in question. The Commission will provide such notified small telecommunications utilities and competitive telecommunications providers an opportunity to submit comments in response to the petition. The comments may include requests that, following the Commission's analysis outlined above in paragraphs (15)(a)(A) through (H), the commenting telecommunications utilities and competitive telecommunications providers be exempt from these rules for the applicable service(s) in the relevant exchange(s).

(c) The Commission may grant a small telecommunications utility's petition for an exemption from service quality reporting requirements if the small telecommunications utility meets all service quality objective service levels set forth in sections (4) through (8) of this rule for the 12 months prior to the month in which the petition is filed.

[Publications: Publications referenced are available from the agency]

Stat. Auth.: ORS 183 & 756

Stats. Implemented: ORS 759.035 & 759.240

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 23-1985, f. & ef. 12-11-85 (Order No. 85-1171); PUC 4-1997, f. & cert. ef. 1-7-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 13-2000, f. & cert. ef. 6-9-00; PUC 13-2001, f. & cert. ef. 5-25-01; PUC 7-2002, f. & cert. ef. 2-26-02; PUC 10-2005, f. & cert. ef. 12-27-05; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-036-0001

### Scope and Applicability of Rules

(1) Upon request or its own motion, the Commission may waive any of the Division 036 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(2) The rules contained in Division 036 are applicable to public utilities, as defined in OAR 860-036-0010, providing service in the State of Oregon.

(3) The rules contained in Division 036 do not restrict the authority of the Commission to require service improvements incorporating standards other than those set forth in this division when, after investigation, the Commission determines that such improvements are necessary.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040

Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 8-2002, f. & cert. ef. 2-26-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-036-0110

### Testing Water Meters

(1) All meters shall be tested before installation, or within 30 days thereafter. No meter will be placed in service or be allowed to remain in service that has an error in registration in excess of 2 percent under conditions of normal operation. The water utility may seek a waiver of this requirement under OAR 860-036-0001(1) if it can demonstrate to the satisfaction of the Commission a suitable random sampling technique for testing new meters.

# ADMINISTRATIVE RULES

(2) New meters, repaired meters, and meters that have been removed from service shall be correct to within 2 percent fast or slow before being installed or reinstalled.

(3) Each water utility shall adopt schedules for periodic tests and repairs of meters. The length of time meters may be allowed to remain in service before receiving periodic tests and repairs is to be determined from periodic analysis of the accuracy of meters tested. The schedules adopted shall be subject to the Commission's approval.

(4) Whenever any meter is tested, the water utility shall prepare a test record, including the information needed for identifying the meter, the reason for making the test, the reading of the meter, the result of the test, and all data taken at the time of the test in complete form to permit the convenient checking of methods employed. The water utility shall retain the current and immediately prior test records for all meters tested.

(5) Each water utility shall provide such laboratory meter-testing equipment and other equipment and facilities as needed to make the tests required of it by these rules or other orders of the Commission. The apparatus and equipment so provided may be subject to the Commission's approval.

(6) All meters used for measuring the quantity of water to a customer shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to register no more than 2 percent fast or slow under conditions of normal operation. The water utility is responsible for repairing or replacing inaccurate or substandard meters at its own cost. Any such repair or replacement will be completed promptly at the water utility's expense and, until such completion, the customer water service bill must be adjusted to compensate for the inaccuracy.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040 & 757.250  
Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 15-1998, f. & cert. ef. 8-27-98; PUC 8-2002, f. & cert. ef. 2-26-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-036-0235

### Multilingual Disconnection Notice

(1) Except as provided in section (2) of this rule, all disconnect notices shall contain the following information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian (translations are available from the Consumer Services Division):

**IMPORTANT NOTICE:** Your water services will be shut off because of an unpaid balance on your account. You must act immediately to avoid shut-off. Important information about how you can avoid shut-off is printed in English in the enclosed notice. If you cannot understand English, please find someone to translate the notice. If translation assistance is unavailable, please contact (name) at (phone number) who will try to help you. Information on customer's rights and responsibilities printed in this language is also available by calling that number. **YOU MUST ACT NOW TO AVOID SHUT-OFF.**

(2) The Commission may grant a waiver of the multilingual notice requirement under OAR 860-036-0001(1), for a period not to exceed two calendar years, if the water utility shows that

(a) for a water utility with less than 50,000 customers, less than 5 percent of its Oregon customers would benefit from such notice, or

(b) for a water utility with 50,000 or more customers, less than 500 of its Oregon customers would benefit from such notice. The water utility may request a waiver of the multilingual notice every two years.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040  
Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 15-1998, f. & cert. ef. 8-27-98; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-036-0738

### Applications for Waiver of Requirements Under OARs 860-036-0730 and 860-036-0735

The Commission will not waive the requirements of OARs 860-036-0730 or 860-036-0735 for any transactions exceeding 01 percent of the previous calendar year's Oregon utility operating revenues unless the transaction or transactions can be demonstrated in advance to be fair and reasonable and not contrary to the public interest.

Stat. Auth.: ORS 183 & 756  
Stats. Implemented: ORS 756.040  
Hist.: PUC 3-1999, f. & cert. ef. 8-10-99; PUC 8-2002, f. & cert. ef. 2-26-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-036-0750

### Relating to Local Government Fees, Taxes, and Other Assessments

(1) If any county in Oregon, other than a city-county, imposes upon a water utility any new taxes or license, franchise, or operating permit fees,

or increases any such taxes or fees, the water utility required to pay such taxes or fees shall collect from its customers within the county imposing such taxes or fees the amount of the taxes or fees, or the amount of increase in such taxes or fees. However, if the taxes or fees cover the operations of a water utility in only a portion of a county, then the affected water utility shall recover the amount of the taxes or fees or increase in the amount thereof from customers in the portion of the county that is subject to the taxes or fees. "Taxes," as used in this rule, means sales, use, net income, gross receipts, payroll, business or occupation taxes, levies, fees, or charges other than ad valorem taxes.

(2) The amount collected from each water utility customer pursuant to section (1) of this rule shall be separately stated and identified in all customer billings.

(3) This rule applies to new or increased taxes imposed on and after December 16, 1971, including new or increased taxes imposed retroactively after that date.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040 & 757.110  
Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 8-2002, f. & cert. ef. 2-26-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-037-0001

### Scope and Applicability of Rules

(1) Upon request or its own motion, the Commission may waive any of the Division 037 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(2) The rules contained in this division are applicable to wastewater service provided by public wastewater utilities, as defined in OAR 860-037-0010(28) and (36), providing service in the State of Oregon.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.005 & 757.061  
Hist.: PUC 9-1999(Temp), f. 10-22-99, cert. ef. 10-23-99 thru 4-19-00; PUC 6-2000, f. 4-18-00, cert. ef. 4-20-00; PUC 5-2004, f. & cert. ef. 1-29-04; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-037-0235

### Multilingual Disconnection Notice

(1) Except as provided in section (2) of this rule, all disconnect notices shall contain the following information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian (translations are available from the Consumer Services Section):

**IMPORTANT NOTICE:** Your water service will be shut off because of an unpaid balance on your wastewater account. You must act immediately to avoid shut-off. Important information about how you can avoid shut-off is printed in English in the enclosed notice. If you cannot understand English, please find someone to translate the notice. If translation assistance is unavailable, please contact (name) at (phone number) who will try to help you. Information on customer's rights and responsibilities printed in this language is also available by calling that number. **YOU MUST ACT NOW TO AVOID SHUT-OFF.**

(2) The Commission may grant a waiver of the multilingual notice requirement under OAR 860-037-0001(1), for a period not to exceed two calendar years, if the water utility shows that

(a) for a water utility with less than 50,000 customers, less than 5 percent of its Oregon customers would benefit from such notice, or

(b) for a water utility with 50,000 or more customers, less than 500 of its Oregon customers would benefit from such notice. The water utility may request a waiver of the multilingual notice every two years.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.005 & 757.061  
Hist.: PUC 9-1999(Temp), f. 10-22-99, cert. ef. 10-23-99 thru 4-19-00; PUC 6-2000, f. 4-18-00, cert. ef. 4-20-00; PUC 5-2004, f. & cert. ef. 1-29-04; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-037-0545

### Applications for Waiver of Requirements Under OARs 860-037-0530 and 860-037-0535

The Commission will not waive the requirements of OAR 860-037-0530 or 860-037-0535 for any transactions exceeding 0.1 percent of the previous calendar year's Oregon utility operating revenues unless the transaction or transactions can be demonstrated in advance to be fair and reasonable and in the public interest. .

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.005 & 757.061  
Hist.: PUC 9-1999(Temp), f. 10-22-99, cert. ef. 10-23-99 thru 4-19-00; PUC 6-2000, f. 4-18-00, cert. ef. 4-20-00; PUC 5-2004, f. & cert. ef. 1-29-04; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-037-0560

### Relating to Local Government Fees, Taxes, and Other Assessments

(1) If any county in Oregon, other than a city-county, imposes upon a wastewater utility any new taxes or license, franchise, or operating permit fees, or increases any such taxes or fees, the wastewater utility required to pay such taxes or fees shall collect from its wastewater customers within the county imposing such taxes or fees the amount of the taxes or fees, or

# ADMINISTRATIVE RULES

the proportional share of increase in such taxes or fees. However, if the taxes or fees cover the operations of a wastewater utility in only a portion of a county, then the affected wastewater utility shall recover the amount of the taxes or fees or increase in the amount thereof from wastewater customers in the portion of the county that is subject to the taxes or fees. "Taxes," as used in this rule, means sales, use, net income, gross receipts, payroll, business or occupation taxes, levies, fees, or charges other than ad valorem taxes.

(2) The amount collected from each wastewater service customer pursuant to section (1) of this rule shall be separately stated and identified in all wastewater customer billings.

(3) This rule applies to new or increased taxes imposed on and after December 16, 1971, including new or increased taxes imposed retroactively after that date.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.005, 757.061 & 757.110  
Hist.: PUC 9-1999(Temp), f. 10-22-99, cert. ef. 10-23-99 thru 4-19-00; PUC 6-2000, f. 4-18-00, cert. ef. 4-20-00; PUC 5-2004, f. & cert. ef. 1-29-04; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-038-0001

### Scope and Applicability of Rules

(1) The rules contained in this division apply to electric companies and electricity service suppliers, except that these rules do not apply to an electric company serving fewer than 25,000 consumers in this state unless the electric company:

(a) Offers direct access to any of its retail electricity consumers in this state; or

(b) Offers to sell electricity services available under direct access to more than one retail electricity consumer of another electric company in this state.

(2) Except as otherwise provided in these rules, an electric company must comply with all other divisions of OAR chapter 860.

(3) OAR 860-038-0380, sections (1) through (9), apply to aggregators; section (10) applies to electric companies.

(4) These rules shall not in any way relieve any entity from its duties under Oregon law. Upon request or its own motion, the Commission may waive any of the Division 038 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040 & 757.600 - 757.667  
Hist.: PUC 17-2000, f. & cert. ef. 9-29-00; PUC 2-2001, f. & cert. ef. 1-5-01; PUC 11-2002, f. & cert. ef. 3-8-02; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-039-0005

### Scope and Applicability of Net Metering Facility Rules

(1) OAR 860-039-0010 through 860-039-0080 (the "net metering rules") establish rules governing net metering facilities interconnecting to a public utility as required under ORS 757.300. Net metering is available to a customer-generator only as provided in these rules. These rules do not apply to a public utility that meets the requirements of ORS 757.300(9).

(2) Upon request or its own motion, the Commission may waive any of the Division 039 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(a) A public utility and net metering applicant may mutually agree to reasonable extensions to the required times for notices and submissions of information set forth in these rules for the purpose of allowing efficient and complete review of a net metering application.

(b) If a public utility unilaterally seeks waiver of the timelines set forth in these rules, the Commission must consider the number of pending applications for interconnection review and the type of applications, including review level and facility size.

(3) As used in OAR 860-039-0010 through 860-039-0080:

(a) "ANSI C12.1 standards" means the standards prescribed by the 2001 edition of the American National Standards Institute, Committee C12.1 (ANSI C12.1), entitled "American National Standard for Electric Meters - Code for Electricity Metering," approved by the C12.1 Accredited Standard Committee on July 9, 2001.

(b) "Applicant" means a person who has filed an application to interconnect a net metering facility to an electric distribution system.

(c) "Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term "secondary grid network" as defined in IEEE standard 1547 Section 4.1.4 (published July 2003).

(d) "Customer-generator" means a customer-generator as defined in ORS 757.300(1)(a).

(e) "Electric distribution system" means that portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

(f) "Equipment package" means a group of components connecting an electric generator with an electric distribution system, and includes all interface equipment including switchgear, inverters, or other interface devices. An equipment package may include an integrated generator or electric production source.

(g) "Fault current" means electrical current that flows through a circuit and is produced by an electrical fault, such as to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase.

(h) "Generation capacity" means the nameplate capacity of the power generating device(s). Generation capacity does not include the effects caused by inefficiencies of power conversion or plant parasitic loads.

(i) "Good utility practice" means a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region, which a reasonable utility official would expect, in light of the facts reasonably discernable at the time, to accomplish the desired result reliably, safely and expeditiously.

(j) "IEEE standards" means the standards published in the 2003 edition of the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, entitled "Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 12, 2003, and in the 2005 edition of the IEEE Standard 1547.1, entitled "IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 9, 2005.

(k) "Impact study" means an engineering analysis of the probable impact of a net metering facility on the safety and reliability of the public utility's electric distribution system.

(l) "Interconnection agreement" means an agreement between a customer-generator and a public utility, which governs the connection of the net metering facility to the electric distribution system, as well as the ongoing operation of the net metering facility after it is connected to the system. An interconnection agreement will follow the standard form agreement developed by the public utility and filed with the Commission.

(m) "Interconnection facilities study" means a study conducted by a utility for the customer-generator that determines the additional or upgraded distribution system facilities, the cost of those facilities, and the time schedule required to interconnect the net metering facility to the utility's distribution system.

(n) "Net metering facility" means a net metering facility as defined in ORS 757.300(1)(d).

(o) "Non-residential customer" means a retail electricity consumer that is not a residential customer, except "non-residential customer" does not include a customer who would be a residential customer but for the residency provisions of subsection (r) of this rule.

(p) "Point of common coupling" means the point beyond the customer-generator's meter where the customer-generator facility connects with the electric distribution system.

(q) "Public utility" has the meaning set forth in ORS 757.005 and is limited to a public utility that provides electric service.

(r) "Residential customer" means a retail electricity consumer that resides at a dwelling primarily used for residential purposes. "Residential customer" does not include retail electricity customers in a dwelling typically used for residency periods of less than 30 days, including hotels, motels, camps, lodges, and clubs. "Dwelling" includes, but is not limited to, single-family dwellings, separately-metered apartments, adult foster homes, manufactured dwellings, and floating homes.

(s) "Spot network" means a type of electric distribution system that uses two or more inter-tied transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers.

(t) "Written notice" means a required notice sent by the utility via electronic mail if the customer-generator has provided an electronic mail address. If the customer-generator has not provided an electronic mail address, or has requested in writing to be notified by United States mail, or if the utility elects to provide notice by United States mail, then written notices from the utility shall be sent via First Class United States mail. The utility shall be deemed to have fulfilled its duty to respond under these rules on the day it sends the customer-generator notice via electronic mail or deposits such notice in First Class mail. The customer-generator shall be responsible for informing the utility of any changes to its notification address.

Stat. Auth.: ORS 183, 756 & 757  
Stats. Implemented: ORS 756.040, 757.300

# ADMINISTRATIVE RULES

Hist.: PUC 8-2007, f. & cert. ef. 7-27-07; PUC 5-2011, f. & cert. ef. 9-7-11; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-082-0010

### Waiver

(1) Upon request or its own motion, the Commission may waive any of the Division 082 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(2) A public utility and an applicant or interconnection customer may agree to reasonable extensions to the required timelines in these rules without requesting a waiver from the Commission.

(a) If a public utility and an applicant or interconnection customer are unable to agree to waive a timeline, then the public utility, applicant, or interconnection customer may request that the Commission grant a waiver.

(b) In deciding whether to grant a waiver of a timeline, the Commission will consider the number of pending applications for interconnection review and the type of applications, including review level, facility type, and facility size.

(c) Waiver of a timeline, whether by agreement or Commission order, does not affect an application's queue position.

Stat. Auth.: ORS 183.756 & 757

Stats. Implemented: ORS 756.040, 756.060

Hist.: PUC 10-2009, f. & cert. ef. 8-26-09; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-083-0005

### Scope and Applicability of Renewable Portfolio Standards Rules

(1) OAR 860-083-0005 through 860-083-0500 (the "Renewable Portfolio Standards rules") establish rules governing implementation of Renewable Portfolio Standards for electric companies and electricity service suppliers provided under ORS 469A.005 through 469A.210.

(2) Upon request or its own motion, the Commission may waive any of the Division 083 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 756.040, 757.659, 469A.065

Stats. Implemented: 469A.065

Hist.: PUC 7-2009, f. & cert. ef. 6-25-09; PUC 8-2009, f. & cert. ef. 8-5-09; PUC 6-2011, f. & cert. ef. 9-14-11

## 860-084-0000

### Scope and Applicability of Solar Photovoltaic Programs

(1) OAR 860-084-0020 through 860-084-0080 ("the Solar Photovoltaic Capacity Standard") govern implementation of programs requiring electric company installation of solar photovoltaic capacity.

(2) OAR 860-084-0100 through 860-084-0450 (the "Solar Photovoltaic Pilot Programs") govern implementation of pilot programs to demonstrate the use and effectiveness of volumetric incentive rates and payments for electricity delivered from solar photovoltaic energy systems.

(3) Upon request or its own motion, the Commission may waive any of the Division 084 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 6-2011, f. & cert. ef. 9-14-11

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

**Rule Caption:** Adoption of Amendments to the 2010 State Candidate's Manual: Minor Political Party

**Adm. Order No.:** ELECT 16-2011(Temp)

**Filed with Sec. of State:** 8-16-2011

**Certified to be Effective:** 8-16-11 thru 12-31-11

**Notice Publication Date:**

**Rules Amended:** 165-010-0005

**Subject:** This proposed temporary amendment revises the 2010 State Candidate's Manual: Minor Political Party to provide that a chief sponsor of a minor political party formation petition is required to use the SEL 300 Statement One or More Petition Circulators Will Be Paid instead of the SEL 301.

**Rules Coordinator:** Brenda Bayes—(503) 986-1518

## 165-010-0005

### Designating the State Candidates Manuals, County Candidate's Manual and Forms

(1) The Secretary of State designates the 2010 State Candidate's Manual: Major Political Party and associated forms as the procedures and

forms to be used by major political party candidates filing and running for state elective office.

(2) The Secretary of State designates the 2010 State Candidate's Manual: Nonpartisan and associated forms as the procedures and forms to be used by nonpartisan candidates filing and running for state elective office.

(3) The Secretary of State designates the 2010 State Candidate's Manual: Minor Political Party and associated forms as the procedures and forms to be used to form a Minor Political Party and by minor political party candidates filing and running for state elective office.

(4) The Secretary of State designates the 2010 State Candidate's Manual: Assembly of Electors and associated forms as the procedures and forms to be used by nonaffiliated candidates filing and running by assembly of electors for state elective office.

(5) The Secretary of State designates the 2010 State Candidate's Manual: Individual Electors and associated forms as the procedures and forms to be used by nonaffiliated candidates filing and running by individual electors for state elective office.

(6) The Secretary of State designates the 2010 County Candidate's Manual and associated forms as the procedures and forms to be used by county office candidates and precinct committeeperson candidates filing and running for elective office.

(7) In accordance with ORS 260.043 the Secretary of State amends the 2010 State Candidate's Manual: Major Political Party, the 2010 State Candidate's Manual: Nonpartisan, the 2010 State Candidate's Manual: Minor Political Party, the 2010 State Candidate's Manual: Assembly of Electors, the 2010 State Candidate's Manual: Individual Electors, the 2010 County Candidate's Manual and all associated forms to reference that when a candidate serves as the candidate's own treasurer, the candidate does not have an existing candidate committee and the candidate does not expect to receive or spend more than \$750 during a calendar year, the candidate is not required to establish a campaign account, file a State of Organization or file contribution and expenditure transactions.

(8) In accordance with ORS 248.008 and 260.569 the Secretary of State amends the 2010 State Candidate's Manual: Minor Political Party, to require a chief sponsor of a minor political party formation petition to file an SEL 300 Statement One or More Petition Circulators Will Be Paid indicating whether circulators will be paid or unpaid when filing the prospective petition.

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

Stat. Auth.: ORS 246.120, 246.150 & 249.009

Stats. Implemented: ORS 246.120, 246.150 & 249.009

Hist.: SD 35-1980, f. & ef. 3-6-80; SD 31-1983, f. & ef. 12-20-83; SD 5-1986, f. & ef. 2-26-86; ELECT 9-1992(Temp), f. & cert. ef. 4-9-92; ELECT 32-1992, f. & cert. ef. 10-8-92; ELECT 33-1993, f. & cert. ef. 11-1-93; ELECT 1-1996, f. & cert. ef. 1-3-96; ELECT 8-1997, f. & cert. ef. 10-3-97; ELECT 3-1998, f. & cert. ef. 2-11-98; ELECT 6-1998, f. & cert. ef. 5-8-98; ELECT 10-1999, f. & cert. ef. 10-18-99; ELECT 3-2002, f. & cert. ef. 3-13-02; ELECT 18-2003, f. & cert. ef. 12-5-03; ELECT 2-2004(Temp), f. & cert. ef. 4-9-04 thru 10-6-04; Administrative correction 10-22-04; ELECT 9-2005, f. & cert. ef. 12-14-05; ELECT 11-2007, f. & cert. ef. 12-31-07; ELECT 25-2009, f. & cert. ef. 12-31-09; ELECT 1-2011, f. & cert. ef. 2-4-11; ELECT 16-2011(Temp), f. & cert. ef. 8-16-11 thru 12-31-11

.....

**Rule Caption:** Timelines and procedures to fill a vacancy in the office of Representative in Congress, 1st District

**Adm. Order No.:** ELECT 17-2011(Temp)

**Filed with Sec. of State:** 8-23-2011

**Certified to be Effective:** 8-23-11 thru 2-19-12

**Notice Publication Date:**

**Rules Adopted:** 165-007-2012

**Subject:** This rule adopts timelines and procedures necessary to conduct a special primary election and special election to fill a vacancy in the office of Representative in Congress, First District. This rule also adopts necessary timelines to produce a state voters' pamphlet for the special primary election and special election.

**Rules Coordinator:** Brenda Bayes—(503) 986-1518

## 165-007-2012

### Timelines for the Special Primary and Special Election to Fill a Vacancy in the Office of Representative in Congress, 1st District

(1) This rule adopts necessary timelines and procedures for the Secretary of State and county elections officials to conduct a special primary election and special election to fill the vacancy in the office of Representative in Congress, First District. This rule also adopts necessary timelines to produce a state voters' pamphlet for the special primary election and special election.

(2) When a document is to be filed with the Secretary of State, Elections Division under this rule, the document must be delivered to and

## ADMINISTRATIVE RULES

actually received, in its entirety, in the office of the Secretary of State, Elections Division not later than 5:00 p.m. on the designated filing deadline date.

(3) The following timeline is adopted for a special primary election on November 8, 2011, as called by the Governor under ORS 188.120:

(a) August 15, 2011: Last day for major party political party to certify names of nominees to Secretary of State as required by ORS 188.120. Nominees must file a completed SEL 101, Filing of Candidacy for Major Political Party, no later than 5pm certifying that they have been a member of the indicated major political party for at least 180 days prior to the filing deadline.

(b) August 30, 2011: Last day for filing or withdrawing candidate statements for the state voters' pamphlet for the special primary election. Those candidates who choose to submit signatures by petition in lieu of paying the fee for printing a voters' pamphlet statement must have the signatures verified by the appropriate county election official before submitting them to the Secretary of State.

(c) September 1, 2011: Last day for Secretary of State to complete random ordering of alphabet to determine placement of candidate names on special primary election ballot and to notify County Clerks of the random alphabet.

(d) September 8, 2011: Last day for Secretary of State to file with county clerks a statement of candidates for placement on special primary election ballot.

(e) September 24, 2011: Last day for county election officials to mail ballots to long term absent electors (overseas and military).

(f) October 18, 2011: Last day to register to vote or to change party affiliation for special primary election. Registration cards that are post-marked by this date or submitted online no later than 11:59 pm are valid registrations for the special primary election.

(g) October 21, 2011 thru October 25, 2011: County election officials mail ballots to electors other than long-term and out-of-state absent electors.

(h) October 25, 2011: Last day to distribute state voters' pamphlet.

(i) November 28, 2011: Last day for county clerk to prepare and deliver abstracts to the Secretary of State.

(j) November 30, 2011: Last day for Secretary of State to canvass votes, prepare register of nominations and deliver certificates of nomination.

(3) The following timeline is adopted for a special election on January 31, 2012, as called by the Governor under ORS 188.120:

(a) December 1, 2011:

(A) Last day for nonaffiliated or minor political party candidates to file certificates of nomination for the special election.

(B) Last day for candidates nominated by more than one political party to notify the Secretary of State of which nominations they choose to have printed on the ballot.

(C) Last day for Secretary of State to complete random ordering of alphabet to determine placement of candidate names on special election ballot.

(D) Last day for Secretary of State to file with county clerks a statement of candidates for placement on special election ballot.

(b) December 5, 2011 Last day for filing or withdrawing candidate statements for the state voters' pamphlet for the special election. Those candidates who choose to submit signatures by petition in lieu of paying the fee for printing a voters' pamphlet statement must have the signatures verified by the appropriate county election official before submitting them to the Secretary of State.

(c) December 17, 2011: Last day for county election officials to mail ballots to long term absent electors (overseas and military).

(d) January 10, 2012: Last day to register to vote for special election. Registration cards that are postmarked by this date or submitted online no later than 11:59 pm are valid registrations for the special election.

(e) January 13, 2012 to January 17, 2012: County election officials mail ballots to electors other than long-term and out-of-state absent electors.

(f) January 17, 2012: Last day to distribute state voters' pamphlet to each post office mailing address in Oregon.

(g) February 17, 2012: Last day for county clerk to prepare and deliver abstracts to the Secretary of State.

(h) February 21, 2012: Last day for Secretary of State to canvass votes, prepare register of nominations and deliver certificates of nomination.

(4) The following process is adopted for administering the cross nomination process set forth in ORS 254.135 and OAR 165-007-0320 for the January 31, 2012 special election only. OAR 165-007-0320 does not apply to this unique situation because it only applies to general elections, and not to special elections.

(a) The unique circumstances of this special election in the 1st Congressional District will allow each county to print the abbreviated name of each party who nominates a candidate beneath the name of the candidate. The abbreviated party names that will be printed on the ballot and in the voters' pamphlet for this January 31, 2012 special election are:

Constitution Party  
Democratic Party  
Independent Party  
Libertarian Party  
Nonaffiliated  
Pacific Green Party  
Progressive Party  
Republican Party  
Working Families Party

(b) Because there will only be one contest on the ballot, no county will be at risk of running over to a second ballot card due to their printing of abbreviated party names beneath the candidate name. Since abbreviated party names will be printed on the ballot and in the voters' pamphlet the key required by OAR 165-007-0320 will not be required.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS

Hist.: ELECT 17-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-010-0005	1-1-2011	Amend	1-1-2011	111-005-0060	12-13-2010	Suspend	1-1-2011
101-015-0005	1-1-2011	Amend	1-1-2011	111-005-0060	5-3-2011	Repeal	6-1-2011
101-015-0005	3-9-2011	Suspend	4-1-2011	111-005-0070	5-3-2011	Repeal	6-1-2011
101-015-0005	8-5-2011	Amend(T)	9-1-2011	111-005-0080	12-13-2010	Adopt(T)	1-1-2011
101-015-0006	3-9-2011	Adopt(T)	4-1-2011	111-005-0080	5-3-2011	Adopt	6-1-2011
101-015-0011	1-1-2011	Amend	1-1-2011	111-010-0015	2-11-2011	Amend	3-1-2011
101-015-0012(T)	11-29-2010	Suspend	1-1-2011	111-010-0015	2-15-2011	Amend(T)	3-1-2011
101-015-0013(T)	11-29-2010	Suspend	1-1-2011	111-010-0015	8-2-2011	Amend	9-1-2011
101-015-0014	11-29-2010	Adopt(T)	1-1-2011	111-010-0015	8-2-2011	Amend(T)	9-1-2011
101-015-0014(T)	1-1-2011	Repeal	1-1-2011	111-010-0015(T)	2-11-2011	Repeal	3-1-2011
101-015-0025	8-11-2011	Suspend	9-1-2011	111-010-0015(T)	8-2-2011	Repeal	9-1-2011
101-015-0026	1-1-2011	Adopt	1-1-2011	111-030-0005	2-11-2011	Amend	3-1-2011
101-015-0026(T)	1-1-2011	Repeal	1-1-2011	111-030-0005(T)	2-11-2011	Repeal	3-1-2011
101-020-0002	1-1-2011	Amend	1-1-2011	111-030-0010	2-11-2011	Adopt	3-1-2011
101-020-0005	1-1-2011	Amend	1-1-2011	111-030-0010(T)	2-11-2011	Repeal	3-1-2011
101-020-0015	1-1-2011	Amend	1-1-2011	111-030-0030	2-11-2011	Repeal	3-1-2011
101-020-0018	1-1-2011	Amend	1-1-2011	111-030-0035	2-11-2011	Adopt	3-1-2011
101-020-0025	1-1-2011	Amend	1-1-2011	111-030-0035(T)	2-11-2011	Repeal	3-1-2011
101-020-0025	3-9-2011	Suspend	4-1-2011	111-030-0040	2-11-2011	Adopt	3-1-2011
101-020-0025	8-5-2011	Amend(T)	9-1-2011	111-030-0040(T)	2-11-2011	Repeal	3-1-2011
101-020-0026	3-9-2011	Adopt(T)	4-1-2011	111-030-0045	2-11-2011	Adopt	3-1-2011
101-020-0032	1-1-2011	Amend	1-1-2011	111-030-0045(T)	2-11-2011	Repeal	3-1-2011
101-020-0037	1-1-2011	Amend	1-1-2011	111-030-0046	8-2-2011	Adopt(T)	9-1-2011
101-020-0045	1-1-2011	Amend	1-1-2011	111-030-0050	2-11-2011	Adopt	3-1-2011
101-020-0050	1-1-2011	Amend	1-1-2011	111-030-0050(T)	2-11-2011	Repeal	3-1-2011
101-020-0070	1-1-2011	Am. & Ren.	1-1-2011	111-040-0001	2-11-2011	Amend	3-1-2011
101-030-0010	1-1-2011	Amend	1-1-2011	111-040-0001(T)	2-11-2011	Repeal	3-1-2011
101-030-0015	1-1-2011	Amend	1-1-2011	111-040-0005	2-11-2011	Amend	3-1-2011
101-030-0022	1-1-2011	Amend	1-1-2011	111-040-0005(T)	2-11-2011	Repeal	3-1-2011
105-040-0010	11-28-2010	Amend	1-1-2011	111-040-0015	2-11-2011	Amend	3-1-2011
105-040-0020	11-28-2010	Amend	1-1-2011	111-040-0015(T)	2-11-2011	Repeal	3-1-2011
105-040-0030	11-28-2010	Amend	1-1-2011	111-040-0020	2-11-2011	Amend	3-1-2011
105-040-0060	11-28-2010	Amend	1-1-2011	111-040-0020(T)	2-11-2011	Repeal	3-1-2011
111-002-0005	12-13-2010	Amend(T)	1-1-2011	111-040-0025	2-11-2011	Amend	3-1-2011
111-002-0005	5-3-2011	Amend	6-1-2011	111-040-0025(T)	2-11-2011	Repeal	3-1-2011
111-005-00070	12-13-2010	Amend(T)	1-1-2011	111-040-0030	2-11-2011	Amend	3-1-2011
111-005-0010	12-13-2010	Amend(T)	1-1-2011	111-040-0030(T)	2-11-2011	Repeal	3-1-2011
111-005-0010	5-3-2011	Amend	6-1-2011	111-040-0040	2-11-2011	Amend	3-1-2011
111-005-0015	12-13-2010	Amend(T)	1-1-2011	111-040-0040	2-15-2011	Amend(T)	3-1-2011
111-005-0015	5-3-2011	Amend	6-1-2011	111-040-0040	6-22-2011	Amend	8-1-2011
111-005-0020	12-13-2010	Amend(T)	1-1-2011	111-040-0040(T)	2-11-2011	Repeal	3-1-2011
111-005-0020	5-3-2011	Amend	6-1-2011	111-040-0040(T)	6-22-2011	Repeal	8-1-2011
111-005-0040	12-13-2010	Amend(T)	1-1-2011	111-040-0050	2-11-2011	Amend	3-1-2011
111-005-0040	5-3-2011	Amend	6-1-2011	111-040-0050(T)	2-11-2011	Repeal	3-1-2011
111-005-0042	12-13-2010	Amend(T)	1-1-2011	111-050-0001	2-11-2011	Amend	3-1-2011
111-005-0042	5-3-2011	Amend	6-1-2011	111-050-0001(T)	2-11-2011	Repeal	3-1-2011
111-005-0044	12-13-2010	Amend(T)	1-1-2011	111-050-0010	2-11-2011	Amend	3-1-2011
111-005-0044	5-3-2011	Amend	6-1-2011	111-050-0010(T)	2-11-2011	Repeal	3-1-2011
111-005-0046	12-13-2010	Amend(T)	1-1-2011	111-050-0015	2-11-2011	Amend	3-1-2011
111-005-0046	5-3-2011	Amend	6-1-2011	111-050-0015(T)	2-11-2011	Repeal	3-1-2011
111-005-0047	12-13-2010	Adopt(T)	1-1-2011	111-050-0016	2-11-2011	Amend	3-1-2011
111-005-0047	5-3-2011	Adopt	6-1-2011	111-050-0016(T)	2-11-2011	Repeal	3-1-2011
111-005-0050	12-13-2010	Amend(T)	1-1-2011	111-050-0020	2-11-2011	Amend	3-1-2011
111-005-0050	5-3-2011	Amend	6-1-2011	111-050-0020(T)	2-11-2011	Repeal	3-1-2011
111-005-0055	12-13-2010	Adopt(T)	1-1-2011	111-050-0025	2-11-2011	Amend	3-1-2011
111-005-0055	5-3-2011	Adopt	6-1-2011	111-050-0025(T)	2-11-2011	Repeal	3-1-2011



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-050-0030	2-11-2011	Amend	3-1-2011	123-042-0132	12-1-2010	Amend	1-1-2011
111-050-0030(T)	2-11-2011	Repeal	3-1-2011	123-042-0155	12-1-2010	Amend	1-1-2011
111-050-0035	2-11-2011	Amend	3-1-2011	123-042-0165	12-1-2010	Amend	1-1-2011
111-050-0035(T)	2-11-2011	Repeal	3-1-2011	123-042-0175	12-1-2010	Amend	1-1-2011
111-050-0045	2-11-2011	Amend	3-1-2011	123-042-0180	12-1-2010	Amend	1-1-2011
111-050-0045(T)	2-11-2011	Repeal	3-1-2011	123-042-0190	12-1-2010	Amend	1-1-2011
111-050-0050	2-11-2011	Amend	3-1-2011	123-043-0025	12-1-2010	Amend	1-1-2011
111-050-0050(T)	2-11-2011	Repeal	3-1-2011	123-090-0050	7-1-2011	Amend	8-1-2011
111-050-0060	2-11-2011	Amend	3-1-2011	123-155-0000	1-3-2011	Am. & Ren.	2-1-2011
111-050-0060(T)	2-11-2011	Repeal	3-1-2011	123-155-0100	1-3-2011	Am. & Ren.	2-1-2011
111-050-0065	2-11-2011	Amend	3-1-2011	123-155-0150	1-3-2011	Am. & Ren.	2-1-2011
111-050-0065(T)	2-11-2011	Repeal	3-1-2011	123-155-0175	1-3-2011	Am. & Ren.	2-1-2011
111-050-0070	2-11-2011	Amend	3-1-2011	123-155-0200	1-3-2011	Am. & Ren.	2-1-2011
111-050-0070(T)	2-11-2011	Repeal	3-1-2011	123-155-0250	1-3-2011	Am. & Ren.	2-1-2011
111-050-0075	2-11-2011	Amend	3-1-2011	123-155-0270	1-3-2011	Am. & Ren.	2-1-2011
111-050-0075(T)	2-11-2011	Repeal	3-1-2011	123-155-0300	1-3-2011	Am. & Ren.	2-1-2011
111-050-0080	2-11-2011	Amend	3-1-2011	123-155-0350	1-3-2011	Am. & Ren.	2-1-2011
111-050-0080(T)	2-11-2011	Repeal	3-1-2011	123-155-0400	1-3-2011	Am. & Ren.	2-1-2011
111-070-0030	2-11-2011	Amend	3-1-2011	123-450-0000	1-3-2011	Adopt	2-1-2011
111-070-0030(T)	2-11-2011	Repeal	3-1-2011	123-635-0000	9-1-2011	Amend	10-1-2011
111-070-0040	2-11-2011	Amend	3-1-2011	123-635-0050	1-3-2011	Repeal	2-1-2011
111-070-0040(T)	2-11-2011	Repeal	3-1-2011	123-635-0100	9-1-2011	Amend	10-1-2011
111-080-0040	12-10-2010	Adopt	1-1-2011	123-635-0175	9-1-2011	Amend	10-1-2011
111-080-0040	2-15-2011	Amend(T)	3-1-2011	123-635-0200	9-1-2011	Amend	10-1-2011
111-080-0040	6-22-2011	Amend	8-1-2011	123-635-0400	9-1-2011	Amend	10-1-2011
111-080-0040(T)	6-22-2011	Repeal	8-1-2011	125-300-0200	8-1-2011	Adopt	9-1-2011
111-080-0045	12-10-2010	Adopt	1-1-2011	125-700-0012	6-30-2011	Repeal	8-1-2011
111-080-0045	2-15-2011	Amend(T)	3-1-2011	125-700-0015	6-30-2011	Amend	8-1-2011
111-080-0045	6-22-2011	Amend	8-1-2011	125-700-0020	6-30-2011	Repeal	8-1-2011
111-080-0045(T)	6-22-2011	Repeal	8-1-2011	125-700-0025	6-30-2011	Repeal	8-1-2011
111-080-0050	12-10-2010	Adopt	1-1-2011	125-700-0030	6-30-2011	Repeal	8-1-2011
111-080-0050	2-15-2011	Amend(T)	3-1-2011	125-700-0035	6-30-2011	Repeal	8-1-2011
111-080-0050	6-22-2011	Amend	8-1-2011	125-700-0040	6-30-2011	Repeal	8-1-2011
111-080-0050(T)	6-22-2011	Repeal	8-1-2011	125-700-0045	6-30-2011	Repeal	8-1-2011
115-010-0012	9-1-2011	Amend(T)	10-1-2011	125-700-0050	6-30-2011	Repeal	8-1-2011
115-035-0000	7-1-2011	Amend(T)	8-1-2011	125-700-0055	6-30-2011	Repeal	8-1-2011
115-035-0035	7-1-2011	Amend(T)	8-1-2011	125-700-0060	6-30-2011	Repeal	8-1-2011
115-035-0045	7-1-2011	Amend(T)	8-1-2011	125-700-0120	6-30-2011	Adopt	8-1-2011
115-040-0005	7-1-2011	Amend(T)	8-1-2011	125-700-0125	6-30-2011	Adopt	8-1-2011
115-070-0000	7-1-2011	Amend(T)	8-1-2011	125-700-0130	6-30-2011	Adopt	8-1-2011
115-070-0035	7-1-2011	Amend(T)	8-1-2011	125-700-0135	6-30-2011	Adopt	8-1-2011
115-070-0050	7-1-2011	Amend(T)	8-1-2011	125-700-0140	6-30-2011	Adopt	8-1-2011
115-080-0010	7-1-2011	Amend(T)	8-1-2011	125-700-0145	6-30-2011	Adopt	8-1-2011
123-001-0700	12-1-2010	Amend	1-1-2011	125-700-0150	6-30-2011	Adopt	8-1-2011
123-001-0725	12-1-2010	Amend	1-1-2011	125-700-0155	6-30-2011	Adopt	8-1-2011
123-001-0750	12-1-2010	Amend	1-1-2011	137-020-0150	1-1-2011	Amend	2-1-2011
123-042-0010	12-1-2010	Amend	1-1-2011	137-020-0160	1-1-2011	Amend	2-1-2011
123-042-0020	12-1-2010	Amend	1-1-2011	137-050-0700	1-4-2011	Amend	2-1-2011
123-042-0026	12-1-2010	Amend	1-1-2011	137-050-0700(T)	1-4-2011	Repeal	2-1-2011
123-042-0036	12-1-2010	Amend	1-1-2011	137-050-0745	1-26-2011	Amend(T)	3-1-2011
123-042-0038	12-1-2010	Amend	1-1-2011	137-050-0745	7-1-2011	Amend	8-1-2011
123-042-0045	12-1-2010	Amend	1-1-2011	137-050-0745(T)	7-1-2011	Repeal	8-1-2011
123-042-0055	12-1-2010	Amend	1-1-2011	137-055-1020	3-31-2011	Amend(T)	5-1-2011
123-042-0065	12-1-2010	Amend	1-1-2011	137-055-1020	7-1-2011	Amend	8-1-2011
123-042-0076	12-1-2010	Amend	1-1-2011	137-055-1020(T)	7-1-2011	Repeal	8-1-2011
123-042-0122	12-1-2010	Amend	1-1-2011	137-055-1090	3-31-2011	Amend(T)	5-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-055-1090	7-1-2011	Amend	8-1-2011	137-055-7040	7-1-2011	Amend	8-1-2011
137-055-1090(T)	7-1-2011	Repeal	8-1-2011	137-055-7040(T)	7-1-2011	Repeal	8-1-2011
137-055-1120	3-31-2011	Amend(T)	5-1-2011	137-055-7060	3-31-2011	Amend(T)	5-1-2011
137-055-1120	7-1-2011	Amend	8-1-2011	137-055-7060	7-1-2011	Amend	8-1-2011
137-055-1120(T)	7-1-2011	Repeal	8-1-2011	137-055-7060(T)	7-1-2011	Repeal	8-1-2011
137-055-1145	3-31-2011	Amend(T)	5-1-2011	137-055-7080	3-31-2011	Suspend	5-1-2011
137-055-1145	7-1-2011	Amend	8-1-2011	137-055-7080	7-1-2011	Repeal	8-1-2011
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



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-089-0515	3-1-2011	Repeal	4-1-2011	141-089-0835	3-1-2011	Adopt	4-1-2011
141-089-0520	3-1-2011	Repeal	4-1-2011	141-093-0100	3-1-2011	Adopt	4-1-2011
141-089-0525	3-1-2011	Repeal	4-1-2011	141-093-0103	3-1-2011	Adopt	4-1-2011
141-089-0530	3-1-2011	Repeal	4-1-2011	141-093-0104	3-1-2011	Adopt	4-1-2011
141-089-0585	3-1-2011	Repeal	4-1-2011	141-093-0105	3-1-2011	Adopt	4-1-2011
141-089-0590	3-1-2011	Repeal	4-1-2011	141-093-0107	3-1-2011	Adopt	4-1-2011
141-089-0595	3-1-2011	Repeal	4-1-2011	141-093-0110	3-1-2011	Adopt	4-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
162-001-0010	1-27-2011	Repeal	3-1-2011	162-015-0110	1-27-2011	Repeal	3-1-2011
162-010-0030	1-27-2011	Amend	3-1-2011	162-015-0120	1-27-2011	Repeal	3-1-2011
162-011-0000	1-27-2011	Repeal	3-1-2011	162-015-0130	1-27-2011	Repeal	3-1-2011
162-011-0010	1-27-2011	Repeal	3-1-2011	162-016-0000	1-27-2011	Repeal	3-1-2011
162-011-0020	1-27-2011	Repeal	3-1-2011	165-001-0009	4-8-2011	Adopt	5-1-2011
162-011-0030	1-27-2011	Repeal	3-1-2011	165-001-0015	4-8-2011	Amend	5-1-2011
162-011-0040	1-27-2011	Repeal	3-1-2011	165-001-0015	7-12-2011	Amend	8-1-2011
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	165-007-2012	8-23-2011	Adopt(T)	10-1-2011
162-013-0020	1-27-2011	Repeal	3-1-2011	165-010-0005	2-4-2011	Amend	3-1-2011
162-013-0030	1-27-2011	Repeal	3-1-2011	165-010-0005	8-16-2011	Amend(T)	10-1-2011
162-013-0040	1-27-2011	Repeal	3-1-2011	165-012-0005	4-8-2011	Amend	5-1-2011
162-013-0050	1-27-2011	Repeal	3-1-2011	165-012-0005	7-12-2011	Amend	8-1-2011
162-013-0060	1-27-2011	Repeal	3-1-2011	165-013-0010	4-8-2011	Amend	5-1-2011
162-014-0000	1-27-2011	Repeal	3-1-2011	165-014-0100	8-1-2011	Amend	9-1-2011
162-014-0010	1-27-2011	Repeal	3-1-2011	165-014-0260	8-11-2011	Amend	9-1-2011
162-014-0020	1-27-2011	Repeal	3-1-2011	165-014-0275	8-4-2011	Amend	9-1-2011
162-014-0030	1-27-2011	Repeal	3-1-2011	165-020-0005	2-4-2011	Amend	3-1-2011
162-014-0040	1-27-2011	Repeal	3-1-2011	165-020-2027	2-11-2011	Adopt(T)	3-1-2011
162-014-0050	1-27-2011	Repeal	3-1-2011	165-020-2028	2-18-2011	Adopt(T)	4-1-2011
162-014-0060	1-27-2011	Repeal	3-1-2011	165-020-2029	2-18-2011	Adopt(T)	4-1-2011
162-014-0070	1-27-2011	Repeal	3-1-2011	165-020-2030	2-22-2011	Adopt(T)	4-1-2011
162-014-0080	1-27-2011	Repeal	3-1-2011	165-020-2031	3-8-2011	Adopt(T)	4-1-2011
162-014-0090	1-27-2011	Repeal	3-1-2011	166-030-0060	7-15-2011	Amend(T)	8-1-2011
162-014-0100	1-27-2011	Repeal	3-1-2011	166-500-0040	6-10-2011	Amend(T)	7-1-2011
162-014-0110	1-27-2011	Repeal	3-1-2011	166-500-0040	7-1-2011	Amend(T)	8-1-2011
162-014-0120	1-27-2011	Repeal	3-1-2011	166-500-0040(T)	7-1-2011	Suspend	8-1-2011
162-014-0130	1-27-2011	Repeal	3-1-2011	170-061-0015	2-28-2011	Amend	4-1-2011
162-014-0140	1-27-2011	Repeal	3-1-2011	170-062-0000	12-1-2010	Amend(T)	1-1-2011
162-014-0150	1-27-2011	Repeal	3-1-2011	170-062-0000	4-1-2011	Amend	5-1-2011
162-014-0160	1-27-2011	Repeal	3-1-2011	170-062-0000(T)	4-1-2011	Repeal	5-1-2011
162-014-0170	1-27-2011	Repeal	3-1-2011	172-001-0005	1-10-2011	Amend	2-1-2011
162-014-0180	1-27-2011	Repeal	3-1-2011	172-005-0000	1-10-2011	Amend	2-1-2011
162-014-0190	1-27-2011	Repeal	3-1-2011	172-005-0010	1-10-2011	Amend	2-1-2011
162-014-0200	1-27-2011	Repeal	3-1-2011	172-005-0020	1-10-2011	Amend	2-1-2011
162-014-0210	1-27-2011	Repeal	3-1-2011	172-005-0030	1-10-2011	Amend	2-1-2011
162-014-0220	1-27-2011	Repeal	3-1-2011	172-005-0040	1-10-2011	Amend	2-1-2011
162-014-0230	1-27-2011	Repeal	3-1-2011	172-005-0050	1-10-2011	Amend	2-1-2011
162-014-0240	1-27-2011	Repeal	3-1-2011	172-005-0060	1-10-2011	Amend	2-1-2011
162-015-0000	1-27-2011	Repeal	3-1-2011	172-005-0065	1-10-2011	Adopt	2-1-2011
162-015-0010	1-27-2011	Repeal	3-1-2011	172-005-0070	1-10-2011	Amend	2-1-2011
162-015-0020	1-27-2011	Repeal	3-1-2011	177-040-0000	1-1-2011	Amend	2-1-2011
162-015-0030	1-27-2011	Repeal	3-1-2011	177-040-0001	1-1-2011	Amend	2-1-2011
162-015-0040	1-27-2011	Repeal	3-1-2011	177-040-0003	1-1-2011	Amend	2-1-2011
162-015-0050	1-27-2011	Repeal	3-1-2011	177-040-0005	5-1-2011	Amend	6-1-2011
162-015-0060	1-27-2011	Repeal	3-1-2011	177-040-0024	1-1-2011	Adopt	2-1-2011
162-015-0070	1-27-2011	Repeal	3-1-2011	177-040-0070	1-1-2011	Amend	2-1-2011
162-015-0080	1-27-2011	Repeal	3-1-2011	177-045-0000	5-1-2011	Amend	6-1-2011
162-015-0090	1-27-2011	Repeal	3-1-2011	177-045-0010	5-1-2011	Amend	6-1-2011
162-015-0100	1-27-2011	Repeal	3-1-2011	177-051-0000	8-1-2011	Amend	9-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
177-051-0010	8-1-2011	Amend	9-1-2011	213-070-0050	1-1-2011	Adopt	1-1-2011
177-051-0020	8-1-2011	Repeal	9-1-2011	250-010-0430	2-1-2011	Amend	2-1-2011
177-051-0030	8-1-2011	Amend	9-1-2011	250-010-0450	2-1-2011	Amend	2-1-2011
177-051-0035	8-1-2011	Adopt	9-1-2011	250-010-0650	2-1-2011	Amend	2-1-2011
177-051-0040	8-1-2011	Amend	9-1-2011	250-010-0650	8-18-2011	Amend(T)	10-1-2011
177-051-0050	8-1-2011	Repeal	9-1-2011	250-010-0660	8-23-2011	Adopt(T)	10-1-2011
177-051-0060	8-1-2011	Repeal	9-1-2011	250-020-0151	1-3-2011	Amend(T)	2-1-2011
177-051-0070	8-1-2011	Repeal	9-1-2011	250-020-0151	5-2-2011	Amend	6-1-2011
177-051-0080	8-1-2011	Repeal	9-1-2011	250-020-0151(T)	5-2-2011	Repeal	6-1-2011
177-051-0090	8-1-2011	Repeal	9-1-2011	250-020-0221	4-8-2011	Amend(T)	5-1-2011
177-051-0100	8-1-2011	Repeal	9-1-2011	250-020-0221	7-1-2011	Amend(T)	8-1-2011
177-051-0110	8-1-2011	Repeal	9-1-2011	250-020-0221(T)	8-5-2011	Suspend	9-1-2011
177-051-0120	8-1-2011	Amend	9-1-2011	250-020-0241	5-2-2011	Amend	6-1-2011
177-051-0130	8-1-2011	Amend	9-1-2011	250-020-0280	5-25-2011	Amend	4-1-2011
177-052-0000	9-2-2011	Adopt(T)	10-1-2011	250-020-0280	6-1-2011	Amend	6-1-2011
177-052-0010	9-2-2011	Adopt(T)	10-1-2011	250-020-0280	6-15-2011	Amend(T)	6-1-2011
177-052-0020	9-2-2011	Adopt(T)	10-1-2011	250-021-0040	1-3-2011	Amend(T)	2-1-2011
177-052-0030	9-2-2011	Adopt(T)	10-1-2011	250-021-0040	5-2-2011	Amend	6-1-2011
177-052-0040	9-2-2011	Adopt(T)	10-1-2011	250-021-0040(T)	5-2-2011	Repeal	6-1-2011
177-052-0050	9-2-2011	Adopt(T)	10-1-2011	255-001-0005	1-11-2011	Amend	2-1-2011
177-052-0060	9-2-2011	Adopt(T)	10-1-2011	255-001-0010	1-11-2011	Amend	2-1-2011
177-052-0070	9-2-2011	Adopt(T)	10-1-2011	255-001-0016	1-11-2011	Amend	2-1-2011
177-070-0016	9-1-2011	Adopt	10-1-2011	255-005-0005	12-1-2010	Amend	1-1-2011
177-085-0065	12-12-2010	Amend	1-1-2011	255-005-0005(T)	12-1-2010	Repeal	1-1-2011
177-094-0080	12-1-2010	Amend	1-1-2011	255-015-0015	12-1-2010	Amend	1-1-2011
177-098-0010	12-12-2010	Amend	1-1-2011	255-020-0005	3-4-2011	Amend	4-1-2011
177-098-0040	12-12-2010	Amend	1-1-2011	255-020-0015	3-4-2011	Amend	4-1-2011
177-098-0060	12-12-2010	Amend	1-1-2011	255-030-0027	12-1-2010	Amend	1-1-2011
177-098-0110	12-12-2010	Amend	1-1-2011	255-030-0027(T)	12-1-2010	Repeal	1-1-2011
177-099-0000	9-1-2011	Amend	10-1-2011	255-032-0036	5-26-2011	Adopt(T)	7-1-2011
177-099-0015	9-1-2011	Adopt	10-1-2011	255-036-0005	6-23-2011	Amend	8-1-2011
177-099-0020	9-1-2011	Amend	10-1-2011	255-036-0010	6-23-2011	Amend	8-1-2011
177-099-0030	9-1-2011	Amend	10-1-2011	255-036-0020	6-23-2011	Amend	8-1-2011
177-099-0100	3-1-2011	Adopt	4-1-2011	255-036-0025	6-23-2011	Amend	8-1-2011
177-200-0020	9-18-2011	Amend(T)	10-1-2011	255-036-0030	6-23-2011	Amend	8-1-2011
177-200-0032	9-18-2011	Amend(T)	10-1-2011	255-060-0018	1-11-2011	Adopt	2-1-2011
190-001-0000	12-1-2010	Repeal	1-1-2011	255-080-0001	12-1-2010	Amend	1-1-2011
190-001-0005	12-1-2010	Repeal	1-1-2011	255-080-0005	12-1-2010	Amend	1-1-2011
190-010-0000	1-3-2011	Repeal	2-1-2011	255-080-0008	12-1-2010	Adopt	1-1-2011
190-010-0005	1-3-2011	Repeal	2-1-2011	255-080-0008	12-1-2010	Amend	1-1-2011
190-010-0010	1-3-2011	Repeal	2-1-2011	255-080-0011	12-1-2010	Amend	1-1-2011
190-010-0015	1-3-2011	Repeal	2-1-2011	257-010-0015	2-28-2011	Amend	3-1-2011
190-010-0020	1-3-2011	Repeal	2-1-2011	257-010-0015(T)	2-28-2011	Repeal	3-1-2011
190-010-0025	1-3-2011	Repeal	2-1-2011	257-010-0020	2-28-2011	Amend	3-1-2011
190-010-0030	1-3-2011	Repeal	2-1-2011	257-010-0020(T)	2-28-2011	Repeal	3-1-2011
190-010-0035	1-3-2011	Am. & Ren.	2-1-2011	257-010-0025	2-28-2011	Amend	3-1-2011
190-010-0040	1-3-2011	Repeal	2-1-2011	257-010-0025(T)	2-28-2011	Repeal	3-1-2011
213-013-0010	1-1-2012	Amend	1-1-2011	257-010-0045	2-28-2011	Amend	3-1-2011
213-017-0006	12-26-2010	Amend	1-1-2011	257-010-0045(T)	2-28-2011	Repeal	3-1-2011
213-017-0006(T)	12-26-2010	Repeal	1-1-2011	257-010-0050	2-28-2011	Amend	3-1-2011
213-070-0000	1-1-2011	Adopt	1-1-2011	257-010-0050(T)	2-28-2011	Repeal	3-1-2011
213-070-0005	1-1-2011	Adopt	1-1-2011	257-010-0055	2-28-2011	Amend	3-1-2011
213-070-0010	1-1-2011	Adopt	1-1-2011	257-010-0055(T)	2-28-2011	Repeal	3-1-2011
213-070-0020	1-1-2011	Adopt	1-1-2011	257-050-0050	9-7-2011	Amend	10-1-2011
213-070-0030	1-1-2011	Adopt	1-1-2011	257-050-0155	9-7-2011	Amend	10-1-2011
213-070-0040	1-1-2011	Adopt	1-1-2011	257-050-0157	9-7-2011	Amend	10-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
257-050-0200	3-8-2011	Amend	4-1-2011	291-015-0125	11-19-2010	Amend	1-1-2011
259-001-0015	8-29-2011	Amend	10-1-2011	291-015-0125(T)	11-19-2010	Repeal	1-1-2011
259-003-0015	8-29-2011	Amend	10-1-2011	291-015-0130	11-19-2010	Repeal	1-1-2011
259-005-0015	8-29-2011	Amend	10-1-2011	291-015-0135	11-19-2010	Amend	1-1-2011
259-008-0010	6-28-2011	Amend	8-1-2011	291-015-0135(T)	11-19-2010	Repeal	1-1-2011
259-008-0011	12-23-2010	Amend	2-1-2011	291-015-0140	11-19-2010	Repeal	1-1-2011
259-008-0011	6-28-2011	Amend	8-1-2011	291-015-0145	11-19-2010	Repeal	1-1-2011
259-008-0011(T)	12-23-2010	Repeal	2-1-2011	291-015-0150	11-19-2010	Repeal	1-1-2011
259-008-0025	5-1-2011	Amend	5-1-2011	291-019-0047	7-15-2011	Repeal	8-1-2011
259-008-0060	6-24-2011	Amend	8-1-2011	291-019-0110	7-15-2011	Amend	8-1-2011
259-008-0070	7-1-2011	Amend	8-1-2011	291-019-0130	7-15-2011	Amend	8-1-2011
259-008-0072	6-30-2011	Repeal	8-1-2011	291-019-0150	7-15-2011	Amend	8-1-2011
259-009-0005	5-1-2011	Amend	5-1-2011	291-024-0005	5-31-2011	Amend(T)	7-1-2011
259-009-0005	8-1-2011	Amend	9-1-2011	291-024-0010	5-31-2011	Amend(T)	7-1-2011
259-009-0062	5-1-2011	Amend	5-1-2011	291-024-0015	5-31-2011	Amend(T)	7-1-2011
259-009-0070	4-1-2011	Amend	4-1-2011	291-024-0016	5-31-2011	Amend(T)	7-1-2011
259-009-0070	7-1-2011	Amend	8-1-2011	291-024-0020	5-31-2011	Amend(T)	7-1-2011
259-009-0072	6-30-2011	Repeal	8-1-2011	291-024-0025	5-31-2011	Amend(T)	7-1-2011
259-020-0030	6-23-2011	Amend	8-1-2011	291-024-0055	5-31-2011	Amend(T)	7-1-2011
259-020-0031	6-13-2011	Amend(T)	7-1-2011	291-024-0060	5-31-2011	Amend(T)	7-1-2011
259-020-0031	8-1-2011	Amend	9-1-2011	291-024-0066	5-31-2011	Amend(T)	7-1-2011
259-020-0031	8-1-2011	Repeal	9-1-2011	291-024-0071	5-31-2011	Amend(T)	7-1-2011
259-025-0000	6-1-2011	Amend	6-1-2011	291-024-0080	5-31-2011	Amend(T)	7-1-2011
259-060-0305	6-30-2011	Repeal	8-1-2011	291-027-0020	5-2-2011	Amend	6-1-2011
259-060-0500	7-1-2011	Amend(T)	7-1-2011	291-027-0030	5-2-2011	Amend	6-1-2011
259-060-0500	8-1-2011	Amend	9-1-2011	291-027-0040	5-2-2011	Amend	6-1-2011
259-060-0500	8-1-2011	Repeal	9-1-2011	291-027-0050	5-2-2011	Amend	6-1-2011
274-031-0001	3-24-2011	Adopt	5-1-2011	291-027-0055	5-2-2011	Adopt	6-1-2011
274-031-0002	3-24-2011	Adopt	5-1-2011	291-027-0060	5-2-2011	Repeal	6-1-2011
274-031-0003	3-24-2011	Adopt	5-1-2011	291-027-0065	5-2-2011	Adopt	6-1-2011
274-031-0004	3-24-2011	Adopt	5-1-2011	291-027-0070	5-2-2011	Amend	6-1-2011
274-031-0005	3-24-2011	Adopt	5-1-2011	291-027-0080	5-2-2011	Amend	6-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-048-0160	12-13-2010	Am. & Ren.(T)	1-1-2011	291-109-0180	3-1-2011	Amend	4-1-2011
291-048-0160	4-1-2011	Am. & Ren.	5-1-2011	291-109-0190	3-1-2011	Amend	4-1-2011
291-048-0160(T)	4-1-2011	Repeal	5-1-2011	291-124-0005	11-19-2010	Amend	1-1-2011
291-048-0170	12-13-2010	Am. & Ren.(T)	1-1-2011	291-124-0010	11-19-2010	Amend	1-1-2011
291-048-0170	4-1-2011	Am. & Ren.	5-1-2011	291-124-0015	11-19-2010	Repeal	1-1-2011
291-048-0170(T)	4-1-2011	Repeal	5-1-2011	291-124-0016	11-19-2010	Adopt	1-1-2011
291-048-0180	12-13-2010	Suspend	1-1-2011	291-124-0017	11-19-2010	Adopt	1-1-2011
291-048-0180	4-1-2011	Repeal	5-1-2011	291-124-0020	11-19-2010	Amend	1-1-2011
291-048-0190	12-13-2010	Am. & Ren.(T)	1-1-2011	291-124-0025	11-19-2010	Repeal	1-1-2011
291-048-0190	4-1-2011	Am. & Ren.	5-1-2011	291-124-0030	11-19-2010	Amend	1-1-2011
291-048-0190(T)	4-1-2011	Repeal	5-1-2011	291-124-0035	11-19-2010	Amend	1-1-2011
291-048-0230	12-13-2010	Adopt(T)	1-1-2011	291-124-0041	11-19-2010	Amend	1-1-2011
291-048-0230	4-1-2011	Adopt	5-1-2011	291-124-0055	11-19-2010	Amend	1-1-2011
291-048-0230(T)	4-1-2011	Repeal	5-1-2011	291-124-0060	11-19-2010	Amend	1-1-2011
291-048-0240	12-13-2010	Adopt(T)	1-1-2011	291-124-0065	11-19-2010	Amend	1-1-2011
291-048-0240	4-1-2011	Adopt	5-1-2011	291-124-0070	11-19-2010	Amend	1-1-2011
291-048-0240(T)	4-1-2011	Repeal	5-1-2011	291-124-0075	11-19-2010	Amend	1-1-2011
291-048-0270	12-13-2010	Adopt(T)	1-1-2011	291-124-0080	11-19-2010	Amend	1-1-2011
291-048-0270	4-1-2011	Adopt	5-1-2011	291-124-0085	11-19-2010	Amend	1-1-2011
291-048-0270(T)	4-1-2011	Repeal	5-1-2011	291-124-0090	11-19-2010	Adopt	1-1-2011
291-048-0280	12-13-2010	Adopt(T)	1-1-2011	291-124-0095	11-19-2010	Repeal	1-1-2011
291-048-0280	4-1-2011	Adopt	5-1-2011	291-124-1000	6-16-2011	Adopt(T)	8-1-2011
291-048-0280(T)	4-1-2011	Repeal	5-1-2011	291-124-1010	6-16-2011	Adopt(T)	8-1-2011
291-048-0320	12-13-2010	Adopt(T)	1-1-2011	291-124-1020	6-16-2011	Adopt(T)	8-1-2011
291-048-0320	4-1-2011	Adopt	5-1-2011	291-124-1030	6-16-2011	Adopt(T)	8-1-2011
291-048-0320(T)	4-1-2011	Repeal	5-1-2011	291-124-1040	6-16-2011	Adopt(T)	8-1-2011
291-063-0010	12-1-2010	Amend(T)	1-1-2011	291-124-1050	6-16-2011	Adopt(T)	8-1-2011
291-063-0010	6-2-2011	Amend	7-1-2011	291-131-0020	4-1-2011	Amend(T)	4-1-2011
291-063-0010(T)	6-2-2011	Repeal	7-1-2011	291-131-0020	8-15-2011	Amend	9-1-2011
291-063-0016	12-1-2010	Amend(T)	1-1-2011	291-131-0025	4-1-2011	Amend(T)	4-1-2011
291-063-0016	6-2-2011	Amend	7-1-2011	291-131-0025	8-15-2011	Amend	9-1-2011
291-063-0016(T)	6-2-2011	Repeal	7-1-2011	291-131-0035	4-1-2011	Amend(T)	4-1-2011
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



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-180-0325	3-4-2011	Suspend	4-1-2011	309-034-0150	2-4-2011	Repeal	3-1-2011
291-180-0335	3-4-2011	Suspend	4-1-2011	309-034-0160	2-4-2011	Repeal	3-1-2011
291-180-0345	3-4-2011	Suspend	4-1-2011	309-034-0170	2-4-2011	Repeal	3-1-2011
291-180-0355	3-4-2011	Suspend	4-1-2011	309-034-0180	2-4-2011	Repeal	3-1-2011
291-180-0365	3-4-2011	Suspend	4-1-2011	309-034-0190	2-4-2011	Repeal	3-1-2011
291-180-0375	3-4-2011	Suspend	4-1-2011	309-034-0205	2-4-2011	Repeal	3-1-2011
291-180-0385	3-4-2011	Suspend	4-1-2011	309-034-0210	2-4-2011	Repeal	3-1-2011
291-180-0395	3-4-2011	Suspend	4-1-2011	309-034-0240	2-4-2011	Repeal	3-1-2011
291-180-0405	3-4-2011	Suspend	4-1-2011	309-034-0250	2-4-2011	Repeal	3-1-2011
291-180-0415	3-4-2011	Suspend	4-1-2011	309-034-0260	2-4-2011	Repeal	3-1-2011
291-180-0425	3-4-2011	Suspend	4-1-2011	309-034-0270	2-4-2011	Repeal	3-1-2011
291-180-0435	3-4-2011	Suspend	4-1-2011	309-034-0290	2-4-2011	Repeal	3-1-2011
291-180-0445	3-4-2011	Suspend	4-1-2011	309-034-0310	2-4-2011	Repeal	3-1-2011
291-180-0455	3-4-2011	Suspend	4-1-2011	309-034-0320	2-4-2011	Repeal	3-1-2011
291-180-0465	3-4-2011	Suspend	4-1-2011	309-034-0400	2-4-2011	Amend	3-1-2011
291-180-0475	3-4-2011	Suspend	4-1-2011	309-034-0410	2-4-2011	Amend	3-1-2011
291-180-0485	3-4-2011	Suspend	4-1-2011	309-034-0420	2-4-2011	Amend	3-1-2011
291-180-0495	3-4-2011	Suspend	4-1-2011	309-034-0430	2-4-2011	Amend	3-1-2011
291-180-0505	3-4-2011	Suspend	4-1-2011	309-034-0440	2-4-2011	Amend	3-1-2011
291-180-0515	3-4-2011	Suspend	4-1-2011	309-034-0450	2-4-2011	Amend	3-1-2011
291-180-0525	3-4-2011	Suspend	4-1-2011	309-034-0460	2-4-2011	Amend	3-1-2011
291-180-0535	3-4-2011	Suspend	4-1-2011	309-034-0470	2-4-2011	Amend	3-1-2011
291-180-0545	3-4-2011	Suspend	4-1-2011	309-034-0480	2-4-2011	Amend	3-1-2011
291-180-0555	3-4-2011	Suspend	4-1-2011	309-034-0490	2-4-2011	Amend	3-1-2011
291-180-0565	3-4-2011	Suspend	4-1-2011	309-034-0500	2-4-2011	Adopt	3-1-2011
291-180-0575	3-4-2011	Suspend	4-1-2011	309-041-0200	2-1-2011	Repeal	3-1-2011
291-180-0585	3-4-2011	Suspend	4-1-2011	309-041-0205	2-1-2011	Repeal	3-1-2011
291-180-0595	3-4-2011	Suspend	4-1-2011	309-041-0210	2-1-2011	Repeal	3-1-2011
291-180-0605	3-4-2011	Suspend	4-1-2011	309-041-0215	2-1-2011	Repeal	3-1-2011
291-180-0615	3-4-2011	Suspend	4-1-2011	309-041-0220	2-1-2011	Repeal	3-1-2011
291-180-0625	3-4-2011	Suspend	4-1-2011	309-041-0225	2-1-2011	Repeal	3-1-2011
291-180-0635	3-4-2011	Suspend	4-1-2011	309-041-0230	2-1-2011	Repeal	3-1-2011
291-180-0645	3-4-2011	Suspend	4-1-2011	309-041-0235	2-1-2011	Repeal	3-1-2011
291-180-0655	3-4-2011	Suspend	4-1-2011	309-041-0240	2-1-2011	Repeal	3-1-2011
291-180-0665	3-4-2011	Suspend	4-1-2011	309-041-0245	2-1-2011	Repeal	3-1-2011
291-202-0020	1-28-2011	Amend	3-1-2011	309-041-0250	2-1-2011	Repeal	3-1-2011
291-202-0100	1-28-2011	Adopt	3-1-2011	309-041-0255	2-1-2011	Repeal	3-1-2011
291-202-0110	1-28-2011	Adopt	3-1-2011	309-041-1300	2-1-2011	Renumber	3-1-2011
291-202-0120	1-28-2011	Adopt	3-1-2011	309-041-1310	2-1-2011	Renumber	3-1-2011
291-202-0130	1-28-2011	Adopt	3-1-2011	309-041-1320	2-1-2011	Renumber	3-1-2011
291-207-0005	8-15-2011	Adopt	9-1-2011	309-041-1330	2-1-2011	Renumber	3-1-2011
291-207-0010	8-15-2011	Adopt	9-1-2011	309-041-1340	2-1-2011	Renumber	3-1-2011
291-207-0015	8-15-2011	Adopt	9-1-2011	309-041-1350	2-1-2011	Renumber	3-1-2011
291-207-0020	8-15-2011	Adopt	9-1-2011	309-041-1360	2-1-2011	Renumber	3-1-2011
291-207-0025	8-15-2011	Adopt	9-1-2011	309-041-1370	2-1-2011	Renumber	3-1-2011
291-207-0030	8-15-2011	Adopt	9-1-2011	309-043-0000	2-1-2011	Repeal	3-1-2011
291-208-0010	9-9-2011	Adopt(T)	10-1-2011	309-043-0005	2-1-2011	Repeal	3-1-2011
291-208-0020	9-9-2011	Adopt(T)	10-1-2011	309-043-0010	2-1-2011	Repeal	3-1-2011
291-208-0030	9-9-2011	Adopt(T)	10-1-2011	309-043-0015	2-1-2011	Repeal	3-1-2011
291-208-0040	9-9-2011	Adopt(T)	10-1-2011	309-043-0020	2-1-2011	Repeal	3-1-2011
291-208-0050	9-9-2011	Adopt(T)	10-1-2011	309-043-0025	2-1-2011	Repeal	3-1-2011
309-014-0300	9-1-2011	Adopt(T)	10-1-2011	309-043-0030	2-1-2011	Repeal	3-1-2011
309-014-0310	9-1-2011	Adopt(T)	10-1-2011	309-043-0035	2-1-2011	Repeal	3-1-2011
309-014-0320	9-1-2011	Adopt(T)	10-1-2011	309-043-0040	2-1-2011	Repeal	3-1-2011
309-014-0330	9-1-2011	Adopt(T)	10-1-2011	309-043-0045	2-1-2011	Repeal	3-1-2011
309-014-0340	9-1-2011	Adopt(T)	10-1-2011	309-043-0050	2-1-2011	Repeal	3-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-043-0055	2-1-2011	Repeal	3-1-2011	309-102-0130	8-3-2011	Adopt	9-1-2011
309-043-0060	2-1-2011	Repeal	3-1-2011	309-102-0140	8-3-2011	Adopt	9-1-2011
309-043-0065	2-1-2011	Repeal	3-1-2011	309-102-0150	8-3-2011	Adopt	9-1-2011
309-043-0070	2-1-2011	Repeal	3-1-2011	309-114-0005	11-19-2010	Amend(T)	1-1-2011
309-043-0075	2-1-2011	Repeal	3-1-2011	309-114-0005	5-19-2011	Amend	7-1-2011
309-043-0080	2-1-2011	Repeal	3-1-2011	309-114-0020	11-19-2010	Amend(T)	1-1-2011
309-043-0085	2-1-2011	Repeal	3-1-2011	309-114-0020	5-19-2011	Amend	7-1-2011
309-043-0090	2-1-2011	Repeal	3-1-2011	309-114-0030	11-19-2010	Amend(T)	1-1-2011
309-043-0095	2-1-2011	Repeal	3-1-2011	309-114-0040	11-19-2010	Adopt(T)	1-1-2011
309-043-0100	2-1-2011	Repeal	3-1-2011	309-114-0050	11-19-2010	Adopt(T)	1-1-2011
309-043-0105	2-1-2011	Repeal	3-1-2011	309-114-0060	11-19-2010	Adopt(T)	1-1-2011
309-043-0110	2-1-2011	Repeal	3-1-2011	309-114-0070	11-19-2010	Adopt(T)	1-1-2011
309-043-0115	2-1-2011	Repeal	3-1-2011	325-005-0015	7-1-2011	Amend	8-1-2011
309-043-0120	2-1-2011	Repeal	3-1-2011	330-070-0010	12-22-2010	Amend	2-1-2011
309-043-0125	2-1-2011	Repeal	3-1-2011	330-070-0010(T)	12-22-2010	Repeal	2-1-2011
309-043-0130	2-1-2011	Repeal	3-1-2011	330-070-0013	12-22-2010	Amend	2-1-2011
309-043-0135	2-1-2011	Repeal	3-1-2011	330-070-0013(T)	12-22-2010	Repeal	2-1-2011
309-043-0140	2-1-2011	Repeal	3-1-2011	330-070-0014	12-22-2010	Amend	2-1-2011
309-043-0145	2-1-2011	Repeal	3-1-2011	330-070-0019	12-22-2010	Adopt	2-1-2011
309-043-0150	2-1-2011	Repeal	3-1-2011	330-070-0019(T)	12-22-2010	Repeal	2-1-2011
309-043-0155	2-1-2011	Repeal	3-1-2011	330-070-0020	12-22-2010	Amend	2-1-2011
309-043-0160	2-1-2011	Repeal	3-1-2011	330-070-0021	12-22-2010	Amend	2-1-2011
309-043-0165	2-1-2011	Repeal	3-1-2011	330-070-0022	12-22-2010	Amend	2-1-2011
309-043-0170	2-1-2011	Repeal	3-1-2011	330-070-0022(T)	12-22-2010	Repeal	2-1-2011
309-043-0175	2-1-2011	Repeal	3-1-2011	330-070-0024	12-22-2010	Amend	2-1-2011
309-043-0180	2-1-2011	Repeal	3-1-2011	330-070-0025	12-22-2010	Amend	2-1-2011
309-043-0185	2-1-2011	Repeal	3-1-2011	330-070-0026	12-22-2010	Amend	2-1-2011
309-043-0190	2-1-2011	Repeal	3-1-2011	330-070-0027	12-22-2010	Amend	2-1-2011
309-043-0195	2-1-2011	Repeal	3-1-2011	330-070-0045	12-22-2010	Amend	2-1-2011
309-043-0200	2-1-2011	Repeal	3-1-2011	330-070-0055	12-22-2010	Amend	2-1-2011
309-049-0000	2-1-2011	Renumber	3-1-2011	330-070-0059	12-22-2010	Amend	2-1-2011
309-049-0005	2-1-2011	Renumber	3-1-2011	330-070-0060	12-22-2010	Amend	2-1-2011
309-049-0010	2-1-2011	Renumber	3-1-2011	330-070-0062	12-22-2010	Amend	2-1-2011
309-049-0015	2-1-2011	Renumber	3-1-2011	330-070-0063	12-22-2010	Amend	2-1-2011
309-049-0020	2-1-2011	Renumber	3-1-2011	330-070-0064	12-22-2010	Amend	2-1-2011
309-100-0100	1-7-2011	Adopt(T)	2-1-2011	330-070-0070	12-22-2010	Amend	2-1-2011
309-100-0110	1-7-2011	Adopt(T)	2-1-2011	330-070-0073	12-22-2010	Amend	2-1-2011
309-100-0120	1-7-2011	Adopt(T)	2-1-2011	330-070-0089	12-22-2010	Amend	2-1-2011
309-100-0130	1-7-2011	Adopt(T)	2-1-2011	330-070-0091	12-22-2010	Amend	2-1-2011
309-100-0140	1-7-2011	Adopt(T)	2-1-2011	330-070-0097	12-22-2010	Amend	2-1-2011
309-100-0150	1-7-2011	Adopt(T)	2-1-2011	330-09-0140	4-18-2011	Amend(T)	5-1-2011
309-102-0000	1-7-2011	Suspend	2-1-2011	330-090-0105	11-23-2010	Amend	1-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
330-090-0150	11-23-2010	Amend	1-1-2011	331-020-0040	8-15-2011	Amend	9-1-2011
330-090-0150(T)	11-23-2010	Repeal	1-1-2011	331-020-0040(T)	3-17-2011	Suspend	5-1-2011
330-090-0350	11-23-2010	Adopt	1-1-2011	331-020-0070	8-15-2011	Amend	9-1-2011
330-090-0350(T)	11-23-2010	Repeal	1-1-2011	331-105-0030	8-1-2011	Amend(T)	9-1-2011
330-090-0450	11-23-2010	Adopt	1-1-2011	331-565-0090	4-1-2011	Amend(T)	5-1-2011
330-090-0450(T)	11-23-2010	Repeal	1-1-2011	331-601-0010	8-1-2011	Amend(T)	9-1-2011
330-105-0017	6-20-2011	Adopt(T)	8-1-2011	331-705-0060	8-1-2011	Amend(T)	9-1-2011
330-112-0000	12-15-2010	Adopt	1-1-2011	331-705-0071	5-10-2011	Adopt(T)	6-1-2011
330-112-0000(T)	12-15-2010	Repeal	1-1-2011	332-015-0000	1-1-2011	Amend	2-1-2011
330-112-0010	12-15-2010	Adopt	1-1-2011	332-015-0010	1-1-2011	Repeal	2-1-2011
330-112-0010(T)	12-15-2010	Repeal	1-1-2011	332-015-0030	1-1-2011	Amend	2-1-2011
330-112-0020	12-15-2010	Adopt	1-1-2011	332-015-0040	1-1-2011	Amend	2-1-2011
330-112-0020(T)	12-15-2010	Repeal	1-1-2011	332-015-0050	1-1-2011	Amend	2-1-2011
330-112-0030	12-15-2010	Adopt	1-1-2011	332-015-0060	1-1-2011	Repeal	2-1-2011
330-112-0030(T)	12-15-2010	Repeal	1-1-2011	332-015-0065	1-1-2011	Repeal	2-1-2011
330-112-0040	12-15-2010	Adopt	1-1-2011	332-015-0070	1-1-2011	Amend	2-1-2011
330-112-0040(T)	12-15-2010	Repeal	1-1-2011	332-015-0070	4-4-2011	Amend(T)	5-1-2011
330-112-0050	12-15-2010	Adopt	1-1-2011	332-015-0080	1-1-2011	Adopt	2-1-2011
330-112-0050(T)	12-15-2010	Repeal	1-1-2011	332-020-0000	1-1-2011	Amend	2-1-2011
330-112-0060	12-15-2010	Adopt	1-1-2011	332-020-0010	1-1-2011	Amend	2-1-2011
330-112-0060(T)	12-15-2010	Repeal	1-1-2011	332-020-0015	1-1-2011	Amend	2-1-2011
330-112-0070	12-15-2010	Adopt	1-1-2011	332-020-0017	1-1-2011	Adopt	2-1-2011
330-112-0070(T)	12-15-2010	Repeal	1-1-2011	332-020-0020	1-1-2011	Amend	2-1-2011
330-112-0080	12-15-2010	Adopt	1-1-2011	332-020-0020	9-1-2011	Amend(T)	10-1-2011
330-112-0080(T)	12-15-2010	Repeal	1-1-2011	332-020-0020(T)	1-1-2011	Repeal	2-1-2011
330-112-0090	12-15-2010	Adopt	1-1-2011	332-025-0020	1-1-2011	Amend	2-1-2011
330-112-0090(T)	12-15-2010	Repeal	1-1-2011	332-025-0020	4-4-2011	Amend(T)	5-1-2011
330-112-0100	12-15-2010	Adopt	1-1-2011	332-025-0021	1-1-2011	Amend	2-1-2011
330-112-0100(T)	12-15-2010	Repeal	1-1-2011	332-025-0021	4-4-2011	Amend(T)	5-1-2011
330-130-0010	6-27-2011	Amend	8-1-2011	332-025-0022	1-1-2011	Amend	2-1-2011
330-130-0020	6-27-2011	Amend	8-1-2011	332-025-0022	4-4-2011	Amend(T)	5-1-2011
330-130-0025	6-27-2011	Adopt	8-1-2011	332-025-0030	1-1-2011	Amend	2-1-2011
330-130-0030	6-27-2011	Amend	8-1-2011	332-025-0040	1-1-2011	Amend	2-1-2011
330-130-0040	6-27-2011	Amend	8-1-2011	332-025-0040	4-4-2011	Amend(T)	5-1-2011
330-130-0050	6-27-2011	Amend	8-1-2011	332-025-0050	1-1-2011	Amend	2-1-2011
330-130-0055	6-27-2011	Amend	8-1-2011	332-025-0060	1-1-2011	Amend	2-1-2011
330-130-0060	6-27-2011	Amend	8-1-2011	332-025-0070	1-1-2011	Adopt	2-1-2011
330-130-0070	6-27-2011	Amend	8-1-2011	332-025-0080	1-1-2011	Adopt	2-1-2011
330-130-0080	6-27-2011	Amend	8-1-2011	332-025-0080	5-19-2011	Amend(T)	7-1-2011
330-130-0090	6-27-2011	Amend	8-1-2011	332-025-0100	1-1-2011	Adopt	2-1-2011
330-130-0100	6-27-2011	Amend	8-1-2011	332-030-0000	1-1-2011	Amend	2-1-2011
330-160-0015	2-22-2011	Amend	4-1-2011	333-002-0000	3-1-2011	Amend	4-1-2011
330-160-0015	3-4-2011	Amend	4-1-2011	333-002-0010	3-1-2011	Amend	4-1-2011
330-160-0015(T)	2-22-2011	Repeal	4-1-2011	333-002-0020	3-1-2011	Amend	4-1-2011
330-160-0020	3-4-2011	Amend	4-1-2011	333-002-0030	3-1-2011	Amend	4-1-2011
330-160-0025	3-4-2011	Amend	4-1-2011	333-002-0035	3-1-2011	Amend	4-1-2011
330-160-0030	3-4-2011	Amend	4-1-2011	333-002-0040	3-1-2011	Amend	4-1-2011
330-160-0040	2-22-2011	Adopt	4-1-2011	333-002-0050	3-1-2011	Amend	4-1-2011
330-160-0040(T)	2-22-2011	Repeal	4-1-2011	333-002-0060	3-1-2011	Amend	4-1-2011
330-160-0050	3-4-2011	Adopt	4-1-2011	333-002-0070	3-1-2011	Amend	4-1-2011
331-010-0050	3-1-2011	Adopt(T)	4-1-2011	333-002-0080	3-1-2011	Amend	4-1-2011
331-010-0050	3-17-2011	Adopt(T)	5-1-2011	333-002-0090	3-1-2011	Repeal	4-1-2011
331-010-0050	8-15-2011	Adopt	9-1-2011	333-002-0100	3-1-2011	Amend	4-1-2011
331-010-0050(T)	3-17-2011	Suspend	5-1-2011	333-002-0110	3-1-2011	Repeal	4-1-2011
331-020-0040	3-1-2011	Amend(T)	4-1-2011	333-002-0120	3-1-2011	Amend	4-1-2011
331-020-0040	3-17-2011	Amend(T)	5-1-2011	333-002-0130	3-1-2011	Amend	4-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-002-0140	3-1-2011	Amend	4-1-2011	333-025-0100	7-1-2011	Amend(T)	8-1-2011
333-002-0150	3-1-2011	Amend	4-1-2011	333-027-0005	7-1-2011	Amend(T)	8-1-2011
333-002-0160	3-1-2011	Amend	4-1-2011	333-030-0015	7-1-2011	Amend(T)	8-1-2011
333-002-0170	3-1-2011	Amend	4-1-2011	333-048-0010	7-1-2011	Amend(T)	8-1-2011
333-002-0180	3-1-2011	Amend	4-1-2011	333-052-0040	7-1-2011	Amend(T)	8-1-2011
333-002-0190	3-1-2011	Amend	4-1-2011	333-053-0040	7-1-2011	Amend(T)	8-1-2011
333-002-0200	3-1-2011	Amend	4-1-2011	333-054-0010	7-1-2011	Amend(T)	8-1-2011
333-002-0210	3-1-2011	Amend	4-1-2011	333-061-0020	7-1-2011	Amend(T)	8-1-2011
333-002-0220	3-1-2011	Amend	4-1-2011	333-064-0005	8-9-2011	Amend	9-1-2011
333-002-0230	3-1-2011	Amend	4-1-2011	333-064-0010	8-9-2011	Amend	9-1-2011
333-003-0010	7-1-2011	Amend(T)	8-1-2011	333-064-0015	8-9-2011	Amend	9-1-2011
333-003-0065	7-1-2011	Amend(T)	8-1-2011	333-064-0025	8-9-2011	Amend	9-1-2011
333-004-0010	7-1-2011	Amend(T)	8-1-2011	333-064-0030	8-9-2011	Amend	9-1-2011
333-005-0000	1-1-2011	Am. & Ren.	2-1-2011	333-064-0035	8-9-2011	Amend	9-1-2011
333-005-0010	1-1-2011	Am. & Ren.	2-1-2011	333-064-0040	4-21-2011	Amend	6-1-2011
333-005-0020	1-1-2011	Am. & Ren.	2-1-2011	333-064-0050	8-9-2011	Amend	9-1-2011
333-005-0030	1-1-2011	Am. & Ren.	2-1-2011	333-064-0060	8-9-2011	Amend	9-1-2011
333-005-0040	1-1-2011	Am. & Ren.	2-1-2011	333-064-0065	8-9-2011	Amend	9-1-2011
333-005-0050	1-1-2011	Am. & Ren.	2-1-2011	333-064-0070	4-21-2011	Repeal	6-1-2011
333-005-0060	1-1-2011	Am. & Ren.	2-1-2011	333-068-0005	6-16-2011	Amend	8-1-2011
333-008-0010	7-1-2011	Amend(T)	8-1-2011	333-068-0015	6-16-2011	Amend	8-1-2011
333-008-0020	12-28-2010	Amend	2-1-2011	333-068-0020	6-16-2011	Amend	8-1-2011
333-008-0020(T)	12-28-2010	Repeal	2-1-2011	333-068-0025	6-16-2011	Amend	8-1-2011
333-008-0040	12-28-2010	Amend	2-1-2011	333-068-0030	6-16-2011	Amend	8-1-2011
333-008-0045	12-28-2010	Adopt	2-1-2011	333-068-0035	6-16-2011	Amend	8-1-2011
333-008-0070	7-1-2011	Amend(T)	8-1-2011	333-068-0040	6-16-2011	Amend	8-1-2011
333-009-0000	7-1-2011	Amend(T)	8-1-2011	333-068-0045	6-16-2011	Amend	8-1-2011
333-010-0105	7-1-2011	Amend(T)	8-1-2011	333-068-0050	6-16-2011	Amend	8-1-2011
333-010-0205	7-1-2011	Amend(T)	8-1-2011	333-068-0055	6-16-2011	Amend	8-1-2011
333-012-0050	7-1-2011	Amend(T)	8-1-2011	333-068-0060	6-16-2011	Amend	8-1-2011
333-012-0250	3-29-2011	Am. & Ren.	5-1-2011	333-068-0065	6-16-2011	Amend	8-1-2011
333-015-0030	7-1-2011	Amend(T)	8-1-2011	333-069-0005	6-16-2011	Amend	8-1-2011
333-015-0100	7-1-2011	Amend(T)	8-1-2011	333-069-0015	6-16-2011	Amend	8-1-2011
333-017-0000	8-19-2011	Amend	10-1-2011	333-069-0020	6-16-2011	Amend	8-1-2011
333-017-0005	8-19-2011	Amend	10-1-2011	333-069-0030	6-16-2011	Amend	8-1-2011
333-018-0000	8-19-2011	Amend	10-1-2011	333-069-0040	6-16-2011	Amend	8-1-2011
333-018-0005	8-19-2011	Amend	10-1-2011	333-069-0050	6-16-2011	Amend	8-1-2011
333-018-0010	8-19-2011	Amend	10-1-2011	333-069-0060	6-16-2011	Amend	8-1-2011
333-018-0013	8-19-2011	Amend	10-1-2011	333-069-0070	6-16-2011	Amend	8-1-2011
333-018-0015	8-19-2011	Amend	10-1-2011	333-069-0075	6-16-2011	Repeal	8-1-2011
333-018-0018	8-19-2011	Amend	10-1-2011	333-069-0080	6-16-2011	Amend	8-1-2011
333-018-0020	8-19-2011	Amend	10-1-2011	333-069-0085	6-16-2011	Amend	8-1-2011
333-018-0030	8-19-2011	Repeal	10-1-2011	333-069-0090	6-16-2011	Amend	8-1-2011
333-018-0035	8-19-2011	Amend	10-1-2011	333-070-0075	6-16-2011	Amend	8-1-2011
333-019-0000	8-19-2011	Amend	10-1-2011	333-070-0085	6-16-2011	Amend	8-1-2011
333-019-0002	8-19-2011	Amend	10-1-2011	333-070-0090	6-16-2011	Amend	8-1-2011
333-019-0003	8-19-2011	Adopt	10-1-2011	333-070-0095	6-16-2011	Amend	8-1-2011
333-019-0005	8-19-2011	Amend	10-1-2011	333-070-0100	6-16-2011	Amend	8-1-2011
333-019-0010	8-19-2011	Amend	10-1-2011	333-070-0105	6-16-2011	Amend	8-1-2011
333-019-0014	8-19-2011	Amend	10-1-2011	333-070-0110	6-16-2011	Amend	8-1-2011
333-019-0024	8-19-2011	Amend	10-1-2011	333-070-0115	6-16-2011	Amend	8-1-2011
333-019-0031	8-19-2011	Amend	10-1-2011	333-070-0120	6-16-2011	Amend	8-1-2011
333-019-0039	8-19-2011	Amend	10-1-2011	333-070-0125	6-16-2011	Amend	8-1-2011
333-019-0041	8-19-2011	Amend	10-1-2011	333-070-0130	6-16-2011	Amend	8-1-2011
333-019-0046	8-19-2011	Amend	10-1-2011	333-070-0135	6-16-2011	Amend	8-1-2011
333-020-0125	7-1-2011	Amend(T)	8-1-2011	333-070-0140	6-16-2011	Amend	8-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
333-076-0114	12-15-2010	Amend	1-1-2011	333-505-0050	12-15-2010	Amend	1-1-2011
333-076-0115	12-15-2010	Amend	1-1-2011	333-536-0005	7-1-2011	Amend(T)	8-1-2011
333-076-0125	12-15-2010	Amend	1-1-2011	333-700-0005	7-1-2011	Amend(T)	8-1-2011
333-076-0130	12-15-2010	Amend	1-1-2011	334-001-0012	1-1-2011	Amend	2-1-2011
333-076-0135	12-15-2010	Amend	1-1-2011	334-001-0012	4-21-2011	Amend	6-1-2011
333-076-0140	12-15-2010	Amend	1-1-2011	334-001-0012	7-1-2011	Amend	8-1-2011
333-076-0145	12-15-2010	Amend	1-1-2011	334-001-0055	1-1-2011	Amend	2-1-2011
333-076-0155	12-15-2010	Amend	1-1-2011	334-001-0055	4-21-2011	Amend	6-1-2011
333-076-0160	12-15-2010	Amend	1-1-2011	334-001-0060	7-1-2011	Amend	8-1-2011
333-076-0165	12-15-2010	Amend	1-1-2011	334-010-0005	8-10-2011	Amend(T)	9-1-2011
333-076-0170	12-15-2010	Amend	1-1-2011	334-010-0033	1-1-2011	Amend	2-1-2011
333-076-0175	12-15-2010	Amend	1-1-2011	334-010-0033	4-21-2011	Amend	6-1-2011
333-076-0180	12-15-2010	Amend	1-1-2011	335-001-0009	2-1-2011	Amend	3-1-2011
333-076-0190	12-15-2010	Amend	1-1-2011	335-060-0005	2-1-2011	Amend	3-1-2011
333-076-0250	12-15-2010	Adopt	1-1-2011	335-060-0010	2-1-2011	Amend	3-1-2011
333-076-0255	12-15-2010	Adopt	1-1-2011	335-060-0030	2-1-2011	Amend	3-1-2011
333-076-0260	12-15-2010	Adopt	1-1-2011	335-070-0020	2-1-2011	Amend	3-1-2011
333-076-0265	12-15-2010	Adopt	1-1-2011	335-070-0055	2-1-2011	Amend	3-1-2011
333-076-0270	12-15-2010	Adopt	1-1-2011	335-070-0085	2-1-2011	Amend	3-1-2011
333-100-0005	7-1-2011	Amend(T)	8-1-2011	335-095-0030	2-1-2011	Amend	3-1-2011
333-102-0203	7-1-2011	Amend(T)	8-1-2011	335-095-0040	2-1-2011	Amend	3-1-2011
333-106-0005	7-1-2011	Amend(T)	8-1-2011	335-095-0055	2-1-2011	Repeal	3-1-2011
333-106-0101	7-1-2011	Amend(T)	8-1-2011	338-005-0020	8-1-2011	Amend	9-1-2011
333-119-0010	7-1-2011	Amend(T)	8-1-2011	338-005-0030	3-1-2011	Amend(T)	4-1-2011
333-175-0021	7-1-2011	Amend(T)	8-1-2011	338-005-0030	3-4-2011	Amend(T)	4-1-2011
333-255-0070	1-6-2011	Amend	2-1-2011	338-005-0030	8-1-2011	Amend	9-1-2011
333-255-0070(T)	1-6-2011	Repeal	2-1-2011	338-005-0030(T)	8-1-2011	Repeal	9-1-2011
333-255-0071	1-6-2011	Amend	2-1-2011	338-010-0015	8-1-2011	Amend	9-1-2011
333-255-0072	1-6-2011	Amend	2-1-2011	338-010-0016	8-1-2011	Adopt	9-1-2011
333-255-0073	1-6-2011	Amend	2-1-2011	338-010-0017	8-1-2011	Amend	9-1-2011
333-265-0050	1-6-2011	Amend	2-1-2011	338-010-0025	8-1-2011	Amend	9-1-2011
333-265-0090	1-6-2011	Amend	2-1-2011	338-010-0030	8-1-2011	Amend	9-1-2011
333-265-0090(T)	1-6-2011	Repeal	2-1-2011	338-010-0033	8-1-2011	Amend	9-1-2011
333-265-0105	1-6-2011	Amend	2-1-2011	338-010-0035	8-1-2011	Repeal	9-1-2011
333-265-0105(T)	1-6-2011	Repeal	2-1-2011	338-010-0038	8-1-2011	Amend	9-1-2011
333-265-0110	1-6-2011	Amend	2-1-2011	338-010-0050	8-1-2011	Amend	9-1-2011
333-500-0005	12-15-2010	Amend	1-1-2011	338-010-0065	8-1-2011	Adopt	9-1-2011
333-500-0010	12-15-2010	Amend	1-1-2011	338-010-0070	8-1-2011	Adopt	9-1-2011
333-500-0020	12-15-2010	Amend	1-1-2011	338-020-0000	8-1-2011	Repeal	9-1-2011
333-500-0025	12-15-2010	Amend	1-1-2011	338-020-0030	8-1-2011	Amend	9-1-2011
333-500-0030	12-15-2010	Amend	1-1-2011	338-020-0050	8-1-2011	Amend	9-1-2011
333-500-0031	12-15-2010	Adopt	1-1-2011	338-020-0060	8-1-2011	Repeal	9-1-2011
333-500-0034	12-15-2010	Amend	1-1-2011	338-030-0020	8-1-2011	Repeal	9-1-2011
333-500-0040	12-15-2010	Amend	1-1-2011	339-001-0005	7-1-2011	Amend	7-1-2011
333-500-0065	12-15-2010	Amend	1-1-2011	339-001-0006	7-1-2011	Amend	7-1-2011
333-501-0010	12-15-2010	Amend	1-1-2011	339-005-0000	7-1-2011	Amend	7-1-2011
333-501-0015	12-15-2010	Amend	1-1-2011	339-010-0012	7-1-2011	Adopt	7-1-2011
333-501-0035	12-15-2010	Amend	1-1-2011	339-010-0018	7-1-2011	Adopt	7-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
339-010-0020	7-1-2011	Amend	7-1-2011	340-200-0040	2-24-2011	Amend	4-1-2011
339-010-0050	7-1-2011	Amend	7-1-2011	340-200-0040	3-15-2011	Amend	4-1-2011
340-012-0054	3-15-2011	Amend	4-1-2011	340-200-0040	5-1-2011	Amend	6-1-2011
340-012-0140	3-15-2011	Amend	4-1-2011	340-202-0010	5-1-2011	Amend	6-1-2011
340-016-0080	12-20-2010	Amend	2-1-2011	340-202-0060	5-1-2011	Amend	6-1-2011
340-016-0088	12-20-2010	Adopt	2-1-2011	340-202-0210	5-1-2011	Amend	6-1-2011
340-016-0100	12-20-2010	Repeal	2-1-2011	340-210-0100	6-24-2011	Amend(T)	8-1-2011
340-016-0110	12-20-2010	Repeal	2-1-2011	340-210-0110	6-24-2011	Amend(T)	8-1-2011
340-016-0120	12-20-2010	Repeal	2-1-2011	340-210-0120	6-24-2011	Amend(T)	8-1-2011
340-016-0130	12-20-2010	Repeal	2-1-2011	340-212-0140	6-24-2011	Amend(T)	8-1-2011
340-016-0140	12-20-2010	Repeal	2-1-2011	340-215-0010	7-21-2011	Amend	9-1-2011
340-016-0150	12-20-2010	Repeal	2-1-2011	340-215-0020	7-21-2011	Amend	9-1-2011
340-016-0210	12-20-2010	Amend	2-1-2011	340-215-0030	7-21-2011	Amend	9-1-2011
340-041-0007	7-13-2011	Amend	8-1-2011	340-215-0040	7-21-2011	Amend	9-1-2011
340-041-0009	7-13-2011	Amend	8-1-2011	340-215-0060	5-1-2011	Amend	6-1-2011
340-041-0033	12-21-2010	Amend	2-1-2011	340-215-0060	7-21-2011	Adopt	9-1-2011
340-041-0033	6-30-2011	Amend	8-1-2011	340-215-0060	7-21-2011	Amend	9-1-2011
340-041-0033	7-13-2011	Amend	8-1-2011	340-216-0020	2-24-2011	Amend	4-1-2011
340-041-0059	7-13-2011	Adopt	8-1-2011	340-216-0020	5-1-2011	Amend	6-1-2011
340-041-0061	7-13-2011	Amend	8-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-042-0040	7-13-2011	Amend	8-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-042-0080	7-13-2011	Amend	8-1-2011	340-216-0020	7-21-2011	Amend	9-1-2011
340-045-0070	9-12-2011	Amend	10-1-2011	340-216-0025	5-1-2011	Amend	6-1-2011
340-045-0075	7-1-2011	Amend	8-1-2011	340-216-0040	5-1-2011	Amend	6-1-2011
340-045-0075	9-12-2011	Amend	10-1-2011	340-216-0052	5-1-2011	Amend	6-1-2011
340-045-0100	3-15-2011	Amend(T)	4-1-2011	340-216-0054	5-1-2011	Amend	6-1-2011
340-045-0105	7-13-2011	Adopt	8-1-2011	340-216-0056	5-1-2011	Amend	6-1-2011
340-053-0050	9-12-2011	Adopt	10-1-2011	340-216-0060	2-24-2011	Amend	4-1-2011
340-053-0060	9-12-2011	Adopt	10-1-2011	340-216-0060	5-1-2011	Amend	6-1-2011
340-053-0070	9-12-2011	Adopt	10-1-2011	340-216-0064	2-24-2011	Amend	4-1-2011
340-053-0080	9-12-2011	Adopt	10-1-2011	340-216-0064	5-1-2011	Amend	6-1-2011
340-053-0090	9-12-2011	Adopt	10-1-2011	340-216-0066	5-1-2011	Amend	6-1-2011
340-053-0100	9-12-2011	Adopt	10-1-2011	340-216-0070	5-1-2011	Amend	6-1-2011
340-053-0110	9-12-2011	Adopt	10-1-2011	340-216-0090	5-1-2011	Amend	6-1-2011
340-071-0140	7-1-2011	Amend	8-1-2011	340-220-0030	12-20-2010	Amend	2-1-2011
340-141-0010	12-23-2010	Amend	2-1-2011	340-220-0040	12-20-2010	Amend	2-1-2011
340-143-0001	3-17-2011	Amend	5-1-2011	340-220-0050	12-20-2010	Amend	2-1-2011
340-143-0005	3-17-2011	Amend	5-1-2011	340-220-0050	7-21-2011	Amend	9-1-2011
340-143-0010	3-17-2011	Amend	5-1-2011	340-220-0050	7-21-2011	Amend	9-1-2011
340-143-0020	3-17-2011	Amend	5-1-2011	340-222-0042	5-1-2011	Amend	6-1-2011
340-143-0030	3-17-2011	Adopt	5-1-2011	340-222-0045	5-1-2011	Amend	6-1-2011
340-143-0040	3-17-2011	Adopt	5-1-2011	340-223-0010	12-10-2010	Amend	1-1-2011
340-143-0050	3-17-2011	Adopt	5-1-2011	340-223-0020	12-10-2010	Amend	1-1-2011
340-143-0060	3-17-2011	Adopt	5-1-2011	340-223-0030	12-10-2010	Amend	1-1-2011
340-162-0005	9-12-2011	Repeal	10-1-2011	340-223-0040	12-10-2010	Amend	1-1-2011
340-162-0010	9-12-2011	Repeal	10-1-2011	340-223-0050	12-10-2010	Amend	1-1-2011
340-162-0020	9-12-2011	Repeal	10-1-2011	340-223-0060	12-10-2010	Adopt	1-1-2011
340-162-0025	9-12-2011	Repeal	10-1-2011	340-223-0070	12-10-2010	Adopt	1-1-2011
340-162-0030	9-12-2011	Repeal	10-1-2011	340-223-0080	12-10-2010	Adopt	1-1-2011
340-162-0035	9-12-2011	Repeal	10-1-2011	340-224-0010	5-1-2011	Amend	6-1-2011
340-162-0040	9-12-2011	Repeal	10-1-2011	340-224-0050	5-1-2011	Amend	6-1-2011
340-162-0150	9-12-2011	Repeal	10-1-2011	340-224-0060	5-1-2011	Amend	6-1-2011
340-200-0020	5-1-2011	Amend	6-1-2011	340-224-0070	5-1-2011	Amend	6-1-2011
340-200-0020	6-24-2011	Amend(T)	8-1-2011	340-225-0020	5-1-2011	Amend	6-1-2011
340-200-0025	5-1-2011	Amend	6-1-2011	340-225-0030	5-1-2011	Amend	6-1-2011
340-200-0040	12-10-2010	Amend	1-1-2011	340-225-0045	5-1-2011	Amend	6-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
340-257-0060	4-29-2011	Amend	6-1-2011	350-050-0090	5-1-2011	Amend	5-1-2011
340-257-0070	4-29-2011	Amend	6-1-2011	350-050-0100	5-1-2011	Amend	5-1-2011
340-257-0090	4-29-2011	Amend	6-1-2011	350-060-0040	5-1-2011	Amend	5-1-2011
340-257-0110	4-29-2011	Amend	6-1-2011	350-060-0042	5-1-2011	Amend	5-1-2011
340-257-0120	4-29-2011	Amend	6-1-2011	350-060-0045	5-1-2011	Amend	5-1-2011
340-257-0140	4-29-2011	Amend	6-1-2011	350-060-0047	5-1-2011	Adopt	5-1-2011
340-262-0010	3-15-2011	Repeal	4-1-2011	350-060-0050	5-1-2011	Amend	5-1-2011
340-262-0020	3-15-2011	Repeal	4-1-2011	350-060-0055	5-1-2011	Amend	5-1-2011
340-262-0030	3-15-2011	Repeal	4-1-2011	350-060-0060	5-1-2011	Amend	5-1-2011
340-262-0040	3-15-2011	Repeal	4-1-2011	350-060-0070	5-1-2011	Amend	5-1-2011
340-262-0050	3-15-2011	Repeal	4-1-2011	350-060-0080	5-1-2011	Amend	5-1-2011
340-262-0100	3-15-2011	Repeal	4-1-2011	350-060-0100	5-1-2011	Amend	5-1-2011
340-262-0110	3-15-2011	Repeal	4-1-2011	350-060-0110	5-1-2011	Amend	5-1-2011
340-262-0120	3-15-2011	Repeal	4-1-2011	350-060-0120	5-1-2011	Amend	5-1-2011
340-262-0130	3-15-2011	Repeal	4-1-2011	350-060-0130	5-1-2011	Amend	5-1-2011
340-262-0200	3-15-2011	Repeal	4-1-2011	350-060-0160	5-1-2011	Amend	5-1-2011
340-262-0210	3-15-2011	Repeal	4-1-2011	350-060-0170	5-1-2011	Amend	5-1-2011
340-262-0220	3-15-2011	Repeal	4-1-2011	350-060-0190	5-1-2011	Amend	5-1-2011
340-262-0230	3-15-2011	Repeal	4-1-2011	350-060-0200	5-1-2011	Amend	5-1-2011
340-262-0240	3-15-2011	Repeal	4-1-2011	350-060-0205	5-1-2011	Amend	5-1-2011
340-262-0250	3-15-2011	Repeal	4-1-2011	350-060-0210	5-1-2011	Amend	5-1-2011
340-262-0300	3-15-2011	Repeal	4-1-2011	350-070-0040	5-1-2011	Amend	5-1-2011
340-262-0310	3-15-2011	Repeal	4-1-2011	350-070-0042	5-1-2011	Amend	5-1-2011
340-262-0320	3-15-2011	Repeal	4-1-2011	350-070-0045	5-1-2011	Amend	5-1-2011
340-262-0330	3-15-2011	Repeal	4-1-2011	350-070-0046	5-1-2011	Adopt	5-1-2011
340-262-0400	3-15-2011	Adopt	4-1-2011	350-070-0050	5-1-2011	Amend	5-1-2011
340-262-0450	3-15-2011	Adopt	4-1-2011	350-070-0070	5-1-2011	Amend	5-1-2011
340-262-0450	6-24-2011	Amend(T)	8-1-2011	350-070-0080	5-1-2011	Amend	5-1-2011
340-262-0500	3-15-2011	Adopt	4-1-2011	350-070-0090	5-1-2011	Amend	5-1-2011
340-262-0600	3-15-2011	Adopt	4-1-2011	350-070-0120	5-1-2011	Amend	5-1-2011
340-262-0600	6-24-2011	Amend(T)	8-1-2011	350-070-0170	5-1-2011	Amend	5-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
407-007-0290	4-15-2011	Amend(T)	5-1-2011	409-030-0020	3-1-2011	Renumber	3-1-2011
407-007-0300	4-15-2011	Amend(T)	5-1-2011	409-030-0030	3-1-2011	Renumber	3-1-2011
407-007-0315	4-15-2011	Amend(T)	5-1-2011	409-030-0050	3-1-2011	Renumber	3-1-2011
407-007-0320	4-15-2011	Amend(T)	5-1-2011	409-030-0065	3-1-2011	Renumber	3-1-2011
407-007-0325	4-15-2011	Amend(T)	5-1-2011	409-050-0110	9-1-2011	Amend(T)	10-1-2011
407-007-0330	4-15-2011	Amend(T)	5-1-2011	409-050-0120	9-1-2011	Amend(T)	10-1-2011
407-007-0340	4-15-2011	Amend(T)	5-1-2011	409-110-0000	2-1-2011	Amend	3-1-2011
407-007-0350	4-15-2011	Amend(T)	5-1-2011	409-110-0005	2-1-2011	Amend	3-1-2011
407-014-0000	7-1-2011	Amend(T)	8-1-2011	409-110-0010	2-1-2011	Amend	3-1-2011
407-014-0015	7-1-2011	Adopt(T)	8-1-2011	409-110-0015	2-1-2011	Amend	3-1-2011
407-014-0020	7-1-2011	Amend(T)	8-1-2011	409-110-0020	2-1-2011	Amend	3-1-2011
407-014-0030	7-1-2011	Amend(T)	8-1-2011	410-050-0401	2-1-2011	Renumber	3-1-2011
407-014-0040	7-1-2011	Amend(T)	8-1-2011	410-050-0411	2-1-2011	Renumber	3-1-2011
407-014-0050	7-1-2011	Amend(T)	8-1-2011	410-050-0421	2-1-2011	Renumber	3-1-2011
407-014-0060	7-1-2011	Amend(T)	8-1-2011	410-050-0431	2-1-2011	Renumber	3-1-2011
407-014-0070	7-1-2011	Amend(T)	8-1-2011	410-050-0451	2-1-2011	Renumber	3-1-2011
407-014-0300	8-9-2011	Amend(T)	9-1-2011	410-050-0461	2-1-2011	Renumber	3-1-2011
407-014-0305	8-9-2011	Amend(T)	9-1-2011	410-050-0471	2-1-2011	Renumber	3-1-2011
407-014-0310	8-9-2011	Amend(T)	9-1-2011	410-050-0481	2-1-2011	Renumber	3-1-2011
407-014-0315	8-9-2011	Amend(T)	9-1-2011	410-050-0491	2-1-2011	Renumber	3-1-2011
407-014-0320	8-9-2011	Amend(T)	9-1-2011	410-050-0501	2-1-2011	Renumber	3-1-2011
407-020-0000	2-1-2011	Am. & Ren.	3-1-2011	410-050-0511	2-1-2011	Renumber	3-1-2011
407-020-0005	2-1-2011	Am. & Ren.	3-1-2011	410-050-0521	2-1-2011	Renumber	3-1-2011
407-020-0010	2-1-2011	Am. & Ren.	3-1-2011	410-050-0531	2-1-2011	Renumber	3-1-2011
407-020-0015	2-1-2011	Am. & Ren.	3-1-2011	410-050-0541	2-1-2011	Renumber	3-1-2011
407-043-0020	7-1-2011	Adopt(T)	8-1-2011	410-050-0551	2-1-2011	Renumber	3-1-2011
407-045-0260	1-1-2011	Amend	2-1-2011	410-050-0561	2-1-2011	Renumber	3-1-2011
407-045-0260(T)	1-1-2011	Repeal	2-1-2011	410-050-0591	2-1-2011	Renumber	3-1-2011
407-045-0400	7-1-2011	Amend(T)	8-1-2011	410-050-0601	2-1-2011	Renumber	3-1-2011
407-045-0410	7-1-2011	Suspend	8-1-2011	410-050-0861	7-1-2011	Amend(T)	8-1-2011
407-045-0420	7-1-2011	Suspend	8-1-2011	410-120-0000	7-1-2011	Amend	8-1-2011



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-120-0006	7-1-2011	Adopt	8-1-2011	410-125-0140	1-1-2011	Amend	1-1-2011
410-120-0006	7-15-2011	Amend(T)	8-1-2011	410-125-0360	1-1-2011	Amend	1-1-2011
410-120-0006	8-1-2011	Amend(T)	9-1-2011	410-125-0410	1-1-2011	Amend	1-1-2011
410-120-0006(T)	8-1-2011	Suspend	9-1-2011	410-125-0450	1-1-2011	Adopt	1-1-2011
410-120-0030	1-1-2011	Amend	2-1-2011	410-125-1020	1-1-2011	Amend	1-1-2011
410-120-0030	7-1-2011	Amend	8-1-2011	410-125-2000	1-1-2011	Amend	1-1-2011
410-120-1195	1-1-2011	Amend	2-1-2011	410-125-2020	1-1-2011	Amend	1-1-2011
410-120-1200	1-1-2011	Amend	2-1-2011	410-125-2030	1-1-2011	Amend	1-1-2011
410-120-1230	1-1-2011	Amend	2-1-2011	410-127-0020	1-1-2011	Amend	1-1-2011
410-120-1280	1-1-2011	Amend	2-1-2011	410-127-0060	1-1-2011	Amend	1-1-2011
410-120-1295	1-1-2011	Amend	2-1-2011	410-127-0060	8-1-2011	Amend(T)	9-1-2011
410-120-1340	1-1-2011	Amend	2-1-2011	410-127-0065	1-1-2011	Amend	1-1-2011
410-120-1340	8-1-2011	Amend(T)	9-1-2011	410-127-0080	1-1-2011	Amend	1-1-2011
410-120-1560	7-1-2011	Amend	8-1-2011	410-129-0220	3-25-2011	Amend	5-1-2011
410-121-0000	1-1-2011	Amend	2-1-2011	410-129-0220(T)	3-25-2011	Repeal	5-1-2011
410-121-0000	9-1-2011	Amend	10-1-2011	410-130-0200	1-1-2011	Amend	1-1-2011
410-121-0030	1-1-2011	Amend	2-1-2011	410-130-0255	1-1-2011	Amend	1-1-2011
410-121-0030	3-1-2011	Amend(T)	4-1-2011	410-130-0580	1-1-2011	Amend	1-1-2011
410-121-0030	7-17-2011	Amend	8-1-2011	410-130-0585	1-1-2011	Amend	1-1-2011
410-121-0030(T)	7-17-2011	Repeal	8-1-2011	410-130-0587	1-1-2011	Amend	1-1-2011
410-121-0040	1-1-2011	Amend	2-1-2011	410-130-0595	8-1-2011	Amend(T)	9-1-2011
410-121-0147	7-1-2011	Amend	8-1-2011	410-133-0040	7-1-2011	Amend	8-1-2011
410-121-0149	1-1-2011	Amend	2-1-2011	410-133-0080	7-1-2011	Amend	8-1-2011
410-121-0150	9-1-2011	Amend	10-1-2011	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
410-121-0160	8-1-2011	Amend(T)	9-1-2011	410-136-0070	1-1-2011	Amend	1-1-2011
410-121-0185	7-1-2011	Amend	8-1-2011	410-136-0080	1-1-2011	Amend	1-1-2011
410-121-0200	7-1-2011	Amend	8-1-2011	410-136-0140	1-1-2011	Amend	1-1-2011
410-121-0320	1-1-2011	Repeal	2-1-2011	410-136-0160	1-1-2011	Amend	1-1-2011
410-121-4000	5-5-2011	Adopt	6-1-2011	410-136-0180	1-1-2011	Amend	1-1-2011
410-121-4005	5-5-2011	Adopt	6-1-2011	410-136-0200	1-1-2011	Amend	1-1-2011
410-121-4010	5-5-2011	Adopt	6-1-2011	410-136-0220	1-1-2011	Amend	1-1-2011
410-121-4015	5-5-2011	Adopt	6-1-2011	410-136-0240	1-1-2011	Amend	1-1-2011
410-121-4020	5-5-2011	Adopt	6-1-2011	410-136-0300	1-1-2011	Amend	1-1-2011
410-122-0080	3-25-2011	Amend	5-1-2011	410-136-0320	1-1-2011	Amend	1-1-2011
410-122-0080(T)	3-25-2011	Repeal	5-1-2011	410-136-0340	1-1-2011	Amend	1-1-2011
410-122-0180	3-25-2011	Amend	5-1-2011	410-136-0350	1-1-2011	Amend	1-1-2011
410-122-0180(T)	3-25-2011	Repeal	5-1-2011	410-136-0440	1-1-2011	Amend	1-1-2011
410-122-0186	8-1-2011	Amend(T)	9-1-2011	410-136-0800	1-1-2011	Amend	1-1-2011
410-122-0520	7-1-2011	Amend	8-1-2011	410-136-0820	1-1-2011	Amend	1-1-2011
410-122-0630	8-1-2011	Amend(T)	9-1-2011	410-136-0840	1-1-2011	Amend	1-1-2011
410-123-1000	1-1-2011	Amend	1-1-2011	410-136-0860	1-1-2011	Amend	1-1-2011
410-123-1085	1-1-2011	Repeal	1-1-2011	410-138-0000	1-1-2011	Amend	2-1-2011
410-123-1220	1-1-2011	Amend	1-1-2011	410-138-0005	1-1-2011	Amend	2-1-2011
410-123-1220	7-12-2011	Amend	8-1-2011	410-138-0007	1-1-2011	Amend	2-1-2011
410-123-1260	1-1-2011	Amend	1-1-2011	410-138-0009	1-1-2011	Amend	2-1-2011
410-123-1260	7-12-2011	Amend	8-1-2011	410-138-0020	1-1-2011	Amend	2-1-2011
410-123-1540	1-1-2011	Amend	1-1-2011	410-138-0040	1-1-2011	Amend	2-1-2011
410-125-0047	1-1-2011	Amend	1-1-2011	410-138-0060	1-1-2011	Amend	2-1-2011
410-125-0080	1-1-2011	Amend	1-1-2011	410-138-0080	1-1-2011	Amend	2-1-2011
410-125-0085	1-1-2011	Amend	1-1-2011	410-138-0300	1-1-2011	Repeal	2-1-2011
410-125-0100	1-1-2011	Repeal	1-1-2011	410-138-0360	1-1-2011	Repeal	2-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-138-0380	1-1-2011	Repeal	2-1-2011	410-165-0000	7-1-2011	Adopt	8-1-2011
410-138-0390	1-1-2011	Amend	2-1-2011	410-165-0020	7-1-2011	Adopt	8-1-2011
410-138-0400	1-1-2011	Repeal	2-1-2011	410-165-0040	7-1-2011	Adopt	8-1-2011
410-138-0420	1-1-2011	Amend	2-1-2011	410-165-0060	7-22-2011	Adopt	9-1-2011
410-138-0440	1-1-2011	Repeal	2-1-2011	410-165-0080	7-1-2011	Adopt	8-1-2011
410-138-0460	1-1-2011	Repeal	2-1-2011	410-165-0100	7-1-2011	Adopt	8-1-2011
410-138-0500	1-1-2011	Repeal	2-1-2011	410-165-0120	7-1-2011	Adopt	8-1-2011
410-138-0540	1-1-2011	Repeal	2-1-2011	410-165-0140	7-1-2011	Adopt	8-1-2011
410-138-0560	1-1-2011	Repeal	2-1-2011	411-031-0020	12-1-2010	Amend	1-1-2011
410-138-0600	1-1-2011	Repeal	2-1-2011	411-031-0020(T)	12-1-2010	Repeal	1-1-2011
410-138-0640	1-1-2011	Repeal	2-1-2011	411-031-0040	12-1-2010	Amend	1-1-2011
410-138-0660	1-1-2011	Repeal	2-1-2011	411-031-0040(T)	12-1-2010	Repeal	1-1-2011
410-138-0680	1-1-2011	Repeal	2-1-2011	411-034-0010	1-1-2011	Amend	2-1-2011
410-138-0700	1-1-2011	Repeal	2-1-2011	411-034-0020	1-1-2011	Amend	2-1-2011
410-138-0710	1-1-2011	Repeal	2-1-2011	411-050-0412	1-1-2011	Amend	2-1-2011
410-138-0740	1-1-2011	Repeal	2-1-2011	411-050-0499	1-1-2011	Repeal	2-1-2011
410-138-0760	1-1-2011	Repeal	2-1-2011	411-054-0005	4-1-2011	Amend	5-1-2011
410-138-0780	1-1-2011	Repeal	2-1-2011	411-054-0005(T)	4-1-2011	Repeal	5-1-2011
410-141-0000	1-1-2011	Amend	2-1-2011	411-054-0012	4-1-2011	Amend	5-1-2011
410-141-0070	1-1-2011	Amend	2-1-2011	411-054-0012(T)	4-1-2011	Repeal	5-1-2011
410-141-0080	1-1-2011	Amend	2-1-2011	411-067-0000	4-1-2011	Amend	5-1-2011
410-141-0120	1-1-2011	Amend	2-1-2011	411-067-0010	4-1-2011	Amend	5-1-2011
410-141-0220	1-1-2011	Amend	2-1-2011	411-067-0020	4-1-2011	Amend	5-1-2011
410-141-0260	1-1-2011	Amend	2-1-2011	411-067-0030	4-1-2011	Repeal	5-1-2011
410-141-0263	1-1-2011	Amend	2-1-2011	411-067-0050	4-1-2011	Amend	5-1-2011
410-141-0280	1-1-2011	Amend	2-1-2011	411-067-0055	4-1-2011	Amend	5-1-2011
410-141-0300	1-1-2011	Amend	2-1-2011	411-067-0060	4-1-2011	Amend	5-1-2011
410-141-0420	1-1-2011	Amend	2-1-2011	411-067-0065	4-1-2011	Adopt	5-1-2011
410-141-0520	1-1-2011	Amend	2-1-2011	411-067-0070	4-1-2011	Amend	5-1-2011
410-141-0520	4-1-2011	Amend	5-1-2011	411-067-0080	4-1-2011	Amend	5-1-2011
410-141-0520	10-1-2011	Amend(T)	10-1-2011	411-067-0083	4-1-2011	Amend	5-1-2011
410-141-0520(T)	1-1-2011	Repeal	2-1-2011	411-067-0086	4-1-2011	Adopt	5-1-2011
410-142-0020	1-1-2011	Amend	1-1-2011	411-067-0087	4-1-2011	Repeal	5-1-2011
410-142-0100	1-1-2011	Amend	1-1-2011	411-067-0090	4-1-2011	Amend	5-1-2011
410-142-0110	1-1-2011	Adopt	1-1-2011	411-067-0100	4-1-2011	Amend	5-1-2011
410-142-0200	1-1-2011	Amend	1-1-2011	411-070-0442	7-1-2011	Amend(T)	8-1-2011
410-142-0225	1-1-2011	Amend	1-1-2011	411-070-0452	7-1-2011	Amend(T)	8-1-2011
410-142-0240	1-1-2011	Amend	1-1-2011	411-200-0010	5-1-2011	Amend	6-1-2011
410-142-0280	1-1-2011	Amend	1-1-2011	411-200-0020	5-1-2011	Amend	6-1-2011
410-142-0300	1-1-2011	Amend	1-1-2011	411-200-0030	5-1-2011	Amend	6-1-2011
410-146-0021	1-1-2011	Amend	1-1-2011	411-200-0035	5-1-2011	Adopt	6-1-2011
410-146-0085	1-1-2011	Amend	1-1-2011	411-200-0040	5-1-2011	Amend	6-1-2011
410-146-0086	1-1-2011	Amend	1-1-2011	411-304-0035	1-1-2011	Amend	2-1-2011
410-146-0120	1-1-2011	Amend	1-1-2011	411-308-0020	2-1-2011	Amend(T)	3-1-2011
410-146-0140	1-1-2011	Repeal	1-1-2011	411-308-0020	8-1-2011	Amend	9-1-2011
410-146-0440	7-1-2011	Amend	7-1-2011	411-308-0020(T)	8-1-2011	Repeal	9-1-2011
410-146-0460	7-1-2011	Amend	7-1-2011	411-308-0050	2-1-2011	Amend(T)	3-1-2011
410-147-0120	1-1-2011	Amend	1-1-2011	411-308-0050	8-1-2011	Amend	9-1-2011
410-147-0140	1-1-2011	Amend	1-1-2011	411-308-0050(T)	8-1-2011	Repeal	9-1-2011
410-147-0200	1-1-2011	Amend	1-1-2011	411-308-0060	2-1-2011	Amend(T)	3-1-2011
410-147-0220	1-1-2011	Repeal	1-1-2011	411-308-0060	8-1-2011	Amend	9-1-2011
410-147-0320	1-1-2011	Amend	1-1-2011	411-308-0060(T)	8-1-2011	Repeal	9-1-2011
410-147-0340	7-1-2011	Amend	7-1-2011	411-308-0070	2-1-2011	Amend(T)	3-1-2011
410-147-0400	7-1-2011	Amend	7-1-2011	411-308-0070	8-1-2011	Amend	9-1-2011
410-147-0480	1-1-2011	Amend	1-1-2011	411-308-0070(T)	8-1-2011	Repeal	9-1-2011
410-147-0610	1-1-2011	Repeal	1-1-2011	411-308-0080	2-1-2011	Amend(T)	3-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
411-323-0040	7-1-2011	Adopt	8-1-2011	411-335-0300	7-1-2011	Suspend	8-1-2011
411-323-0040	7-1-2011	Amend(T)	8-1-2011	411-335-0310	7-1-2011	Amend(T)	8-1-2011
411-323-0050	7-1-2011	Adopt	8-1-2011	411-335-0370	7-1-2011	Suspend	8-1-2011
411-323-0050	7-1-2011	Amend(T)	8-1-2011	411-335-0380	2-7-2011	Amend(T)	3-1-2011
411-323-0060	7-1-2011	Adopt	8-1-2011	411-335-0380	7-1-2011	Amend	8-1-2011
411-323-0060	7-1-2011	Amend(T)	8-1-2011	411-335-0380	7-1-2011	Suspend	8-1-2011
411-323-0070	7-1-2011	Adopt	8-1-2011	411-335-0380(T)	7-1-2011	Repeal	8-1-2011
411-323-0070	7-1-2011	Amend(T)	8-1-2011	411-335-0390	7-1-2011	Suspend	8-1-2011
411-325-0020	7-1-2011	Amend(T)	8-1-2011	411-340-0030	11-17-2010	Amend(T)	1-1-2011
411-325-0025	7-1-2011	Adopt(T)	8-1-2011	411-340-0030	5-5-2011	Amend	6-1-2011
411-325-0060	7-1-2011	Amend(T)	8-1-2011	411-340-0030(T)	5-5-2011	Repeal	6-1-2011
411-325-0080	7-1-2011	Suspend	8-1-2011	411-340-0040	11-17-2010	Amend(T)	1-1-2011
411-325-0100	7-1-2011	Suspend	8-1-2011	411-340-0040	5-5-2011	Amend	6-1-2011
411-325-0160	7-1-2011	Suspend	8-1-2011	411-340-0040(T)	5-5-2011	Repeal	6-1-2011
411-325-0210	7-1-2011	Suspend	8-1-2011	411-340-0060	11-17-2010	Amend(T)	1-1-2011
411-325-0310	7-1-2011	Suspend	8-1-2011	411-340-0060(T)	5-5-2011	Repeal	6-1-2011
411-325-0320	7-1-2011	Amend(T)	8-1-2011	411-340-0100	7-1-2011	Amend(T)	8-1-2011
411-325-0450	7-1-2011	Suspend	8-1-2011	411-340-0100	8-31-2011	Amend(T)	10-1-2011
411-325-0460	7-1-2011	Amend(T)	8-1-2011	411-340-0100(T)	8-31-2011	Suspend	10-1-2011
411-328-0560	7-1-2011	Amend(T)	8-1-2011	411-340-0110	8-31-2011	Amend(T)	10-1-2011
411-328-0570	2-7-2011	Amend(T)	3-1-2011	411-340-0120	11-17-2010	Amend(T)	1-1-2011
411-328-0570	7-1-2011	Amend	8-1-2011	411-340-0120	5-5-2011	Amend	6-1-2011
411-328-0570	7-1-2011	Amend(T)	8-1-2011	411-340-0120(T)	5-5-2011	Repeal	6-1-2011
411-328-0570(T)	7-1-2011	Repeal	8-1-2011	411-345-0010	7-1-2011	Amend	8-1-2011
411-328-0580	7-1-2011	Suspend	8-1-2011	411-345-0010	7-1-2011	Amend(T)	8-1-2011
411-328-0590	7-1-2011	Suspend	8-1-2011	411-345-0020	7-1-2011	Amend	8-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	413-010-0000	9-2-2011	Amend	10-1-2011
411-345-0100	7-1-2011	Amend	8-1-2011	413-010-0010	9-2-2011	Amend	10-1-2011
411-345-0100	7-1-2011	Amend(T)	8-1-2011	413-010-0030	9-2-2011	Amend	10-1-2011
411-345-0100(T)	7-1-2011	Repeal	8-1-2011	413-010-0035	9-2-2011	Amend	10-1-2011
411-345-0110	7-1-2011	Amend	8-1-2011	413-010-0045	9-2-2011	Amend	10-1-2011
411-345-0110	7-1-2011	Amend(T)	8-1-2011	413-010-0055	12-29-2010	Amend	2-1-2011
411-345-0120	7-1-2011	Repeal	8-1-2011	413-010-0055	9-2-2011	Amend	10-1-2011
411-345-0130	7-1-2011	Amend	8-1-2011	413-010-0055(T)	12-29-2010	Repeal	2-1-2011
411-345-0130	7-1-2011	Amend(T)	8-1-2011	413-010-0065	9-2-2011	Amend	10-1-2011
411-345-0140	7-1-2011	Amend	8-1-2011	413-010-0068	9-2-2011	Amend	10-1-2011
411-345-0150	7-1-2011	Repeal	8-1-2011	413-010-0075	9-2-2011	Amend	10-1-2011
411-345-0160	7-1-2011	Amend	8-1-2011	413-010-0081	12-29-2010	Amend	2-1-2011
411-345-0170	7-1-2011	Amend	8-1-2011	413-010-0082	12-29-2010	Amend	2-1-2011
411-345-0180	7-1-2011	Amend	8-1-2011	413-010-0083	12-29-2010	Amend	2-1-2011
411-345-0190	7-1-2011	Amend	8-1-2011	413-010-0084	12-29-2010	Repeal	2-1-2011
411-345-0190	7-1-2011	Amend(T)	8-1-2011	413-010-0085	12-29-2010	Amend	2-1-2011
411-345-0200	7-1-2011	Amend	8-1-2011	413-010-0086	12-29-2010	Repeal	2-1-2011
411-345-0210	7-1-2011	Repeal	8-1-2011	413-010-0360	12-29-2010	Repeal	2-1-2011
411-345-0220	7-1-2011	Repeal	8-1-2011	413-010-0370	12-29-2010	Repeal	2-1-2011
411-345-0230	7-1-2011	Amend	8-1-2011	413-010-0380	12-29-2010	Repeal	2-1-2011
411-345-0240	7-1-2011	Amend	8-1-2011	413-010-0500	6-30-2011	Amend(T)	8-1-2011
411-345-0250	7-1-2011	Amend	8-1-2011	413-010-0501	6-30-2011	Adopt(T)	8-1-2011
411-345-0260	2-7-2011	Amend(T)	3-1-2011	413-010-0502	6-30-2011	Adopt(T)	8-1-2011
411-345-0260	7-1-2011	Amend	8-1-2011	413-010-0505	6-30-2011	Amend(T)	8-1-2011
411-345-0260(T)	7-1-2011	Repeal	8-1-2011	413-010-0510	6-30-2011	Amend(T)	8-1-2011
411-345-0270	7-1-2011	Amend	8-1-2011	413-010-0515	6-30-2011	Amend(T)	8-1-2011
411-345-0280	7-1-2011	Repeal	8-1-2011	413-010-0520	6-30-2011	Amend(T)	8-1-2011
411-345-0290	7-1-2011	Repeal	8-1-2011	413-010-0525	6-30-2011	Amend(T)	8-1-2011
411-345-0300	7-1-2011	Repeal	8-1-2011	413-010-0530	6-30-2011	Amend(T)	8-1-2011
411-346-0110	2-10-2011	Amend(T)	3-1-2011	413-010-0535	6-30-2011	Amend(T)	8-1-2011
411-346-0110	7-1-2011	Adopt	8-1-2011	413-020-0200	6-30-2011	Amend(T)	8-1-2011
411-346-0110(T)	7-1-2011	Repeal	8-1-2011	413-020-0210	6-30-2011	Amend(T)	8-1-2011
411-346-0150	2-10-2011	Amend(T)	3-1-2011	413-020-0230	6-30-2011	Amend(T)	8-1-2011
411-346-0150	7-1-2011	Adopt	8-1-2011	413-020-0233	6-30-2011	Amend(T)	8-1-2011
411-346-0150(T)	7-1-2011	Repeal	8-1-2011	413-020-0236	6-30-2011	Amend(T)	8-1-2011
411-346-0160	2-10-2011	Amend(T)	3-1-2011	413-020-0240	6-30-2011	Amend(T)	8-1-2011
411-346-0160	7-1-2011	Adopt	8-1-2011	413-020-0245	6-30-2011	Amend(T)	8-1-2011
411-346-0160(T)	7-1-2011	Repeal	8-1-2011	413-020-0255	6-30-2011	Amend(T)	8-1-2011
411-346-0165	2-10-2011	Amend(T)	3-1-2011	413-040-0240	1-4-2011	Amend	2-1-2011
411-346-0165	7-1-2011	Adopt	8-1-2011	413-040-0240(T)	1-4-2011	Repeal	2-1-2011
411-346-0165(T)	7-1-2011	Repeal	8-1-2011	413-070-0063	6-30-2011	Amend(T)	8-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
413-070-0670	6-28-2011	Amend	8-1-2011	413-100-0925	6-30-2011	Amend(T)	8-1-2011
413-070-0900	6-30-2011	Amend(T)	8-1-2011	413-100-0930	6-30-2011	Amend(T)	8-1-2011
413-070-0905	6-30-2011	Amend(T)	8-1-2011	413-110-0100	12-29-2010	Amend	2-1-2011
413-070-0909	6-30-2011	Amend(T)	8-1-2011	413-110-0110	12-29-2010	Amend	2-1-2011
413-070-0917	6-30-2011	Amend(T)	8-1-2011	413-110-0120	12-29-2010	Repeal	2-1-2011
413-070-0919	6-30-2011	Amend(T)	8-1-2011	413-110-0130	12-29-2010	Amend	2-1-2011
413-070-0925	6-30-2011	Amend(T)	8-1-2011	413-110-0132	12-29-2010	Adopt	2-1-2011
413-070-0929	6-30-2011	Suspend	8-1-2011	413-110-0132	4-4-2011	Amend(T)	5-1-2011
413-070-0934	6-30-2011	Amend(T)	8-1-2011	413-110-0140	12-29-2010	Repeal	2-1-2011
413-070-0939	6-30-2011	Amend(T)	8-1-2011	413-110-0150	12-29-2010	Adopt	2-1-2011
413-070-0944	6-30-2011	Amend(T)	8-1-2011	413-120-0000	12-29-2010	Amend	2-1-2011
413-070-0949	6-30-2011	Amend(T)	8-1-2011	413-120-0010	12-29-2010	Amend	2-1-2011
413-070-0959	6-30-2011	Amend(T)	8-1-2011	413-120-0015	12-29-2010	Repeal	2-1-2011
413-070-0964	6-30-2011	Amend(T)	8-1-2011	413-120-0020	12-29-2010	Amend	2-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
413-120-0530	12-29-2010	Repeal	2-1-2011	413-130-0170	12-29-2010	Repeal	2-1-2011
413-120-0540	12-29-2010	Repeal	2-1-2011	413-130-0180	12-29-2010	Repeal	2-1-2011
413-120-0541	12-29-2010	Adopt	2-1-2011	413-200-0404	9-1-2011	Amend(T)	10-1-2011
413-120-0550	12-29-2010	Am. & Ren.	2-1-2011	413-200-0409	9-1-2011	Amend(T)	10-1-2011
413-120-0570	12-29-2010	Adopt	2-1-2011	413-200-0414	9-1-2011	Amend(T)	10-1-2011
413-120-0590	12-29-2010	Adopt	2-1-2011	413-200-0419	9-1-2011	Amend(T)	10-1-2011
413-120-0595	12-29-2010	Adopt	2-1-2011	413-200-0424	9-1-2011	Amend(T)	10-1-2011
413-120-0700	12-29-2010	Adopt	2-1-2011	414-205-0055	1-1-2011	Amend	2-1-2011
413-120-0710	12-29-2010	Adopt	2-1-2011	414-205-0100	1-1-2011	Amend	2-1-2011
413-120-0720	12-29-2010	Adopt	2-1-2011	414-205-0110	1-1-2011	Amend	2-1-2011
413-120-0730	12-29-2010	Adopt	2-1-2011	414-205-0170	1-1-2011	Amend	2-1-2011
413-120-0730	3-22-2011	Amend(T)	5-1-2011	414-300-0005	1-1-2011	Amend	2-1-2011
413-120-0750	12-29-2010	Adopt	2-1-2011	414-300-0010	1-1-2011	Amend	2-1-2011
413-120-0750	3-22-2011	Amend(T)	5-1-2011	414-300-0015	1-1-2011	Amend	2-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	415-065-0010	8-16-2011	Amend	10-1-2011
415-054-0045	3-9-2011	Repeal	4-1-2011	415-065-0015	8-16-2011	Amend	10-1-2011
415-054-0050	3-9-2011	Repeal	4-1-2011	415-065-0055	2-11-2011	Amend(T)	3-1-2011
415-054-0055	3-9-2011	Repeal	4-1-2011	415-065-0055	8-16-2011	Amend	10-1-2011
415-054-0060	3-9-2011	Repeal	4-1-2011	416-070-0010	6-14-2011	Adopt(T)	7-1-2011
415-054-0070	3-9-2011	Repeal	4-1-2011	416-070-0010	9-9-2011	Adopt	10-1-2011
415-054-0075	3-9-2011	Repeal	4-1-2011	416-070-0020	6-14-2011	Adopt(T)	7-1-2011
415-054-0076	3-9-2011	Repeal	4-1-2011	416-070-0020	9-9-2011	Adopt	10-1-2011
415-054-0080	3-9-2011	Repeal	4-1-2011	416-070-0030	6-14-2011	Adopt(T)	7-1-2011
415-054-0090	3-9-2011	Repeal	4-1-2011	416-070-0030	9-9-2011	Adopt	10-1-2011
415-054-0100	3-9-2011	Repeal	4-1-2011	416-070-0040	6-14-2011	Adopt(T)	7-1-2011
415-054-0200	3-9-2011	Repeal	4-1-2011	416-070-0040	9-9-2011	Adopt	10-1-2011
415-054-0210	3-9-2011	Repeal	4-1-2011	416-070-0050	6-14-2011	Adopt(T)	7-1-2011
415-054-0220	3-9-2011	Repeal	4-1-2011	416-070-0050	9-9-2011	Adopt	10-1-2011
415-054-0230	3-9-2011	Repeal	4-1-2011	416-070-0060	6-14-2011	Adopt(T)	7-1-2011
415-054-0240	3-9-2011	Repeal	4-1-2011	416-070-0060	9-9-2011	Adopt	10-1-2011
415-054-0300	3-9-2011	Repeal	4-1-2011	416-260-0010	9-15-2011	Amend	10-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
416-260-0015	9-15-2011	Adopt	10-1-2011	436-010-0265	4-1-2011	Amend	4-1-2011
416-420-0010	9-15-2011	Amend	10-1-2011	436-010-0290	4-1-2011	Amend	4-1-2011
416-420-0030	9-15-2011	Amend	10-1-2011	436-060-0095	4-1-2011	Amend	4-1-2011
416-460-0000	9-7-2011	Repeal	10-1-2011	436-085-0003	7-1-2011	Amend	7-1-2011
416-460-0010	9-7-2011	Repeal	10-1-2011	436-085-0005	7-1-2011	Amend	7-1-2011
416-460-0020	9-7-2011	Repeal	10-1-2011	436-085-0025	7-1-2011	Amend	7-1-2011
416-460-0030	9-7-2011	Repeal	10-1-2011	436-085-0030	7-1-2011	Amend	7-1-2011
416-460-0040	9-7-2011	Repeal	10-1-2011	437-003-0001	2-9-2011	Amend	3-1-2011
416-600-0000	9-7-2011	Repeal	10-1-2011	437-003-1423	2-9-2011	Adopt	3-1-2011
416-600-0010	9-7-2011	Repeal	10-1-2011	437-003-3600	2-9-2011	Adopt	3-1-2011
416-600-0020	9-7-2011	Repeal	10-1-2011	441-035-0010	2-15-2011	Amend	3-1-2011
416-600-0030	9-7-2011	Repeal	10-1-2011	441-505-1135	12-1-2010	Adopt	1-1-2011
416-600-0040	9-7-2011	Repeal	10-1-2011	441-505-1135	7-1-2011	Suspend	8-1-2011
416-600-0050	9-7-2011	Repeal	10-1-2011	441-674-0005	1-1-2011	Adopt	2-1-2011
423-010-0024	9-12-2011	Amend	10-1-2011	441-674-0005	1-20-2011	Amend	3-1-2011
436-009-0003	4-1-2011	Amend	4-1-2011	441-674-0005(T)	1-1-2011	Repeal	2-1-2011
436-009-0004	4-1-2011	Amend	4-1-2011	441-674-0100	1-1-2011	Adopt	2-1-2011
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



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
441-930-0080	1-1-2011	Amend	2-1-2011	442-010-0085	3-8-2011	Adopt	4-1-2011
441-930-0210	1-1-2011	Amend	2-1-2011	442-010-0090	3-8-2011	Amend	4-1-2011
441-930-0220	1-1-2011	Amend	2-1-2011	442-010-0100	1-18-2011	Amend	3-1-2011
441-930-0230	1-1-2011	Amend	2-1-2011	442-010-0100	3-8-2011	Amend	4-1-2011
441-930-0240	1-1-2011	Amend	2-1-2011	442-010-0110	1-18-2011	Amend	3-1-2011
441-930-0250	1-1-2011	Amend	2-1-2011	442-010-0110	3-8-2011	Amend	4-1-2011
441-930-0255	1-1-2011	Adopt	2-1-2011	442-010-0120	1-18-2011	Amend	3-1-2011
441-930-0260	1-1-2011	Amend	2-1-2011	442-010-0120	3-8-2011	Amend	4-1-2011
441-930-0267	1-1-2011	Adopt	2-1-2011	442-010-0130	1-18-2011	Amend	3-1-2011
441-930-0270	1-1-2011	Amend	2-1-2011	442-010-0130	3-8-2011	Amend	4-1-2011
441-930-0270	7-1-2011	Amend(T)	8-1-2011	442-010-0140	1-18-2011	Amend	3-1-2011
441-930-0280	1-1-2011	Repeal	2-1-2011	442-010-0140	3-8-2011	Amend	4-1-2011
441-930-0290	1-1-2011	Amend	2-1-2011	442-010-0150	1-18-2011	Amend	3-1-2011
441-930-0300	1-1-2011	Amend	2-1-2011	442-010-0150	3-8-2011	Amend	4-1-2011
441-930-0310	1-1-2011	Amend	2-1-2011	442-010-0160	1-18-2011	Amend	3-1-2011
441-930-0320	1-1-2011	Amend	2-1-2011	442-010-0160	3-8-2011	Amend	4-1-2011
441-930-0330	1-1-2011	Amend	2-1-2011	442-010-0170	1-18-2011	Amend	3-1-2011
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	459-010-01065	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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
459-020-0025	8-4-2011	Repeal	9-1-2011	461-130-0310	1-1-2011	Amend	2-1-2011
459-020-0030	8-4-2011	Amend	9-1-2011	461-130-0310	7-1-2011	Amend(T)	8-1-2011
459-020-0035	8-4-2011	Repeal	9-1-2011	461-130-0315	1-1-2011	Amend	2-1-2011
459-020-0040	8-4-2011	Repeal	9-1-2011	461-130-0320	1-1-2011	Repeal	2-1-2011
459-020-0045	8-4-2011	Repeal	9-1-2011	461-130-0323	1-1-2011	Repeal	2-1-2011
459-020-0050	8-4-2011	Amend	9-1-2011	461-130-0325	1-1-2011	Repeal	2-1-2011
459-020-0055	8-4-2011	Repeal	9-1-2011	461-130-0327	1-1-2011	Amend	2-1-2011
459-050-0037	8-4-2011	Amend	9-1-2011	461-130-0327	7-1-2011	Amend(T)	8-1-2011
459-050-0075	6-1-2011	Amend	7-1-2011	461-130-0328	1-1-2011	Amend	2-1-2011
459-050-0077	8-4-2011	Amend	9-1-2011	461-130-0330	1-1-2011	Amend	2-1-2011
459-050-0090	6-1-2011	Amend	7-1-2011	461-130-0335	1-1-2011	Amend	2-1-2011
459-050-0120	8-4-2011	Adopt	9-1-2011	461-135-0010	1-1-2011	Amend	2-1-2011
459-050-0150	8-4-2011	Amend	9-1-2011	461-135-0070	7-1-2011	Amend(T)	8-1-2011
459-050-0300	8-4-2011	Amend	9-1-2011	461-135-0095	4-1-2011	Amend	5-1-2011
459-060-0020	11-24-2010	Amend	1-1-2011	461-135-0095(T)	4-1-2011	Repeal	5-1-2011
459-070-0100	2-2-2011	Amend	3-1-2011	461-135-0210	1-1-2011	Amend	2-1-2011
459-070-0110	2-2-2011	Amend	3-1-2011	461-135-0210(T)	1-1-2011	Repeal	2-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-150-0055(T)	2-4-2011	Suspend	3-1-2011	461-160-0430(T)	4-1-2011	Repeal	5-1-2011
461-150-0055(T)	4-1-2011	Repeal	5-1-2011	461-160-0530	1-1-2011	Repeal	2-1-2011
461-155-0030	1-1-2011	Amend	2-1-2011	461-160-0620	7-1-2011	Amend(T)	8-1-2011
461-155-0030	1-1-2011	Amend(T)	2-1-2011	461-160-0700	1-1-2011	Amend	2-1-2011
461-155-0030	4-1-2011	Amend	5-1-2011	461-160-0700	1-1-2011	Amend(T)	2-1-2011
461-155-0030(T)	1-1-2011	Repeal	2-1-2011	461-160-0700	4-1-2011	Amend	5-1-2011
461-155-0030(T)	4-1-2011	Repeal	5-1-2011	461-160-0700(T)	1-1-2011	Repeal	2-1-2011
461-155-0035	1-1-2011	Amend	2-1-2011	461-160-0700(T)	4-1-2011	Repeal	5-1-2011
461-155-0035(T)	1-1-2011	Repeal	2-1-2011	461-160-0800	7-1-2011	Amend	8-1-2011
461-155-0150	7-1-2011	Amend	8-1-2011	461-165-0160	7-1-2011	Amend	8-1-2011
461-155-0180	1-1-2011	Amend	2-1-2011	461-165-0171	7-1-2011	Amend	8-1-2011
461-155-0180	1-20-2011	Amend(T)	3-1-2011	461-170-0010	4-1-2011	Amend	5-1-2011
461-155-0180	7-1-2011	Amend	8-1-2011	461-170-0010(T)	4-1-2011	Repeal	5-1-2011
461-155-0180(T)	1-1-2011	Repeal	2-1-2011	461-170-0011	1-1-2011	Amend	2-1-2011
461-155-0180(T)	7-1-2011	Repeal	8-1-2011	461-175-0010	1-1-2011	Amend	2-1-2011
461-155-0225	1-1-2011	Amend	2-1-2011	461-175-0010(T)	1-1-2011	Repeal	2-1-2011
461-155-0225(T)	1-1-2011	Repeal	2-1-2011	461-175-0200	1-1-2011	Amend	2-1-2011
461-155-0235	1-20-2011	Amend	3-1-2011	461-175-0200	7-1-2011	Amend	8-1-2011
461-155-0290	3-1-2011	Amend(T)	4-1-2011	461-175-0200(T)	1-1-2011	Repeal	2-1-2011
461-155-0290	7-1-2011	Amend	8-1-2011	461-175-0250	1-1-2011	Amend	2-1-2011
461-155-0290(T)	7-1-2011	Repeal	8-1-2011	461-175-0250(T)	1-1-2011	Repeal	2-1-2011
461-155-0291	3-1-2011	Amend(T)	4-1-2011	461-180-0130	6-29-2011	Amend(T)	8-1-2011
461-155-0291	7-1-2011	Amend	8-1-2011	461-190-0199	7-1-2011	Amend(T)	8-1-2011
461-155-0291(T)	7-1-2011	Repeal	8-1-2011	461-190-0211	1-1-2011	Amend(T)	2-1-2011
461-155-0295	3-1-2011	Amend(T)	4-1-2011	461-190-0211	4-1-2011	Amend	5-1-2011
461-155-0295	7-1-2011	Amend	8-1-2011	461-190-0211	7-1-2011	Amend(T)	8-1-2011
461-155-0295(T)	7-1-2011	Repeal	8-1-2011	461-190-0211(T)	4-1-2011	Repeal	5-1-2011
461-155-0320	1-1-2011	Amend	2-1-2011	461-190-0212	6-2-2011	Adopt(T)	7-1-2011
461-155-0320	8-19-2011	Amend(T)	10-1-2011	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	471-030-0080	9-13-2011	Amend(T)	10-1-2011
461-160-0410	1-1-2011	Amend	2-1-2011	471-031-0140	12-13-2010	Amend	1-1-2011
461-160-0430	1-1-2011	Amend	2-1-2011	471-031-0141	12-13-2010	Amend	1-1-2011
461-160-0430	1-1-2011	Amend(T)	2-1-2011	471-031-0200	12-13-2010	Amend	1-1-2011
461-160-0430	4-1-2011	Amend	5-1-2011	471-031-0225	12-13-2010	Repeal	1-1-2011
461-160-0430(T)	1-1-2011	Repeal	2-1-2011	471-031-0230	12-13-2010	Repeal	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
471-031-0235	12-13-2010	Adopt	1-1-2011	576-060-0015	6-13-2011	Amend	7-1-2011
471-040-0005	2-9-2011	Amend(T)	3-1-2011	576-060-0020	6-13-2011	Amend	7-1-2011
471-040-0005	7-14-2011	Amend	8-1-2011	576-060-0025	6-13-2011	Amend	7-1-2011
471-040-0005(T)	7-14-2011	Repeal	8-1-2011	576-060-0031	6-13-2011	Amend	7-1-2011
471-040-0010	8-26-2011	Amend(T)	10-1-2011	576-060-0038	6-13-2011	Amend	7-1-2011
471-040-0040	8-26-2011	Amend(T)	10-1-2011	577-060-0020	7-1-2011	Amend(T)	7-1-2011
471-040-0041	8-26-2011	Amend(T)	10-1-2011	578-041-0030	6-20-2011	Amend	8-1-2011
471-041-0070	8-26-2011	Amend(T)	10-1-2011	578-041-0030	8-16-2011	Amend	10-1-2011
471-041-0070	8-30-2011	Amend(T)	10-1-2011	578-072-0030	7-25-2011	Amend	9-1-2011
471-041-0070(T)	8-30-2011	Suspend	10-1-2011	578-072-0030	7-29-2011	Amend	9-1-2011
571-004-0020	2-7-2011	Amend	3-1-2011	578-072-0030	8-16-2011	Amend	10-1-2011
571-004-0025	2-7-2011	Amend	3-1-2011	579-020-0006	6-6-2011	Amend	7-1-2011
571-004-0030	2-7-2011	Amend	3-1-2011	579-020-0006	8-5-2011	Amend	9-1-2011
571-004-0035	2-7-2011	Repeal	3-1-2011	579-050-0005	6-6-2011	Repeal	7-1-2011
571-004-0040	2-7-2011	Repeal	3-1-2011	579-050-0005	8-5-2011	Repeal	9-1-2011
571-004-0045	2-7-2011	Amend	3-1-2011	580-040-0035	1-20-2011	Amend	3-1-2011
571-004-0050	2-7-2011	Amend	3-1-2011	580-040-0040	6-23-2011	Amend	8-1-2011
571-004-0055	2-7-2011	Amend	3-1-2011	581-001-0005	4-22-2011	Amend	6-1-2011
571-060-0005	7-1-2011	Amend	8-1-2011	581-015-2005	8-23-2011	Amend(T)	10-1-2011
573-001-0075	12-8-2010	Amend	1-1-2011	581-015-2010	8-23-2011	Amend(T)	10-1-2011
573-040-0005	6-13-2011	Amend	7-1-2011	581-015-2030	4-22-2011	Amend	6-1-2011
573-050-0005	6-13-2011	Amend	7-1-2011	581-015-2040	8-23-2011	Amend(T)	10-1-2011
573-050-0015	6-13-2011	Amend	7-1-2011	581-015-2075	8-23-2011	Amend(T)	10-1-2011
573-050-0016	6-13-2011	Adopt	7-1-2011	581-015-2080	8-23-2011	Amend(T)	10-1-2011
573-050-0020	6-13-2011	Amend	7-1-2011	581-020-0342	8-23-2011	Adopt(T)	10-1-2011
573-050-0025	6-13-2011	Amend	7-1-2011	581-020-0343	8-23-2011	Adopt(T)	10-1-2011
573-050-0040	6-13-2011	Amend	7-1-2011	581-020-0345	2-1-2011	Amend	3-1-2011
573-076-0000	6-13-2011	Amend	7-1-2011	581-020-0350	12-17-2010	Repeal	2-1-2011
573-076-0020	6-13-2011	Amend	7-1-2011	581-022-0421	2-1-2011	Amend	3-1-2011
573-076-0050	6-13-2011	Amend	7-1-2011	581-022-0610	7-1-2011	Amend	8-1-2011
573-076-0060	6-13-2011	Amend	7-1-2011	581-022-0615	7-1-2011	Amend	8-1-2011
573-076-0070	6-13-2011	Amend	7-1-2011	581-022-0617	12-17-2010	Adopt	2-1-2011
573-076-0080	6-13-2011	Amend	7-1-2011	581-045-0009	1-1-2011	Amend	2-1-2011
573-076-0130	6-13-2011	Amend	7-1-2011	581-051-0305	2-1-2011	Amend	3-1-2011
574-050-0005	2-2-2011	Amend	3-1-2011	581-051-0306	2-1-2011	Amend	3-1-2011
574-050-0005	5-2-2011	Amend	6-1-2011	581-053-0002	3-17-2011	Amend	5-1-2011
574-050-0005	8-5-2011	Amend	9-1-2011	581-053-0006	3-17-2011	Amend	5-1-2011
575-080-0100	11-16-2010	Adopt	1-1-2011	581-053-0512	7-1-2011	Amend	8-1-2011
575-080-0110	11-16-2010	Adopt	1-1-2011	581-053-0516	7-1-2011	Adopt	8-1-2011
575-080-0120	11-16-2010	Adopt	1-1-2011	581-056-0517	7-1-2011	Repeal	8-1-2011
575-080-0130	11-16-2010	Adopt	1-1-2011	582-001-0010	3-1-2011	Amend(T)	3-1-2011
575-080-0135	11-16-2010	Adopt	1-1-2011	582-001-0010	9-1-2011	Amend	9-1-2011
575-080-0140	11-16-2010	Adopt	1-1-2011	582-030-0000	9-1-2011	Amend	9-1-2011
575-080-0145	11-16-2010	Adopt	1-1-2011	582-030-0005	9-1-2011	Amend	9-1-2011
576-010-0000	7-1-2011	Amend	7-1-2011	582-030-0008	9-1-2011	Amend	9-1-2011
576-010-0006	6-13-2011	Adopt	7-1-2011	582-030-0010	9-1-2011	Amend	9-1-2011
576-010-0031	6-13-2011	Amend	7-1-2011	582-030-0020	9-1-2011	Amend	9-1-2011
576-010-0036	6-13-2011	Amend	7-1-2011	582-030-0025	9-1-2011	Amend	9-1-2011
576-010-0041	6-13-2011	Amend	7-1-2011	582-030-0030	9-1-2011	Amend	9-1-2011
576-015-0020	6-13-2011	Amend	7-1-2011	582-030-0040	3-1-2011	Amend(T)	3-1-2011
576-015-0050	6-13-2011	Amend	7-1-2011	582-030-0040	9-1-2011	Amend	9-1-2011
576-017-0005	6-13-2011	Amend	7-1-2011	582-030-0050	9-1-2011	Adopt	9-1-2011
576-017-0010	6-13-2011	Repeal	7-1-2011	582-050-0000	3-1-2011	Amend(T)	3-1-2011
576-017-0015	6-13-2011	Repeal	7-1-2011	582-050-0000	9-1-2011	Amend	9-1-2011
576-017-0020	6-13-2011	Repeal	7-1-2011	582-050-0005	3-1-2011	Amend(T)	3-1-2011
576-060-0010	6-13-2011	Amend	7-1-2011	582-050-0005	9-1-2011	Amend	9-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
582-050-0010	3-1-2011	Amend(T)	3-1-2011	584-042-0006	1-1-2011	Repeal	2-1-2011
582-050-0010	9-1-2011	Amend	9-1-2011	584-042-0009	1-1-2011	Repeal	2-1-2011
582-050-0020	3-1-2011	Amend(T)	3-1-2011	584-042-0044	1-1-2011	Amend	1-1-2011
582-050-0020	9-1-2011	Amend	9-1-2011	584-048-0065	1-1-2011	Am. & Ren.	2-1-2011
582-050-0060	3-1-2011	Amend(T)	3-1-2011	584-050-0015	9-1-2011	Amend	9-1-2011
582-050-0060	9-1-2011	Amend	9-1-2011	584-050-0016	9-1-2011	Amend	9-1-2011
582-060-0010	3-1-2011	Amend(T)	3-1-2011	584-050-0018	9-1-2011	Amend	9-1-2011
582-060-0010	9-1-2011	Amend	9-1-2011	584-060-0014	3-15-2011	Amend	4-1-2011
582-060-0020	3-1-2011	Amend(T)	3-1-2011	584-060-0062	1-28-2011	Amend	3-1-2011
582-060-0020	9-1-2011	Amend	9-1-2011	584-060-0062	9-1-2011	Amend	9-1-2011
582-070-0010	3-1-2011	Amend(T)	3-1-2011	584-060-0162	1-1-2011	Amend	1-1-2011
582-070-0010	9-1-2011	Amend	9-1-2011	584-060-0171	1-1-2011	Amend	1-1-2011
582-070-0020	3-1-2011	Amend(T)	3-1-2011	584-060-0181	1-1-2011	Amend	1-1-2011
582-070-0020	9-1-2011	Amend	9-1-2011	584-060-0181	3-15-2011	Amend	4-1-2011
582-070-0025	3-1-2011	Amend(T)	3-1-2011	584-060-0182	1-1-2011	Amend	1-1-2011
582-070-0025	9-1-2011	Amend	9-1-2011	584-060-0190	1-1-2011	Amend	1-1-2011
582-070-0030	3-1-2011	Amend(T)	3-1-2011	584-060-0200	1-1-2011	Amend	1-1-2011
582-070-0030	9-1-2011	Amend	9-1-2011	584-060-0210	1-1-2011	Amend	2-1-2011
582-070-0040	3-1-2011	Amend(T)	3-1-2011	584-060-0220	1-1-2011	Amend	2-1-2011
582-070-0040	9-1-2011	Amend	9-1-2011	584-060-0220	3-15-2011	Amend	4-1-2011
582-070-0041	9-1-2011	Amend	9-1-2011	584-065-0125	3-15-2011	Adopt	4-1-2011
582-070-0042	3-1-2011	Amend(T)	3-1-2011	584-070-0001	1-1-2011	Amend	1-1-2011
582-070-0042	9-1-2011	Amend	9-1-2011	584-070-0111	1-1-2011	Amend	1-1-2011
582-070-0043	3-1-2011	Amend(T)	3-1-2011	584-070-0111	3-15-2011	Amend	4-1-2011
582-070-0043	9-1-2011	Amend	9-1-2011	584-070-0112	1-1-2011	Amend	1-1-2011
582-070-0044	3-1-2011	Amend(T)	3-1-2011	584-070-0132	1-1-2011	Amend	1-1-2011
582-070-0044	9-1-2011	Amend	9-1-2011	584-070-0205	1-1-2011	Adopt	2-1-2011
583-030-0010	11-16-2010	Amend	1-1-2011	584-070-0211	1-1-2011	Amend	2-1-2011
583-030-0035	11-16-2010	Amend	1-1-2011	584-070-0221	1-1-2011	Amend	2-1-2011
583-050-0011	11-16-2010	Amend	1-1-2011	584-070-0271	1-1-2011	Amend	2-1-2011
583-050-0016	11-16-2010	Amend	1-1-2011	584-070-0310	1-1-2011	Amend	1-1-2011
584-005-0005	9-1-2011	Amend	9-1-2011	584-070-0401	1-1-2011	Adopt	2-1-2011
584-010-0090	1-1-2011	Amend	2-1-2011	584-070-0411	1-1-2011	Adopt	2-1-2011
584-017-0200	1-1-2011	Amend	2-1-2011	584-070-0411	4-14-2011	Amend	5-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-011-0340	1-6-2011	Amend	2-1-2011	603-058-0280	8-12-2011	Adopt	9-1-2011
603-011-0365	1-6-2011	Repeal	2-1-2011	603-058-0290	8-12-2011	Adopt	9-1-2011
603-027-0420	1-26-2011	Amend	3-1-2011	603-074-0020	7-22-2011	Amend(T)	9-1-2011
603-027-0420	9-9-2011	Amend	10-1-2011	604-010-0005	6-30-2011	Amend(T)	8-1-2011
603-027-0430	9-9-2011	Amend	10-1-2011	604-010-0011	6-30-2011	Amend(T)	8-1-2011
603-042-0020	5-10-2011	Amend	6-1-2011	604-010-0015	6-30-2011	Amend(T)	8-1-2011
603-052-0030	7-20-2011	Amend	9-1-2011	604-030-0010	6-30-2011	Amend(T)	8-1-2011
603-052-0150	7-20-2011	Amend	9-1-2011	604-030-0020	6-30-2011	Amend(T)	8-1-2011
603-052-0153	7-20-2011	Amend	9-1-2011	617-030-0010	4-5-2011	Amend	5-1-2011
603-052-0160	7-20-2011	Amend	9-1-2011	629-001-0015	1-7-2011	Amend(T)	2-1-2011
603-052-0187	7-20-2011	Amend	9-1-2011	629-001-0015	3-15-2011	Amend	4-1-2011
603-052-0265	7-20-2011	Amend	9-1-2011	629-001-0015(T)	3-15-2011	Repeal	4-1-2011
603-052-0347	11-23-2010	Amend	1-1-2011	629-001-0020	1-7-2011	Amend(T)	2-1-2011
603-052-1207	3-17-2011	Adopt(T)	5-1-2011	629-001-0020	3-15-2011	Amend	4-1-2011
603-052-1212	3-17-2011	Adopt(T)	5-1-2011	629-001-0020(T)	3-15-2011	Repeal	4-1-2011
603-052-1215	3-17-2011	Adopt(T)	5-1-2011	629-041-0035	1-7-2011	Amend(T)	2-1-2011
603-052-1230	12-17-2010	Amend	2-1-2011	629-041-0035	3-15-2011	Amend	4-1-2011
603-052-1230	9-9-2011	Amend	10-1-2011	629-041-0035(T)	3-15-2011	Repeal	4-1-2011
603-052-1250	12-17-2010	Amend	2-1-2011	635-001-0050	9-8-2011	Amend	10-1-2011
603-056-0145	7-1-2011	Amend(T)	8-1-2011	635-001-0055	9-8-2011	Adopt	10-1-2011
603-058-0001	8-12-2011	Repeal	9-1-2011	635-003-0003	5-1-2011	Amend	6-1-2011
603-058-0002	8-12-2011	Repeal	9-1-2011	635-003-0004	7-29-2011	Amend(T)	9-1-2011
603-058-0005	8-12-2011	Repeal	9-1-2011	635-003-0085	7-1-2011	Amend	8-1-2011
603-058-0010	8-12-2011	Repeal	9-1-2011	635-004-0005	3-22-2011	Amend	5-1-2011
603-058-0011	8-12-2011	Repeal	9-1-2011	635-004-0009	3-22-2011	Amend	5-1-2011
603-058-0020	8-12-2011	Repeal	9-1-2011	635-004-0016	5-26-2011	Amend	7-1-2011
603-058-0021	8-12-2011	Repeal	9-1-2011	635-004-0017	3-4-2011	Amend(T)	4-1-2011
603-058-0026	8-12-2011	Repeal	9-1-2011	635-004-0017	5-26-2011	Amend	7-1-2011
603-058-0028	8-12-2011	Repeal	9-1-2011	635-004-0017	7-12-2011	Amend(T)	8-1-2011
603-058-0029	8-12-2011	Repeal	9-1-2011	635-004-0018	1-1-2011	Amend	1-1-2011
603-058-0031	8-12-2011	Repeal	9-1-2011	635-004-0019	12-7-2010	Amend(T)	1-1-2011
603-058-0032	8-12-2011	Repeal	9-1-2011	635-004-0019	1-1-2011	Amend	1-1-2011
603-058-0036	8-12-2011	Repeal	9-1-2011	635-004-0019	1-1-2011	Amend(T)	2-1-2011
603-058-0040	8-12-2011	Repeal	9-1-2011	635-004-0019	1-11-2011	Amend(T)	2-1-2011
603-058-0051	8-12-2011	Repeal	9-1-2011	635-004-0019	3-3-2011	Amend(T)	4-1-2011
603-058-0052	8-12-2011	Repeal	9-1-2011	635-004-0019	5-13-2011	Amend(T)	6-1-2011
603-058-0065	8-12-2011	Repeal	9-1-2011	635-004-0019	6-20-2011	Amend(T)	8-1-2011
603-058-0070	8-12-2011	Repeal	9-1-2011	635-004-0019	7-7-2011	Amend(T)	8-1-2011
603-058-0110	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	12-7-2010	Suspend	1-1-2011
603-058-0120	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	1-1-2011	Suspend	2-1-2011
603-058-0125	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	1-11-2011	Suspend	2-1-2011
603-058-0130	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	3-3-2011	Suspend	4-1-2011
603-058-0140	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	5-13-2011	Suspend	6-1-2011
603-058-0150	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	6-20-2011	Suspend	8-1-2011
603-058-0160	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	7-7-2011	Suspend	8-1-2011
603-058-0170	8-12-2011	Adopt	9-1-2011	635-004-0025	1-1-2011	Amend	1-1-2011
603-058-0180	8-12-2011	Adopt	9-1-2011	635-004-0033	7-5-2011	Amend(T)	8-1-2011
603-058-0190	8-12-2011	Adopt	9-1-2011	635-004-0033	9-15-2011	Amend(T)	10-1-2011
603-058-0200	8-12-2011	Adopt	9-1-2011	635-004-0033(T)	9-15-2011	Suspend	10-1-2011
603-058-0210	8-12-2011	Adopt	9-1-2011	635-004-0035	1-1-2011	Amend	1-1-2011
603-058-0220	8-12-2011	Adopt	9-1-2011	635-004-0070	1-1-2011	Amend	1-1-2011
603-058-0230	8-12-2011	Adopt	9-1-2011	635-004-0075	1-1-2011	Amend	1-1-2011
603-058-0240	8-12-2011	Adopt	9-1-2011	635-005-0020	7-3-2011	Amend(T)	8-1-2011
603-058-0250	8-12-2011	Adopt	9-1-2011	635-005-0045	12-10-2010	Amend(T)	1-1-2011
603-058-0260	8-12-2011	Adopt	9-1-2011	635-005-0055	3-15-2011	Amend(T)	4-1-2011
603-058-0270	8-12-2011	Adopt	9-1-2011	635-005-0190	1-1-2011	Amend	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-006-0212	8-1-2011	Amend(T)	9-1-2011	635-017-0095	3-21-2011	Amend	5-1-2011
635-006-0215	1-1-2011	Amend	1-1-2011	635-017-0095(T)	2-17-2011	Suspend	3-1-2011
635-006-0215	8-1-2011	Amend(T)	9-1-2011	635-017-0095(T)	3-17-2011	Suspend	5-1-2011
635-006-0225	8-1-2011	Amend(T)	9-1-2011	635-018-0080	1-1-2011	Amend	2-1-2011
635-006-0232	1-10-2011	Amend	2-1-2011	635-018-0090	1-1-2011	Amend	2-1-2011
635-006-1075	11-23-2010	Amend(T)	1-1-2011	635-018-0090	1-1-2011	Amend(T)	2-1-2011
635-006-1095	12-15-2010	Amend(T)	1-1-2011	635-018-0090	4-15-2011	Amend(T)	4-1-2011
635-007-0545	12-6-2010	Amend	1-1-2011	635-018-0090	4-15-2011	Amend(T)	4-1-2011
635-007-0825	12-6-2010	Repeal	1-1-2011	635-018-0090	5-10-2011	Amend(T)	6-1-2011
635-007-0830	12-6-2010	Repeal	1-1-2011	635-018-0090	8-1-2011	Amend(T)	8-1-2011
635-008-0055	1-1-2011	Amend	2-1-2011	635-018-0090	9-3-2011	Amend(T)	10-1-2011
635-008-0070	8-5-2011	Amend	9-1-2011	635-018-0090(T)	4-15-2011	Suspend	4-1-2011
635-008-0080	8-5-2011	Amend	9-1-2011	635-018-0090(T)	4-15-2011	Suspend	4-1-2011
635-008-0095	8-5-2011	Amend	9-1-2011	635-018-0090(T)	5-10-2011	Suspend	6-1-2011
635-008-0105	8-5-2011	Amend	9-1-2011	635-018-0090(T)	8-1-2011	Suspend	8-1-2011
635-008-0115	8-5-2011	Amend	9-1-2011	635-018-0090(T)	9-3-2011	Suspend	10-1-2011
635-008-0120	8-5-2011	Amend	9-1-2011	635-019-0080	1-1-2011	Amend	2-1-2011
635-008-0130	8-5-2011	Amend	9-1-2011	635-019-0090	1-1-2011	Amend	2-1-2011
635-008-0145	8-5-2011	Amend	9-1-2011	635-019-0090	5-28-2011	Amend(T)	7-1-2011
635-008-0148	1-14-2011	Amend	2-1-2011	635-019-0090	6-13-2011	Amend(T)	7-1-2011
635-008-0149	1-14-2011	Amend	2-1-2011	635-019-0090	7-11-2011	Amend(T)	8-1-2011
635-008-0151	1-14-2011	Amend	2-1-2011	635-019-0090	7-16-2011	Amend(T)	8-1-2011
635-008-0151	5-24-2011	Amend	7-1-2011	635-019-0090	7-23-2011	Amend(T)	9-1-2011
635-008-0153	1-1-2011	Amend	2-1-2011	635-019-0090	8-7-2011	Amend(T)	9-1-2011
635-008-0155	8-5-2011	Amend	9-1-2011	635-019-0090(T)	6-13-2011	Suspend	7-1-2011
635-008-0163	7-1-2011	Adopt	7-1-2011	635-019-0090(T)	7-11-2011	Suspend	8-1-2011
635-008-0163	8-5-2011	Amend	9-1-2011	635-019-0090(T)	7-16-2011	Suspend	8-1-2011
635-008-0185	8-5-2011	Amend	9-1-2011	635-019-0090(T)	7-23-2011	Suspend	9-1-2011
635-008-0190	8-5-2011	Amend	9-1-2011	635-019-0090(T)	8-7-2011	Suspend	9-1-2011
635-010-0157	1-1-2011	Amend	2-1-2011	635-021-0080	1-1-2011	Amend	2-1-2011
635-011-0050	8-31-2011	Amend	9-1-2011	635-021-0090	1-1-2011	Amend	2-1-2011
635-011-0100	1-1-2011	Amend	2-1-2011	635-021-0090	5-28-2011	Amend(T)	7-1-2011
635-012-0020	6-29-2011	Amend(T)	8-1-2011	635-023-0080	1-1-2011	Amend	2-1-2011
635-012-0030	6-29-2011	Suspend	8-1-2011	635-023-0090	1-1-2011	Amend	2-1-2011
635-012-0040	6-29-2011	Suspend	8-1-2011	635-023-0095	1-1-2011	Amend	2-1-2011
635-012-0050	6-29-2011	Suspend	8-1-2011	635-023-0095	1-1-2011	Amend(T)	2-1-2011
635-012-0060	6-29-2011	Suspend	8-1-2011	635-023-0095	2-11-2011	Amend(T)	3-1-2011
635-013-0003	1-1-2011	Amend	2-1-2011	635-023-0095	3-21-2011	Amend	5-1-2011
635-013-0003	5-1-2011	Amend	6-1-2011	635-023-0095	4-10-2011	Amend(T)	5-1-2011
635-013-0004	1-1-2011	Amend	2-1-2011	635-023-0095	6-27-2011	Amend(T)	8-1-2011
635-013-0007	7-1-2011	Amend	8-1-2011	635-023-0095	7-9-2011	Amend(T)	8-1-2011
635-013-0009	7-1-2011	Amend	8-1-2011	635-023-0095	7-30-2011	Amend(T)	9-1-2011
635-014-0080	1-1-2011	Amend	2-1-2011	635-023-0095	9-30-2011	Amend(T)	10-1-2011
635-014-0090	1-1-2011	Amend	2-1-2011	635-023-0095(T)	2-11-2011	Suspend	3-1-2011
635-014-0090	6-1-2011	Amend(T)	7-1-2011	635-023-0095(T)	4-10-2011	Suspend	5-1-2011
635-014-0090	7-1-2011	Amend	8-1-2011	635-023-0095(T)	6-27-2011	Suspend	8-1-2011
635-016-0080	1-1-2011	Amend	2-1-2011	635-023-0095(T)	7-9-2011	Suspend	8-1-2011
635-016-0090	1-1-2011	Amend	2-1-2011	635-023-0095(T)	7-30-2011	Suspend	9-1-2011
635-016-0090	5-1-2011	Amend(T)	6-1-2011	635-023-0095(T)	9-30-2011	Suspend	10-1-2011
635-016-0090	7-1-2011	Amend	8-1-2011	635-023-0125	1-1-2011	Amend	2-1-2011
635-017-0080	1-1-2011	Amend	2-1-2011	635-023-0125	2-14-2011	Amend(T)	3-1-2011
635-017-0090	1-1-2011	Amend	2-1-2011	635-023-0125	4-8-2011	Amend(T)	5-1-2011
635-017-0095	1-1-2011	Amend	2-1-2011	635-023-0125	4-16-2011	Amend(T)	5-1-2011
635-017-0095	1-1-2011	Amend(T)	2-1-2011	635-023-0125	4-21-2011	Amend(T)	6-1-2011
635-017-0095	2-17-2011	Amend(T)	3-1-2011	635-023-0125	5-7-2011	Amend(T)	6-1-2011
635-017-0095	3-17-2011	Amend(T)	5-1-2011	635-023-0125	5-15-2011	Amend(T)	6-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-023-0125	5-27-2011	Amend(T)	7-1-2011	635-041-0075	8-1-2011	Amend(T)	9-1-2011
635-023-0125	6-2-2011	Amend(T)	7-1-2011	635-041-0075	8-29-2011	Amend(T)	10-1-2011
635-023-0125(T)	4-8-2011	Suspend	5-1-2011	635-041-0075	9-12-2011	Amend(T)	10-1-2011
635-023-0125(T)	4-16-2011	Suspend	5-1-2011	635-041-0075	9-19-2011	Amend(T)	10-1-2011
635-023-0125(T)	4-21-2011	Suspend	6-1-2011	635-041-0075(T)	8-29-2011	Suspend	10-1-2011
635-023-0125(T)	5-7-2011	Suspend	6-1-2011	635-041-0075(T)	9-12-2011	Suspend	10-1-2011
635-023-0125(T)	5-15-2011	Suspend	6-1-2011	635-041-0075(T)	9-19-2011	Suspend	10-1-2011
635-023-0125(T)	5-27-2011	Suspend	7-1-2011	635-041-0076	5-10-2011	Amend(T)	6-1-2011
635-023-0125(T)	6-2-2011	Suspend	7-1-2011	635-041-0076	6-16-2011	Amend(T)	7-1-2011
635-023-0128	1-1-2011	Amend	2-1-2011	635-041-0076	6-27-2011	Amend(T)	8-1-2011
635-023-0128	6-16-2011	Amend(T)	7-1-2011	635-041-0076	7-5-2011	Amend(T)	8-1-2011
635-023-0128	7-18-2011	Amend(T)	8-1-2011	635-041-0076	7-10-2011	Amend(T)	8-1-2011
635-023-0128(T)	7-18-2011	Suspend	8-1-2011	635-041-0076	7-18-2011	Amend(T)	8-1-2011
635-023-0130	1-1-2011	Amend	2-1-2011	635-041-0076	7-25-2011	Amend(T)	9-1-2011
635-023-0130	8-1-2011	Amend(T)	9-1-2011	635-041-0076(T)	6-16-2011	Suspend	7-1-2011
635-023-0130	9-16-2011	Amend(T)	10-1-2011	635-041-0076(T)	6-27-2011	Suspend	8-1-2011
635-023-0130(T)	9-16-2011	Suspend	10-1-2011	635-041-0076(T)	7-5-2011	Suspend	8-1-2011
635-023-0134	1-1-2011	Amend	2-1-2011	635-041-0076(T)	7-10-2011	Suspend	8-1-2011
635-023-0134	4-23-2011	Amend(T)	5-1-2011	635-041-0076(T)	7-18-2011	Suspend	8-1-2011
635-023-0134	9-1-2011	Amend(T)	10-1-2011	635-041-0076(T)	7-25-2011	Suspend	9-1-2011
635-039-0080	1-1-2011	Amend	1-1-2011	635-041-0076(T)	8-1-2011	Suspend	9-1-2011
635-039-0080	3-22-2011	Amend	5-1-2011	635-042-0010	3-21-2011	Amend	5-1-2011
635-039-0085	3-22-2011	Amend	5-1-2011	635-042-0022	3-29-2011	Amend(T)	5-1-2011
635-039-0085	6-4-2011	Amend(T)	7-1-2011	635-042-0022	4-6-2011	Amend(T)	5-1-2011
635-039-0085	7-1-2011	Amend(T)	8-1-2011	635-042-0022	5-12-2011	Amend(T)	6-1-2011
635-039-0085	7-6-2011	Amend(T)	8-1-2011	635-042-0022	5-18-2011	Amend(T)	7-1-2011
635-039-0085	8-12-2011	Amend(T)	9-1-2011	635-042-0022(T)	5-18-2011	Suspend	7-1-2011
635-039-0085(T)	7-1-2011	Suspend	8-1-2011	635-042-0027	6-16-2011	Amend(T)	7-1-2011
635-039-0085(T)	7-6-2011	Suspend	8-1-2011	635-042-0027(T)	6-16-2011	Suspend	7-1-2011
635-039-0085(T)	8-12-2011	Suspend	9-1-2011	635-042-0031	8-4-2011	Amend(T)	9-1-2011
635-039-0090	1-1-2011	Amend	1-1-2011	635-042-0031	8-28-2011	Amend(T)	10-1-2011
635-039-0090	3-22-2011	Amend	5-1-2011	635-042-0031	9-18-2011	Amend(T)	10-1-2011
635-039-0090	7-20-2011	Amend(T)	9-1-2011	635-042-0031(T)	8-28-2011	Suspend	10-1-2011
635-041-0005	5-5-2011	Amend(T)	6-1-2011	635-042-0031(T)	9-18-2011	Suspend	10-1-2011
635-041-0015	5-5-2011	Amend(T)	6-1-2011	635-042-0032	3-21-2011	Amend	5-1-2011
635-041-0020	5-5-2011	Amend(T)	6-1-2011	635-042-0060	3-21-2011	Amend	5-1-2011
635-041-0025	5-5-2011	Amend(T)	6-1-2011	635-042-0110	5-10-2011	Amend(T)	6-1-2011
635-041-0045	3-21-2011	Amend	5-1-2011	635-042-0110	6-21-2011	Amend(T)	8-1-2011
635-041-0045	5-5-2011	Amend(T)	6-1-2011	635-042-0110(T)	6-21-2011	Suspend	8-1-2011
635-041-0045	5-10-2011	Amend(T)	6-1-2011	635-042-0115	5-10-2011	Amend(T)	6-1-2011
635-041-0045	6-6-2011	Amend(T)	7-1-2011	635-042-0115	6-21-2011	Amend(T)	8-1-2011
635-041-0045	6-9-2011	Amend(T)	7-1-2011	635-042-0115(T)	6-21-2011	Suspend	8-1-2011
635-041-0045	6-16-2011	Amend(T)	7-1-2011	635-042-0130	12-1-2010	Amend(T)	1-1-2011
635-041-0045	7-10-2011	Amend(T)	8-1-2011	635-042-0130	3-21-2011	Amend	5-1-2011
635-041-0045	8-29-2011	Amend(T)	10-1-2011	635-042-0135	1-15-2011	Amend(T)	2-1-2011
635-041-0045(T)	5-10-2011	Suspend	6-1-2011	635-042-0145	2-13-2011	Amend(T)	3-1-2011
635-041-0045(T)	6-6-2011	Suspend	7-1-2011	635-042-0145	3-21-2011	Amend	5-1-2011
635-041-0045(T)	6-9-2011	Suspend	7-1-2011	635-042-0145	4-21-2011	Amend(T)	6-1-2011
635-041-0045(T)	6-16-2011	Suspend	7-1-2011	635-042-0145	4-28-2011	Amend(T)	6-1-2011
635-041-0045(T)	7-10-2011	Suspend	8-1-2011	635-042-0145	5-12-2011	Amend(T)	6-1-2011
635-041-0045(T)	8-29-2011	Suspend	10-1-2011	635-042-0145	5-18-2011	Amend(T)	7-1-2011
635-041-0063	8-1-2011	Amend(T)	9-1-2011	635-042-0145	6-27-2011	Amend(T)	8-1-2011
635-041-0065	2-1-2011	Amend(T)	3-1-2011	635-042-0145	8-3-2011	Amend(T)	9-1-2011
635-041-0065	2-10-2011	Amend(T)	3-1-2011	635-042-0145	9-5-2011	Amend(T)	10-1-2011
635-041-0065	3-21-2011	Amend	5-1-2011	635-042-0145(T)	4-21-2011	Suspend	6-1-2011
635-041-0065(T)	2-10-2011	Suspend	3-1-2011	635-042-0145(T)	4-28-2011	Suspend	6-1-2011



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-042-0145(T)	5-12-2011	Suspend	6-1-2011	635-046-0020	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	5-18-2011	Suspend	7-1-2011	635-046-0025	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	6-27-2011	Suspend	8-1-2011	635-046-0030	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	9-5-2011	Suspend	10-1-2011	635-046-0035	7-1-2011	Repeal	7-1-2011
635-042-0160	2-13-2011	Amend(T)	3-1-2011	635-046-0040	7-1-2011	Adopt	7-1-2011
635-042-0160	3-21-2011	Amend	5-1-2011	635-046-0045	7-1-2011	Adopt	7-1-2011
635-042-0160	4-21-2011	Amend(T)	6-1-2011	635-046-0050	7-1-2011	Adopt	7-1-2011
635-042-0160	5-11-2011	Amend(T)	6-1-2011	635-046-0055	7-1-2011	Adopt	7-1-2011
635-042-0160	8-15-2011	Amend(T)	9-1-2011	635-049-0025	1-1-2011	Amend(T)	2-1-2011
635-042-0160(T)	4-21-2011	Suspend	6-1-2011	635-049-0025	6-3-2011	Amend	7-1-2011
635-042-0160(T)	5-11-2011	Suspend	6-1-2011	635-049-0025	8-4-2011	Amend	9-1-2011
635-042-0170	2-13-2011	Amend(T)	3-1-2011	635-049-0025(T)	6-3-2011	Repeal	7-1-2011
635-042-0170	3-21-2011	Amend	5-1-2011	635-049-0265	1-1-2011	Amend(T)	2-1-2011
635-042-0170	4-21-2011	Amend(T)	6-1-2011	635-049-0265	6-3-2011	Amend	7-1-2011
635-042-0170	5-11-2011	Amend(T)	6-1-2011	635-049-0265(T)	6-3-2011	Repeal	7-1-2011
635-042-0170	8-15-2011	Amend(T)	9-1-2011	635-050-0045	7-1-2011	Amend	7-1-2011
635-042-0170	9-19-2011	Amend(T)	10-1-2011	635-051-0000	8-5-2011	Amend	9-1-2011
635-042-0170(T)	4-21-2011	Suspend	6-1-2011	635-051-0048	1-19-2011	Amend(T)	3-1-2011
635-042-0170(T)	5-11-2011	Suspend	6-1-2011	635-051-0048	8-5-2011	Amend	9-1-2011
635-042-0170(T)	9-19-2011	Suspend	10-1-2011	635-051-0065	8-19-2011	Amend(T)	10-1-2011
635-042-0180	2-13-2011	Amend(T)	3-1-2011	635-051-0076	1-28-2011	Adopt(T)	3-1-2011
635-042-0180	3-21-2011	Amend	5-1-2011	635-051-0076	7-1-2011	Suspend	7-1-2011
635-042-0180	4-21-2011	Amend(T)	6-1-2011	635-051-0078	1-28-2011	Adopt(T)	3-1-2011
635-042-0180	5-18-2011	Amend(T)	7-1-2011	635-051-0078	7-1-2011	Suspend	7-1-2011
635-042-0180	8-15-2011	Amend(T)	9-1-2011	635-052-0000	8-5-2011	Amend	9-1-2011
635-042-0180(T)	4-21-2011	Suspend	6-1-2011	635-053-0000	8-5-2011	Amend	9-1-2011
635-042-0180(T)	5-18-2011	Suspend	7-1-2011	635-054-0000	8-5-2011	Amend	9-1-2011
635-043-0051	5-4-2011	Amend	6-1-2011	635-054-0020	8-5-2011	Amend	9-1-2011
635-043-0051	6-3-2011	Amend	7-1-2011	635-055-0000	1-14-2011	Amend	2-1-2011
635-043-0100	1-28-2011	Amend(T)	3-1-2011	635-055-0000	8-9-2011	Am. & Ren.	9-1-2011
635-043-0100	7-1-2011	Repeal	7-1-2011	635-055-0001	8-9-2011	Adopt	9-1-2011
635-043-0105	8-5-2011	Amend	9-1-2011	635-055-0010	8-9-2011	Amend	9-1-2011
635-044-0000	2-15-2011	Amend	3-1-2011	635-055-0015	8-9-2011	Amend	9-1-2011
635-044-0060	2-15-2011	Amend	3-1-2011	635-055-0020	8-9-2011	Amend	9-1-2011
635-044-0200	7-1-2011	Amend	7-1-2011	635-055-0025	8-9-2011	Amend	9-1-2011
635-044-0205	7-1-2011	Amend	7-1-2011	635-055-0030	1-14-2011	Amend	2-1-2011
635-044-0210	7-1-2011	Amend	7-1-2011	635-055-0030	8-9-2011	Amend	9-1-2011
635-044-0215	7-1-2011	Amend	7-1-2011	635-055-0035	1-14-2011	Amend	2-1-2011
635-044-0220	7-1-2011	Repeal	7-1-2011	635-055-0035	8-9-2011	Amend	9-1-2011
635-044-0225	7-1-2011	Repeal	7-1-2011	635-055-0037	1-14-2011	Amend	2-1-2011
635-044-0230	7-1-2011	Repeal	7-1-2011	635-055-0037	8-9-2011	Amend	9-1-2011
635-044-0235	7-1-2011	Repeal	7-1-2011	635-055-0040	8-9-2011	Amend	9-1-2011
635-044-0240	7-1-2011	Adopt	7-1-2011	635-055-0050	8-9-2011	Amend	9-1-2011
635-044-0245	7-1-2011	Adopt	7-1-2011	635-055-0055	8-9-2011	Amend	9-1-2011
635-044-0250	7-1-2011	Adopt	7-1-2011	635-055-0060	8-9-2011	Amend	9-1-2011
635-044-0255	7-1-2011	Adopt	7-1-2011	635-055-0065	8-9-2011	Repeal	9-1-2011
635-044-0280	7-1-2011	Adopt	7-1-2011	635-055-0075	8-9-2011	Amend	9-1-2011
635-044-0300	7-1-2011	Adopt	7-1-2011	635-056-0000	2-15-2011	Amend	3-1-2011
635-044-0305	7-1-2011	Adopt	7-1-2011	635-056-0010	2-15-2011	Amend	3-1-2011
635-044-0310	7-1-2011	Adopt	7-1-2011	635-056-0020	2-15-2011	Amend	3-1-2011
635-045-0000	8-5-2011	Amend	9-1-2011	635-056-0050	2-15-2011	Amend	3-1-2011
635-045-0002	1-1-2011	Amend	2-1-2011	635-056-0050	7-1-2011	Amend	7-1-2011
635-046-0000	7-1-2011	Adopt	7-1-2011	635-056-0060	2-15-2011	Amend	3-1-2011
635-046-0005	7-1-2011	Repeal	7-1-2011	635-056-0060	7-1-2011	Amend	7-1-2011
635-046-0010	7-1-2011	Repeal	7-1-2011	635-056-0070	2-15-2011	Amend	3-1-2011
635-046-0015	7-1-2011	Repeal	7-1-2011	635-056-0070	7-1-2011	Amend	7-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-056-0075	2-15-2011	Amend	3-1-2011	635-170-0015	5-4-2011	Repeal	6-1-2011
635-056-0080	2-15-2011	Amend	3-1-2011	635-180-0015	5-4-2011	Repeal	6-1-2011
635-056-0130	2-15-2011	Amend	3-1-2011	635-190-0030	5-4-2011	Repeal	6-1-2011
635-057-0000	2-15-2011	Amend	3-1-2011	635-195-0010	5-4-2011	Repeal	6-1-2011
635-060-0000	8-5-2011	Amend	9-1-2011	635-200-0030	3-2-2011	Renumber	4-1-2011
635-060-0023	1-1-2011	Amend	2-1-2011	635-435-0035	7-1-2011	Amend(T)	8-1-2011
635-060-0030	1-1-2011	Amend	2-1-2011	635-500-0205	8-9-2011	Amend	9-1-2011
635-060-0055	1-1-2011	Amend	2-1-2011	635-500-0267	8-9-2011	Amend	9-1-2011
635-065-0001	1-1-2011	Amend	2-1-2011	635-500-0271	8-9-2011	Amend	9-1-2011
635-065-0012	8-1-2011	Adopt	8-1-2011	635-500-0810	8-9-2011	Amend	9-1-2011
635-065-0015	1-1-2011	Amend	2-1-2011	635-500-0840	8-9-2011	Amend	9-1-2011
635-065-0090	1-1-2011	Amend	2-1-2011	635-500-0960	8-9-2011	Amend	9-1-2011
635-065-0401	1-1-2011	Amend	2-1-2011	635-500-1000	8-9-2011	Amend	9-1-2011
635-065-0625	1-1-2011	Amend	2-1-2011	635-500-1010	8-9-2011	Amend	9-1-2011
635-065-0700	1-1-2011	Amend	2-1-2011	635-500-1020	8-9-2011	Amend	9-1-2011
635-065-0705	1-1-2011	Amend	2-1-2011	635-500-1150	8-9-2011	Amend	9-1-2011
635-065-0740	1-1-2011	Amend	2-1-2011	635-500-1160	8-9-2011	Amend	9-1-2011
635-065-0760	1-1-2011	Amend	2-1-2011	635-500-1280	8-9-2011	Amend	9-1-2011
635-065-0765	6-3-2011	Amend	7-1-2011	635-500-1290	8-9-2011	Amend	9-1-2011
635-066-0000	1-1-2011	Amend	2-1-2011	635-500-1300	8-9-2011	Amend	9-1-2011
635-067-0000	1-1-2011	Amend	2-1-2011	635-500-1370	8-9-2011	Amend	9-1-2011
635-067-0000	6-3-2011	Amend	7-1-2011	635-500-1380	8-9-2011	Amend	9-1-2011
635-067-0030	8-16-2011	Amend(T)	10-1-2011	635-500-1400	8-9-2011	Amend	9-1-2011
635-067-0030	8-19-2011	Amend(T)	10-1-2011	635-500-1410	8-9-2011	Amend	9-1-2011
635-067-0030(T)	8-19-2011	Suspend	10-1-2011	635-500-1420	8-9-2011	Amend	9-1-2011
635-067-0030	8-20-2011	Amend	8-1-2011	635-500-1440	8-9-2011	Amend	9-1-2011
635-067-0040	8-20-2011	Amend	8-1-2011	635-500-1470	8-9-2011	Amend	9-1-2011
635-068-0000	3-1-2011	Amend	3-1-2011	635-500-1480	8-9-2011	Amend	9-1-2011
635-068-0000	6-3-2011	Amend	7-1-2011	635-500-1490	8-9-2011	Amend	9-1-2011
635-069-0000	2-1-2011	Amend	3-1-2011	635-500-1500	8-9-2011	Amend	9-1-2011
635-069-0000	6-3-2011	Amend	7-1-2011	635-500-1520	8-9-2011	Amend	9-1-2011
635-070-0000	6-3-2011	Amend	7-1-2011	635-500-1620	8-9-2011	Amend	9-1-2011
635-071-0000	6-3-2011	Amend	7-1-2011	635-500-1630	8-9-2011	Amend	9-1-2011
635-072-0000	1-1-2011	Amend	2-1-2011	635-500-1661	8-9-2011	Amend	9-1-2011
635-073-0000	2-1-2011	Amend	3-1-2011	635-500-1662	8-9-2011	Amend	9-1-2011
635-073-0000	6-3-2011	Amend	7-1-2011	635-500-1663	8-9-2011	Amend	9-1-2011
635-073-0065	2-1-2011	Amend	3-1-2011	635-500-1664	8-9-2011	Amend	9-1-2011
635-073-0070	2-1-2011	Amend	3-1-2011	635-500-1665	8-9-2011	Amend	9-1-2011
635-073-0076	1-1-2011	Amend	2-1-2011	635-500-1666	8-9-2011	Amend	9-1-2011
635-075-0001	1-1-2011	Amend	2-1-2011	635-500-6600	8-9-2011	Adopt	9-1-2011
635-075-0003	6-3-2011	Amend	7-1-2011	635-500-6625	8-10-2011	Adopt	9-1-2011
635-075-0010	1-1-2011	Amend	2-1-2011	644-010-0010	1-1-2011	Amend(T)	1-1-2011
635-080-0016	1-1-2011	Amend	2-1-2011	644-010-0010	2-14-2011	Amend	3-1-2011
635-080-0021	1-1-2011	Amend	2-1-2011	644-010-0010(T)	2-14-2011	Repeal	3-1-2011
635-080-0023	1-1-2011	Amend	2-1-2011	646-040-0000	5-31-2011	Amend	7-1-2011
635-080-0026	1-1-2011	Amend	2-1-2011	647-010-0010	7-1-2011	Amend	6-1-2011
635-120-0020	5-4-2011	Repeal	6-1-2011	660-001-0000	12-8-2010	Amend	1-1-2011
635-135-0020	5-4-2011	Repeal	6-1-2011	660-001-0005	12-8-2010	Amend	1-1-2011
635-140-0000	5-4-2011	Amend	6-1-2011	660-001-0007	12-8-2010	Amend	1-1-2011
635-140-0005	5-4-2011	Amend	6-1-2011	660-001-0201	12-8-2010	Amend	1-1-2011
635-140-0010	5-4-2011	Amend	6-1-2011	660-001-0210	12-8-2010	Amend	1-1-2011
635-140-0015	5-4-2011	Adopt	6-1-2011	660-001-0220	12-8-2010	Amend	1-1-2011
635-140-0025	5-4-2011	Repeal	6-1-2011	660-001-0230	12-8-2010	Amend	1-1-2011
635-160-0000	5-4-2011	Amend	6-1-2011	660-003-0005	12-8-2010	Amend	1-1-2011
635-160-0030	5-4-2011	Repeal	6-1-2011	660-003-0010	12-8-2010	Amend	1-1-2011
635-170-0015	12-29-2010	Amend(T)	2-1-2011	660-003-0015	12-8-2010	Amend	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
660-004-0015	2-2-2011	Amend	3-1-2011	678-010-0040	7-1-2011	Amend(T)	8-1-2011
660-004-0015	3-16-2011	Amend	5-1-2011	678-030-0027	11-19-2010	Amend	1-1-2011
660-004-0018	2-2-2011	Amend	3-1-2011	690-095-0005	12-14-2010	Adopt	1-1-2011
660-004-0018	3-16-2011	Amend	5-1-2011	690-095-0010	12-14-2010	Adopt	1-1-2011
660-004-0020	2-2-2011	Amend	3-1-2011	690-095-0015	12-14-2010	Adopt	1-1-2011
660-004-0020	3-16-2011	Amend	5-1-2011	690-095-0020	12-14-2010	Adopt	1-1-2011
660-004-0022	2-2-2011	Amend	3-1-2011	690-095-0025	12-14-2010	Adopt	1-1-2011
660-004-0022	3-16-2011	Amend	5-1-2011	690-095-0030	12-14-2010	Adopt	1-1-2011
660-004-0025	2-2-2011	Amend	3-1-2011	690-095-0035	12-14-2010	Adopt	1-1-2011
660-004-0025	3-16-2011	Amend	5-1-2011	690-095-0040	12-14-2010	Adopt	1-1-2011
660-004-0028	2-2-2011	Amend	3-1-2011	690-095-0045	12-14-2010	Adopt	1-1-2011
660-004-0028	3-16-2011	Amend	5-1-2011	690-095-0050	12-14-2010	Adopt	1-1-2011
660-004-0030	2-2-2011	Amend	3-1-2011	690-095-0055	12-14-2010	Adopt	1-1-2011
660-004-0030	3-16-2011	Amend	5-1-2011	690-095-0060	12-14-2010	Adopt	1-1-2011
660-004-0035	2-2-2011	Amend	3-1-2011	690-095-0065	12-14-2010	Adopt	1-1-2011
660-004-0035	3-16-2011	Amend	5-1-2011	690-095-0070	12-14-2010	Adopt	1-1-2011
660-004-0040	2-2-2011	Amend	3-1-2011	690-095-0075	12-14-2010	Adopt	1-1-2011
660-004-0040	3-16-2011	Amend	5-1-2011	690-095-0080	12-14-2010	Adopt	1-1-2011
660-006-0000	2-2-2011	Amend	3-1-2011	690-095-0085	12-14-2010	Adopt	1-1-2011
660-006-0003	2-2-2011	Amend	3-1-2011	690-095-0090	12-14-2010	Adopt	1-1-2011
660-006-0004	2-2-2011	Amend	3-1-2011	690-095-0095	12-14-2010	Adopt	1-1-2011
660-006-0005	2-2-2011	Amend	3-1-2011	690-095-0100	12-14-2010	Adopt	1-1-2011
660-006-0010	2-2-2011	Amend	3-1-2011	731-001-0005	5-27-2011	Amend	7-1-2011
660-006-0015	2-2-2011	Amend	3-1-2011	731-017-0005	12-22-2010	Adopt	2-1-2011
660-006-0020	2-2-2011	Amend	3-1-2011	731-017-0010	12-22-2010	Adopt	2-1-2011
660-006-0025	2-2-2011	Amend	3-1-2011	731-017-0015	12-22-2010	Adopt	2-1-2011
660-006-0026	2-2-2011	Amend	3-1-2011	731-017-0020	12-22-2010	Adopt	2-1-2011
660-006-0027	2-2-2011	Amend	3-1-2011	731-017-0025	12-22-2010	Adopt	2-1-2011
660-006-0029	2-2-2011	Amend	3-1-2011	731-017-0030	12-22-2010	Adopt	2-1-2011
660-006-0031	2-2-2011	Amend	3-1-2011	731-017-0035	12-22-2010	Adopt	2-1-2011
660-006-0035	2-2-2011	Amend	3-1-2011	731-017-0040	12-22-2010	Adopt	2-1-2011
660-006-0040	2-2-2011	Amend	3-1-2011	731-017-0045	12-22-2010	Adopt	2-1-2011
660-006-0050	2-2-2011	Amend	3-1-2011	731-017-0050	12-22-2010	Adopt	2-1-2011
660-006-0055	2-2-2011	Amend	3-1-2011	731-017-0055	12-22-2010	Adopt	2-1-2011
660-006-0057	2-2-2011	Amend	3-1-2011	731-035-0070	12-22-2010	Amend	2-1-2011
660-006-0060	2-2-2011	Amend	3-1-2011	734-020-0010	5-27-2011	Amend	7-1-2011
660-033-0010	3-16-2011	Amend	5-1-2011	734-020-0014	5-27-2011	Amend	7-1-2011
660-033-0020	3-16-2011	Amend	5-1-2011	734-020-0015	5-27-2011	Amend	7-1-2011
660-033-0030	3-16-2011	Amend	5-1-2011	734-020-0016	5-27-2011	Amend	7-1-2011
660-033-0120	3-16-2011	Amend	5-1-2011	734-020-0017	5-27-2011	Amend	7-1-2011
660-033-0130	11-23-2010	Amend	1-1-2011	734-024-0005	5-27-2011	Adopt	7-1-2011
660-033-0130	3-16-2011	Amend	5-1-2011	734-024-0015	5-27-2011	Adopt	7-1-2011
660-033-0130(T)	11-23-2010	Repeal	1-1-2011	734-024-0020	5-27-2011	Adopt	7-1-2011
660-033-0135	3-16-2011	Amend	5-1-2011	734-024-0030	5-27-2011	Adopt	7-1-2011
660-033-0140	3-16-2011	Amend	5-1-2011	734-024-0040	5-27-2011	Adopt	7-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
734-051-0020	1-19-2011	Amend	3-1-2011	734-076-0165	5-27-2011	Amend	7-1-2011
734-051-0020(T)	1-19-2011	Repeal	3-1-2011	734-076-0175	5-27-2011	Amend	7-1-2011
734-051-0040	1-19-2011	Amend	3-1-2011	734-077-0010	5-27-2011	Amend	7-1-2011
734-051-0040(T)	1-19-2011	Repeal	3-1-2011	734-078-0020	5-27-2011	Amend	7-1-2011
734-051-0045	1-19-2011	Amend	3-1-2011	734-079-0005	5-27-2011	Amend	7-1-2011
734-051-0045(T)	1-19-2011	Repeal	3-1-2011	734-079-0015	5-27-2011	Amend	7-1-2011
734-051-0070	1-19-2011	Amend	3-1-2011	734-082-0025	6-21-2011	Amend	8-1-2011
734-051-0070(T)	1-19-2011	Repeal	3-1-2011	734-082-0035	5-27-2011	Amend	7-1-2011
734-051-0080	1-19-2011	Amend	3-1-2011	734-082-0040	5-27-2011	Amend	7-1-2011
734-051-0080(T)	1-19-2011	Repeal	3-1-2011	734-082-0070	5-27-2011	Amend	7-1-2011
734-051-0135	1-19-2011	Amend	3-1-2011	734-082-0080	5-27-2011	Amend	7-1-2011
734-051-0135(T)	1-19-2011	Repeal	3-1-2011	735-032-0065	12-22-2010	Adopt	2-1-2011
734-051-0245	1-19-2011	Amend	3-1-2011	735-034-0000	3-16-2011	Amend	5-1-2011
734-051-0245(T)	1-19-2011	Repeal	3-1-2011	735-034-0005	3-16-2011	Amend	5-1-2011
734-051-0255	1-19-2011	Amend	3-1-2011	735-034-0010	3-16-2011	Amend	5-1-2011
734-051-0255(T)	1-19-2011	Repeal	3-1-2011	735-040-0098	1-28-2011	Amend	3-1-2011
734-051-0295	1-19-2011	Amend	3-1-2011	735-040-0098(T)	1-28-2011	Repeal	3-1-2011
734-051-0295(T)	1-19-2011	Repeal	3-1-2011	735-046-0050	1-1-2011	Amend	2-1-2011
734-051-0315	1-19-2011	Amend	3-1-2011	735-060-0000	1-1-2011	Amend	1-1-2011
734-051-0315(T)	1-19-2011	Repeal	3-1-2011	735-060-0120	1-1-2011	Amend	1-1-2011
734-051-0345	1-19-2011	Amend	3-1-2011	735-062-0002	1-1-2011	Amend	1-1-2011
734-051-0345(T)	1-19-2011	Repeal	3-1-2011	735-062-0016	6-21-2011	Amend	8-1-2011
734-051-0500	1-19-2011	Amend	3-1-2011	735-062-0070	1-1-2011	Amend	1-1-2011
734-051-0500(T)	1-19-2011	Repeal	3-1-2011	735-062-0200	1-1-2011	Amend	1-1-2011
734-051-0530	1-19-2011	Amend	3-1-2011	735-063-0000	6-21-2011	Amend	8-1-2011
734-051-0530(T)	1-19-2011	Repeal	3-1-2011	735-063-0050	6-21-2011	Amend	8-1-2011
734-060-0000	9-29-2011	Amend(T)	10-1-2011	735-063-0060	6-21-2011	Amend	8-1-2011
734-060-0007	9-29-2011	Adopt(T)	10-1-2011	735-063-0065	6-21-2011	Amend	8-1-2011
734-070-0005	5-27-2011	Amend	7-1-2011	735-063-0070	6-21-2011	Amend	8-1-2011
734-070-0010	5-27-2011	Amend	7-1-2011	735-064-0020	7-22-2011	Amend	9-1-2011
734-070-0017	1-28-2011	Adopt	3-1-2011	735-072-0020	3-2-2011	Amend	4-1-2011
734-070-0025	5-27-2011	Amend	7-1-2011	735-072-0050	3-2-2011	Amend	4-1-2011
734-071-0010	5-27-2011	Amend	7-1-2011	735-074-0210	6-21-2011	Amend	8-1-2011
734-072-0010	5-27-2011	Amend	7-1-2011	735-074-0212	6-21-2011	Amend	8-1-2011
734-072-0015	5-27-2011	Amend	7-1-2011	735-076-0050	6-21-2011	Amend	8-1-2011
734-072-0020	5-27-2011	Amend	7-1-2011	735-076-0052	6-21-2011	Amend	8-1-2011
734-072-0022	5-27-2011	Amend	7-1-2011	735-080-0020	3-16-2011	Amend	5-1-2011
734-072-0023	5-27-2011	Amend	7-1-2011	735-080-0040	3-16-2011	Amend	5-1-2011
734-072-0030	5-27-2011	Amend	7-1-2011	735-080-0046	3-16-2011	Adopt	5-1-2011
734-073-0050	5-27-2011	Amend	7-1-2011	735-090-0000	1-1-2011	Amend	2-1-2011
734-073-0056	5-27-2011	Amend	7-1-2011	735-090-0020	1-1-2011	Amend	2-1-2011
734-073-0065	5-27-2011	Amend	7-1-2011	735-090-0042	1-1-2011	Adopt	2-1-2011
734-074-0020	5-27-2011	Amend	7-1-2011	735-090-0101	1-1-2011	Amend	2-1-2011
734-074-0023	5-27-2011	Amend	7-1-2011	735-100-0030	2-18-2011	Am. & Ren.	4-1-2011
734-074-0051	5-27-2011	Amend	7-1-2011	735-150-0015	4-22-2011	Amend	6-1-2011
734-075-0010	6-21-2011	Amend	8-1-2011	735-150-0055	1-1-2011	Amend	2-1-2011
734-075-0025	6-21-2011	Amend	8-1-2011	735-154-0005	3-16-2011	Amend	5-1-2011
734-075-0035	5-27-2011	Amend	7-1-2011	735-176-0000	1-1-2011	Amend	1-1-2011
734-075-0065	5-27-2011	Repeal	7-1-2011	735-176-0010	1-1-2011	Amend	1-1-2011
734-075-0075	5-27-2011	Repeal	7-1-2011	735-176-0017	1-1-2011	Amend	1-1-2011
734-075-0080	5-27-2011	Repeal	7-1-2011	735-176-0019	1-1-2011	Amend	1-1-2011
734-075-0085	5-27-2011	Adopt	7-1-2011	735-176-0020	1-1-2011	Amend	1-1-2011
734-076-0005	5-27-2011	Amend	7-1-2011	735-176-0021	1-1-2011	Amend	1-1-2011
734-076-0015	5-27-2011	Amend	7-1-2011	735-176-0022	1-1-2011	Amend	1-1-2011
734-076-0075	5-27-2011	Amend	7-1-2011	735-176-0023	1-1-2011	Adopt	1-1-2011
734-076-0115	5-27-2011	Amend	7-1-2011	735-176-0030	1-1-2011	Amend	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
736-010-0015	3-24-2011	Amend(T)	5-1-2011	740-100-0010	5-27-2011	Amend	7-1-2011
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
736-010-0030(T)	8-1-2011	Repeal	9-1-2011	740-200-0040	2-18-2011	Amend	4-1-2011
736-010-0050	8-1-2011	Amend	9-1-2011	741-125-0010	12-22-2010	Repeal	2-1-2011
736-010-0066	2-15-2011	Adopt	3-1-2011	800-010-0015	2-1-2011	Amend	3-1-2011
736-015-0006	8-1-2011	Amend	9-1-2011	800-010-0030	2-1-2011	Amend	3-1-2011
736-015-0015	8-1-2011	Amend	9-1-2011	800-010-0040	2-1-2011	Amend	3-1-2011
736-015-0035	8-1-2011	Amend	9-1-2011	800-010-0041	2-1-2011	Amend	3-1-2011
736-019-0000	3-30-2011	Amend	5-1-2011	800-010-0050	2-1-2011	Amend	3-1-2011
736-019-0020	3-30-2011	Amend	5-1-2011	800-010-0050	7-1-2012	Amend	7-1-2011
736-019-0040	3-30-2011	Amend	5-1-2011	800-015-0010	2-1-2011	Amend	3-1-2011
736-019-0060	3-30-2011	Amend	5-1-2011	800-015-0015	2-1-2011	Amend	3-1-2011
736-019-0070	3-30-2011	Adopt	5-1-2011	800-015-0030	2-1-2011	Amend	3-1-2011
736-019-0080	3-30-2011	Amend	5-1-2011	800-020-0015	2-1-2011	Amend	3-1-2011
736-019-0100	3-30-2011	Amend	5-1-2011	800-020-0015	7-1-2012	Amend	7-1-2011
736-019-0120	3-30-2011	Amend	5-1-2011	800-020-0020	7-1-2011	Amend	3-1-2011
736-201-0000	8-15-2011	Amend	9-1-2011	800-020-0025	2-1-2011	Amend	3-1-2011
736-201-0005	8-15-2011	Amend	9-1-2011	800-020-0025	7-1-2011	Amend	3-1-2011
736-201-0015	8-15-2011	Amend	9-1-2011	800-020-0026	2-1-2011	Amend	3-1-2011
736-201-0020	8-15-2011	Amend	9-1-2011	800-025-0020	2-1-2011	Amend	3-1-2011
736-201-0030	8-15-2011	Amend	9-1-2011	800-025-0023	2-1-2011	Amend	3-1-2011
736-201-0035	8-15-2011	Amend	9-1-2011	800-025-0025	2-1-2011	Amend	3-1-2011
736-201-0040	8-15-2011	Amend	9-1-2011	800-025-0027	2-1-2011	Amend	3-1-2011
736-201-0042	8-15-2011	Adopt	9-1-2011	800-025-0030	2-1-2011	Amend	3-1-2011
736-201-0050	8-15-2011	Amend	9-1-2011	800-025-0050	2-1-2011	Amend	3-1-2011
736-201-0060	8-15-2011	Amend	9-1-2011	800-025-0060	2-1-2011	Amend	3-1-2011
736-201-0065	8-15-2011	Amend	9-1-2011	800-030-0025	2-1-2011	Amend	3-1-2011
736-201-0070	8-15-2011	Amend	9-1-2011	800-030-0030	2-1-2011	Adopt	3-1-2011
736-201-0075	8-15-2011	Amend	9-1-2011	800-030-0050	2-1-2011	Amend	3-1-2011
736-201-0080	8-15-2011	Amend	9-1-2011	801-001-0035	1-1-2011	Amend	1-1-2011
736-201-0095	8-15-2011	Amend	9-1-2011	801-005-0010	1-1-2011	Amend	1-1-2011
736-201-0115	8-15-2011	Amend	9-1-2011	801-010-0010	1-1-2011	Amend	1-1-2011
736-201-0120	8-15-2011	Amend	9-1-2011	801-010-0050	1-1-2011	Amend	1-1-2011
736-201-0125	8-15-2011	Amend	9-1-2011	801-010-0060	1-1-2011	Amend	1-1-2011
736-201-0130	8-15-2011	Amend	9-1-2011	801-010-0065	1-1-2011	Amend	1-1-2011
736-201-0135	8-15-2011	Amend	9-1-2011	801-010-0073	1-1-2011	Amend	1-1-2011
736-201-0145	8-15-2011	Amend	9-1-2011	801-010-0075	1-1-2011	Amend	1-1-2011
736-201-0150	8-15-2011	Amend	9-1-2011	801-010-0078	1-1-2011	Amend	1-1-2011
736-201-0155	8-15-2011	Amend	9-1-2011	801-010-0079	1-1-2011	Amend	1-1-2011
736-201-0160	8-15-2011	Amend	9-1-2011	801-010-0080	1-1-2011	Amend	1-1-2011
736-201-0165	8-15-2011	Amend	9-1-2011	801-010-0100	1-1-2011	Amend	1-1-2011
736-201-0170	8-15-2011	Amend	9-1-2011	801-010-0110	1-1-2011	Amend	1-1-2011
736-201-0175	8-15-2011	Amend	9-1-2011	801-010-0115	1-1-2011	Amend	1-1-2011
736-201-0180	8-15-2011	Amend	9-1-2011	801-010-0120	1-1-2011	Amend	1-1-2011
737-010-0020	1-28-2011	Amend	3-1-2011	801-010-0125	1-1-2011	Amend	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	812-004-1440	9-9-2011	Adopt(T)	10-1-2011
808-001-0008	6-17-2011	Amend	8-1-2011	812-004-1440(T)	9-9-2011	Suspend	10-1-2011
808-001-0020	5-25-2011	Amend	7-1-2011	812-004-1450	7-8-2011	Adopt(T)	8-1-2011
808-002-0020	1-28-2011	Amend(T)	3-1-2011	812-004-1460	7-8-2011	Adopt(T)	8-1-2011
808-002-0020	6-17-2011	Amend	8-1-2011	812-004-1480	7-8-2011	Adopt(T)	8-1-2011
808-002-0020(T)	6-17-2011	Repeal	8-1-2011	812-004-1490	7-8-2011	Adopt(T)	8-1-2011
808-002-0200	8-1-2011	Amend	9-1-2011	812-004-1500	7-8-2011	Adopt(T)	8-1-2011
808-002-0455	8-1-2011	Amend	9-1-2011	812-004-1505	7-8-2011	Adopt(T)	8-1-2011
808-002-0500	8-1-2011	Amend	9-1-2011	812-004-1510	7-8-2011	Adopt(T)	8-1-2011
808-002-0620	8-1-2011	Amend	9-1-2011	812-004-1520	7-8-2011	Adopt(T)	8-1-2011
808-003-0015	8-1-2011	Amend	9-1-2011	812-004-1530	7-8-2011	Adopt(T)	8-1-2011
808-003-0018	5-25-2011	Amend	7-1-2011	812-004-1537	7-8-2011	Adopt(T)	8-1-2011
808-003-0130	1-27-2011	Amend	3-1-2011	812-004-1600	7-8-2011	Adopt(T)	8-1-2011
808-005-0020	8-1-2011	Amend	9-1-2011	812-005-0800	3-1-2011	Amend	4-1-2011
808-030-0010	8-1-2011	Amend	9-1-2011	812-005-0800	7-1-2011	Amend	8-1-2011
808-030-0015	8-1-2011	Adopt	9-1-2011	812-006-0150	3-1-2011	Amend	4-1-2011
808-030-0018	8-1-2011	Adopt	9-1-2011	812-006-0250	3-1-2011	Amend	4-1-2011
808-040-0025	6-17-2011	Amend	8-1-2011	812-007-0031	5-1-2011	Adopt	6-1-2011
808-040-0040	6-17-2011	Amend	8-1-2011	812-007-0032	5-1-2011	Adopt	6-1-2011
809-010-0001	7-1-2011	Amend	8-1-2011	812-007-0323	12-22-2010	Adopt(T)	2-1-2011
809-010-0025	7-1-2011	Amend	8-1-2011	812-007-0323	3-1-2011	Adopt	4-1-2011
809-030-0025	7-1-2011	Amend	8-1-2011	812-007-0323(T)	3-1-2011	Repeal	4-1-2011
809-050-0005	7-1-2011	Adopt	8-1-2011	812-008-0065	5-1-2011	Adopt	6-1-2011
811-015-0036	6-13-2011	Adopt	7-1-2011	812-008-0070	3-1-2011	Amend	4-1-2011
812-001-0200	12-1-2010	Amend(T)	1-1-2011	812-008-0072	3-1-2011	Amend	4-1-2011
812-001-0200	3-1-2011	Amend	4-1-2011	812-008-0074	1-1-2011	Amend	2-1-2011
812-001-0200	5-1-2011	Amend	6-1-2011	812-008-0074	3-1-2011	Amend	4-1-2011
812-001-0200(T)	3-1-2011	Repeal	4-1-2011	812-008-0077	5-1-2011	Adopt	6-1-2011
812-001-0290	3-1-2011	Amend	4-1-2011	812-008-0209	5-1-2011	Amend	6-1-2011
812-002-0320	1-1-2011	Amend	2-1-2011	812-009-0010	7-8-2011	Amend(T)	8-1-2011
812-002-0640	5-1-2011	Amend	6-1-2011	812-010-0020	7-8-2011	Amend(T)	8-1-2011
812-002-0677	1-1-2011	Adopt	2-1-2011	812-020-0090	1-1-2011	Amend	2-1-2011
812-002-0700	5-1-2011	Amend	6-1-2011	812-021-0015	7-1-2011	Amend(T)	8-1-2011
812-003-0310	5-1-2011	Amend	6-1-2011	812-021-0016	4-28-2011	Amend(T)	6-1-2011
812-003-0320	5-1-2011	Amend	6-1-2011	812-021-0016	7-1-2011	Amend	8-1-2011
812-003-0321	5-1-2011	Adopt	6-1-2011	812-021-0016(T)	7-1-2011	Repeal	8-1-2011
812-004-0001	7-8-2011	Amend(T)	8-1-2011	812-021-0019	7-1-2011	Amend	8-1-2011
812-004-1001	7-8-2011	Adopt(T)	8-1-2011	812-021-0021	7-1-2011	Adopt(T)	8-1-2011
812-004-1110	7-8-2011	Adopt(T)	8-1-2011	812-021-0021	9-2-2011	Adopt(T)	10-1-2011
812-004-1120	7-8-2011	Adopt(T)	8-1-2011	812-021-0021(T)	9-2-2011	Suspend	10-1-2011
812-004-1140	7-8-2011	Adopt(T)	8-1-2011	812-021-0028	7-1-2011	Amend(T)	8-1-2011
812-004-1160	7-8-2011	Adopt(T)	8-1-2011	812-025-0000	1-1-2011	Adopt	2-1-2011
812-004-1180	7-8-2011	Adopt(T)	8-1-2011	812-025-0005	1-1-2011	Adopt	2-1-2011
812-004-1195	7-8-2011	Adopt(T)	8-1-2011	812-025-0010	1-1-2011	Adopt	2-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-025-0015	1-1-2011	Adopt	2-1-2011	813-065-0240	3-1-2011	Adopt(T)	4-1-2011
812-025-0020	1-1-2011	Adopt	2-1-2011	813-065-0240	8-26-2011	Adopt	10-1-2011
812-025-0025	1-1-2011	Adopt	2-1-2011	813-065-0240(T)	8-26-2011	Repeal	10-1-2011
812-025-0030	1-1-2011	Adopt	2-1-2011	813-230-0000	2-7-2011	Amend	3-1-2011
812-025-0032	5-1-2011	Adopt	6-1-2011	813-230-0000(T)	2-7-2011	Repeal	3-1-2011
812-025-0035	1-1-2011	Adopt	2-1-2011	813-230-0005	2-7-2011	Amend	3-1-2011
812-025-0040	1-1-2011	Adopt	2-1-2011	813-230-0005(T)	2-7-2011	Repeal	3-1-2011
812-025-0045	1-1-2011	Adopt	2-1-2011	813-230-0007	2-7-2011	Adopt	3-1-2011
812-030-0223	5-1-2011	Adopt	6-1-2011	813-230-0007(T)	2-7-2011	Repeal	3-1-2011
812-030-0235	5-1-2011	Adopt	6-1-2011	813-230-0015	2-7-2011	Amend	3-1-2011
813-001-0060	12-1-2010	Adopt(T)	1-1-2011	813-230-0015(T)	2-7-2011	Repeal	3-1-2011
813-001-0060	8-25-2011	Adopt	7-1-2011	817-005-0005	5-5-2011	Amend	6-1-2011
813-001-0060(T)	8-25-2011	Repeal	7-1-2011	817-010-0065	5-5-2011	Amend	6-1-2011
813-007-0055	3-21-2011	Repeal	5-1-2011	817-010-0090	5-5-2011	Repeal	6-1-2011
813-007-0057	3-21-2011	Adopt	5-1-2011	817-020-0006	5-5-2011	Amend	6-1-2011
813-007-0060	3-21-2011	Repeal	5-1-2011	817-030-0005	3-1-2011	Amend(T)	4-1-2011
813-008-0005	3-1-2011	Am. & Ren.(T)	4-1-2011	817-030-0005	5-5-2011	Amend	6-1-2011
813-008-0005	8-26-2011	Am. & Ren.	10-1-2011	817-030-0005(T)	5-5-2011	Repeal	6-1-2011
813-008-0010	3-1-2011	Suspend	4-1-2011	817-030-0015	3-1-2011	Amend(T)	4-1-2011
813-008-0010	8-26-2011	Repeal	10-1-2011	817-030-0015	5-5-2011	Repeal	6-1-2011
813-008-0015	3-1-2011	Am. & Ren.(T)	4-1-2011	817-030-0018	3-1-2011	Amend(T)	4-1-2011
813-008-0015	8-26-2011	Am. & Ren.	10-1-2011	817-030-0018	5-5-2011	Repeal	6-1-2011
813-008-0020	3-1-2011	Suspend	4-1-2011	817-030-0020	5-5-2011	Repeal	6-1-2011
813-008-0020	8-26-2011	Repeal	10-1-2011	817-030-0030	5-5-2011	Amend	6-1-2011
813-008-0025	3-1-2011	Suspend	4-1-2011	817-030-0040	5-5-2011	Repeal	6-1-2011
813-008-0025	8-26-2011	Repeal	10-1-2011	817-030-0045	5-5-2011	Repeal	6-1-2011
813-008-0030	3-1-2011	Suspend	4-1-2011	817-030-0055	5-5-2011	Repeal	6-1-2011
813-008-0030	8-26-2011	Repeal	10-1-2011	817-030-0065	5-5-2011	Amend	6-1-2011
813-008-0040	3-1-2011	Suspend	4-1-2011	817-030-0071	5-5-2011	Adopt	6-1-2011
813-008-0040	8-26-2011	Repeal	10-1-2011	817-035-0010	5-5-2011	Amend	6-1-2011
813-041-0020	12-15-2010	Amend	1-1-2011	817-035-0030	5-5-2011	Repeal	6-1-2011
813-042-0030	2-17-2011	Amend	4-1-2011	817-035-0050	3-1-2011	Amend(T)	4-1-2011
813-043-0030	2-17-2011	Amend	4-1-2011	817-035-0050	5-5-2011	Amend	6-1-2011
813-065-0120	3-1-2011	Adopt(T)	4-1-2011	817-035-0050(T)	5-5-2011	Repeal	6-1-2011
813-065-0120	8-26-2011	Adopt	10-1-2011	817-035-0070	5-5-2011	Amend	6-1-2011
813-065-0120(T)	8-26-2011	Repeal	10-1-2011	817-035-0110	5-5-2011	Amend	6-1-2011
813-065-0130	3-1-2011	Adopt(T)	4-1-2011	817-040-0003	3-1-2011	Amend(T)	4-1-2011
813-065-0130	8-26-2011	Adopt	10-1-2011	817-040-0003	5-5-2011	Amend	6-1-2011
813-065-0130(T)	8-26-2011	Repeal	10-1-2011	817-040-0003	6-1-2011	Amend	7-1-2011
813-065-0140	3-1-2011	Adopt(T)	4-1-2011	817-040-0003(T)	5-5-2011	Repeal	6-1-2011
813-065-0140	8-26-2011	Adopt	10-1-2011	817-060-0050	5-5-2011	Adopt	6-1-2011
813-065-0140(T)	8-26-2011	Repeal	10-1-2011	817-060-0050(T)	5-5-2011	Repeal	6-1-2011
813-065-0150	3-1-2011	Adopt(T)	4-1-2011	817-090-0025	5-5-2011	Amend	6-1-2011
813-065-0150	8-26-2011	Adopt	10-1-2011	817-090-0025	9-13-2011	Amend(T)	10-1-2011
813-065-0150(T)	8-26-2011	Repeal	10-1-2011	817-090-0035	5-5-2011	Amend	6-1-2011
813-065-0200	3-1-2011	Adopt(T)	4-1-2011	817-090-0035	9-13-2011	Amend(T)	10-1-2011
813-065-0200	8-26-2011	Adopt	10-1-2011	817-090-0045	5-5-2011	Amend	6-1-2011
813-065-0210	3-1-2011	Adopt(T)	4-1-2011	817-090-0045	9-13-2011	Amend(T)	10-1-2011
813-065-0210	8-26-2011	Adopt	10-1-2011	817-090-0050	5-5-2011	Amend	6-1-2011
813-065-0210(T)	8-26-2011	Repeal	10-1-2011	817-090-0055	5-5-2011	Amend	6-1-2011
813-065-0220	3-1-2011	Adopt(T)	4-1-2011	817-090-0065	5-5-2011	Amend	6-1-2011
813-065-0220	8-26-2011	Adopt	10-1-2011	817-090-0070	5-5-2011	Amend	6-1-2011
813-065-0220(T)	8-26-2011	Repeal	10-1-2011	817-090-0075	5-5-2011	Amend	6-1-2011
813-065-0230	3-1-2011	Adopt(T)	4-1-2011	817-090-0080	5-5-2011	Amend	6-1-2011
813-065-0230	8-26-2011	Adopt	10-1-2011	817-090-0085	5-5-2011	Amend	6-1-2011
813-065-0230(T)	8-26-2011	Repeal	10-1-2011	817-090-0090	5-5-2011	Amend	6-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
817-090-0095	5-5-2011	Amend	6-1-2011	830-020-0010	8-1-2011	Amend	9-1-2011
817-090-0100	5-5-2011	Amend	6-1-2011	830-020-0020	8-1-2011	Amend	9-1-2011
817-090-0105	5-5-2011	Amend	6-1-2011	830-020-0030	8-1-2011	Amend	9-1-2011
817-090-0105	9-13-2011	Amend(T)	10-1-2011	830-020-0040	8-1-2011	Amend	9-1-2011
817-090-0110	5-5-2011	Amend	6-1-2011	830-030-0000	8-1-2011	Amend	9-1-2011
817-090-0115	5-5-2011	Amend	6-1-2011	830-030-0004	8-1-2011	Amend	9-1-2011
817-120-0005	9-13-2011	Amend(T)	10-1-2011	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
820-010-0520	1-14-2011	Amend	2-1-2011	836-031-0620	2-23-2011	Amend	4-1-2011
820-010-0635	5-12-2011	Amend	6-1-2011	836-031-0630	2-23-2011	Amend	4-1-2011
830-011-0000	8-1-2011	Amend	9-1-2011	836-031-0640	2-23-2011	Amend	4-1-2011
830-011-0010	8-1-2011	Amend	9-1-2011	836-031-0650	2-23-2011	Repeal	4-1-2011
830-011-0020	8-1-2011	Amend	9-1-2011	836-031-0660	2-23-2011	Repeal	4-1-2011
830-011-0030	8-1-2011	Repeal	9-1-2011	836-031-0670	2-23-2011	Amend	4-1-2011
830-011-0050	8-1-2011	Amend	9-1-2011	836-031-0680	2-23-2011	Amend	4-1-2011
830-011-0070	8-1-2011	Amend	9-1-2011	836-031-0690	2-23-2011	Amend	4-1-2011
830-011-0080	8-1-2011	Amend	9-1-2011	836-051-0030	2-23-2011	Adopt	4-1-2011
830-020-0000	8-1-2011	Amend	9-1-2011	836-051-0032	2-23-2011	Adopt	4-1-2011



## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
836-100-0030	7-5-2011	Adopt	8-1-2011	839-025-0230	1-1-2011	Amend	2-1-2011
836-100-0035	7-5-2011	Adopt	8-1-2011	839-025-0530	6-8-2011	Amend(T)	7-1-2011
836-100-0040	7-5-2011	Adopt	8-1-2011	839-025-0700	1-1-2011	Amend	2-1-2011
836-100-0045	7-5-2011	Adopt	8-1-2011	839-025-0700	4-1-2011	Amend	5-1-2011
836-100-0100	7-15-2011	Adopt	8-1-2011	839-025-0700	7-1-2011	Amend	8-1-2011
836-100-0105	7-15-2011	Adopt	8-1-2011	839-050-0440	2-1-2011	Amend	3-1-2011
836-100-0110	7-15-2011	Adopt	8-1-2011	839-050-0445	2-1-2011	Amend	3-1-2011
836-100-0115	7-15-2011	Adopt	8-1-2011	845-003-0670	1-1-2011	Amend	2-1-2011
836-100-0120	7-15-2011	Adopt	8-1-2011	845-005-0311	3-1-2011	Amend	4-1-2011
837-012-0315	1-1-2011	Amend(T)	2-1-2011	845-005-0331	3-1-2011	Amend	4-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
847-001-0022	4-25-2011	Adopt	6-1-2011	851-002-0040	11-29-2010	Amend	1-1-2011
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
847-050-0027	2-11-2011	Amend	3-1-2011	851-063-0030	6-23-2011	Amend(T)	7-1-2011
847-050-0031	7-13-2011	Repeal	8-1-2011	851-070-0000	12-2-2010	Adopt	1-1-2011
847-050-0032	7-13-2011	Repeal	8-1-2011	851-070-0000(T)	12-2-2010	Repeal	1-1-2011
847-065-0005	2-11-2011	Amend	3-1-2011	851-070-0005	12-2-2010	Adopt	1-1-2011
847-065-0010	4-25-2011	Amend	6-1-2011	851-070-0005(T)	12-2-2010	Repeal	1-1-2011
847-065-0015	4-25-2011	Amend	6-1-2011	851-070-0010	12-2-2010	Adopt	1-1-2011
847-065-0020	4-25-2011	Amend	6-1-2011	851-070-0010(T)	12-2-2010	Repeal	1-1-2011
847-065-0025	4-25-2011	Amend	6-1-2011	851-070-0020	12-2-2010	Adopt	1-1-2011
847-065-0030	4-25-2011	Amend	6-1-2011	851-070-0020(T)	12-2-2010	Repeal	1-1-2011
847-065-0035	4-25-2011	Amend	6-1-2011	851-070-0030	12-2-2010	Adopt	1-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
855-011-0005(T)	12-23-2010	Repeal	2-1-2011	859-300-0030	2-15-2011	Adopt	3-1-2011
855-011-0020	12-23-2010	Adopt	2-1-2011	859-300-0030(T)	2-15-2011	Repeal	3-1-2011
855-011-0020(T)	12-23-2010	Repeal	2-1-2011	859-300-0040	2-15-2011	Adopt	3-1-2011
855-011-0030	12-23-2010	Adopt	2-1-2011	859-300-0040(T)	2-15-2011	Repeal	3-1-2011
855-011-0030(T)	12-23-2010	Repeal	2-1-2011	859-300-0050	2-15-2011	Adopt	3-1-2011
855-011-0040	12-23-2010	Adopt	2-1-2011	859-300-0050	7-5-2011	Amend(T)	8-1-2011
855-011-0040(T)	12-23-2010	Repeal	2-1-2011	859-300-0050(T)	2-15-2011	Repeal	3-1-2011
855-011-0050	12-23-2010	Adopt	2-1-2011	859-300-0060	2-15-2011	Adopt	3-1-2011
855-011-0050(T)	12-23-2010	Repeal	2-1-2011	859-300-0060(T)	2-15-2011	Repeal	3-1-2011
855-019-0120	7-1-2011	Amend	8-1-2011	859-300-0070	2-15-2011	Adopt	3-1-2011
855-019-0265	4-18-2011	Adopt	6-1-2011	859-300-0070(T)	2-15-2011	Repeal	3-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
859-300-0080	2-15-2011	Adopt	3-1-2011	860-029-0050	9-14-2011	Amend	10-1-2011
859-300-0080(T)	2-15-2011	Repeal	3-1-2011	860-030-0000	9-14-2011	Amend	10-1-2011
859-300-0090	2-15-2011	Adopt	3-1-2011	860-031-0040	9-14-2011	Amend	10-1-2011
859-300-0090(T)	2-15-2011	Repeal	3-1-2011	860-032-0000	9-14-2011	Adopt	10-1-2011
859-300-0100	2-15-2011	Adopt	3-1-2011	860-032-0007	9-14-2011	Amend	10-1-2011
859-300-0100(T)	2-15-2011	Repeal	3-1-2011	860-032-0012	9-14-2011	Amend	10-1-2011
859-300-0110	2-15-2011	Adopt	3-1-2011	860-033-0001	9-14-2011	Amend	10-1-2011
859-300-0110(T)	2-15-2011	Repeal	3-1-2011	860-034-0010	9-14-2011	Amend	10-1-2011
859-300-0120	2-15-2011	Adopt	3-1-2011	860-034-0050	9-14-2011	Amend	10-1-2011
859-300-0120(T)	2-15-2011	Repeal	3-1-2011	860-034-0260	9-14-2011	Amend	10-1-2011
859-300-0130	2-15-2011	Adopt	3-1-2011	860-034-0340	9-14-2011	Amend	10-1-2011
859-300-0130(T)	2-15-2011	Repeal	3-1-2011	860-034-0390	9-14-2011	Amend	10-1-2011
859-300-0140	2-15-2011	Adopt	3-1-2011	860-034-0393	12-20-2010	Amend	2-1-2011
859-300-0140(T)	2-15-2011	Repeal	3-1-2011	860-034-0730	12-20-2010	Amend	2-1-2011
859-300-0150	2-15-2011	Adopt	3-1-2011	860-036-0001	9-14-2011	Amend	10-1-2011
859-300-0150(T)	2-15-2011	Repeal	3-1-2011	860-036-0110	9-14-2011	Amend	10-1-2011
859-300-0160	2-15-2011	Adopt	3-1-2011	860-036-0235	9-14-2011	Amend	10-1-2011
859-300-0160(T)	2-15-2011	Repeal	3-1-2011	860-036-0738	9-14-2011	Amend	10-1-2011
859-300-0170	2-15-2011	Adopt	3-1-2011	860-036-0750	9-14-2011	Amend	10-1-2011
859-300-0170(T)	2-15-2011	Repeal	3-1-2011	860-037-0001	9-14-2011	Amend	10-1-2011
859-300-0180	2-15-2011	Adopt	3-1-2011	860-037-0235	9-14-2011	Amend	10-1-2011
859-300-0180(T)	2-15-2011	Repeal	3-1-2011	860-037-0545	9-14-2011	Amend	10-1-2011
859-300-0190	2-15-2011	Adopt	3-1-2011	860-037-0560	9-14-2011	Amend	10-1-2011
859-300-0190(T)	2-15-2011	Repeal	3-1-2011	860-038-0001	9-14-2011	Amend	10-1-2011
859-300-0200	2-15-2011	Adopt	3-1-2011	860-038-0080	6-17-2011	Amend	8-1-2011
859-300-0200(T)	2-15-2011	Repeal	3-1-2011	860-038-0480	6-17-2011	Amend	8-1-2011
859-300-0210	2-15-2011	Adopt	3-1-2011	860-039-0005	9-7-2011	Amend	10-1-2011
859-300-0210(T)	2-15-2011	Repeal	3-1-2011	860-039-0005	9-14-2011	Amend	10-1-2011
859-300-0220	2-15-2011	Adopt	3-1-2011	860-039-0010	9-7-2011	Amend	10-1-2011
859-300-0220(T)	2-15-2011	Repeal	3-1-2011	860-039-0065	9-7-2011	Amend	10-1-2011
859-300-0230	2-15-2011	Adopt	3-1-2011	860-082-0010	9-14-2011	Amend	10-1-2011
859-300-0230(T)	2-15-2011	Repeal	3-1-2011	860-083-0005	9-14-2011	Amend	10-1-2011
860-016-0005	9-14-2011	Adopt	10-1-2011	860-084-0000	9-14-2011	Amend	10-1-2011
860-021-0005	9-14-2011	Amend	10-1-2011	860-084-0190	11-19-2010	Amend	1-1-2011
860-022-0000	9-14-2011	Amend	10-1-2011	863-001-0020	9-1-2011	Adopt	9-1-2011
860-022-0041	2-23-2011	Amend(T)	4-1-2011	863-014-0003	6-22-2011	Amend(T)	8-1-2011
860-022-0045	9-14-2011	Amend	10-1-2011	863-014-0003	9-1-2011	Amend	9-1-2011
860-023-0000	9-14-2011	Amend	10-1-2011	863-014-0003(T)	9-1-2011	Repeal	9-1-2011
860-023-0054	9-14-2011	Amend	10-1-2011	863-014-0010	6-22-2011	Amend(T)	8-1-2011
860-023-0055	9-14-2011	Amend	10-1-2011	863-014-0010	9-1-2011	Amend	9-1-2011
860-024-0000	9-14-2011	Amend	10-1-2011	863-014-0010(T)	9-1-2011	Repeal	9-1-2011
860-024-0012	9-14-2011	Amend	10-1-2011	863-014-0015	6-22-2011	Amend(T)	8-1-2011
860-024-0020	5-4-2011	Amend	6-1-2011	863-014-0015	9-1-2011	Amend	9-1-2011
860-024-0021	5-4-2011	Amend	6-1-2011	863-014-0015(T)	9-1-2011	Repeal	9-1-2011
860-025-0000	9-14-2011	Amend	10-1-2011	863-014-0020	1-1-2011	Amend	1-1-2011
860-025-0055	8-26-2011	Adopt	10-1-2011	863-014-0020	6-22-2011	Amend(T)	8-1-2011
860-025-0060	8-26-2011	Adopt	10-1-2011	863-014-0020	9-1-2011	Amend	9-1-2011
860-025-0065	8-26-2011	Adopt	10-1-2011	863-014-0020(T)	9-1-2011	Repeal	9-1-2011
860-026-0000	9-14-2011	Amend	10-1-2011	863-014-0030	6-22-2011	Amend(T)	8-1-2011
860-027-0000	9-14-2011	Amend	10-1-2011	863-014-0030	9-1-2011	Amend	9-1-2011
860-027-0043	9-14-2011	Amend	10-1-2011	863-014-0030(T)	9-1-2011	Repeal	9-1-2011
860-027-0044	9-14-2011	Amend	10-1-2011	863-014-0035	6-22-2011	Amend(T)	8-1-2011
860-027-0050	12-20-2010	Amend	2-1-2011	863-014-0035	9-1-2011	Amend	9-1-2011
860-027-0175	12-2-2010	Adopt	1-1-2011	863-014-0035(T)	9-1-2011	Repeal	9-1-2011
860-028-0000	9-14-2011	Amend	10-1-2011	863-014-0040	6-22-2011	Amend(T)	8-1-2011
860-029-0005	9-14-2011	Amend	10-1-2011	863-014-0040	9-1-2011	Amend	9-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
863-014-0040(T)	9-1-2011	Repeal	9-1-2011	863-024-0045(T)	9-1-2011	Repeal	9-1-2011
863-014-0050	6-22-2011	Amend(T)	8-1-2011	863-024-0050	6-22-2011	Amend(T)	8-1-2011
863-014-0050	9-1-2011	Amend	9-1-2011	863-024-0050	9-1-2011	Amend	9-1-2011
863-014-0050(T)	9-1-2011	Repeal	9-1-2011	863-024-0050(T)	9-1-2011	Repeal	9-1-2011
863-014-0062	6-22-2011	Amend(T)	8-1-2011	863-024-0062	6-22-2011	Amend(T)	8-1-2011
863-014-0062	9-1-2011	Amend	9-1-2011	863-024-0062	9-1-2011	Amend	9-1-2011
863-014-0062(T)	9-1-2011	Repeal	9-1-2011	863-024-0062(T)	9-1-2011	Repeal	9-1-2011
863-014-0063	6-22-2011	Amend(T)	8-1-2011	863-024-0063	6-22-2011	Amend(T)	8-1-2011
863-014-0063	9-1-2011	Amend	9-1-2011	863-024-0063	9-1-2011	Amend	9-1-2011
863-014-0063(T)	9-1-2011	Repeal	9-1-2011	863-024-0063(T)	9-1-2011	Repeal	9-1-2011
863-014-0065	6-22-2011	Amend(T)	8-1-2011	863-024-0065	6-22-2011	Amend(T)	8-1-2011
863-014-0065	9-1-2011	Amend	9-1-2011	863-024-0065	9-1-2011	Amend	9-1-2011
863-014-0065(T)	9-1-2011	Repeal	9-1-2011	863-024-0065(T)	9-1-2011	Repeal	9-1-2011
863-014-0066	6-22-2011	Adopt(T)	8-1-2011	863-024-0066	6-22-2011	Adopt(T)	8-1-2011
863-014-0066	9-1-2011	Adopt	9-1-2011	863-024-0066	9-1-2011	Adopt	9-1-2011
863-014-0066(T)	9-1-2011	Repeal	9-1-2011	863-024-0066(T)	9-1-2011	Repeal	9-1-2011
863-014-0076	6-22-2011	Amend(T)	8-1-2011	863-024-0076	6-22-2011	Amend(T)	8-1-2011
863-014-0076	9-1-2011	Amend	9-1-2011	863-024-0076	9-1-2011	Amend	9-1-2011
863-014-0076(T)	9-1-2011	Repeal	9-1-2011	863-024-0076(T)	9-1-2011	Repeal	9-1-2011
863-014-0095	6-22-2011	Amend(T)	8-1-2011	863-024-0095	6-22-2011	Amend(T)	8-1-2011
863-014-0095	9-1-2011	Amend	9-1-2011	863-024-0095	9-1-2011	Amend	9-1-2011
863-014-0095(T)	9-1-2011	Repeal	9-1-2011	863-024-0095(T)	9-1-2011	Repeal	9-1-2011
863-020-0025	2-4-2011	Amend(T)	3-1-2011	863-025-0065	1-1-2011	Amend	1-1-2011
863-020-0025	6-22-2011	Amend(T)	8-1-2011	863-025-0068	1-1-2011	Adopt	1-1-2011
863-020-0025	9-1-2011	Amend	9-1-2011	875-010-0006	3-2-2011	Amend	4-1-2011
863-020-0025(T)	6-22-2011	Suspend	8-1-2011	875-010-0016	3-2-2011	Amend	4-1-2011
863-020-0025(T)	9-1-2011	Repeal	9-1-2011	875-010-0021	3-2-2011	Amend	4-1-2011
863-022-0010	6-22-2011	Amend(T)	8-1-2011	875-015-0030	8-5-2011	Amend	9-1-2011
863-022-0010	9-1-2011	Amend	9-1-2011	875-020-0005	3-2-2011	Repeal	4-1-2011
863-022-0010(T)	9-1-2011	Repeal	9-1-2011	875-020-0010	3-2-2011	Repeal	4-1-2011
863-022-0015	6-22-2011	Amend(T)	8-1-2011	875-020-0015	3-2-2011	Repeal	4-1-2011
863-022-0015	9-1-2011	Amend	9-1-2011	875-020-0020	3-2-2011	Repeal	4-1-2011
863-022-0015(T)	9-1-2011	Repeal	9-1-2011	875-020-0025	3-2-2011	Repeal	4-1-2011
863-022-0025	6-22-2011	Amend(T)	8-1-2011	875-020-0030	3-2-2011	Repeal	4-1-2011
863-022-0025	9-1-2011	Amend	9-1-2011	875-020-0035	3-2-2011	Repeal	4-1-2011
863-022-0025(T)	9-1-2011	Repeal	9-1-2011	875-020-0040	3-2-2011	Repeal	4-1-2011
863-022-0060	6-22-2011	Adopt(T)	8-1-2011	875-020-0045	3-2-2011	Repeal	4-1-2011
863-022-0060	9-1-2011	Adopt	9-1-2011	875-020-0050	3-2-2011	Repeal	4-1-2011
863-022-0060(T)	9-1-2011	Repeal	9-1-2011	875-020-0055	3-2-2011	Repeal	4-1-2011
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

## OAR REVISION CUMULATIVE INDEX

<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
877-010-0040	1-1-2011	Amend	1-1-2011	918-001-0006	7-1-2011	Repeal	6-1-2011
877-010-0045	1-1-2011	Amend	1-1-2011	918-098-1000	3-11-2011	Amend	4-1-2011
877-015-0105	1-1-2011	Adopt	1-1-2011	918-098-1000	7-12-2011	Amend(T)	8-1-2011
877-015-0105	7-5-2011	Amend(T)	8-1-2011	918-098-1000	10-1-2011	Amend	9-1-2011
877-015-0108	1-1-2011	Adopt	1-1-2011	918-098-1010	3-11-2011	Amend	4-1-2011
877-015-0108	7-5-2011	Amend(T)	8-1-2011	918-098-1010	10-1-2011	Amend	9-1-2011
877-015-0131	1-1-2011	Adopt	1-1-2011	918-098-1015	3-11-2011	Amend	4-1-2011
877-015-0136	1-1-2011	Adopt	1-1-2011	918-098-1015	10-1-2011	Amend	9-1-2011
877-015-0136	7-5-2011	Amend(T)	8-1-2011	918-098-1020	3-11-2011	Amend	4-1-2011
877-015-0146	1-1-2011	Adopt	1-1-2011	918-098-1020	10-1-2011	Amend	9-1-2011
877-015-0155	1-1-2011	Adopt	1-1-2011	918-098-1025	3-11-2011	Amend	4-1-2011
877-020-0000	1-1-2011	Amend	1-1-2011	918-098-1025	10-1-2011	Amend	9-1-2011
877-020-0005	1-1-2011	Amend	1-1-2011	918-098-1028	3-11-2011	Adopt	4-1-2011
877-020-0005	7-5-2011	Amend(T)	8-1-2011	918-098-1028	10-1-2011	Adopt	9-1-2011
877-020-0008	1-1-2011	Amend	1-1-2011	918-098-1210	3-11-2011	Amend	4-1-2011
877-020-0008	7-5-2011	Amend(T)	8-1-2011	918-098-1210	10-1-2011	Amend	9-1-2011
877-020-0009	1-1-2011	Amend	1-1-2011	918-098-1215	3-11-2011	Amend	4-1-2011
877-020-0010	1-1-2011	Amend	1-1-2011	918-098-1215	10-1-2011	Amend	9-1-2011
877-020-0010	7-5-2011	Amend(T)	8-1-2011	918-098-1300	3-11-2011	Amend	4-1-2011
877-020-0015	1-1-2011	Repeal	1-1-2011	918-098-1300	10-1-2011	Amend	9-1-2011
877-020-0016	1-1-2011	Amend	1-1-2011	918-098-1305	3-11-2011	Amend	4-1-2011
877-020-0016	7-5-2011	Amend(T)	8-1-2011	918-098-1305	10-1-2011	Amend	9-1-2011
877-020-0020	1-1-2011	Repeal	1-1-2011	918-098-1310	3-11-2011	Amend	4-1-2011
877-020-0030	1-1-2011	Repeal	1-1-2011	918-098-1310	10-1-2011	Amend	9-1-2011
877-020-0036	7-5-2011	Amend(T)	8-1-2011	918-098-1315	3-11-2011	Amend	4-1-2011
877-020-0046	1-1-2011	Amend	1-1-2011	918-098-1315	10-1-2011	Amend	9-1-2011
877-020-0055	1-1-2011	Amend	1-1-2011	918-098-1320	3-11-2011	Amend	4-1-2011
877-020-0057	1-1-2011	Amend	1-1-2011	918-098-1320	10-1-2011	Amend	9-1-2011
877-020-0060	1-1-2011	Amend	1-1-2011	918-098-1325	3-11-2011	Amend	4-1-2011
877-022-0005	1-1-2011	Amend	1-1-2011	918-098-1325	10-1-2011	Amend	9-1-2011
877-025-0001	1-1-2011	Amend	1-1-2011	918-098-1330	3-11-2011	Amend	4-1-2011
877-025-0006	1-1-2011	Amend	1-1-2011	918-098-1330	10-1-2011	Amend	9-1-2011
877-025-0006	7-5-2011	Amend(T)	8-1-2011	918-098-1450	3-11-2011	Amend	4-1-2011
877-025-0011	1-1-2011	Amend	1-1-2011	918-098-1450	10-1-2011	Amend	9-1-2011
877-025-0011	7-5-2011	Amend(T)	8-1-2011	918-098-1510	5-1-2011	Adopt(T)	5-1-2011
877-025-0016	1-1-2011	Amend	1-1-2011	918-098-1510	7-1-2011	Adopt	8-1-2011
877-025-0021	1-1-2011	Amend	1-1-2011	918-098-1510	8-18-2011	Amend(T)	10-1-2011
877-030-0025	1-1-2011	Amend	1-1-2011	918-098-1520	5-1-2011	Adopt(T)	5-1-2011
877-030-0030	1-1-2011	Amend	1-1-2011	918-098-1520	7-1-2011	Adopt	8-1-2011
877-030-0040	1-1-2011	Amend	1-1-2011	918-098-1530	5-1-2011	Adopt(T)	5-1-2011
877-030-0050	1-1-2011	Repeal	1-1-2011	918-098-1530	7-1-2011	Adopt	8-1-2011
877-030-0070	1-1-2011	Amend	1-1-2011	918-098-1530	8-18-2011	Amend(T)	10-1-2011
877-030-0080	1-1-2011	Amend	1-1-2011	918-098-1540	5-1-2011	Adopt(T)	5-1-2011
877-030-0090	1-1-2011	Amend	1-1-2011	918-098-1540	7-1-2011	Adopt	8-1-2011
877-030-0100	1-1-2011	Amend	1-1-2011	918-098-1550	5-1-2011	Adopt(T)	5-1-2011
877-035-0000	1-1-2011	Repeal	1-1-2011	918-098-1550	7-1-2011	Adopt	8-1-2011
877-035-0010	1-1-2011	Repeal	1-1-2011	918-098-1560	5-1-2011	Adopt(T)	5-1-2011
877-035-0012	1-1-2011	Repeal	1-1-2011	918-098-1560	7-1-2011	Adopt	8-1-2011
877-035-0013	1-1-2011	Repeal	1-1-2011	918-098-1570	5-1-2011	Adopt(T)	5-1-2011
877-035-0015	1-1-2011	Repeal	1-1-2011	918-098-1570	7-1-2011	Adopt	8-1-2011
877-040-0000	1-1-2011	Amend	1-1-2011	918-098-1580	8-18-2011	Adopt(T)	10-1-2011
877-040-0003	1-1-2011	Amend	1-1-2011	918-100-0020	7-1-2011	Amend	8-1-2011
877-040-0010	1-1-2011	Amend	1-1-2011	918-100-0040	7-1-2011	Amend	8-1-2011
877-040-0019	1-1-2011	Adopt	1-1-2011	918-251-0000	4-1-2011	Amend	4-1-2011
877-040-0050	1-1-2011	Amend	1-1-2011	918-251-0010	4-1-2011	Repeal	4-1-2011
877-040-0050	7-5-2011	Amend(T)	8-1-2011	918-251-0020	4-1-2011	Repeal	4-1-2011

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-251-0050	4-1-2011	Repeal	4-1-2011	918-460-0010	10-1-2011	Amend	9-1-2011
918-251-0060	4-1-2011	Repeal	4-1-2011	918-460-0015	1-1-2011	Amend	2-1-2011
918-251-0080	4-1-2011	Repeal	4-1-2011	918-460-0015	2-15-2011	Amend	3-1-2011
918-251-0090	3-11-2011	Amend	4-1-2011	918-460-0015	5-13-2011	Amend(T)	6-1-2011
918-251-0090	10-1-2011	Amend	9-1-2011	918-460-0016	3-11-2011	Repeal	4-1-2011
918-282-0270	4-1-2011	Amend	5-1-2011	918-460-0016	10-1-2011	Repeal	9-1-2011
918-282-0270	4-1-2011	Amend(T)	5-1-2011	918-460-0050	3-11-2011	Amend	4-1-2011
918-282-0270	7-1-2011	Amend	8-1-2011	918-460-0050	10-1-2011	Amend	9-1-2011
918-282-0280	4-1-2011	Suspend	5-1-2011	918-460-0100	7-1-2011	Adopt	8-1-2011
918-282-0280	7-1-2011	Repeal	8-1-2011	918-460-0500	3-11-2011	Adopt	4-1-2011
918-305-0005	4-1-2011	Amend	4-1-2011	918-460-0500	10-1-2011	Adopt	9-1-2011
918-305-0030	3-11-2011	Amend	4-1-2011	918-460-0510	3-11-2011	Adopt	4-1-2011
918-305-0030	10-1-2011	Amend	9-1-2011	918-460-0510	10-1-2011	Adopt	9-1-2011
918-305-0100	4-1-2011	Amend	4-1-2011	918-465-0010	7-1-2011	Adopt	8-1-2011
918-305-0105	4-1-2011	Amend	4-1-2011	918-465-0020	7-1-2011	Adopt	8-1-2011
918-305-0110	4-1-2011	Repeal	4-1-2011	918-465-0030	7-1-2011	Adopt	8-1-2011
918-305-0120	4-1-2011	Repeal	4-1-2011	918-465-0040	7-1-2011	Adopt	8-1-2011
918-305-0130	4-1-2011	Repeal	4-1-2011	918-465-0070	7-1-2011	Adopt	8-1-2011
918-305-0150	4-1-2011	Repeal	4-1-2011	918-480-0001	7-1-2011	Amend	6-1-2011
918-305-0160	4-1-2011	Repeal	4-1-2011	918-480-0002	7-1-2011	Amend	6-1-2011
918-305-0165	4-1-2011	Repeal	4-1-2011	918-480-0005	7-1-2011	Amend	6-1-2011
918-305-0180	4-1-2011	Repeal	4-1-2011	918-480-0010	1-1-2011	Amend	2-1-2011
918-305-0190	4-1-2011	Repeal	4-1-2011	918-480-0010	2-15-2011	Amend	3-1-2011
918-305-0205	4-1-2011	Repeal	4-1-2011	918-480-0010	4-15-2011	Amend(T)	5-1-2011
918-305-0210	4-1-2011	Repeal	4-1-2011	918-480-0010	7-1-2011	Amend	6-1-2011
918-305-0250	4-1-2011	Repeal	4-1-2011	918-480-0020	7-1-2011	Amend	6-1-2011
918-305-0265	4-1-2011	Repeal	4-1-2011	918-480-0030	7-1-2011	Amend	6-1-2011
918-305-0270	4-1-2011	Repeal	4-1-2011	918-480-0100	7-1-2011	Amend	6-1-2011
918-305-0280	4-1-2011	Repeal	4-1-2011	918-480-0110	7-1-2011	Amend	6-1-2011
918-305-0290	4-1-2011	Repeal	4-1-2011	918-480-0120	7-1-2011	Amend	6-1-2011
918-305-0300	4-1-2011	Repeal	4-1-2011	918-480-0130	7-1-2011	Amend	6-1-2011
918-305-0310	4-1-2011	Repeal	4-1-2011	918-480-0140	7-1-2011	Amend	6-1-2011
918-305-0320	4-1-2011	Repeal	4-1-2011	918-480-0150	7-1-2011	Amend	6-1-2011
918-400-0645	12-1-2010	Adopt	1-1-2011	918-525-0005	5-2-2011	Amend(T)	6-1-2011
918-400-0660	12-1-2010	Amend	1-1-2011	918-525-0035	5-2-2011	Amend(T)	6-1-2011
918-400-0755	1-1-2011	Adopt	2-1-2011	918-674-0033	3-11-2011	Amend	4-1-2011
918-400-0800	12-1-2010	Amend	1-1-2011	918-674-0033	10-1-2011	Amend	9-1-2011
918-440-0000	3-11-2011	Amend	4-1-2011	918-690-0300	2-15-2011	Amend	3-1-2011
918-440-0000	10-1-2011	Amend	9-1-2011	918-690-0310	2-15-2011	Repeal	3-1-2011
918-440-0010	3-11-2011	Amend	4-1-2011	918-690-0325	2-15-2011	Repeal	3-1-2011
918-440-0010	10-1-2011	Amend	9-1-2011	918-690-0330	2-15-2011	Repeal	3-1-2011
918-440-0015	3-11-2011	Amend	4-1-2011	918-690-0360	2-15-2011	Repeal	3-1-2011
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

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
943-001-0007	7-1-2011	Adopt	8-1-2011	943-014-0040	9-2-2011	Adopt	10-1-2011
943-001-0009	7-1-2011	Adopt(T)	8-1-2011	943-014-0040(T)	9-2-2011	Repeal	10-1-2011
943-001-0020	7-1-2011	Adopt(T)	8-1-2011	943-014-0050	7-1-2011	Adopt(T)	8-1-2011
943-003-0000	7-1-2011	Adopt	8-1-2011	943-014-0050	9-2-2011	Adopt	10-1-2011
943-003-0010	7-1-2011	Adopt	8-1-2011	943-014-0050(T)	9-2-2011	Repeal	10-1-2011
943-005-0000	7-1-2011	Adopt(T)	8-1-2011	943-014-0060	7-1-2011	Adopt(T)	8-1-2011
943-005-0000	9-1-2011	Adopt	10-1-2011	943-014-0060	9-2-2011	Adopt	10-1-2011
943-005-0000(T)	9-1-2011	Repeal	10-1-2011	943-014-0060(T)	9-2-2011	Repeal	10-1-2011
943-005-0005	7-1-2011	Adopt(T)	8-1-2011	943-014-0070	7-1-2011	Adopt(T)	8-1-2011
943-005-0005	9-1-2011	Adopt	10-1-2011	943-014-0070	9-2-2011	Adopt	10-1-2011
943-005-0005(T)	9-1-2011	Repeal	10-1-2011	943-014-0070(T)	9-2-2011	Repeal	10-1-2011
943-005-0010	7-1-2011	Adopt(T)	8-1-2011	943-014-0200	7-1-2011	Adopt(T)	8-1-2011
943-005-0010	9-1-2011	Adopt	10-1-2011	943-014-0205	7-1-2011	Adopt(T)	8-1-2011
943-005-0010(T)	9-1-2011	Repeal	10-1-2011	943-014-0300	8-9-2011	Adopt(T)	9-1-2011
943-005-0015	7-1-2011	Adopt(T)	8-1-2011	943-014-0305	8-9-2011	Adopt(T)	9-1-2011
943-005-0015	9-1-2011	Adopt	10-1-2011	943-014-0310	8-9-2011	Adopt(T)	9-1-2011
943-005-0015(T)	9-1-2011	Repeal	10-1-2011	943-014-0315	8-9-2011	Adopt(T)	9-1-2011
943-005-0020	7-1-2011	Adopt(T)	8-1-2011	943-014-0320	8-9-2011	Adopt(T)	9-1-2011
943-005-0020	9-1-2011	Adopt	10-1-2011	943-045-0000	7-1-2011	Adopt(T)	8-1-2011
943-005-0020(T)	9-1-2011	Repeal	10-1-2011	943-045-0250	7-1-2011	Adopt(T)	8-1-2011
943-005-0025	7-1-2011	Adopt(T)	8-1-2011	943-045-0260	7-1-2011	Adopt(T)	8-1-2011
943-005-0025	9-1-2011	Adopt	10-1-2011	943-045-0280	7-1-2011	Adopt(T)	8-1-2011
943-005-0025(T)	9-1-2011	Repeal	10-1-2011	943-045-0290	7-1-2011	Adopt(T)	8-1-2011
943-005-0030	7-1-2011	Adopt(T)	8-1-2011	943-045-0300	7-1-2011	Adopt(T)	8-1-2011
943-005-0030	9-1-2011	Adopt	10-1-2011	943-045-0310	7-1-2011	Adopt(T)	8-1-2011
943-005-0030(T)	9-1-2011	Repeal	10-1-2011	943-045-0320	7-1-2011	Adopt(T)	8-1-2011
943-007-0000	7-1-2011	Adopt(T)	8-1-2011	943-045-0330	7-1-2011	Adopt(T)	8-1-2011
943-007-0000	9-1-2011	Amend(T)	10-1-2011	943-045-0340	7-1-2011	Adopt(T)	8-1-2011
943-007-0000(T)	9-1-2011	Suspend	10-1-2011	943-045-0350	7-1-2011	Adopt(T)	8-1-2011
943-007-0500	7-1-2011	Adopt(T)	8-1-2011	943-045-0360	7-1-2011	Adopt(T)	8-1-2011
943-012-0005	7-1-2011	Adopt(T)	8-1-2011	943-045-0370	7-1-2011	Adopt(T)	8-1-2011
943-012-0005	9-1-2011	Adopt	10-1-2011	943-045-0400	7-1-2011	Adopt(T)	8-1-2011
943-012-0010	7-1-2011	Adopt(T)	8-1-2011	943-045-0410	7-1-2011	Adopt(T)	8-1-2011
943-012-0010	9-1-2011	Adopt	10-1-2011	943-045-0420	7-1-2011	Adopt(T)	8-1-2011
943-012-0015	7-1-2011	Adopt(T)	8-1-2011	943-045-0430	7-1-2011	Adopt(T)	8-1-2011
943-012-0015	9-1-2011	Adopt	10-1-2011	943-045-0440	7-1-2011	Adopt(T)	8-1-2011
943-012-0020	7-1-2011	Adopt(T)	8-1-2011	943-045-0450	7-1-2011	Adopt(T)	8-1-2011
943-012-0020	9-1-2011	Adopt	10-1-2011	943-045-0460	7-1-2011	Adopt(T)	8-1-2011
943-012-0025	7-1-2011	Adopt(T)	8-1-2011	943-045-0470	7-1-2011	Adopt(T)	8-1-2011
943-012-0025	9-1-2011	Adopt	10-1-2011	943-045-0480	7-1-2011	Adopt(T)	8-1-2011
943-014-0000	7-1-2011	Adopt(T)	8-1-2011	943-045-0490	7-1-2011	Adopt(T)	8-1-2011
943-014-0000	9-2-2011	Adopt	10-1-2011	943-045-0500	7-1-2011	Adopt(T)	8-1-2011
943-014-0000(T)	9-2-2011	Repeal	10-1-2011	943-045-0510	7-1-2011	Adopt(T)	8-1-2011
943-014-0010	7-1-2011	Adopt(T)	8-1-2011	943-045-0520	7-1-2011	Adopt(T)	8-1-2011
943-014-0010	9-2-2011	Adopt	10-1-2011	943-120-0100	7-1-2011	Adopt(T)	8-1-2011
943-014-0010(T)	9-2-2011	Repeal	10-1-2011	943-120-0110	7-1-2011	Adopt(T)	8-1-2011
943-014-0015	7-1-2011	Adopt(T)	8-1-2011	943-120-0112	7-1-2011	Adopt(T)	8-1-2011
943-014-0015	9-2-2011	Adopt	10-1-2011	943-120-0114	7-1-2011	Adopt(T)	8-1-2011
943-014-0015(T)	9-2-2011	Repeal	10-1-2011	943-120-0116	7-1-2011	Adopt(T)	8-1-2011
943-014-0020	7-1-2011	Adopt(T)	8-1-2011	943-120-0118	7-1-2011	Adopt(T)	8-1-2011
943-014-0020	9-2-2011	Adopt	10-1-2011	943-120-0120	7-1-2011	Adopt(T)	8-1-2011
943-014-0020(T)	9-2-2011	Repeal	10-1-2011	943-120-0130	7-1-2011	Adopt(T)	8-1-2011
943-014-0030	7-1-2011	Adopt(T)	8-1-2011	943-120-0140	7-1-2011	Adopt(T)	8-1-2011
943-014-0030	9-2-2011	Adopt	10-1-2011	943-120-0150	7-1-2011	Adopt(T)	8-1-2011
943-014-0030(T)	9-2-2011	Repeal	10-1-2011	943-120-0160	7-1-2011	Adopt(T)	8-1-2011
943-014-0040	7-1-2011	Adopt(T)	8-1-2011	943-120-0165	7-1-2011	Adopt(T)	8-1-2011



## OAR REVISION CUMULATIVE INDEX

<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
943-120-0170	7-1-2011	Adopt(T)	8-1-2011	943-120-0370	7-1-2011	Adopt(T)	8-1-2011
943-120-0180	7-1-2011	Adopt(T)	8-1-2011	943-120-0370	9-1-2011	Adopt	10-1-2011
943-120-0190	7-1-2011	Adopt(T)	8-1-2011	943-120-0370(T)	9-1-2011	Repeal	10-1-2011
943-120-0200	7-1-2011	Adopt(T)	8-1-2011	943-120-0380	7-1-2011	Adopt(T)	8-1-2011
943-120-0300	7-1-2011	Adopt(T)	8-1-2011	943-120-0380	9-1-2011	Adopt	10-1-2011
943-120-0300	9-1-2011	Adopt	10-1-2011	943-120-0380(T)	9-1-2011	Repeal	10-1-2011
943-120-0300(T)	9-1-2011	Repeal	10-1-2011	943-120-0400	7-1-2011	Adopt(T)	8-1-2011
943-120-0310	7-1-2011	Adopt(T)	8-1-2011	943-120-0400	9-1-2011	Adopt	10-1-2011
943-120-0310	9-1-2011	Adopt	10-1-2011	943-120-0400(T)	9-1-2011	Repeal	10-1-2011
943-120-0310(T)	9-1-2011	Repeal	10-1-2011	943-120-1505	7-1-2011	Adopt(T)	8-1-2011
943-120-0320	7-1-2011	Adopt(T)	8-1-2011	943-120-1505	9-1-2011	Adopt	10-1-2011
943-120-0320	9-1-2011	Adopt	10-1-2011	943-120-1505(T)	9-1-2011	Repeal	10-1-2011
943-120-0320(T)	9-1-2011	Repeal	10-1-2011	945-001-0000	8-24-2011	Adopt(T)	10-1-2011
943-120-0325	7-1-2011	Adopt(T)	8-1-2011	945-001-0005	8-24-2011	Adopt(T)	10-1-2011
943-120-0325	9-1-2011	Adopt	10-1-2011	945-001-0010	8-24-2011	Adopt(T)	10-1-2011
943-120-0325(T)	9-1-2011	Repeal	10-1-2011	945-010-0000	8-24-2011	Adopt(T)	10-1-2011
943-120-0330	7-1-2011	Adopt(T)	8-1-2011	945-010-0005	8-24-2011	Adopt(T)	10-1-2011
943-120-0330	9-1-2011	Adopt	10-1-2011	945-010-0010	8-24-2011	Adopt(T)	10-1-2011
943-120-0330(T)	9-1-2011	Repeal	10-1-2011	945-010-0020	8-24-2011	Adopt(T)	10-1-2011
943-120-0340	7-1-2011	Adopt(T)	8-1-2011	945-010-0030	8-24-2011	Adopt(T)	10-1-2011
943-120-0340	9-1-2011	Adopt	10-1-2011	945-010-0040	8-24-2011	Adopt(T)	10-1-2011
943-120-0340(T)	9-1-2011	Repeal	10-1-2011	945-010-0050	8-24-2011	Adopt(T)	10-1-2011
943-120-0350	7-1-2011	Adopt(T)	8-1-2011	945-010-0060	8-24-2011	Adopt(T)	10-1-2011
943-120-0350	9-1-2011	Adopt	10-1-2011	945-010-0070	8-24-2011	Adopt(T)	10-1-2011
943-120-0350(T)	9-1-2011	Repeal	10-1-2011	945-010-0080	8-24-2011	Adopt(T)	10-1-2011
943-120-0360	7-1-2011	Adopt(T)	8-1-2011	945-010-0090	8-24-2011	Adopt(T)	10-1-2011
943-120-0360	9-1-2011	Adopt	10-1-2011	945-010-0100	8-24-2011	Adopt(T)	10-1-2011
943-120-0360(T)	9-1-2011	Repeal	10-1-2011	972-040-0000	3-7-2011	Amend	4-1-2011